



NYC Racial Justice Commission Public Meeting

11/16/21

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APPEARANCES:

- [Jennifer Jones Austin, Chair](#)
- [Henry A. Garrido, Vice Chair](#)
- [Commission Members](#)
- [K. Bain](#)
- [Ana M. Bermúdez](#)
- [Fred Davie](#)
- [Lurie Daniel Favors](#)
- [Vice Chair Henry Garrido](#)
- [Darrick Hamilton](#)
- [Chris Kui](#)
- [Yesenia Mata](#)
- [J. Phillip Thompson](#)
- [Anusha Venkataraman](#)

Jennifer Jones(JJ): 00:03:58

Good afternoon and welcome everyone to the Racial Justice Commission public meeting. I'm Jennifer Jones Austin and I have the great honor of working with my fellow commissioners and serving as chair. We have a quorum with six commissioners present. We expect that a few will join us, the, I guess, telecommunication and we may have one or two other commissioners join us in person. The commissioners who are present include Commissioner Jo-Ann Yoo, Commissioner Fred Davie, Commissioner Chris coy, Commissioner Anna Bermudez, Commissioner Fred Phil Thompson and as I just said, myself Jennifer Jones Austin. I'm all over the place. I want to thank all the commissioners for their hard work now going on more than I guess 7, 8 months you've been dedicated to this task. And we are nearing at least the first phase of conclusion, and more will be said about that in just a minute. I want to also thank The staff. I cannot say enough about the staff ably led by executive director, Vince Truman. And just you know dynamic individuals who have committed themselves to this work and have really done Yeoman's work to get us to where we are. And so I commend all of you and we'll be hearing a lot from you today. So last week we launched our fall public engagement sessions. We begin with in person public input sessions at the Brooklyn museum last Monday and then we went to the Bronx Wednesday. Now we're in Sunnyside, Queens for this public commissioners meeting and we will be going back out and having another public input session virtual session I belief Thursday. And we hope to hear from the community during that virtual conversation. So let's get to the business at hand for this meeting. The first order of business having a quorum is for us to review and vote on the October 19th, 2021 meeting minutes. The meeting minutes are before

everyone and just would like everybody to take a quick look at them. May I have a motion to approve the mini meeting minutes of October 19, 2021

Speaker 1: 00:07:14
Motion passed.

May someone second that motion.

Speaker 2: 00:07:17
I second

JJ: 00:07:18
Any questions, comments, debate, any proposed changes? Seeing and hearing none, all in favor of the minutes please state so by saying I.

Commissioners: 00:07:35
I.

JJ: 00:07:36
Any opposed? Okay. The meeting minutes for October 19, 2021 have passed. So today we have about a two, two and a half hour conversation about the proposals that have been developed by our executive director and by the Director of Policy for the commission, Jimmy Pan. They've also been reviewed and vetted by our general counsel, Melanie Ash and by the team. And so what we're going to do is spend some time reviewing each proposal. The staff will give a short presentation and then we're going to have some dialogue. The aim of this meeting is to have meaningful dialogue about what is being presented to us to raise critical questions and to center on, you know, whether or not they are responsive to what we've heard from the community, what we know, what we've heard from thought leaders, and, you know, whether you know these proposals if acted upon would help to materially move the needle in advancing equity here in New York city and dismantling structural racism and advancing equity. I'm going to turn the meeting over to Jimmy Pan, the Director. I want to say a few things though. While we're going to be discussing these proposals as a full body, we're not going to be making formal decisions. The aim of this meeting is for us to have that critical dialogue that will help to generate the final proposals to move us closer to final proposals. And in the next 2-3 weeks we'll be having a vote on the proposals that we go forward as ballot measures, as well as be embodied in the report that will be released in December. We've heard a lot of good ideas from people all across the city of New York. And some of those ideas are going to be presented and others not. The reason that you will not see some is because there are legal and sometimes logistical concerns with some of the ideas and proposals that have been put forward. Some are beyond the power of the commission. And so you know what the commission, you know, aims to do and the staff working with them is build a road map for racial justice. We're not going to be able to do everything in this first go around but the commission is hopeful all of you and staff that we can at least begin to lay a foundation that can be built upon with respect to dismantling racism and advancing true racial justice. Keep in mind that the proposals for charter revision will be presented and voted upon in December. And then once they moved to ballot measures, acted upon by the voting community the electorate in November of 2022. So I am going to turn the meeting over at this point to our executive director and our policy director to walk us through the presentation and discussion. And again I just ask that we all listen to the presentation and then after each proposal is presented we'll have an opportunity to dialogue. The other thing I just want to note is that our time is limited. So what our aim to do is to make sure that we get through all, to try to center on

the presentation and conversation of no longer than 10 to 12 minutes or so to allow for time; is that correct?

Anusha Venkataraman (AV): 00:11:36
8:00 to 10:00

JJ: 00:11:38
08-10. So I'll talk less so that they can get to it. Alicia.

AV: 00:11:46

Absolutely. And thank you so much chair. This is an exciting moment. This is the first time the commission will be discussing in full the proposals that are under consideration. I just want to remind everyone big picture how we got here. So as we have been thinking through the values undergirding our work, we endeavor to ensure that every person in New York City had access to opportunity. And we seek to do that by making high level structural changes that will have a real and ideally measurable impact. So you see on the first slide some of the key criterion considerations that we have utilized during this process. This will look familiar to you as commissioners. This was a criteria that we as both staff and the commission applied in reaching the 10 proposals that you will see today and that we will discuss in addition to your individual input and feedback. So the first of course that it addresses structural racism, in particular that it shifts and increases our access and opportunity for BIPOC communities and individuals. Second that it creates opportunities for racial justice and advances that vision of a city where race is not determinative of outcomes. Third that it is a structural level change, we'll go into that in a little bit more detail in a second, for it has a big impact or has the potential to have a large impact. And lastly that it's within the authority of this commission. And our chair spoke to some things that we have heard about that they may be interested in that are not necessarily within our authority. We plan for documenting and putting forth those proposals and those recommendations in a racial justice roadmap outside of our proposals for charter revision. In terms of what we mean by structural change, this is really just a reminder but may also be useful for folks that are listening in and watching remotely. But we're really thinking about the ways that we're altering the way governments exercise power, makes decisions, and the way that we're increasing power access opportunity for those who have been historically denied that opportunity. I won't go through all of the bullets here but we bring this up as a reminder as to how we got here. How we're thinking about dismantling structural racism and actualizing that through changes to the charter. So unless there's any questions on that I think we'll move into the discussion and presentation portion of our meeting today. What we'll do is spend 8-10 minutes on each proposal. It's very tight. That includes a very short presentation from our policy Director, Jimmy Pan. And then we'll post some discussion questions. We won't go through them one by one but there'll be conversation starters. We'll have a timer in the front row put up a sign we know we're at that mark. If you're happy to go beyond 6:30 -- we can go beyond the eight minutes but we wanted to provide a marker because we do have a lot to get through today. After we go through each proposal, at the end of the meeting will come to these discussion questions that are on this slide that's up on the screen and should be in front of you, the general discussion questions. One, two -- these proposals affect the change that is needed and that we seek. Two, are there any proposals where you think the scope should be expanded or we should go essentially further up the chain to seek a more structural impact. Three, is there additional information that would be helpful for you as we move closer towards decisions. Four, what's missing, what's not here and why. So we present these questions just to have them in the back of your head before we get into the presentations. And so with that I will hand it over to our policy director to talk on our

items. The preamble is in here because it's important. Its foundational to our work but we won't be discussing it in detail at this meeting.

Speaker 3: 00:16:25

It is on? it is on? Okay All right. Sorry. I just wanted to -- because of the masks I can't hear very well. What did you say about, you know -- like we've heard so many ideas and things that we believe are, you know, part of the issue of race equity and all that stuff. But that may not be actionable through charter revision or whatnot. But did you just say that there would be another report kind of highlighting that?

AV: 00:16:54

Sort of. Separate or component of our final report will be a racial justice roadmap.

Speaker 3: 00:17:00

Okay.

AV: 00:17:01

There are so many work so much work that we've just begun to touch the surface on this year that we want to put forward as recommendations for things that should continue, areas for further exploration, even recommendations for the next administration, all things that we have considered but they're not feasible, the path forward maybe at another level of government. Those are items that you know we can note during our discussion Um and we want to put forward in that road map also to reflect that we've heard so many wonderful and impactful ideas from the public. Not all of those are legally feasible within the charter but we do want to reflect the ones that the commission has great interest in and things should be advanced in some way.

Speaker 3: 00:17:46

Thank you.

JJ: 00:17:49

Before we begin I just want to recognize for the record that Commissioner Darrick Hamilton has joined us. Good to see you

Darrick Hamilton (DH): 00:17:55

Thank you Jimmy Pan (JP) All right that was you -- does it stop hearing? Okay. So with that I'm going to walk through each proposal very quickly so we can get -- but if there are particular [inaudible]. Hello

Speaker 3: 00:18:32

It's working.

JP: 00:18:34

Okay. So I'm just going to go through each proposals very quickly but if there are additional details about each proposal that would be helpful.

JJ: 00:18:43

Okay.

JP: 00:18:45

For the discussion just let me know and we can provide additional context. So the first thing we'll talk about is a system for making sure that equity is at the center of government decision-making and providing a robust and redundant, you know, sort of checks and balances that can make sure that at multiple levels this work is happening. So one is the office of racial equity, the second is a Community Life Commission and the third is a racial equity watchdog. So the first is to make sure the work gets done, the second shall allow the committee to have input into the work that is put together and approve a potential citywide equity plan that is required to pass the budget, and then the third is an independent body that makes sure that all these processes are actually being followed through. Yep the diagram on the next slide previewing how some of those tasks are to happen and some of how the indicators are be collected, how the plan will be put together, and where all these checks happen. I'm not going to run through all of that specifically. But again if anyone wants to discuss any particular point we can do that during the discussion. Let me go to the next slide. The product of the system -- can I get the next slide? The product of this system is the citywide equity plan that every agency generates a part of and combines into the citywide plan. And that citywide plan not only sets board strategic goals for the city but also the indicators on how we're going to measure what we mean by success when we say equity. We're going to propose to track that annually and make sure that that's part of what all these bodies and the public need to hold the city accountable. And again that the final step in here, the commission is really a last resort when there is noncompliance, when agencies have undergone their training and capacity building but are still not able to comply with their processes, are unwilling to, then there may be other consequences that we can imagine we'll make sure that these things happen. So with that why don't we just move right into the discussion, our initial discussion.

AV: Speaker_0: 00:21:05

Sure. We have just a few questions to pose for you but we're happy to talk about, you know, anything on your mind regarding this potential proposal. Some of our questions of discussion regard the watchdog. How best can we situate it to be powerful and hold entities accountable? Is it most powerful if it is independent or if it reports to one of the citywide elected officials. Two, we're interested in the pros and cons of requiring racial equity plans from some of those other elected officials or elected bodies including the Public Advocate Controller for President, potentially even the City Council. Lastly, you know, ensuring that what we set up is implemented as effectively as possible into the future, how do we ensure each of these entities is adequately resourced, you know, in the next administration and well beyond. So those are a few questions that were posing for discussion but open to any comments questions um you may have.

JJ: 00:22:15

So if Commissioner did show their desire to comment or to question just by raising your hand, that would be very much appreciated. I'm going to begin and say that one of the things that we need to center on is enforceability. That, you know, we have many of these boards, the border correction, we've seen with the CCRB, you can create these watchdog/oversight bodies but with no meaningful enforceability they mean absolutely nothing. So we need to center on that as well. What is the enforceability mechanisms if the city is to create a plan and doesn't create a plan, if the city creates a plan but doesn't abide by the terms of the plan, if the city doesn't put the resources that are necessary into the point all of that. So enforceability. Are there questions, comments Commissioner Davie?

Fred David(FD): 00:23:13

No. Just a question about do we know how to whom or to which agency The IBO reports? I only ask because it could serve as a model and I have a couple other comments on that as well

AV: 00:23:33

I believe they are independent as there name would suggest but we can confirm.

JJ: 00:23:40

They're independent but I guess when it comes to like who determines their level of funding that does publicly -

Speaker 4: 00:23:47

[inaudible] I mean you sit out in the charter school tied to the funding for the budget

FD: 00:24:00

So I'd like to suggest that that might be a model for these structure that includes these three pieces to it. And also just say that CCRB just sort of went through a little notice transition from being a completely reporting to the mayor to reporting to the council and the mayor with the charter change of 2019 I think. Both the city council and the city council speaker and the mayor now point the chair which means that it's sort of, at least on paper, more generally not just a mayoral agency. And then I just point out one other thing in terms of budget like the IBO the CCRB's budget is now tied to a percentage of the NYPD's budget, and that was also a charter change. Now it got suspended because of the COVID emergency as I think all budgets did but that is the sort of new rule and perhaps that could serve as a model for determining the budget structure -

JJ: 00:25:20

This budget structure and the reporting

Speaker 4: 00:25:21

[inaudible] and the report Senator budget. So it's a different kind of structures for time funding correct

JJ: 00:25:35

That's something worth taking a look at definitely. And that reporting requirements as well. Does anybody have any thoughts about the question that's presented. We've talked a little bit of reporting

Speaker 1 : 00:25:50

To me I thought I'm not sure what -- where it should report to other than to say that it should have -- definitely not the mayor because then we're what kind of the same business as now. And in terms but in terms of whether this applies to other, yeah it's what's good for the goose is -- whatever that expression. You know, everybody should be held to the same standards. So in that regard I think it should be comprehensive. I don't know enough about budgets to suggest something but definitely it's, you know, where we put the money is where the emphasis is going to be and where we put accountability measures or, you know, like we can't give people -- have them be responsible for something that they have no authority over, then the outcome or the product so we have to figure out how to balance that as well

AV: 00:27:07

A question on the budget. We had to put three entities. Should budget calculation for some sort of guaranteed budget exists for all three of them?

Speaker 1: 00:27:20

Yeah. I mean otherwise they will not be resourced adequate. As it is, for example, the Commission on human rights, when -- I mean now it's much bigger but it was tiny. And supposedly this was signature law of the city of New York and you know and it was a slog to put, you know -- have it be the size it is now and it's still probably under-resourced. So I think yeah. I think we have to have budgets for each of them

JJ: 00:27:52

If I may just add, maybe probably add to what you want to talk on this point. Okay. Let me just quickly propagate it. When they also want to look at how to protect these budgets because what often happens when you know there's a fiscal crisis or the thought of such the first place is to be cut are these oversight bodies where they take the same hits as others and then you lose even more ability to control or address the issues. Phil Commissioner.

Phil Thompson (PT): 00:28:26

Yeah, I just wanted to point out that the council has budget problems and so if you put it there there's the least likelihood of it being cut. So it's just a thought.

JJ: 00:28:48

Anybody else has a comment?

JY: 00:28:52

Like I'm just thinking out loud. But you know I think about the language access, right, and, you know, all of the agencies that are required. And when we hear about updates, you know, not many are doing them. But there are no consequences, right. And you are required and so I feel like you -- I think about how we apply how this will be applied. If we're going to apply it by -- if it's implemented like language access, everybody knows it's vital, right. But that's -- you know, I guess I'm just interested in, you know, the consequences of not doing it because the consequences of, you know, not fully implementing Language access and a lot of people don't have the information that they need. Right? And so what's the, you know, the implications of, you know, not adopting and not enforcing what we put down here I think that's something that I'm thinking about.

AV: 00:29:56

If we may share some of what the staff has been working on regarding the Citywide Equity plan. So this would be under the responsibility of the mayor so that it is prioritized. The commission is going to be led by Chief Equity Officer and the Office of Racial Equity would coordinate across agencies. Now that would be delivered to multiple entities. You know, it could go to City council, public advocate and whatnot. But perhaps most importantly it would go to the commission and the commission would have a role in reviewing, commenting and essentially certifying that the plan is complete. We've been thinking about that as it interacts with the budget process, both in timeline and content as well as, you know, perhaps it needs to be approved in order for the budget for the year to be enacted. So those are some of the things that the staff has been researching and exploring in terms of the consequences.

JJ: 00:31:02

One thing I ask of commissioners, not necessarily in this meeting but, you know, over the course of the next couple of days as you spend some more time with these proposals taking a look at some of the details and provide feedback. So on this slide we see you know kind of the structure and some of the specifics about the description of the roles and responsibilities. Just spend a little time with that to give the staff some feedback. Good deal? Any other -- Commissioner Coy. the

Commissioner Coy: 00:31:41

Yeah. In terms of watchdog, I think it would be more like being independent because it's like it tends to be more like this. And they made it all or controller and they get caught up in the political process. How I think. So, I mean, that's my comments on that.

Speaker 1: 00:32:08

Okay. Well, I know we have time issues. But I'm like kind of a visual person. So in terms of the timeline right, so if we have a Chief Equity Officer, the Office of racial Equity that then that's where the Equity plan resides. And you said it's then passed on to the Commission to be able to sort of give its stamp of approval. A lot of those processes can get bogged down because this is going to be a massive report in a way. This is like probably twice the MMR in a way. And that that is a well-oiled machine by now but I'm wondering what it will take to make it well-oil machine so that we don't bog down also other city processes that need to happen, right? And then it gets blamed for stuff and then we get the, you know -- that we see what's happening and etcetera, et cetera. And it gets seen then more of an obstacle than a solution. So for me it would be great to be able to look at what a timeline might look like since you guys have been talking about it. And then you know I think what gets how the Office of Racial Equity gets staffed with what because one of the things that I was -- as I was reading these the Office of Language access, if we can centralize a lot of stuff that agencies can have as resource. So anybody who needs translation of any of their documents goes to the central entity that's in the Office of Racial Equity. And that gets funded and that gets, you know -- half the time I don't have the money, for example, as an agency to translate into the 20 languages that I probably should so I do three, you know, depending on what, right? And I'm not in compliance probably but it's a struggle. You know, budget-wise It's a struggle so if we prioritize those things by centralizing and giving resources to the agencies to be able to disseminate information et cetera and have access as part of this racial equity office, I think that would be beneficial

AV: 00:34:18

Absolutely. Great points on in terms of timeline we can work on that and share that with the commission. In terms of centralizing access to things like translation, we have another proposal that actually goes deeper into that. So you know I think we can discuss that further when we get to that point.

Okay

Speaker 1: 00:34:36

I'll just add that Anusha. And talking about this possibly being a biannual plan, not a yearly plan because just the time to implement and then to assess. So just throwing that out there in case people have thoughts on that. Commissioner Hambleton.

DH: 00:34:52

Thinking about our tiered application of looking at the slide with the trial period system, one thing I just want us to be cognizant of is in the past the ways in which tools to promote equity over time can be uh perhaps misused and co-opted in ways that were not our original intent. So

I'm not -- I would alert us to be sure to emphasize the economic rights, economic material access when our concepts of equity which I think makes it a little more lock style it from co-optation.

JJ: 00:35:31

Very much appreciated. All right. I think we're ready to move to the next proposal.

JP: 00:35:44

Yeah. All right. The next proposal is racial equity budget scoring. The underlying theory here is that when we put out the budget which is supposed to be a document representing the values and priorities of the city, it's given a fiscal score but it's not necessarily scored for equity. So as part and parcel of our proposal that the budget itself aligned with the citywide equity plan. If we move forward with this we would task a body with developing a methodology or adopting a methodology to score sections of the budget so that there's a public facing communication of what the city is prioritizing and how it fits in with equity and have an easier way to align the citywide equity budget with the budget itself. We could also contemplate having an independent body like the IBO, the independent budget office perform a review of that methodology and check that alignment

JJ: 00:36:50

Thoughts? I always like to go to the one that should have applied for the City council. Yes. When we do -

Speaker 1: 00:37:10

Right Yeah. So if you -- one of the thoughts here is that the racial equity budget scoring would then create an enforceability an accountability mechanism so the plans aren't just sitting out there and they understand that there's a budget responsibility attached to them and if they don't adhere to that then they're out of compliance. It's just trying to build in accountabilities. And one thought here, you'll see on the other page, is whether or not -- is whether this proposal should actually be integrated into the tripartite system proposal overall as part of the racial equity work and that's independent. Commissioner Thompson. Yeah

PT: 00:38:01

Yeah. I just want to comment on, one, applaud this proposal and talk about some of the really good usefulness of it in that it sets benchmarks, it sets political accountability, it allows for values to be determined. We know that budgets reflect value so we highlight things like fiscal implications. So this is setting values that we value racial inclusion, gender inclusion, equity inclusion as much as we do fiscal -- at least as much as fiscal accountability. So I really like this and think it's useful in multiple ways.

JJ: 00:38:43

Mr. Hamilton, may ask what you believe the methodology should be. Should we be specific or should we set out in the proposal that one should be determined. What might that look like?

DH: 00:38:57

You know the difficult part is that it's going to require dynamic scoring in a similar way that fiscal budgeting requires dynamic scoring. So there's some limitations on how prescribed you can be. I think it becomes useful in putting the elements of things that we should consider when we do it. But the actual algorithm is something that will probably change depending on context

Speaker 1: 00:39:20

I mean one -- I don't know if this is too simple but like one way, for example, that this can be implemented is like so let's say agencies claim like they have -- let me take a CS. Well, the number of Children in foster care has gone down tremendously from 50,000 to 20,000. But when you look at the communities of -- like certain communities, right, the percentage is much higher. That ratio has not subsided, right? When I claim that people -- we have successful rates of probation that are great, are they also great in the communities where they're most challenged by, you know, mass incarceration et cetera, et cetera So, you know, I don't know whether then that's something about the not just racial equity plan but we have to demonstrate - each agency has to demonstrate that whatever positive outcomes they have are being replicated in the communities where the most inequities exist however we want to, you know, sort of define that as opposed to looking at things always citywide.

Speaker : 00:40:50

Sorry madam, question.

JJ: 00:40:52

Let me just before you begin to recognize that Commissioner Vice Chair Henry Garrido has joined us along with Commissioner Garne.

Speaker 5: 00:41:02

So not to deliver the nomenclature here, but do you mean by units of appropriation as supposed to for units of appropriation. And the reason is because the way that the budget works once you create the unit appropriations are there, four them right, as supposed to buy them. I think it changes the meaning and the context. They are significant model units of appropriation so if you're going to do it by them, that's a pretty high task as supposed to do it by agency through the department. So I just wanted a clarification on that nomenclature.

JP: 00:41:48

Yeah. I think that would depend on the methodology that is adopted. You know I think that if there's an aggregate score that could be done on a per agency basis, that's what will be used. But if they have a greater ability to conduct an equity score by unit of appropriation, and that's very granular. I don't know if that's such a methodology exists now. But if we could get that granular, then perhaps that could be part of it as well. But we haven't made that decision

Speaker 5: 00:42:17

So the unit of appropriation is the OTPS other than personal services. You wouldn't want equity and inclusion there. I mean, so I think it needs to be clarified that we're talking about people here, not objects. And so to the extent that language should be more about equity and inclusion, about delivering services for instance or concentrating on people's services. I think that would be helpful.

JJ: 00:42:45

Commissioner Thompson and then Commissioner David

PT: 00:42:48

Yeah I have a question as to -- I'd love it to see some examples of where this has actually been put in practice to have some sense of what it means to do because I can't in my head and even figure out -- like how one would do this, and what would be covered. I assume not everything can be covered, but how those choices have been made in other places. And it would also help

me to answer the earlier question about whether this should be folded into the tri-apartheid or, you know, be done separate.

JJ: 00:43:38

So I think that's a fair point. You know I'll just off the top of my head I'll -- although it comes to mind. If you have a racial equity that requires resources and you put the plan forward but you don't put any resources, you don't attach resources to it, then you know like essentially like what does it take, just as we've experienced most recently with the build back better plan as an example, how much like that's what it comes through. We're talking about something similar to that one. How much would this plan cost and is the city committing the resources to fully fund it. If the city is just putting the plan out there but not are not evidencing city's [inaudible] report, then that's a lack of commitment. I'm just using that as one example.

AV: 00:44:37

We're happy to share what we have gathered from other cities that have varied models. So we touched base with some cities to learn about their model. They're different [inaudible] name names of any of the cities here. But we're happy to share that. Some of that I think is already in the briefs that we've shared as well so we'll recirculate it. Some of our other commissioners may have some thoughts to share on other cities, existing models and effectiveness overall.

JJ: 00:45:10

We're pretty much coming up on time for this proposal but Commissioner Davie, did you have a comment or question

FD: 00:45:15

I don't want to take us a stray of this discussion but I was trying to decipher a little bit more about the meaning behind the second question we have up here. Should racial equity scoring also be required for the city council as part of the legislative process. Just curious if you could talk just a little bit more about what you mean by that.

AV: 00:45:38

So ever since the city council was [inaudible] to undergo a fiscal impact assessment, shouldn't there be something similar for racial equity assessment. And that could take the form of a scoring or more qualitative assessment, but that's a question that we wanted to pose in terms of the scope of this proposal.

JJ: 00:46:00

I'm trying to indicate with those nods, kind of like I understand what you're saying or yes, that's something that should be okay

AV: 00:46:08

Yes.

JJ: 00:46:01

Good deal.

JP: 00:46:20

All right. So the next proposal we want to talk about today is the true cost of living standard. So this proposal would require the city to develop a new additional standard that accurately reflects the cost of living. And part of that is because the existing federal standard is quite antiquated

and it doesn't take into account things like cost of housing, cost of transport, cost of healthcare. And so when we use the existing model even as a frame of reference to talk about the state of poverty in the city or the state of how much services needed in the city, it doesn't provide the clearest picture. And so this proposal would be to understand what the true cost of living is in the city, reported in the city private equity plan and then make sure that it is reported as part of what the city does when it's reporting out the state of poverty

JJ: 00:47:16

Any comments or questions on this one?

Speaker 1: 00:47:25

Yeah Just for clarity's sake, are we talking about poverty measures and, right, separately, other factors that go in, right, that should be considered in a way that a consumer price index for instance is regionalized to add for what original cost was. Right? Are we saying quite frankly the federal medium income that measures poverty in the way that we apply here in New York is insufficient and perhaps the city should look at it as supposed to cost of living. Are we looking at the standard measures, right? Or are we looking at a combination of that plus more.

JJ: 00:48:07

So the way that I think about this is that what we're doing the federal poverty measure, just like sometimes the best way to describe is the federal poverty measure says that a family of four anywhere in this nation needs just \$26,500 to technically not be living in poverty. Here in New York city a family of four in the Bronx needs, you know, like it's been determined, needs like close to \$100,000. When you work off of the federal poverty measure that helps to set or to suppress wages. It helps too because essentially, you know, it says to somebody if you're not -- if you're making -- if a family of four is making 26500 they're not in poverty. They're doing okay. But you can't pay for housing cost, you can't pay for food costs, childcare costs, et cetera. It also, the federal poverty measures, used to drive income support allocations. So if you were in New York city and you are at 200% of poverty means that you're twice the level of poverty as a family of four at \$52,000 a year. You may be eligible for child care but if you make \$56,000 a year in your family of four, your not going to get the child care. So what the true cost of living measure does is essentially it helps to address the issue of wage inequity, wage disparity. It helps to provide kind of power in terms of, you know, negotiation about what fairway to cover basic household costs. The federal poverty level measure is really measuring deprivation. It's not really measuring what it costs to live and it does not look at geographical distinctions with respect to how much it actually cause. The other thing that it does is it just says is that it drives income support. So we have many people in new york city, and primarily black and brown people and black and brown women, who are not eligible for certain benefits because they make more than the federal poverty level or they make they go beyond 200% but they're still struggling. And it's been identified as a true racial inequity issue because disproportionately it is women of color in lower wage jobs who, you know, like if the government can say that this is adequate and we only need to go but so far when it comes to income support, then it is they who continue to live in poverty or struggle and their Children within property and the cycle just continues. So what this is intended to do is to at least at a minimum, you know, give a true accounting of what it actually costs to live in New York city. And then it helps like to begin to change the power construction and change the conversation and narrative about what New York city should be doing. but we have income supports. Please use in line

Speaker 5: 00:51:13

Just to follow up questions. So then the language instead of understand are we talking about addressing as opposed to understand?

JJ: 00:51:31

I just want to let you know that Commissioner [inaudible] has joined us virtually. Are there questions or comments on this one? This is -- I'll just say this last point because I've been centering myself looking at a lot of this. This is what structural racism looks like. It's these laws that are on the books or these ways of doing business that perpetuate inequity and you don't really see it. And so the lie or the narrative keeps getting told year after year after year. When we get to say it's a city that we reduced to poverty because the minimum wage is increased across the state of New York, but we know that \$2, \$3 doesn't really make a difference. And women of color and lower wage jobs are suffering the most because all of these things. Michael

Michael Garne(MG): 00:52:25

Pardon my shoddiness. And I'm having -- I don't know. Maybe my old age. I'm having difficulty understanding. It might be me [inaudible]. In the way that is presented I think understanding is a part of it, is the beginning stage and there has to be the address let me point out. Because I don't know -- is my mic on?

JJ: 00:52:56

It's on

MG: 00:52:58

So I don't understand how the federal stand that was put into place. I'm not sure if it was done in a thoughtful, in a way that builds legacy, that thinks about the historic question that happens across the country. But I would like to understand what logic was used because I don't. And I look at the numbers as you point out, Madam Chair, and it doesn't make sense. It doesn't make sense in New York, it doesn't make sense around the country. So who defines poverty? How do we define it right? And who suffers based on those definitions is the question. And then you -- we're talking about New York city and the cost of living here as opposed to other geographies around the country. That's an entirely different conversation. So I think there's a lot that can be unpacked in this work

JJ: 00:54:08

So as a friendly amendment that we're seeing on these. Commissioner Hamilton.

DH: 00:54:13

I mean, I'm going to echo my commissioners and say I -- plus everything they said and just add another usefulness of this is New York city leads. New York city set us an example. New York city, you know first and foremost, we want to get it right. So if the measures right now are antiquated and inaccurate, let's do better and get it right. But then the other part is we set an example by which others will emulate and lead to more justice elsewhere

JJ: 00:54:44

One second Commissioner [inaudible].

Speaker 1: 00:54:49

Yeah. I apologize for the interruption. I just wondered that if they work understand and address so that we cover both sides of the comments would work

AV: 00:55:03

Absolutely. And this is not the exact language that would go on the charter either.

JJ: 00:55:07

Getting close. Commissioner Yoo.

JY: 00:55:09

I guess I have a practical question. I agree with what my fellow commissioners are saying. But you know some of the funding that we get from the federal government requires us to use their standards. Right? And so sometimes they say, it's like a weird mix and match. And so the excuse has always been always because it's federal funding we have to do this, right? And so, you know, I'd be -- how do we overcome that. I think you're -- I think we are absolutely in agreement that, you know, I mean, if we reject it, you know, we think about that right. But then are they going to pull the plans away. I'm going to ask my fellow economist.

JJ: 00:55:52

No. So keep in mind that we're looking at it as a new additional standard and, Justice Commissioner, so it's a new additional standard. We're not saying that now we're going to reject money or we're going to have money withheld from us because we're adopting and embracing a new standard in place of the federal poverty measure. But what we're seeking to do is to begin to change the narrative and influence and impact and keep in mind everything is not just tied to income or income supports aren't just tied to a federal poverty measure. In New York city we use income supports for city tax levy dollars. And then the other thing is that this is not necessarily just tied to income support. You can look at it as how it affects and influences wages. But to permission Hamilton's point, if we can lead the nation in calling out this blatant lie, maybe we can begin to change what's happening across the nation.

AV: 00:56:55

[inaudible] groups that the poverty business that will be heading that direction. In the discussion questions you'll see that we're all supposed sure this proposal except where required by law that we put forward to the commission for consideration and whether the proposal should and what the three requires the city to use the standard both reporting and for eligible before services benefits that are still on

Speaker 5: 00:57:32

So again that's just a little confusing to me. Which standard? So on the one hand you said should the federal -- should we prohibit the use of those federal standard unless required by law. And then the second question, should we use the standard

AV: 00:58:00

That's correct

Speaker 5: 00:58:02

My question is which standard?

AV: 00:58:02

Thanks for the clarification. And the second question we're referring to our proposal of the -

Speaker 5: 00:58:09

The new standard.

AV: 00:58:11

Thank you.

JJ: 00:58:14

Other questions or comments about this one? Commissioner Peter is like I'm at a time an auction with you. Put your hand in the air was indicated you had a question. Are we good to move on?

Okay

JP: 00:58:43

Our next proposal here is looking at wage segregation in the city. So this is going beyond looking just at pay equity, you know, within titles there's a question of whether someone doing the same work is getting the same pay, right? But there's also another dynamic within city and especially the city workforce of even if you're in a different title but you're doing work that requires, let's say equivalent skills, experience, effort, are you getting paid less because you occupy a position that is predominantly done by women of color for example or women. And so there isn't that analysis done on the city level right now so we don't know what the state of that is. And it's not clear in the city's law as it's written that that is discrimination under the current commission human rights and bring enforcement. They might, we don't know perhaps because that hasn't been brought yet to our knowledge. And so the proposal here would be to explicitly call that out and something that is discriminatory, and then required city entities such as those promulgating personnel rules and promotional rules to put in place rules that address that issue specifically, as well as make sure that there's equitable hiring and promotion in the city. And then empowering the Independent EEPCC, which is the equal employment practices commission, to actually have an enforcement power over the city. So what they do right now is they audit the city for practices but they don't have an enforcement power. And so this is really three different ways to get at the issue of occupational wage segregation. And we're proposing them here in concert but we can discuss whether that feels like the right approach or simply just clarify this proposal as. I know it's not uh maybe the most straightforward

JJ: 01:00:50

Commissioner Hamilton.

DH: 01:00:52

So my query might be coming from a place of ignorance. I've certainly committed to the value of ensuring that people have access to occupations in an equitable way and not sorted by race. So the collecting of data and charging agencies to monitor this and enforce discrimination but isn't it discriminatory to sort people into an occupation based on their racial gender.

Speaker 3: 01:01:22

I think it would be to sort them, right? But I think the issue that we're trying to address is whether positions are being paid a differential wage because the title is predominantly occupied by particular set of people. All right. So let's say home care workers are being paid much less than an equivalent position that isn't primarily done by women of color that they're getting paid 20K less.

Speaker 1: 01:01:44

That clarification is very useful and I like it a lot. So in some ways it's a proposal to redress structural discrimination that our current configurations of individual discrimination are inadequate. It needs to be more structural limbs.

Speaker 3: 01:01:59

This may be a question for Mr. [inaudible] because isn't like -- even when it looks like two titles have different, you know, pay scales. And then within a title people doing, you know, different races may look like they make different money. Isn't all that all tied to, not everything I suppose, but a lot of the type of collective bargaining and the steps and all that stuff that looks bad and when you when you look at it it's not -- it's the way the system is set up. So is that system -- can we tackle that system at all first?

Speaker 1: 01:02:40

Yeah. I think the answer is yes and no. So longevity for instance takes a long place. Professional qualifications would allow for salary ranges. For instance, city agencies taken specifically, two jobs in the city, you can have a range that go from 50-80,000 as an example, \$30,000 from the minimum to the maximum. And the idea is that if you have certain skills, certain things, city's licenses is one of them, that you should be closer to the top of the range. In principle that works. In application what we have seen is that depending who is the one doing the interview with the one who is doing the appointment, there could be discrimination where we have seen vast differences in salaries between the minimum and the maximum that are not tied to any kind of licenses or additional skills but rather to the judgment of whoever is making the hierarchy.

Speaker 3: 01:03:44

Or a mandate from certain places that for fiscal prudence everybody should be hired at the lower level regardless.

Speaker 5: 01:03:53

Correct

Speaker 3: 01:03:54

So I think that what we do in collective bargains try to come up with these additional things and separate them from the minimum to the maximum. That's the new strategy. Separate them in the sense that you have longevity phase, you have step phase, you have things that are associated with licenses that are not such within the range that allow for certain judgment calls but more fixed to say if you're licensed architecture p, you will get a differential specific amount for that licenses as opposed to say the range of salary, for example, would be between 50 and 80 and somebody will be making a judgment who gets 50 and who gets 80.

Speaker 5: 01:04:42

And how effective is that? How effective -- how would you say that has been

Speaker 3: 01:04:46

I think it's been very inefficient. I think that if you're looking at discrimination and segregated titles very specifically it's one of the areas that we have the biggest problems. Women of color, minorities have been for years, in my opinion and you haven't insured disenfranchised, when all matters are the same. So when you have people who are all qualified for the same position they get hired but then they get pay less than the white male counterparts as an example. And I think that as long as you have that judgment being made at that level, we're going to have a problem. I think that's what this is trying to address

Speaker 4: 01:05:37

I think historically whenever white people have been allowed to have discretion as it pertains to what we can do in communities of color and wealth; we have seen a pattern that we have been left out. So I agree and my thought process is protective. Like so when I'm looking at this I'm saying so how do we -- how are we protecting the next three steps. How are we protecting what's going to happen in terms of the oppression that you can anticipate due to the discretion that's embedded in white privilege. That's the process I'm trying to walk through as I'm reading this and listening to you.

JJ: 01:06:16

You know, to your point, just building on your point I just want to respond, look at this. What we need to do with this proposal is to think about the if then. You know, what are the loopholes, what are the issue points of concern that could be triggered by this action. We need to think about that. Commissioner Thompson

FT: 01:06:39

Yeah. My comment is probably along those lines. Like how would you actually discover whether there is or there is not occupational segregation. So what kind of analysis would be necessary?

Speaker 3: 01:06:57

What's been done is you might have an external group come in and evaluate the titles and say this title requires this amount of skill, this amount of education, this amount of effort and then canvass other titles that may require similar amounts of skill, effort, experience and look to see whether there's any pay differential there based on the demographic population of those titles. So there are groups that are starting to do this work and develop that methodology to do so. And I'll also just add that, you know, I made reference to women of color and other women, but of course this would apply across a wide spectrum of identities including different gender expression.

Yesena Mata (YM): 01:07:42

Could you look at this issue through some civil service exams as well?

JP: 01:07:48

I think you could. I think what's difficult is whether there's data collection to analyze the effect of those civil service exams and what the outcomes are. And so what we're proposing here is to have clear rules to evaluate the effect of different exams.

JJ: 01:08:05

So I'm just thinking like if you have somebody who takes the civil service exam for 5, 4 years. And then the N Y P D, and then they take just, you know, the general civil service exam to become an employee of the city of New York. And you see that, you know, you have more excuse for people of color than more people of color moving into the human services agencies with the civil service and not getting the scoring that they need in the fire department or the NYPD. Does that speak itself to maybe, you know, kind of raising the flag around occupational segregation? Are the tests structured in -

Speaker 5: 01:08:47

I think I disagree with Jimmy's assessment, I mean, position on this. Because for one, the civil service test does not ascertain the ranking uh situation, right? I think and I want to separate the issue. Secondly because that is under the state. So the state Civil service department approves or denies the plans estimated by the pharmacy where administrative services. I think to your

point however, if we were going to address point system that have, you know, for years trying to add value that have created inequities and discrimination in the way we rank a system that was intended to be about merit and fitness, I think you're right on point. And very specifically we see in the uniforms legacy systems that allow for additional sort of like a point system for people whose families have been there before. That's a very prime example of that. But I think it's salaries. The civil service rules do not take any effect on salaries. You know, once you ranked, you're selected, unless you directly certify direct certification, you go to the next line and then you hired. So the differences between appointment and the pay upon hiring I don't think you do the latter.

JJ: 01:10:22

So perhaps there's some value in looking into the occupational segregation piece. Let's explore that a little bit more. Are you guys with us?

Speaker 5: 01:10:32

I didn't hear that last bit.

JJ: 01:10:33

I said that we should explore more give some greater consideration to the occupational segregation. So occupation of wage segregation is an element can be an element of occupational segregation. And maybe we need to be looking at occupational segregation. Why is it that in the human services civil service titles you see more persons of color, you know, maybe coming into those positions than you do in the uniformed officer position. What is driving that? Or what or certain departments within the city of New York as opposed to others? What is driving that if an exam is what you know one has to take in order to at least achieve an entry level status. Commissioner Hamilton.

DH: 01:11:26

I mean, going back to Phil's query, my understanding of occupational crowding segregation is one of you look at skill sets for specific types of occupations or jobs and the share of populations with that skill set, and then the degree of representation within that particular job given they have that skill set. Are they over or under right? But so I actually think this is innovative useful and cutting edge because -- and I like how it's framed in that in addition to our discrimination laws we have no -- we need other mechanisms to look at something that's more structural. So taking a and accounting a review of the jobs throughout the city and examining the extent to which they are representative or not independent of skills is a really useful tool. You know, some of the questions become what is the mechanism of enforcement once you uncover that this is a problem. It's hard to bring individual lawsuit because of the nature of the problem. And I'm not sure if it's a class action lawsuit and maybe the litigation is not the way we want to go anyway. But I would say we think about enforcement and then add another element even beyond salary. COVID-19 has shown us that workplace safety and other attributes as it relates to job become relevant and important also as a criterion to examine beyond wages in doing this analysis.

YM: 01:13:10

Hi I don't know if you all can hear me.

JJ: 01:13:15

Other questions, comments?

Speaker 4: 01:13:16

I just want to say this. I'm dealing with an issue right now with this prime example where the application of this concept, you know, it's so important so relevant and it has to do with emergency dispatch, right? If 911 operator for 90% of black women of color or women of color who are on and now we want dispatching, the ambulance dispatcher or the fire dispatchers are mostly white and mostly men and yet they get paid significantly more. And they're basically doing the same, same dispatch, working in the same building same piece that building both in Brooklyn and in the Bronx. And the challenge I always get representing one group is that, well this group has uniform status under the state law and then this group doesn't. Well, we just got the 911 operators doing absolutely same thing, dealing with emergency, right? Call comes in on 911. Whether you get it because you need a fire truck or a police truck that questions are basically saying the pressures are same. Yeah, I was five. That's a prime example of the same idea, same skills, same conditions, and yet for whatever other reasons the emergency dispatch is on fire and EMS made \$20,000 more than that dispatch operator within the same city.

Speaker 5: 01:14:46

And so that's picking up on some of what I'm saying. Is that what is driving that. You know, what's at the root of it in terms of what allows for that and digging into that.

JJ: 01:14:58

Okay. Commissioner Mata has a question and then we'll come to Commissioner

YM: 01:15:04

Hi can you can you all hear me?

JJ: 01:15:07

We can hear you

YM: 01:15:09

Okay. Perfect. My question was I believe to Jimmy. He indicated about a focus group being part of this process to understand the inequities of the compensation to women, specifically to women of color. I just want to I just wanted to have a suggestion to that. I also want to hear more and more about what happens once of the woman that women are hired, right? For example, from my experience as a woman of color has been really hard to get into certain places, and once I do in order for me to move up to the next level, in order for me to show, hey I do need a raise, it's even harder to prove that even though I had that track record. So I guess my one of my suggestions is to add what happens after you are hired. What other difficulties you continue having in the workplace or in the specific section you're in to even continue going higher because once you're hired it doesn't stop there. There's still many inequities along the way. So I just add that that's just one of my suggestions.

JJ: 01:16:34

And we begin to get at that second point, right? Okay Commissioner Davie.

FD: 01:16:36

I'm just again curious about the proposal to make occupational segregation discrimination illegal. I assume that what Vice Chair, Garrido just described is something that would technically be illegal. Who makes it illegal? Is it the council that invokes legislation? Is it based on -

JP: 01:17:20

Information and there is some looking at same work, same pay

FD: 01:17:23

Right. So how would we do it just by way of an example in a proposal coming out of this commission.

JP: 01:17:32

I think we could do it by creating a section in the charter that sets forth the value of that first and foremost of, you know, that people should be paid the same thing for similar difficulty in work, similar skills at work, and then put in something that says you know the human rights law has to be amended or will be amended to include this as a criteria for discrimination and then have an enforcement mechanism in there.

JJ: 01:18:03

So I just want to comment that, you know, what I'm hearing at least maybe what I'm hearing myself saying, I think a little bit more is that this is not just about wage segregation. This is about wage and job segregation, and that this this proposal needs to speak to both.

FD: 01:18:28

Yeah.

JJ: 01:18:29

Okay Commissioner Hamilton.

DH: 01:18:30

I mean building on Commissioner Davies point, I guess the difficulty that I see and if my interpretation is the ability to bring suit through the courts for something like this because it's structural, it's not individual acts of discrimination as described. So can we come up with a mechanism of enforcement beyond just calling it illegal.

JP: 01:18:58

I can speak to that a little bit. There's work in -- there's a law in New Zealand that does exactly that that was passed last year. I'm not sure how effective it's been because it's only been in effect for a year but that could be one model if we want to have private enforcement. But of course we can also contemplate city enforcement just like right now the city human rights commission enforces the city human rights law in an administrative way.

FD: 01:19:21

Another challenge that comes to mind is in the phenomenon of white flight. So I remember the time when the post office was white men and then I saw a time when they shifted and changed. But then I heard that the benefits, some of the things that you know the post office and that type of labor form were removed. It had changed and transformed and so the people of color had access to it. I look at law enforcement, which you see an increase over the years in black and brown officers, women officers. But when you look at the top percentile, the true leadership, the top brass of NYPD, there has been very little to no change on a lot of those levels statistically. So I think about the fact that when we get into these positions and we, you know, insert these requirements, there's an escape route that happened. So similar to what Vice Chair said, there will be a compartment established in which white privilege is protected. And we'll be talking about equity in our small circle of blackness and brownish

JJ: 01:20:38

Commissioner Thompson and Commissioner Davey

PT: 01:20:42

Yeah. I would just like to know at some point what the budget implications of this could be. And also I'd like some insight into what the labor negotiation impacts of this would be. For example, I know some pre-school teachers or you know pre-care teachers are in UFT, they make one salary. I know others are nonprofits, they make another salary. And so I'd like to just play this out or at least have some opportunity to think it through. What does this mean and how will it impact?

JJ: 01:21:29

And to your point, I appreciate the point that you're making and I struggle with that point right? Because, you know, doing what is right, what is morally and ethically right sometimes comes with a bigger dollar, the bigger price tag. Do we not act on what addresses or helps to achieve greater equity because of the price tag attached to it or do you build in a process by which you get there? Right. And I'm not suggesting that you're saying that you don't because you're saying let's just understand it may be. But I'm just saying that I think that that's something that we also just have to take it consideration as a deliberating body. Commissioner Davey unless you have a different point.

FD: 01:22:20

Yes.

JJ: 01:22:21

Do you want to just comment on that Commissioner Fred before -

FD: 01:22:26

Yeah. I just want to say the price tag of equalizing this would be significant. as an example of that, when these communication workers of America sued over the issue promotions for managers who traditionally have been bypassed, they went through the EEO commission and the federal EEO issued an early determination that was almost \$450 million for managers who have been bypassed, have been hired, promoted and get given less salary than their counter parts. That's just a small session. The teacher equity title for instance was a huge amount of money. We came out with ways to deal with it by cutting pieces and by using some of the labor reserves in order to equalize the salaries of teachers. And hopefully in a year and a half or so when we complete this deal will be on par when it comes to salary. When it comes to compensation is a whole different story. I think that this proposal, the way I see it is more like the what you make occupational segregation and the discrimination, the who in this case from gaining rule. And then the how in this case would be the equal opportunity practice commission as the enforcement arm of that process. I think what's missing though is that the first group to commission at this point, the DCAS only covers certain agencies. So if you're dealing with it making discrimination missing, in my part is what if the other agencies to enforce. Private sectors we're doing this and other agencies that are not covered by DCAS. Right? The normal agencies for instance that we have no control of DCAS does it, right? And also things like the housing authority and all that stuff not covered. So just so we're clear, it may be that this is it. This is how much the city has control over and I'm fine with that but I want to make sure that the first premise in the city making it illegal it's missing that it is within the scope of the city's power. And I would just add that-

Speaker 5: 01:24:50

I just really want to understand the scope too. DOH nurses in schools make less money than UFT nurses in schools. You know, I just would like to know how far this goes so we could have some sense of like what we're talking about

JJ: 01:25:14

Variable. Yeah. I don't want to believe it's a point. I mean, it's the ever present question about, you know, what is the driver and it gets back to kind of like your fiscal policies and your value based and your beliefs. I'm not suggesting that you're just saying we want to understand the cost but we have to be -- I personally we have to be very mindful of costs. What has happened in the society is that we've allowed costs to drive decisions about who should have what, who's entitled to what. And the person who always are on the, you know, at the short end of the stick are largely persons of color. And so just trying to figure out what is our role and responsibility in this moment.

Commissioner Davie.

FD: 01:25:59

It's a slight shift of gears and its sort of a broader suggestion, and that is that we are making proposals at least initially that will require new entities and maybe new regs and and changes in law, city and state maybe, and changes in reg. So it might be helpful to have a, and I don't want to put more work on the staff that's already done an incredible amount of work and high quality work, but it might be helpful to have a chart so we chart out what's the new entity that's being proposed, what are the regs related to that entity, what are the laws related to that entity, what would need to change, and then what are the budget implications of that new entity?

AV: 01:27:01

Absolutely. We have much more information we can share.

FD: 01:27:02

Great thank you

JJ: 01:27:05

You ready to go on to the next?

AV: 01:27:07

We are. I know we've spent a lot of time on this one but I think it was very helpful to help further refine the concept

JP 01:27:16

Yeah. Okay.

The next proposals to discuss tonight is one on strengthening fair share. Fair share is a standard that exists within the city as guidelines on how the city should cite its new buildings. So the proposal here would make sure that those guidelines become mandatory and that they're regularly updated, and that they're updated to include an equity frame to them. So as it's stand right now, they haven't been updated since 1991, I believe. And they are treated as guidelines and so if a sighting doesn't comport with them there's no repercussion

JY: 01:27:58

Jimmy, can I ask a favor. Can you pull your mask down when you speak. It's really like we just get like

JP: 01:28:04

Okay.

JY: 01:28:05

Thank you

JP 01:28:10

The other part of the proposal is to make sure that not only is there fair share methodology applied at the time of making the sighting decision, but upstream of that when we're doing capital planning and making broader decisions about where to invest in the next decade that there's an equity frame brought in there to make sure that that process also aligns with the city wide strategy that will put forward in the city wide equity plan.

Speaker 4: 01:28:37

Yeah. Question I have is like what happened even afterwards. Is it like, you know, what's enforcement and then consequences if say a project that doesn't meet you know the new alignment. Will it kind of be disqualified or right now it's like this seems like not much of a consequences in a sense because then, you know, people just say, hey, you know, we have no other choice. And then a commission would go on it or something. So what is the enforcement after.

JP: 01:29:10

Yeah. I think there could be different types of enforcement I think the default that people think of when they think of fair share would be a private litigant, you know, someone bringing a court case to stop the development. But, you know, you can see that if that's not really controlled for them it can stop a lot of things that are happening in the city. So we can come up with potentially different ways to stop that process, you know, until there's enough of an actual fair share analysis and the demonstration of why that particular thing is actually necessary. So the enforcement could just be slowing it down until there's enough kind of proof done to show why any exemption is necessary. For the traditional route, again it's a private litigant

AV: 01:29:50

Introducing the mandatory component is a significant change in terms of how the criteria, even once updated, would be considered because those criteria considered. But then there's also other considerations that might ultimately drive the location or whatnot. So I think that in itself provides some enforcement where there might be some baseline criteria that have to be met and then others that can be considered. So that that is a change in status quo.

Speaker 5: 01:30:24

There might be like, I mean, that the agency has or the city has to provide three choices or something. You know, I mean, there might be a way of dealing with it.

JJ: 01:30:40

Commissioner Garrido and then Commissioner Davie.

Henry Garrido (HG): 01:30:42

Yeah. Just a point of clarification, who would do this? This is at a charter to identify maybe where the projects, who in the city?

AV: 01:30:52

In terms of the updating rules?

HG: 01:30:58

No, I'm talking about - yeah, I'm talking about the agencies.

AV: 01:31:03

So right now there are many agencies that site facilities or sites services and facilities. So you know it might be DCAS, it might be DEP, it might be sanitation. They all end up coordinating to a certain extent with the Department of City Planning. So all of those agencies, any agency that does any sort of sighting would have to comply with this

JJ: 01:31:29

Commissioner Davie.

FD: 01:31:30

I might be a page ahead. I'll wait.

JJ: 01:31:33

Right. I think I like the way that they're set up They look like one and the same. But one is about fair share and the other one about fair care.

01:31:42

Yeah, care.

JJ: 01.:31:44

Any other questions on fair share?

Speaker 6:

When it says you're balancing strictness with flexibility, I want to understand that a little better.

AV: 01:31:56

Yeah. So, you know, in thinking through having criteria that both would be updated over time and can work in a variety of situations, it's complex figuring out, you know, not only which is the community that you want to service by setting a new facility. What are the potential implications on the local neighborhood? We want to make sure that there is some flexibility. It's not so rigid that ultimately things don't get cited. There might be a benefit or even a responsibility or burden. So there's definitely a need to be nuanced and sensitive. And this is also where, you know, we wouldn't update those rules directly through the charter revision but require that they be updated. So when fair share was introduced in the city charter in 1989, city Planning Commissioner was required to promulgate these rules but only once. There is no requirement or option to update them over time.

JP: 01:32:57

But, I mean, assuming that we have a share of the new office should that be an agency that takes more of it than city planning. Because I feel like the city planning because of the focus on, you know, basically looking at projects in general, approving projects. And then at the same time because of all that, you know, that could be potentially kind of interesting. You know, but not interesting. It's kind of interesting in a way but then the [inaudible]

Speaker 4: 01:33:32

Absolutely. Or maybe it's both parties.

Speaker 3: 01:33:39

I'm not at all sure at this level of vagueness it actually helps

01:33:45

Yes.

Speaker 3: 01:33:47

I'm not sure referendum is the best way to deal with hugely complex issues that vary drastically according to what agency and what kinds of things you're talking about, whether you even want more them or whether or not. I mentioned this before. I just think it doesn't really necessarily help. It's just because, I mean, depending on what examples we think that needs very different and it's still a judgment role as you're saying.

JJ: 01:34:31

Any other questions or comments on this one focal points. Let's move on to meaningful or to fair care

AV: 01:34:41

So that we can discuss the two of these together since they're similar concepts.

JP: 01:34:49

And so this one, fair care, is taking some of the value behind fair share, which is to ensure equitable distribution, and applying that to city services in a way that isn't necessarily done now, and especially it's not done in the charter. So the way we've teed this proposal up is that there'll be a requirement to generate maps based on the worst outcomes, as well as looking at disparities, and do that value by value depending on what we identify in the preamble, let's say, so you could have a map for health and mental health outcomes. And then require agencies to prioritize and align their spending with the disparities identified in those neighborhoods so as to ensure that there is some degree of agency partization of the neighborhoods that need the most help, and to buffer agencies a little bit from the what is politically -- you know pressuring them to devote services to an area or some other factors such as, you know, fiscal reason to focus on one area over another. And we could contemplate this as fitting in with the citywide equity plan including those maps and what's released with that larger plan and showing how agencies are prioritizing those neighborhoods, and how they spend, and how they staff, and how they service, and how they contract.

JJ: 01:36:19

Commissioner David.

FD: 01:36:29

Thank you. And I want to agree with number two but also raise a question about it. And that is as I recall, there have been some studies that show that there are considerable city resources or government resources that go into otherwise under resourced communities. But they're uncoordinated and so you get a ton of money going into a neighborhood but it's so uncoordinated that its impact is muted or blunted. So I would add the word coordination somewhere in number two. So not only are you aligning and targeting but there's some level of coordination suggested as well. If we're actually able to pull this off, I think it's a tall order for the city of New York to try to do this. But I think it's worthy of at least consideration. That's all

JP: 01:37:23

And I think one of the functions contemplated in the racial equity offices to provide exactly that coordinating role and a place where city leaders to come together to discuss these issues. That could be and how we can improve it in a joint way rather than at cross purposes.

AV: 01:37:37

Also note the closest place where this happens right now is actually through the task force for racial inclusion and equity. You know, there are neighborhoods that have been identified as sort of the target neighborhoods. You saw some background one city of Sherman presented at the last commission meeting. So in many ways this would be a sort of expansion of that concept and an updating of, you know, which are the neighborhoods that we need to be focusing on, at which point in time and why.

JJ: 01:38:05

Let me just add one point here if I may just. Commissioner Thompson, is it okay? We do have to be careful with this one that it doesn't overtime work against us. So an example that I'll provide for you is in foster care, in child welfare. For years the city of New York would look at the foster, the, I should say, the state clearance, the SCR reports and would then dedicate greater resources to the communities where they saw the highest rate of reports. And then you in turn over time see that you have more removals and placement of children in foster care and they'd say well it was tied to the number of reports that were coming from those communities. So you could look at that as an investment of resources in those communities, but it was actually working against the stabilization and the supports to families. Now if you provide applying a preventive approach, that's a different circumstance. The same thing can be said of, you know, the over surveillance, arrest rates, stop and frisk, over surveillance and arrest rates in communities of color. It's not by mistake that in New York City the 10 communities with the highest rates of low income persons of color also correlate very much with the highest rates of arrest and incarceration. So we just have to be very careful about this because what can look like in face like a good thing can turn very bad very quickly. Commissioner Thompson.

PT: 01:39:43

Yeah. I actually want to raise a similar caution with number two and the language required agencies like all 40, and you require and you're going to review their spending, and their service levels for 40 agencies by neighborhood across this, that sounds like yeah you know huge bureaucracy with all kinds of potentials for backfire, as you know, the chair just identified. And, you know, one example I'm thinking right now there's a shooting gallery in Midtown Manhattan. And if you look at the neighborhood demographics, it would not show up as a neighborhood with racial disparities and in need of more stepping in services but it's a big time Shooting gallery right now and so staffing and stuff has to go there, so I would say. But so I would support three because I think we're asking the city or the mayor to actually look at the complexities of these things and come forward with a plan. If we put number two we're just saying no we're going to have a bureaucratic mechanism to actually do that and I just don't think that's the best route personally.

JJ: 01:41:16

Commissioner [inaudible]

Speaker 2: 01:41:21

Yeah. I think the first point already exists. In 2018 local law six as created by the city council, signed into law by the mayor required information would require for health care, all these values across the neighborhood. I was honored to be a part of it, and still are. It requires bi-annual reports on neighborhoods on healthcare disparities across a number of sections. It includes multiple health departments including health and hospitals corporation helping hospitals and a number of other agencies who report to this committee. And then that report goes to the mayor and the city council. If you look at the last report, which was issued in 2020 in a pre-COVID environment, there was a lot of information about health care disparities on it. What we found is a committee however is that commissioner Thompson's point, is that the complexities that go about redistributing resources go beyond the just where the disparities exist. For instance, the neighborhood that had the highest incidence of smoking by individual on per capita basis was in Chelsea at some point. But yeah, most of the smoke-related deaths were in the South Bronx. You think you will want to have the services where most of the deaths are taking place not where people smoking most so to speak. Right? Similarly, people with diabetes are being treated more into like Bellevue hospital, in Jacoby areas even though most of them were in certain neighborhoods in Brooklyn. So people were getting cared in places other than where the conditions existed. So to that and I think this has to be revisited and I support commissioner Thompson's idea of number three as supposed to one

JJ: 01:43:33
Commissioner Yoo.

YJ: 01:43:34
For number two, I think there might be -- as I understand that there's an app with the UICD where you type in the code and it kind of shows you where all the programs are. You know, that might be a way for us to look at like how effective has it been. Like, you know, how will this play out. Like I share all the concerns as well. But if there's something that we can review that's already in existence that might be worth having a conversation with commissioner Trump

JJ: 01:44:10
Are there questions on this one? Very helpful. We'll move forward. We're moving forward everyone just to page 20.

AV: 01:44:26
In case you haven't noticed we didn't skip the break that we promised you. So if you need to use the restroom feel free to do. So we're not taking an official break unless you really want one.

JJ: 01:44:32
We'll take a two-minute break. We just got a few more proposals. We don't want to keep you long.

AV: 01:44:42
I mentioned break and you'll seem a little so we'll do it.

JJ: 01:44:48
Three minutes.

JP: 01:57:35

Thank you. So this next proposal, access for all, is thinking about how we can make sure that every agency prioritizes access and what their rules are in the city. It's not enough to create a service. It's not enough to just equitably distribute it. You have to make sure that people can meaningfully access it no matter what language they speak, no matter what their literacy is, no matter what physical needs they have, and that whatever process it takes to get that service is as simple as possible and not something that deters people from even trying to get a service because it just takes so long and so much expertise to get there. And so one way to do that could conceivably be to create an office such as like an Office of access or Office of service design that serves as a centralized repository for all of those access design needs. So for example if you need to know how to get something interpreted you can go to this place. If you need to know how to make sure that it's written in plain language so that all New Yorkers can read it and so that it can be translated simply, then you can go to this place. If you want to design your meetings to be accessible or your video calls to be accessible you can go to this place. So right now there are some groups in different offices that do this work but you have to know of their existence and you have to know that you can go to them for this kind of service and if they have time they'll be able to help you. But one thing we could do is create a centralized place that has coordinated assistance: can do contracting, can do review, can be a centralized place to bring complaints or even to seek help for example. So the proposal could have many different forms and we can think about what access means to us and how best to represent that value in the city infrastructure in a way that it isn't necessarily right now

AV: 01:59:43

I'm putting forth some of the questions for discussion. We want to hear do you think this proposal warrants a separate office or department or should it be structured as an obligation for every agency to prioritize access. And then also what do we mean by access, language justice, plain language, access for people with disabilities and so on. And then I will pose the last question because we ended up discussing this a little bit under the Office of racial Equity. Should this office be separate from um or a component of that Office of racial Equity or Office of Equity

JJ: 02:00:27

Commissioner David

FD: 02:00:27

That's the point I was going to raise, whether or not particularly 1B. If we have this obligation for every agency then could the Equity Office have responsibility for determine or assessing whether or not the agency's living up to the "obligation" to provide maximum access

JJ: 02:00:59

And to your point, you know, the concern that I have if we were to go to the route of A is, you know, this is my experience has been in city government when you're trying to implement, create a new requirement, a responsibility, and you do it independent of the agency, the question always becomes does it become part and parcel of what the agency does if you're not integrating it into the work of the agency itself, if it sits independent. You know, I'm saying it can go both ways but you know it's really it's something really taking hold if you remove it from the agency's responsibilities. Commission Gariddo, you had your hand up

HG: 02:02:01

I have a question. So a few years back when local authority was passed about language access, for instance, it was required that each agency would get the plan but the overall analysis will be

done by the office of immigrant affairs. And then over time that changed. Any complication to your point madam Chair about, for instance, when we establish an office three or one and what languages were accessible. They are supposed to be now one coal. And what was found is that there were litigations that amended that. So I'm a little curious about -- again I don't necessarily believe that I think you could do both in the sense that you can assign an agency to implement it. But if it's not part and parcel to the core mission on integrated mission to the individual agencies, it becomes more like a hollow exercise because you promulgate rules that are not followed again. And I specifically I want to talk about just the access of social services and health and human services as an example, right? People in need for you know medical care and food stuffs, so the efforts that are under the HRA where people were not only hurt by not having the access to the language but actually got hurt by the lack of understanding within the formation of a consistent plain language that allowed people to, you know, apply for something and then be denied because they just didn't understand what it is. So I don't think that necessarily we need to create an office. I think you could assign an office but I think if it's not part of the core mission of the other it means nothing

JJ: 02:03:50

Commission Hamilton's

DH: 02:03:53

You stated it very well so I think I could pass.

JJ: 02:03:59

Commissioner Thompson.

PT: 02:04:02

Either the one or two charter revision commission to go there was a new agencies set up called the citizens engagement permission. And one of their responsibilities is like language access. So they do they coordinate the translation say during elections at all the polling sites for example. They're trying to build their capacity to do more citizen engagement work, which I think is a lot of this. So we may not necessarily need to create a whole new thing and I think the intent of the previous charter was to address this. So that's worth looking at. And there's also a public engagement unit that was created out of the mayor's office with several 100 employees. And all they do is go out to folks and say did you know you're eligible for the child tax credit, did you know you're eligible for this house and get that house and things, and they do it, you know, in multiple languages. That's all they do. So anyway, this may be something that doesn't necessarily call for a charter change.

AV: 02:05:19

There is another existing component of the Office of NYC opportunity, which is a service design studio that will work with agencies to rethink processes, the ways that people might apply for affordable housing, for example, I think was one project. So that's another place where there exists some capacity. What is scaling up could look like could be something new or it could be the amplifying of what already exists. I want to make sure that the component of program design and redesign um is considered here that there are so many sort of administrative burdens and challenges that people face in applying for all sorts of things, which is not exactly public or citizen engagement but is thinking about the user experience and anyone that New York city serves.

JJ: 02:06:21

Commissioner Yoo.

JY: 02:06:23

No I don't want to go into detail. If it's my office, it's actually been working on this with a couple of non-profits. But I think, you know, one of the things that we think about the media when we talk about reducing race wage disparity is that whenever we do anything like this I think, you know, the city tends to work with you know the big language providers, the translation providers, right? But we have to remember there's a lot of talent in New York city and there's a lot of immigrants who bring language skills, right? So there is a group that is working on this, we've been working on it for a while trying to figure out something to the state and the city. But it is the the New York immigration coalition, us Masa and then African communities to do that. We need to think about what African immigrant languages, those are languages that are really diffused and so there are there's a lot of very educated people coming here and it's a way for them to be able to utilize their everyday skills to be able to make a living. So, you know, I love to talk offline with you about the proposals that we have because I think, you know, whenever we're talking about language access I'm always a little frustrated that we resort to, you know, services that have no reflection of real life language. So I think we need to utilize the resources and to build internal capacity internally in the city.

JJ: 02:07:51

There are other comments on this one? I'll just ask If we give this proposal consideration we may want to figure out how to be more explicit and more descriptive as well as center on whether or not we're talking about just services and supports. It reads very much like its services and supports but what are we saying about access to contracting, access to, you know, contracts with the city for a variety of services that maybe are not of a human service nature. Right. It reads more like an individual access unless, you know, access to two SBS capital, access to contracts for government services

Speaker 5: 02:08:52

To that point I don't know if it's really not. I'd like to inquire whether that access also involved pension involved investments. Because some years ago I remember prior to being a when I became a member of the board, there was a promulgation of a rule that I questioned regarding agencies that had to start with a portfolio no more than \$500 million so you can be considered for some investments. That left a lot of groups who might have been great, minority owned firms who did not raise the value in my opinion excluded from the discussion on investments on multi-billion dollar institutions. And I've seen that in contracting too where you know you immediately set a criteria for pre-qualification of contract and says, well this is the criteria and a lot of the people doing really good work who could potentially do it further. It could be realize a larger potential were excluded from the conversation. And then what only left up to be able to appeal the decision which was appealed to the same group that denied them in the first place. So I think that language access is important. I think access for people with disabilities is important. But what about access to capital, real access to economic development, real access to be able to leverage things. And I think if that's the premise Madam Chair, that is access in that respect, this is worth probably separating into two to give it its due weight as opposed to having a one catchall phrase there that allows care. And even looking also at education. Yeah.

JJ: 02:10:54

Okay. All right. We've got another 20 minutes or so and so I think we've got two more proposals still to go. Thank you-all.

JP: 02:11:02

So the first part of our anti-marginalization proposal set is an anti-marginalization mandate. So one would be to amend the NYPD's mission in the charter to censor on a holistic definition of public safety. The 2nd 1 would be a mandate for all agencies to proactively identify alternatives to not policing but also other punitive measures wherever possible to reverse mass incarceration and the criminalization of poverty. And then lastly uh equity plan has to reflect equity strategies to reduce marginalization. So really the thrust of this is to make sure that every agency knows that it's part of their role to counter the effects of marginalization and to look for ways to not inflict punitive measures on people as a first resort

JJ: 02:11:54

Thoughts?

Speaker 5: 02:11:58

Question. The mental health aspect of this on the criminalization is one that comes to mind I was having prior to coming here. A meeting about the access to mental health services in public hospitals and their connection to sort of like the criminal system. Right? There was a case of a person who had mental health issues who was just picked up by the police was put through the criminal system but there was never any referral to any of the city mental health issues in order to address. And I'm wondering if it's a specific mention of access to mental health as an important aspect of it. If you look at the data of those who are incarcerated in many other neighborhoods there's a hard large percentage of autism for instance and other issues that should be. And I'm wondering if that should be also mentioned as part of it so that you're not only reducing it for reducing it's safe but you also guiding to one way that you can help in the health and human services we're mentioning. So that's just a suggestion

JJ: 02:13:16

Commissioner Deyanra then we go to Commissioner Davie.

DD: 02:13:20

You know, when in the beginning of this administration there was a task force on behavioral health and criminal justice where there have been suggested a series of efforts and initiatives to bifurcate or to separate calls to the NYPD that were a result of a person in emotional distress so that the response wouldn't be the cops, right, and would be some other system or a combination. I don't know? Can we create in the charter, like mandate an alternative to a 911 system to be a 711 system or something like that, you know, to channel those -- you know, to create a whole different system of addressing those issues or I don't know. It just seems that that would be a more concrete way of dealing with these issues or then go back to that task force report and see whether we can charter some of those, you know, ideas because otherwise.

Speaker 5: 02:14:25

We just created a pilot on this right for the first time. And it's been rolled out now so that when you call 911 instead of a police unit it's a specialized unit with a social worker and an EMT lieutenant captain that's going to attend those schools to identify as a mental health call. I was specifically talking more after this so that if somebody gets arrested, put through the criminal system, that they're not just continue to that prison pipeline but actually have services after their incarcerated. I'm going to say it many of the people that my members are servicing, when asked sometimes they need a place to stay. They need a hot meal and unfortunately they get it into jails that they can't get it in a homeless shelter. It's sad but it's true, right? And so people get put

through the system, right, and the system is already overwhelmed. I think that it's not just at the point where the dispatch happens but after the that as well

JJ: 02:15:30

Commissioner Davie

FD: 02:15:34

Sure. Thank you. I guess I'm curious as to how we are finding marginalization. Is it just mass incarceration and criminalization of poverty or are there other aspects of sort of living in new york that fall under marginalization that agencies have oversight over. And if there are then do we need to think about how we include those two by the same. Most simply maybe we just need to more clearly define what we mean by marginalization

JJ: 02:16:09

You raised a good point. I was sitting here thinking about the example that I provided earlier, foster care. You know, that's the way that, you know, families have been marginalized. Probation is another you know instrument that has been used to deny something not under commission reviewed, but in years past.

AV: 02:16:32

I'm sorry.

JJ: 02:16:34

I said not under you, but in the years past, right. But perhaps we need I think we need to be looking at that very question. I'm concerned. Commissioner Hamilton your thought?

DH: 02:16:47

So I'm really skeptical with number one. Number two, I could use a little more clarity. Number three, I have the greatest affinity towards. And, again with the caveat on the language of marginalization has been appointed out by Commissioner Davie. But number three seems consistent with redirecting any city resources in a way that is more efficient and handling problems than necessarily criminalizing it and promoting mass incarceration. Number one, you know, I like the accountability in that. But, you know, it runs the risk of expanding the domain and the power of an entity for which we might be already clamoring is too powerful to begin with

JJ: 02:17:43

I'm going to just share that I do think that there is value in an anti-marginalization mandate. And, you know, appreciating your point Commissioner Hamilton. You know, maybe it's really six and three that there must be some demonstration on the part of all city agencies to, you know, put forth plans and indicators of efforts too. They have to define. You know, as I'm speaking I'm thinking about this because, you know, like how we may define marginalization may be different than how any one of us may be different than another or a city agency may not see what they do as marginalizing. And so we have to give that some thought.

Av: 02:18:41

I might add in addition to clearly defining what we mean by marginalization, it's incredibly important for any sort of enforcement, so bringing in the discussion questions. You know, thinking about what happens if an agency fails to prioritize anti-marginalization or if they further

it through some action Um what happens? Is that built into the equity plan process? So something to think on and share thoughts if you have any

PT: 02:19:12

There's an entire economy -- I mean we're all familiar with built around this prison industrial complex. And so when we talk about accountability or restructuring it, the incentive to incarcerate people is real. So I think part of the solution like figuring out ways to measure something other than the historical approach to policing. So when we talk to law enforcement in our community they said, well, there is no arm, running points or gold stars or gold fish for helping, you know, deescalating conflict for example. There's no place that exists towards your promotion. But if you make extra amount of rest you interrupt felonies, then you are on a pathway and a trajectory to be successful in the police department. So I think part of what's needed here is to look at what does it look like to incentivize some of this ballistic anti-marginalization language in approach that is positioned in front of us.

DH: 02:20:20

I want say amen to Commissioner Garne's comments.

Speaker 3: 02:20:30

You know, I'll just comment on that and say that one thing we're envisioning the equity plan and the equity indicators to accomplish is when every agency has to determine what sort of outcomes are related to equity and figure out how to improve those outcomes and how to improve that disparity, then they may be incentivized to create sort of individual indicators of success that also aligned with, you know, equitable service and actually supporting the community. It is a guarantee but it's just one mechanism that we can kind of push agencies toward that way of measurement and reward an assessment.

PT: 02:21:11

Madam Chair, at the risk of talking too much tonight I just want to say that's great for most agencies. I think the NYPD is an unusual agency given it's size, its budget, its authority. And I think it's going to take a little bit more focus on what's expected in terms of the comments the commissioner Bane made in ways that perhaps you would not have to do that with other agent

JJ: 02:21:49

Perhaps building on your third proposal, we can ride into the specifics around the city wide equity plan that, you know, one of the elements to be addressed and to be captured in the plan is, you know, an assessment of the activities of agencies that work with community persons and communities of color and the policies and the programs that, you know, served to perpetuate to marginalize and perpetuate inequity, and then efforts to overcome that. Commissioner Thompson

PT: 02:22:37

I'm going to plus one that, and then also maybe add something

JJ: 02:22:41

You say you're going to?

PT: 02:22:42

Plus one. Sorry. I guess I need to take this down. And then, you know, there's the statistical problem that's brought up with the census as we think about mass incarceration and counting

people and measurement and our equity plans. Can we also think about the way in which neighborhoods have needs in terms of resources and it's not adequately measured because of incarceration so that we can think about populations that are not there right now but we'll come back and have implications on resources

JJ: 02:23:30

Excellent point. Other comments on this one? We'll move on.

JP: 02:23:43

Okay. The next component relates to how people can return to their communities and thrive despite contact with the criminal legal system. Let's say it's arrest, let's say it's trial, let's say it's conviction, let's say it's incarceration. So the proposal here is to figure out how we can best prohibit the use of criminal background checks and criminal history in situations where employers, situations where landlords, people advancing licenses might use that information to deny access to someone. One option is to limit that to the scope of the city and expand the laws in place that regulate how this sort of history can be used in employment context. Another option would be to go even further than the city and expand rules that apply to private entities and how they hire in-house and so forth. There's an existing fair chance act in the city that says if you if you apply for a job, you can't even mention a background, check or perform a background check into a conditional offer. But after that conditional offer is made, you can use that information, and that's with the employment context. So this proposal would potentially expand beyond that context to how agencies provide services or make other sorts of decisions and potentially beyond

JJ: 02:25:19

Yes. Commissioner Garrido.

HG: 02:25:23

I have to say for the record I have some serious concerns with this proposal and I'm going to try to go through some of that, right? For instance, right now in the school system we have a system which identifies individuals who identify themselves as having had a criminal violation. And one of the first consideration is any kind of child molestation or child abuse to work with children, right? Similarly, we have the same criteria for people who have been convicted of, and those men or things like that are handling money, finances. So I think the intent is we don't want to see discrimination for people being formerly incarcerated. That's one thing. But I think to say that you're prohibiting out right it's a bridge too far and he certainly creates a situation where one would think that you are giving institutions who are being found guilty in the past of violating the very same thing that they will be involved with. Contractors constantly get barred for stealing wages from workers, right? And they get prosecuted. Would we want to then say, well you can't apply for something where you're living up to your penalty. You're being disbarred. Those are felony charges. So I think I have some serious problems with this.

AV: 02:26:57

If I could clarify, you know, this is designed as a bar with exceptions. And we would envision given an entity, and there are options as to which entity, the ability to determine when use of criminal bars may be necessary. But the default would be that they would be banned, that you can't utilize them unless there's a demonstration that they are necessary such as an example that you share.

JJ: 02:27:27

So let me interject here. This proposal is in some ways tied with the previous proposal because this speaks to marginalization. This speaks to individuals who have been incarcerated, have served their time, yet return to live you know in New York city but cannot get a job, they cannot get a license. They're prohibited. And so it's the perpetuation of the marginalization. The rules and the laws have been designed in such a way that once you become justice involved, you are essentially now assigned to a life. It's like, you know, you wear the scarlet letter of having once been incarcerated and it keeps you from establishing a livelihood, you know, and being a full citizen of the city. And so the aim of this is to try to remove not just the stigma but the actual, you know, structures that allow for this. It's very much like disenfranchised, right, the laws in parts of the country that are in some places are now being undone where once you were convicted of a crime and were established to be a felon, you could no longer vote. That's marginalization. And so it's trying to get at that, appreciating that disproportionately it is black and brown men who were incarcerated. And so once this happens, when you have these rules in place, they're not able to be gainfully employed in places and positions that allow them to earn a decent living. That's my thinking about how you all are thinking about this. The question that I ask is I appreciate the point that you're making. Could we consider determine that justice involvement cannot be de-positive or the determinative factor. You know, it may be that it might be a factor but it cannot be conclusive. Do you see the point that I'm making?

Speaker 5: 02:29:48

There's a distinction between the two. And I think what you're saying or what I'm looking at is two different. It's like if you limit somebody's ability to get a job or apply for house or something like that, I'm absolutely in agreement with that. But I think in the criteria on the qualifications of providing services for city for instance, there ought to be a criteria to establish under the American fitness whether somebody able to do the job or not. What I'm concerned is about using very strong words like prohibiting, right, without opportunity. I think Lucia mentioned some improvises to that. I think what you're saying versus what's here are completely two different things. And by the way my union represents a cohort of folks that are formerly incarcerated that we're helping them to get good paying jobs in areas like BP that otherwise will not have access to good paying jobs. And I'm very proud of the work we've done around this, and I think we should do more. But I also think there's a reality in the way that we qualified people that if you don't allow agencies to have some sort of a judgment of criteria without discriminating, that you're setting yourself up for a problem, potential litigation by parents, potential mitigations by individuals when you use words that are so definitively like prohibiting that kind of work. And I think that's a good start.

JJ: 02:31:27

That's Fair. Commissioner Hamilton.

DH: 02:31:30

Yeah. I guess I'm going to go on the other side and say I think the unless demonstrated to be necessary is a useful provisions. And I like that in conjunction would prohibit, and I would actually recommend that we expand it. I think the principle is that similar to redlining, attributes aside from race are used in making decisions that are very race, almost intentional. Whether it's intentional or not is almost irrelevant but have race affect that are not necessary for the attribute that's being considered in the first place. And the example I would add in addition to criminal background could be something like credit scoring that a lot of times decisions introduce credit scores which, you know, we can go into why they're so racially disparate and they actually have a lot to do with the racial wealth gap that exists in general. So I think um the use of criminal background, the use of credit scoring, and if the proposal can be made even more broadly to

use metrics that are have race affect or gender effect that are not necessary or not necessary for the endeavor I think becomes a nice proposal. And as it relates to number two, if you can't do it with regards to private entities in terms of prohibiting, I'd say you consider city contracting or if you're going to do business with the city you got to do good practices, including not discriminating based on criminal background when it's not necessary.

JJ: 02:33:10
Garrido.

HG: 02:33:12
I have a lot to say but I'm going to defer to my sister Ann.

JY: 02:33:17
I'll be quick because I do have a thought about how to sort of massage this a little bit if you will because I took I take the access piece to be like ban the box. It's not like you're suggesting to prohibit it using it at any point in time but in that initial, you know, foot in the door kind of thing. It is my interpretation. I'm not going to address Commissioner Hamilton's point directly but, I mean, I agree with credit scores, all these irrelevant things that have so much history of discrimination, right? What about though if we say, you know, basically that you're not allowed to use it as the perfect, similar to whatever the band the box language is, right? And then that you can't use anything That's more than 10 years old because that is part of some of the law already, you know, to be a dis positive hiring criterion unless it's directly related to one of the job -- what Henry was saying. It's directly involved to a job requirement or whatever. And that way you know -- because I don't know if you guys read this the other day in the in the New York Times. But there was a post about foster care and how this is affecting families of children to be able to be resourced to take care of, you know -- like there was a grandparent who was not approved. The kid could live there but they were not giving them resources at all because he had a conviction 25 years ago. I mean, really? And this poor child is growing up in a family now that's strapped for resources, that could be getting resources all because something that happened 25 years ago. And so I just it's crazy to me. So this one this really spoke to me on that piece as well and if we can craft it in a way that we can touch on all the concerns around this at degree. But, you know, we just keep spiraling then compounding, you know, convictions that are that have already all sorts of issues with them anyway to then be barred to continued mobility and a life

DD: 02:35:51
And this is why it's important to defer to wisdom because then there's less work to be done when you just sit back and allow the leadership to be. So thank you for that. I would just say, you know, prison is a punishment. A lot of times we forget that. I think the unions, while they're doing work, it's not even close to significantly enough. And so you got 60 people coming home every year. I mean, there's so much could be said. I want to know his article 23 working? Is it not? What's happened with the conditional offer of employment? How could we look at that to say what's necessary next step?? What does it look like What should it look like? What have we done right with regard to this Where are we? That would be my question

JJ: 02:36:43
So this is one I think requires -- we need to spend some more time with this one. Yeah. I'll just go back to the intent here is to address and bring about change concerning, you know, the continued essentially oppression of people of color using the penal system and mass incarceration to essentially lift up and out of their communities people of color, and then to

essentially assign them forever more to a life of, you know, being destitute and their families inability to provide and support for their families. This is the structural piece here. If I can forever put a letter on your chest.

PH: 02:37:48

That's good. I think that the tens of thousands researchers have shown us a barriers ascribed to someone who is formerly incarcerated. I think the devil is in the details. For example, I work in an industry where we have credible messengers who interrupt violence. And so I have people literally on my staff who have been convicted of murder more than once. And so that's the rap shit. Yet and still if you have been convicted of domestic violence you're not someone who would work. So the devil is in the details. And so when the vice chair explains, you know, in certain industries this would be a problem, I think again the devil is in the details and that specificity is important. But I understand, I think we understand the importance of, you know, what mass incarceration has been allowed to do to communities of color to present day. The \$262 billion that it is, the 11.4 million people that go in and out of county jails, all of that is I think, in our faces, it's just again how do we approach it in a way that is effective and has what we've done today been effective on what level. If not then what needs to be changed with it

JJ: 02:39:06

Points well taken. Okay I think that we are pretty much -

AV: 02:39:13

We have one more

Commissioners: 02:39:14

One more.

JP: 02:39:21

The last proposal to discuss in particular today is about accountability for department of correction, and in particular trying to figure out how to create an enforceability of rights for persons in custody. You know, the bigger picture here is that people should not lose the humanity just because they're incarcerated. They shouldn't lose their rights to basic health, mental health and other services that they need to live like a human being. And so are their enforcement mechanisms that we can create to empower either a person in custody or the board of correction or someone else to enforce those rights specifically. That's what's on the table to discuss now. Discuss some questions as well.

FD: 02:40:15

Madam Chair, I didn't say I'd be in favor of suggesting both of these. That it's incorporated in the jurisdiction of the racial equity entity that we set up as well as in the border corrections. I mean, if what I read is true, and I've never been to, it's the fact that the story could even be told in almost sort of first quarter of the 21st century, it is beyond the disgrace. And any mechanisms for greater accountability that are reasonable I think we should support them. And doesn't seem to me that if both the equity entity as well as the board of corrections have the authority to look at this issue that that would be excessive at all. Let me just say, you know, one more word about this and there are people here who know this work better than I. But you know the whole notion of penitentiary obviously comes from the word penitent where people are supposed to be put in conditions where they can, you know, make a turn, make a change and I don't want to be naive or Pollyannaish about sort of human nature and the ability of bad people who do bad things. But I mean, we owe it to people to give them a chance to have a chance. And right now, you know,

we don't do that and anything that we can do to address it that is going to be effective and through this commission, I would support. So I could see both of these entities having some responsibility for what goes on in terms of conditions under which people live in prisons and jails.

JY: 02:42:22

Very much appreciate it and agreed. I mean, this is not directly on the private right of action piece although I don't love that honestly. But I know where it's going and I want to think more about how to get there. In terms of accountability, I don't know. Jennifer, you would know more than this and more about this in terms of the alternative of empowering the board of correction more. The other thing is that the border correction, I was just looking at the charter, does not have any qualifications for the members. There's no requirement that formerly incarcerated people or their families to be represented in the board of corrections. And I think that's something we could put in, you know, to give more of like a diversity of, you know, a potential language, you know copy, the City council put together Commission on Community Reinvestment for, you know, communities affected by mass incarceration and it lays out sort of like a number of people that must be on the commission that could be, you know, a guide for changing a little bit the language here. But I would like to consider what options we have for empowering the border correction.

JJ: 02:43:47

So just recently we've gotten some information along those lines, some ideas that are percolating there and so we can hear them. Just FYI, there are members of the board that have been formally incarcerated. The real issue with the border correction is the lack of enforceability. You can promulgate rules but the city can override them, you know, just with the signature on a piece of paper. We've reviewed the proposals. I don't know how much time do we have to run out of here, in like two minutes. I think we got -

AV: 02:44:35

We don't have a lot of time here let us go. But I will point out that we haven't really gotten into the discussion questions here. I'll put forth that we could schedule perhaps a virtual commission meeting. Should we desire even next week to get deeper successive different questions, have to discuss that with anyone else here, we of course are happy to hear any input that you have that you want to share privately between meetings, share directly with the staff or with our Chair, Vice Chair. So we're always open. We want to hear your thoughts, particularly you know, now that we've gone through all of the proposals, in total do you feel like this is moving us in the direction that we want to be moving in as a city? After we've gone through everything are there proposals that you would prioritize or change significantly. I think we've already identified a number of places where additional information will be helpful as we've gone through those. So we will follow up with that information once it's ready and think on the last question of, you know, what's not here and why? What do we do with that.

JJ: 02:45:52

So let me jump in here and just piggyback on the suggestion that you made concerning another meeting. We are three weeks out from taking action on the proposals. And there's more work, a lot more work to be done. The staff have done a tremendous job as evidenced by the conversation had here tonight. There's some more work that they've got to do on specific proposals that we've talked about where we have questions or we have other considerations we'd like them to explore. We need to get back together as a body and have another follow up conversation to this. So I'm going to suggest that we look at trying to do something. Well, next

week is thanksgiving. I don't know if people's schedules allow for a Monday evening. Can we do this Virtually?

AV: 02:46:55

We can do it virtually.

JJ: 02:46:59

I'm going to ask you all to think about that. If we can find a 90-minute period you all can come over to my house and cook with me. [cross talk] We could do it at the end of this week, perhaps Thursday evening or Friday evening if that gives you all time to do some follow up. The other challenge that we have to question that we have to center on is how many proposals is it all of this mean. The way that they put these together you kind of tells a story and it touches upon very critical issues. Is there a way that you bring all this together and you present it in you know in a few proposals or do you knock certain things out. And a lot of that may be determined by the additional research and work up of the proposals. So I'm just putting that out here to you all. We have to get out of here but perhaps maybe we could ask for some type of doodle survey or something to find out if people are available or I would suggest about a 90-minute period.

DH: 02:48:11

Monday?

JJ: 02:48:15

Monday -- we could do Friday or Monday.

AV: 02:48:20

Absolutely We'll reach out first thing in the morning to begin settling.

JJ: Speaker_1: 02:48:25

Friday or Monday?

DH: 02:48:28

Friday is not going to work for me.

JJ: 02:48:30

Okay. There's Monday evening

DH: 02:48:31

Monday evening could work virtually about 3:00 to 6:00.

JJ: 02:48:40

Okay. Does that work Joo?

JY: 02:48:46

I think I'm established with that on Monday but I can call in.

AV: 02:48:52

This would be virtual anyway.

JY: 02:48:55

Yeah

AV: 02:48:58

Okay. The phone is fine. And we'll check with commissioners Mata and Daniel favors as well. All right.

JP: 02:49:16

So in the potential Monday meeting or our next meeting we will be able to revisit some of these questions of do we have an adequate amount of proposals on the table or?

AV: 02:49:28

Yes.

JJ: 02:49:28

Yeah. What would be helpful if you have thoughts concerning that if you see that there are glaring omissions or an overemphasis on something else, whatever it may be the case. If you can let your thoughts be known in advance that then allows us to do some more -- to do some more work in advance. So like if you have thoughts, some ideas about what's not here and before what requires for the consideration we've talked about today. If you can just send a note, an email, if you have supporting documentation to Anusha and to Jimmy in the next two days so that they can do some work between now and then. That would be great, between now and our meeting on Monday. Good deal?

Commissioners: 02:50:20

Yeah.

JJ: 02:50:22

Okay. Very much appreciate all of your time today commissioners. We know we've kept you longer but I think it was very worth the time well spent. And I want to thank again all of the staff for your tireless efforts. We're in the home stretch and I think we're in a good position. We're in good position. Thank you all and have a good night. Meeting is adjourned

AV: 02:50:48

I'll see most of you on Thursday at our public input session

JY: 02:50:50

What are we doing Thursday?