

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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HELD AT: Council Chambers - City Hall

B E F O R E:  
VANESSA L. GIBSON  
Chairperson

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Jumaane D. Williams  
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## COUNCIL MEMBERS: (CONTINUED)

David G. Greenfield

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

William Bratton  
Police Commissioner  
NYPD

Benjamin Tucker  
Deputy Commissioner of Training  
NYPD

Theresa Shortell  
Commanding Officer, Police Academy  
NYPD

Juanita Holmes  
Executive Officer, Inspector  
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Joshua Brown

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Nicholas Heyward, Sr.

Parent

Jose LaSalle

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Josmar Trujillo

New Yorkers Against Bratton

Genghis Khalid Muhammad

Community Activist

Evalina Leaday

Bushwick Resident

Windsor Terrace Business Owner

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

Tyrone Anthony

Activist

Veronica Pickney

Martha Williams

Brooklyn Resident

Clarence Canty, Jr.

Activist

James Anthony

[gavel]

CHAIRPERSON GIBSON: Good morning ladies and gentlemen and welcome to the City Council, the oversight hearing held by the Committee on Public Safety. I am Council Member Vanessa Gibson, the Chair of this committee and I welcome each and every one of you here today.

While we all understand that this is a passionate and heartfelt topic, there are certain rules in which we will all abide by this morning. There will be no outbursts, no cheering, no clapping, no booing or hissing of any kind. Everyone must remain in their seats at all times and if there is any disruption during this hearing I will direct the sergeant at arms to remove anyone from this hearing. I am asking everyone in advance for their cooperation during this very important hearing; we wanna get to the matters at hand and discuss this very important topic, so again, I thank you all and ask for all of your cooperation in advance.

I am delighted to be here today with my distinguished members of the City Council, as well as our Speaker, Melissa Mark-Viverito. I am also grateful that we have our Police Commissioner,

William Bratton and his top level staff here from the Police Department to provide this committee with a much-needed insight into the steps that the Police Department plans to take in light of recent events that have struck a cord with many across our city.

In July of this year, after an encounter with police officers on Staten Island, Eric Garner tragically passed away. Our hearts continue to go out to his family and all of his friends as we today take the first of many steps that are necessary to ensure that such tragedies do not occur again. We can never replace a life that has been lost, but what we can do is commit to reform, reshape and restructure how our police department changes its culture and improves its relationships with the public. What we learned from the Eric Garner tragedy and from the many videos that surfaced after that incident is that there is a real need to reexamine the way our officers use force. In fact, I commend Commissioner Bratton and our Mayor, Bill de Blasio for being forthright and publicly stating that they too realize a review of policies is extremely necessary. However, I believe it is imperative that I also state that our discussions must include an



analysis of the reasons why officers find themselves in situations where force is needed. Together the members of this Public Safety Committee and the Council as a whole represent a diverse mosaic of all New Yorkers; this Committee in particular is charged with a vital oversight responsibility where we must give voice to all New Yorkers who have joined together with a common cause to urge and to be a part of the reforming of our city's police department. So today, with the ears of the City and even the nation listening to what we discuss in this chamber, we will have a serious conversation about the NYPD's current training regiment and the Department's decisions to update those trainings and retrain all of its officers in the wake of the death of Eric Garner.

In preparation for this hearing the Public Safety Committee has thoroughly reviewed the PD's use of force training procedures and we've come to the realization that the Department's policies are well written, well thought out and very comprehensive, but there's always room for improvement. What we've learned thus far is that training procedures and policies are only good if those trainings are well-attended and constantly

reinforced; for that reason today, I would like to learn more about how the Department plans to make its trainings mandatory and more frequent. We know that officers must attend semi-annual firearms requalification, and for good reason; we should also require our officers to attend other trainings, especially those that reaffirm the importance of professional community interactions, more than once a year. Not only must we expand those trainings and their frequency, but we must also ensure that the members of the service are retaining the knowledge bestowed upon them at these trainings.

In addition, the inclusion of stakeholders, clergy, community leaders, grassroots organizations and advocacy groups must be a part of this discussion on enhanced training. It is also vital that we create a mechanism to hold officers accountable when they purposefully and consistently act in a manner that is counter to established policies. This is particularly important in instances where officers know that certain actions are prohibited, like using a chokehold, yet they still continue to take those actions without being held accountable.

Finally, as chair of this committee I've made it a point and it always my commitment to look at these issues from both lens of civilians as well as officers. I have the utmost respect for all of our men and women who dedicate their lives to public service every day; I recognize the daunting challenges they face on an everyday basis and the enormous physical and mental strain that they are under. While we hold them to the highest of standards, it's imperative that we remember that they too are human beings that make decisions and therefore all trainings must include therapeutic services available for our officers. All of this I understand does come with a price tag and logistically hurdles, but I look forward to talking and working through those issues today and moving forward as we take those steps on a journey to reform our Police Department and our communities across the City. Now is the time to send a very clear and concise message to all New Yorkers, a message that renews and re-strengthens our shared commitment to the goal of a single standard of justice, a single standard of justice for all New Yorkers.

And with that I thank all of you for your presence today and now I turn this hearing over to our Speaker, Melissa Mark-Viverito.

SPEAKER MARK-VIVERITO: Thank you Chairwoman Gibson; good morning to everyone. I'm Speaker Melissa Mark-Viverito and I wanna welcome everyone that is here today to the City Council hearing, very important hearing, to discuss the Police Department's training of its officers; Commissioner Bratton and all those that are with you, welcome as well.

I'd like to thank the Chair of the Public Safety Committee, Vanessa Gibson, as well as the other members of this committee for holding this very crucial and what we hope to be informative hearing. I would also like to thank the members of the public who took the time to be here this morning.

Today we will begin a collaborative dialog with the Police Department regarding its training efforts. After the tragic death of Eric Garner, which was ruled a homicide by the Office of the Chief Medical Examiner, Mayor de Blasio and Police Commission Bratton announced that they would conduct a top down review of police department

1 trainings and that the Department plans to retrain  
2 all of its officers. Today the Council is hoping to  
3 learn more about the Department's strategic review of  
4 its trainings, details concerning the content of the  
5 trainings and how retraining officers will have an  
6 impact on the way policing is conducted in our city.

7  
8 We have all seen the video, which has  
9 been on a repeating loop on our televisions and in  
10 many of our minds for near two months now. Even  
11 after reviewing the clip so many times it is still  
12 difficult to watch. The video depicts behavior that  
13 goes far beyond what many New Yorkers understand to  
14 be an acceptable use of force. When it comes to  
15 treating citizens with courtesy, professionalism and  
16 respect, there can simply be no ambiguities. It is  
17 the responsibility of the Police Department to ensure  
18 that all officers are aware and fully versed in  
19 appropriate protocols and that they act accordingly.  
20 That is why I commend Commissioner Bratton for  
21 recognizing this reality and for taking the  
22 initiative to ensure that officers do their part to  
23 interact with the public in a responsible and  
24 respectful manner. This initiative is yet another  
25 critical step in the administration's efforts to

1  
2 reset community-police relations in our city. We  
3 know that when there is mutual respect and trust  
4 between offices and members of the public communities  
5 become safer places to live.

6           The NYPD is the largest and most diverse  
7 police force in the entire country and we realize  
8 that successfully trainings must cover a variety of  
9 issues, including use of force and must reach every  
10 officer on a regular basis. The selfless men and  
11 women who risk their lives each and every day to  
12 protect all New Yorkers should be lauded for their  
13 hard work and commitment. In 2013 those officers  
14 affected nearly 400,000 arrests and had countless  
15 other interactions with the public, the vast majority  
16 of which are carried out in a professional and  
17 respectful manner.

18           Clearly the public plays an important  
19 role in this equation; our goal should be for NYPD  
20 officers to be welcomed and relied upon by all  
21 communities; unfortunately, a mistrust of the NYPD  
22 has grown in certain communities and that sentiment  
23 is further deepened when excessive uses of force take  
24 place. Community trust is the foundation of  
25 effective policing; that is why Commissioner

Bratton's efforts to rebuild that trust are so important to everyone in the City and that is why we are here today.

As I have said in past hearings, the conversation around policing in our city has taken on a different tone from that of the previous administration, where the voices of council members and members of the public were often dismissed and not taken into account. It is my expectation that the dialog between the NYPD, the de Blasio Administration and the Council will remain open as we continue to engage in robust and constructive oversight over police practices in our city.

Today we begin the process of further improving the Police Department's training program, its interactions with the public and the respective garners from the community. I wanna thank Commissioner Bratton for joining us here today and I look forward to learning about the steps already being taken by the Department. So with that I would like to now turn the floor over to the Police Commissioner, Commissioner Bratton for his testimony.

CHAIRPERSON GIBSON: Commissioner, before you begin, let me just acknowledge my colleagues who

are here with us; we've been joined by Council Members Steve Matteo, Julissa Ferreras, Rory Lancman, Jumaane Williams, Ritchie Torres, Corey Johnson, Andy Cohen, Ralph Espinal; Robert Cornegy, thank you for joining us, as well as our Public Advocate, Leticia James and I also wanna acknowledge the incredible staff that do so much work to make these hearings a reality; the Counsel to the Public Safety Committee, Carmine Guiga, the Policy Analyst, Salvador Arrona, the Financial Analyst, Ellen Eng, and the Committee's Community Liaison, Fiza [sp?] Ali. Thank you again and you may begin.

POLICE COMMISSIONER BRATTON: Thank you. Speaker, Public Advocate and Chair of this Committee, as well as the Council Members who are present, thank you for the opportunity for myself, and I'll introduce in a moment the three at the table with me, but as you see, there are many other members of the leadership team of the Department that I've asked to attend to answer with some specificity some of the questions that might arise out of both my testimony as well as some of the questions you might have around this very specific area of training.



It is a pleasure to be here with you this morning; I'm joined at the table by the Deputy Commissioner for Training, newly appointed in February of this year, Benjamin Tucker; he is joined by also at the table, the Commanding Officer of the Police Academy, Chief Shortell, who was appointed by him shortly after his appointment in March and by our Executive Officer, Inspector Holmes, who was also appointed by Commissioner Tucker back in March. So we have a new leadership team at the Academy which I think was appropriate, in that early on in my appointment in January we clearly identified very early on that training was going to have to be a significant focus of the reengineering the Department was going to engage in.

My 44-year career in law enforcement has taught me that training is the foundation for success in any organization, especially one charged with the complex duties and responsibilities of the New York City Police Department. The law grants our officers extraordinary powers to protect the public; these include issuing summonses, stopping people and asking them questions, making arrests and using force, even deadly force when absolutely necessary.

It is imperative that our officers receive the very best training in order to carry out their duties and complex duties safely and professionally while protecting individual rights. We as a department, individually and collectively, are committed to procedural justice practices and legitimacy in all that we do; we are committed to constitutional and respectful policing that is this basis for effective policing.

It was evident to me and Mayor de Blasio at the time of my appointment as Police Commissioner that there was a need for a fundamental shift in the culture of the Department from an overarching focus on police activity, as measured in the numbers of stops, summonses and arrests, to an emphasis on collaborative problem-solving with the community. It was also obvious that such a critical change could not occur without supplementing and strengthening the leadership and training we provide to our personnel. For that reason I designated training to be one of the core subjects of a sweeping reengineering process that began as soon as I took office in January and is now nearing its completion, in terms of its design.

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In this, as in everything else we do, our goal is to expand the historic gains in crime and disorder reduction to all corners of the city and on this front I'm pleased to report that felony crime continues on a generally downward trend. Overall

index crimes, as of this morning, are down 4 percent at the end of August, preliminary figures; the best result so far have been in homicides; as of this morning, down 11 percent, robberies are also down 13 percent and rapes down 8 percent from already historically low numbers.

Shootings have been problematic this year, especially in context to the extraordinarily low number of shootings in 2013, but the rate of increase has slowed considerably. Shootings have gone from a peak increase of 13 percent in mid August versus last year to 6 percent now, 822 incidents versus 774, so we are clearly moving in the right direction.

Our overtime in all our programs this summer, approved by you and the Mayor, put more officers on the street in precincts with high numbers of shootings; have had a positive impact on that problem. This August, with 134 reported shootings, was the best August for shootings on record. Given the increases earlier in the year we may still be headed for a small increase in shootings by year end compared to 2013, but we should be well below 2012

numbers, making 2014 the second lowest year for shootings ever.

We also continue to see significant gains in safety in the City's public schools; very important for the 1 million students who attend those schools. For the academic year that ended in June, index crime was down 6 percent in our schools while other criminal incidents dropped by more than 5 percent. Over the past three academic years major index crime fell by 20 percent in public schools and violent crime plunged by 38 percent.

We'll continue to build on these citywide results, but as often stated throughout my career and to you earlier in testimony, we cannot arrest our way out of every crime problem. As Deputy Chief Bob Green of the Los Angeles Police Department so eloquently put it during my time leading that agency, the future is not in handcuffs; that is true of Los Angeles, it is true of other American cities and it is true of New York. Arrests will always be a critical part of what we do; however there are other tools in our toolbox that we can use when the situation calls for it.

The first chart in blue that I expose to you shows the frequency with which force has been

used in arrest situations since 1992. Officers resorting to force in 8.5 percent of arrests back then; by 2004 that percentage had fallen to about 4.6 percent; this year it is running at 1.9 percent, the lowest rate since we've been keeping records, we're making 98 out of 100 arrests without reportable use of force. Included in these arrests are more than 25,000 arrests including weapons, 5,000 of which involve firearms; these numbers demonstrate the judgment and skill of the vast majority of our officers in dealing with frequently difficult arrest situations and their ability to manage them to a successful nonviolent conclusion.

The second chart in blue and green shows the history of police-involved shootings since 1990, the peak year for murders in this city's history. The individual bars represent the number of people shot by police in each year. The green represents those killed and the blue of those injured. In 1990, NYPD officers shot 111 people during the performance of their duty, killing 39 of them. In 2013 we shot 22 people, killing 8. The contrast is even more pronounced if you go back to 1971, when our officers shot more than 300 people and killed 93; it's a

1  
2 remarkable decline and a remarkable record of the  
3 increasing police restraint. A lot of that restraint  
4 and reduced use of force is a result of the training  
5 they receive on firearm usage; all officers in the  
6 Department go to two days of training each year on  
7 use of firearms, an increase over the years that has  
8 resulted in a significant reduction in use of  
9 firearms by members of this department.

10           The third multi-colored chart shows where  
11 the NYPD stands in comparison with other departments  
12 in terms of fatal shootings per 1,000 officers during  
13 the past decade. As you can see, we are almost in a  
14 class by ourselves; indeed our 35,000 officers,  
15 35,000 officers in a city of 8.5 million people, last  
16 year discharged their firearms 81 times; half of  
17 these discharges occurred in confrontations with  
18 armed and/or violent suspects, a quarter occurred  
19 during animal attacks. I have long believed that the  
20 history of police shootings in New York City  
21 demonstrates what good use of force policy and  
22 intensive training can do. A department that used  
23 higher levels of deadly force 40 years ago has been  
24 transformed into a model of restraint. In addressing  
25 this complex issue I think we can bring the same kind



of intensive training to bear on the negotiating skills necessary to further reduce use of force in arrest situations and also to ensure that we do as little injury as possible when force must be used.

With that in mind, we've launched a comprehensive training initiative under the leadership of Deputy Commissioner of Training, Benjamin Tucker, who is here with me today. Commissioner Tucker is overseeing the effort to develop new recruit, refresher and in-service instruction on how to effectively engage suspect verbally and physically and if necessary to take them into custody safely, utilizing various escalating levels of force.

We are designing a three-day course that will emphasize two core priorities -- first, how to talk to an initially uncooperative person with a goal of avoiding a physical confrontation and second, how to physically restrain a suspect who continues to resist arrest without harm to that individual or to the officer. This training will also include our highly praised workshop called Blue Courage that is nationally recognized and taught in law enforcement agencies across the country. The workshop is

designed to instill the leadership, cultural sensitivity and personal values essential to policing a diverse democratic society.

I want to note that our focus on conflict resolution and de-escalation training also extends to the 5,000 civilian and uniformed members of our School Safety Division. Over the past year-and-a-half all of them completed a special one-day training course in collaborative problem-solving; we're now in the process of cycling them through a separate three-day course in conflict resolution. We've also added two weeks of additional training in those subjects to our School Safety Agent recruit curriculum in the Police Academy.

As part of our focus on training, we're canvassing police departments across the country to identify best practices. We sent three separate NYP contingents, which included Chief of Patrol, James O'Neill, Deputy Commissioner Ben Tucker and Deputy Commissioner of the Office of Information Technology, Jessica Tisch, to the Los Angeles Police Department to consult with that agency; Chief Shortell also spent time with that agency recently. We did this because of the LAPD's successful effort to revise the

1  
2 use of force policies in training while under a  
3 federal decree during my time as Police Chief there.

4 We also sent a team of senior officers to  
5 the Las Vegas and Chicago police departments; in  
6 addition, we consulted with the International  
7 Association of Chief of Police, Major Cities Police  
8 Chiefs Association and the Police Executive Research  
9 Forum, the three leading professional organizations  
10 in the police profession.

11 Finally, we solicited and examined the  
12 use of force policies of 20 law enforcement agencies  
13 across the country and as far away as New South  
14 Wales, Australia. We've taken the best practices  
15 from everywhere and are adding them to our already  
16 high level of training expertise.

17 In November we'll launch a pilot in-  
18 service training program in a few precincts and  
19 conduct assessments of officers' reaction after its  
20 close. Immediately thereafter we'll begin to  
21 administer the three-day course initially to the  
22 approximately 28,000 police officers... excuse me,  
23 20,000 police officers and supervisors who routinely  
24 serve on patrol. The remaining 15,000 officers who  
25 not routinely serve on patrol will also receive this

1  
2 instruction as part of the new annual in-service  
3 training program. The recruit training school will  
4 also adopt a new training program as part of its  
5 curriculum.

6           As with any major initiative like this  
7 one there will be substantial costs and this is where  
8 we will need your support and breaks [sic]. First,  
9 we need to add additional trainers and expand the  
10 size of our police academy staff to accomplish our  
11 objectives; then there is the matter of overtime, we  
12 simply cannot take vast numbers of patrol officers  
13 offline for three days to train them without  
14 backfilling their tours of duty. For that reason we  
15 intend to seek the additional overtime funding  
16 required to administer this training effectively,  
17 efficiently and without compromising police services  
18 to the public and the precincts.

19           As the members of the Council might also  
20 be aware, in July we implemented the Partner Officer  
21 Program, POPS, which teams probationary officers  
22 fresh out of the academy with experienced veteran  
23 officers who provide guidance and positive  
24 reinforcement. The program is designed to assist new  
25 officers with their professional development as they

begin their first field assignments. Probationary officers have been introduced to and receive support from community partners, volunteer citizens for the neighborhoods in which the officers are assigned. Through this proactive, ongoing engagement we increase officer awareness of the community and familiarize them with local events and issues of concern to residents, a much more impactful program than Operation Impact in the sense of developing relationships with the residents of the neighborhood, particularly high-crime neighborhoods.

We also increased citizen awareness of the complexities of police work; we're very pleased with the positive feedback we've received about the program so far from both police officers and members of the public. As a result, we're moving to institutionalize our field training program and make it a permanent part of our training regimen.

To that end I anticipate that the 900 recruits who will graduate in January will be assigned to precincts and PSAs across the city, with large numbers of field training officers and supervisors; they will not be assigned, as in the past, initially, to Operation Impact assignments.

I intend to make the most of this opportunity to elevate all of our training to best practice and state of the art while maintaining the NYPD's reputation as one of the most innovative police departments in this area bar none. We have several advantages going forward, including a new academy facility in College Point, Queens, which will make training in larger groups far more efficient and a commitment from Mayor Bill de Blasio to work with you to seek funding for much more extensive in-service training effort. I'm also hopeful we'll be able to undertake a long overdue renovation of the conditions in our Rodman's Neck Shooting Range, making it possible to use range time more productively, as well as to improve our driver training facility at Floyd Bennett Field.

Our goal is ambitious because it has to be. Within a few years our expectation is that other police departments will be coming to us for guidance in best practices and we'll be the nation's model for both recruit and in-service training. This effort goes hand in hand with our commitment to develop creative crime control strategies that provide alternatives to arrest. In certain cases where we

can avoid the arrest process in lieu of a less intrusive, less time consuming and less disruption option we will.

Again, this requires expanding our law enforcement toolbox with programs like the New York City CeaseFire Initiative, which focuses on the small and active number of people within a community who tend to be the most violent. The program is based on the Group Violence Intervention model developed by John Jay Professor David Kennedy that has dramatically reduced violence across the country. Community members and law enforcement join together to directly engage with these groups; they communicate a clear and credible moral message against violence, a warning about the consequences of further violence and a genuine offer of help to those who want it; this is being directed by Deputy Commissioner Susan Herman.

I'm pleased to report that starting this fall New York City CeaseFire will be implemented in 10 precincts in Patrol Boro Brooklyn North; they are the 73, 75, 77, 79, 81, 83, 84, 88, 90, and 94 Precincts. We'll also open the program in two commands in Brooklyn South, the 67 and 69 Precincts;

1  
2 this will be followed by a thread [sic] of expansion  
3 into the Bronx.

4           The Police Department has also partnered  
5 with the Manhattan and Brooklyn District Attorneys  
6 offices and the Center for Court Innovation on a  
7 pilot program to divert young, non-violent offenders  
8 from the criminal justice system. The goal is to  
9 refer 16- and 17-year-olds arrested in the 25th and  
10 73rd Precincts directly to community-based services,  
11 bypassing the courts altogether. If the diversion  
12 program is successful completed, the charges will be  
13 dropped and arrests will be sealed.

14           I also want to highlight the work of the  
15 New York City Police Department Transit Bureau's  
16 Homeless Outreach Unit and Bowery Residents  
17 Committee, BRC, joint patrols, both of which have  
18 increased personnel in the subway system. Together  
19 in joint patrols we encourage homeless people to  
20 access services provided by BRC, including safe haven  
21 beds, mental health counseling and medical care.  
22 Police officers and specially trained social workers  
23 are conducting joint outreach to homeless individuals  
24 on subway trains, platforms and on subway end of line  
25 stations. Largely as a result of this effort we've



seen arrests of homeless people drop by 16 percent in the subway system compared to last year; total citywide arrests of homeless individuals are down by 22 percent. These are just a few of the many alternatives to arrest we are currently employing. Another example is our approach to marijuana possession; in 2011 the Police Department issued an internal order commanding officers to stop arresting people for possessing small amounts of marijuana in cases where a police officer's action brought it into public view. Since that time, marijuana arrests have declined by over 40 percent and arrests are down again this year by over 3 percent. We are also processing 80 percent of those arrests as desk appearance tickets, which set a future court date and release arrestees directly from a precinct rather than sending them through central booking and an overnight in jail. In addition, the Department has been working very aggressively the last several months on additional proposals relative to the issue of marijuana and I anticipate that we will be taking action on those proposals very shortly.

And lastly, the members of the Department will continue to work hard every day to prevent crime

1 and disorder and improve the quality of life in every  
2 neighborhood across the city and we will do so in a  
3 way that respects individual dignity and rights,  
4 including those of the people we arrest. I'm fully  
5 confident that through partnership and collaboration  
6 with the community we can uphold the law, protect  
7 human life and ensure the safety of the police and  
8 the public alike.  
9

10 Thank you again for the opportunity to  
11 testify before you this morning; at this time myself  
12 and our leadership team are available to answer any  
13 questions that you might have.

14 CHAIRPERSON GIBSON: Thank you very much  
15 Commissioner for your testimony. We've also been  
16 joined by Council Member Rosenthal and now begin our  
17 series of questions; we will have our Speaker,  
18 Melissa Mark-Viverito.

19 SPEAKER MARK-VIVERITO: Thank you  
20 Chairwoman. Commissioner, thank you for testimony  
21 that's outlining some of the changes that you are  
22 implementing, many changes that you seem to be  
23 implementing. I just wanna ask you one question,  
24 'cause you start off your testimony by saying that  
25 "it was evident to me and Mayor de Blasio at the time

1 of my appointment as Police Commissioner that there  
2 was a need for a fundamental shift in the culture of  
3 the Department," I think that's a significant  
4 acknowledgment. Could you speak to what... you're  
5 saying it was an obvious fundamental shift that  
6 needed... [crosstalk]

8 POLICE COMMISSIONER BRATTON: Well I  
9 think uh...

10 SPEAKER MARK-VIVERITO: what led you to  
11 that... to make that assessment?

12 POLICE COMMISSIONER BRATTON: Well I  
13 think the Mayor, from his experience living in the  
14 city and as elected official and particularly during  
15 his time campaigning for various offices, a sense  
16 that [sic] on the part of many in the city, that  
17 there was too much police activity in certain  
18 neighborhoods of the city that was not necessary  
19 toward the goal of reducing crime and disorder; it  
20 was, as you're well aware, a subject of great  
21 controversy during the most recent mayoral race.  
22 Myself, as a police professional for over 40 years  
23 and as a resident of this city for the last five  
24 years, I shared the opinion of the Mayor that the  
25 quantity of enforcement activity, particularly as it

1 related to stop, question and frisk was  
2 inappropriate, even from observing it from the  
3 outside and so that in sense formed where he and I  
4 had a shared opinion that focus of the Department  
5 needed to shift from quantity measurement to quality  
6 and problem-solving focus and to that end we have  
7 been engaged in that for over these last now eight  
8 months.

9  
10 SPEAKER MARK-VIVERITO: So would it be  
11 safe to say that in making that statement there was  
12 an explicit acknowledgement that there was an erosion  
13 of relationships between the community and the  
14 police?

15 POLICE COMMISSIONER BRATTON: Oh I think  
16 particularly in certain areas of the city, certain  
17 populations of the city that was quite clear; that  
18 was I think reflected in the election results,  
19 reflected in some of the polling that was being  
20 conducted by various groups and reflected, being  
21 quite frank with you, in just discussions I had with  
22 a wide variety of people from various communities in  
23 the city.

24 SPEAKER MARK-VIVERITO: And when you say  
25 certain communities, I'm assuming you're talking

about relationships between communities of color in particular and the police?

POLICE COMMISSIONER BRATTON: In particular in relation to the... [crosstalk]

SPEAKER MARK-VIVERITO: And I think that that's at the root of I think something that many of us have spoken about consistently and I think that for there to be a public acknowledgement that that is a reality, I think is a good first step and obviously how far we take it is where I guess we wanna understand with this hearing. So I wanna at least recognize that that acknowledgement is significant because in the eight years that I've been a council member with prior administration there was absolutely no recognition of that and I think that that's a place to start.

I had a quick question about some of the training that you're implementing, just... the Blue Courage; is that new or was that in place before you became commissioner?

POLICE COMMISSIONER BRATTON: If I may, if I could ask Commissioner Tucker and the two that are at the table with us to speak to the specifics of

that program, which will be incorporated in the larger overarching field training program.

SPEAKER MARK-VIVERITO: Well I guess we're just trying to get an understanding of what has been implemented that is new, you know versus... and these obviously are important changes, so I just... it doesn't... you don't have to go too in depth in it, but if we could ask about that Blue Courage... [interpose]

DEPUTY COMMISSIONER TUCKER: Sure...

[interpose]

POLICE COMMISSIONER BRATTON: Well I think what's important to understand what is new...

[interpose]

SPEAKER MARK-VIVERITO: Right.

POLICE COMMISSIONER BRATTON: is the commitment to on a regularized established basis each year to give our officers, particularly those on patrol, two to three days, depending on the need or the curriculum, refresher trainer, up-to-date training on changing policies, practices and guidelines; that's some that has not been done in the Department in its history... [interpose]

SPEAKER MARK-VIVERITO: Exact.

POLICE COMMISSIONER BRATTON: in the sense of training that occurs every... like the two days of firearm training. So I'm glad you asked you that question because I point out that the costs that I've referenced to do this training on overtime this year would be a cost that would have to be built into the budget every year going forward; this cannot be just a quick response to recent circumstances or incidents; this is an essential part of the training regiment going forward. We owe it to our officers; we owe it to the public to regularly train them on issues that cause tension or friction between the public and the police.

SPEAKER MARK-VIVERITO: Thank you for that. And so you're saying, 'cause that was one of the questions I had, this reengineering that you're doing, top down review, to your understanding is the first time it's ever been done?

POLICE COMMISSIONER BRATTON: First time I think in the sense that the commitment to do it year in and year out... as I've reflected on these charts, our commitment to firearms training, that we do two days a year for an issue where 35,000 officers use their firearms 80 times a year, but we have done

no regular training of significance post academy training on hands-on academy attendance training in these areas of use of force tactics, we've had videos from time to time, but this is the efficiency, if you will, in the otherwise exemplary record of training the Department provides and so I'm very pleased at both the Mayor and his comments, as well as his counsel, as indicated their understanding and need of this training and support for it.

SPEAKER MARK-VIVERITO: And I think the... where you talk about the canvassing of best practices, not only nationally, but also even internationally, you elude to that, I think is important, 'cause there are lessons we can learn as a city from others and I think that that's important that that is done consistently.

And the issue of the LA training that officers... or representatives from the Department were sent to, in terms of that model, has there been a significant drop or a drop in use of force in Los Angeles based on the level of training that they're implementing?

POLICE COMMISSIONER BRATTON: There has been, and actually among the consultants that I've



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SPEAKER MARK-VIVERITO: And the last thing, 'cause I know there's a lot of questions; the second where you talk about the alternatives to arrest, the policies that you outlined here; I know that it's only a few, there's more, but when you talk about, for instance the Transit Bureau and the Bowery Residents Committee's joint patrols, for instance and the CeaseFire, which is something that we've been supportive and really ramping up and putting a lot of money behind as a joint effort between this Council

and the Administration; are those new under your leadership, that level... [interpose]

POLICE COMMISSIONER BRATTON: The CeaseFire...

SPEAKER MARK-VIVERITO: of policing?

POLICE COMMISSIONER BRATTON: The embrace of CeaseFire is certainly new in a sense of the emphasis and the funding that's available for it; it's something that I implemented in a limited basis while I was in Los Angeles. The issue of alternative to arrest is critical to us because it's very costly; takes officers off the street, inconveniences and is expensive to district attorneys offices; the judges and as one example of that, the much-publicized reemergence of a "squeegee pest" that one of the local papers gave great prominence to; that individual as reported has been arrested numerous times and indeed since, that article was published several additional times. Susan Herman, Deputy Commissioner in my office is working with other city agencies to try and use that individual as a test case, if you will; what can we do with an individual who spent his whole life, effectively, on the streets; are there engagements other than last resort

1  
2 arrests by us? This is the old expression, the  
3 African expression, "it takes a village to raise a  
4 child," well I think you all fully recognize that the  
5 police department is the last resort in many of these  
6 instances and so we have been working very hard with  
7 the Mayor's Office and indeed with this council to  
8 identify areas where a collaborative approach to  
9 issues, whether it's a squeegee pest or domestic  
10 violence issues or school violence issues; we cannot  
11 arrest our way out of these problems, we recognize  
12 that and we are conscious of the need to work with  
13 other city agencies to address these issues.

14 SPEAKER MARK-VIVERITO: I appreciate that  
15 and I think that that's... in this section where you  
16 talk about these alternatives, it's more about  
17 engagement with the community in a proactive way; I  
18 think that's obviously something that has been  
19 missing, and looking at ways to provide, you know,  
20 the issue of chronically homeless individuals, that  
21 arrests should not be the first resort, there has to  
22 be other ways of connecting them to the services. So  
23 I think that level of engagement is definitely  
24 welcome and much... I think more effective. So with  
25 that, thank you; I know there's many other questions

we could be asking; I'll hand it over to the chairwoman.

CHAIRPERSON GIBSON: Thank you Madame Speaker and thank you again, Commissioner. So I have a couple of questions that I'm gonna try to get to as quickly as I can. You talked about and you have a chart that describes the use of force rate; my question is; how is that determined, that data; is it based on officers' reports and is there any correlation to the number of CCRB complaints that detail use of force? So I'm looking at that and I see that it looks fairly low, but I guess I'm concerned, is that just officers' reports of use of force that's being used?

POLICE COMMISSIONER BRATTON: Being quite frankly, it looks very low because it is low. This is an incredible police force, made up of many dedicated officers who really go to great lengths to not use force because they understand when they use it; oftentimes it causes potential risk to themselves. No, use of force reporting is at the time of booking; looking for visible injuries by the booking sergeant or lieutenant, the reporting of if a baton was used, if mace was used, if other forms of

1 physical force were used during -- Tasers -- during  
2 the course of that arrest. So with all of those  
3 categories included and we intimately track all of  
4 those reports, that the use of force by this  
5 department, by its officers is indeed some of the  
6 best in the nation, if not the best, in a city of 8.5  
7 million people. Additionally, CCRB... CCRB, many of  
8 their complaints arise out of arrests or encounter  
9 situation; we are, as I think you know, working very  
10 hard to, in a more collaborative sense, work to  
11 reform our disciplinary process and CCRB, under the  
12 leadership of Richard Emery, is working very hard to  
13 reform its disciplinary process so they are more  
14 collaborative, more in sync; not interfering with the  
15 objectivity and independence of CCRB, but trying to  
16 find more common ground, more common ground that'll  
17 speed up the process. Just last Friday I was doing  
18 disciplinary cases, many of them from 2010 and 2011;  
19 to be handling complaints that are four years old, it  
20 is not fair to complainant; it's not fair to the  
21 officer. So Richard Emery and I and our respective  
22 teams... and I point out that all of the individuals in  
23 NYPD who are focused on the disciplinary process are  
24 brand new -- Deputy Commissioner, Public Advocate,

Kevin Richardson coming over from Brooklyn D.A.'s office new [background comment]; as recently as last week the appointment of Larry Byrne as the Deputy Commissioner for legal matters; they're joined by a new Deputy Commissioner for Trials; my counsel in my office Edna Wells Handy, known to many of you, everybody that's involved in the disciplinary process in the Department is there for one reason, because I want a fresh look at it, I wanna be able to work with the CCRB; we owe it to the complainants and we owe it to the cops to speed the process up, put more focus on mediation, and so to that end I think both myself and the CCRB will be in a position in a relatively short time to report back to you, to the public; to the cops, that we have a system that doesn't have all the stresses and strains and delays that have been the mark of it since its inception.

CHAIRPERSON GIBSON: Do you track the types of arrests that lead to use of force; is there any trends that you noticed in terms of the arrests that are leading to the cases of use of force?

POLICE COMMISSIONER BRATTON: What we look at in the breakdown, and we do have that intimacy, a breakdown that we break them down in the

1 sense of what were the arrests... what was the use of  
2 force for; oftentimes the vast majority of it, being  
3 quite frank with you, is resisting arrest, that... and  
4 this is where the... while the focus is on police  
5 behavior, being very frank and upfront with you, we  
6 need to also focus on the behavior of our citizens,  
7 that they need to understand that in a democracy we  
8 have a joint obligation; there are laws, rules,  
9 policies; procedures and the shared experience is  
10 that we conform to those laws, to those rules; our  
11 obligation is to enforce them constitutionally, but  
12 the public's obligation is also to be mindful of them  
13 and to resist arrest, there is nowhere in the  
14 constitution that gives anybody the right to resist  
15 arrest and we can solve so many of these issues if  
16 rather than battling it on the street where you're  
17 always gonna lose [interpose] and then taking it  
18 through a process that the idea is to use the  
19 processes -- CCRB, the courts -- to resolve the issue  
20 rather than brute physical force and resistance on  
21 the streets.  
22

23 CHAIRPERSON GIBSON: Okay. The tracking  
24 system for the mandatory training, what type of  
25 system do you have to monitor that officers are

1 attending these mandatory trainings and then, in your  
2 testimony you talked about a three-day refresher  
3 courser; is that only going to focus on use of force  
4 and also, how will you monitor if officers are going  
5 to those three-day courses?  
6

7 POLICE COMMISSIONER BRATTON: 'Kay, great  
8 question; let me pass that on to Ben Tucker and the  
9 Chief and Inspector; they put a lot of time and  
10 effort into developing this program, which will be  
11 kicking off in a trial format in a very short period  
12 of time. Ben.

13 DEPUTY COMMISSIONER TUCKER: Certainly.  
14 Madame Speaker, Madame Chair, it's a pleasure to be  
15 here; members of the Council, be able to share with  
16 you some of what we're doing with respect to training  
17 in some detail. In response to your question, I'll  
18 speak to the three-day training initially; that is  
19 new and it directly relates to our ability to provide  
20 officers with training in the Department throughout  
21 the Department on an annual basis, a regular basis,  
22 which is something that we don't do as it relates to  
23 tactics, in particular and as it relates to some of  
24 the new content of our training, such as Blue Courage  
25 and such as legitimacy, which I'll speak a little bit



about as well. And so our goal here is to, initially, with the... immediately... immediate goal, with respect to field training, is we will, with this three-day training, which we will begin in November training... is the beginning of training our 20,000 officers, about 16,700 police officers; another 2,400 sergeants and about 862 lieutenants and that's essentially our patrol force. So we're gonna begin with a pilot of about 600 officers, we'll be training them at the new police academy, which the Commissioner mentioned; this will be one of our first opportunities to begin training uniformed members of the service there starting in November. The goal of this training is to focus on tactics, but also to focus on a variety of other areas, which I'd just like to mention to give you a sense of the content. So as we look at some of the challenges we face with... and you mentioned it earlier in your remarks, this disenfranchisement between our citizens and the police department as a result of some of the past challenges we faced. We're trying to close that gap in a variety of ways and I'll talk about it in a second in terms of what we've done already as part of

1 training for our new class of recruits, recent  
2 graduates about eight weeks ago.

3  
4 But we are, in terms of the content of  
5 the three-day training, gonna be focusing on policing  
6 objectives that deal with how police achieve their  
7 objectives, we're gonna talk about this idea of  
8 legitimacy, this notion of trying to instill... get our  
9 officers to understand that how they treat the public  
10 in their encounters on the street makes a huge  
11 difference in how and whether the public leaves that  
12 encounter and that's whether that encounter is as a  
13 result of a stop and frisk or whether that encounter  
14 leaves that individual as part of a car stop; even  
15 when they get a summons they nevertheless feel as  
16 though they've been respected, the officer has  
17 treated them with respect and they leave that  
18 encounter with their dignity. So the goal is to try  
19 and engage in legitimacy in a sense the training that  
20 we're gonna provide speaks to that, keeping... giving  
21 citizens a voice, listening carefully to their  
22 concerns as you go through whatever that encounter  
23 is. We're also focusing heavily, as you might  
24 imagine, on discretion and how to de-escalate; that  
25 gets into the discussion of use of force, very

important and so we are gonna be talking about the authority that police officers, as you know, have with respect to exercising discretion very broad and it's important that when they exercise that discretion they exercise it in a way that reinforces this notion of legitimacy as opposed to degrading it. We're gonna focus on problem-solving and options to arrest, selecting the most appropriate action based on what the circumstances dictate. So much of the questions around use of force deal with this idea; every case is different, and whether or not force gets used really is dictated by the suspect or the individual that the officers encounter, but also the level of force that can be used is dictated by the actions of that individual as well and the circumstances around that arrest. So problem-solving and those types of ideas are important. We're gonna focus on tactics as well as effective arrest procedures and so forth. So that gives you a sense of what this three-day training is about; it'll be heavily... a heavy emphasis on scenario-based training, which we believe is going to be able to... when officers get the opportunity to essentially practice and look at a scenario that we create or that is

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Now in terms of how we're gonna monitor all of this, the training... we have systems in place; we have the Enterprise Learning Management system, the ELM, which is electronically a system that automatically registers which officers have attended which training and it doesn't apply to all in-service training right now, as far as I understand, but we will probably look at doing that. We also have precinct training tracking forms, so when officers get training at their precinct, so example, one of the things we're going is ensuring that a lot of our training videos now make their way on a new video on demand system into every one of our precinct station houses, so for roll call training, those officers will have the opportunity to get the training in real time and have the opportunity pull that training up

1 for reviewing should they desire to do that. And so...  
2 but at the same time they are... every officer who  
3 attends those trainings has to sign and so we  
4 document in that way that they've attended. We are  
5 also, for purposes of in-service training going  
6 forward, looking at the possibility of creating a  
7 swipe card kind of a system; it's something that we  
8 use for our outdoor range and our firearms training,  
9 which we think would be applicable in other ways and  
10 we just have to get the technology to work more  
11 effectively and so we're looking at and exploring how  
12 we might do that.  
13

14 POLICE COMMISSIONER BRATTON: If I may  
15 add on, one of the things we're looking to do also,  
16 still exploring it, is the idea or... in the precincts  
17 they're broke up into patrols, the three tours of  
18 duty, the officers routinely work together with each  
19 other and we're looking at the option of taking a  
20 whole platoon out of a precinct and training them  
21 together at the academy, because the reality is they  
22 work together, so rather than sending two officers  
23 from this precinct, two officers from that precinct,  
24 the idea, very similar to what I did in Los Angeles,  
25 is to train the whole platoon so that they learn to

work with each other and strengthen that experience. Similarly, when the new kids come out of the academy in January, we'll look to assign them, the 900 of them, to the 77th Precincts and PSAs around the city so that they will be part of the in-service training program as they go forward. So this is where some of the costs that we talk about come in; the ability to take out a platoon, replace that platoon on overtime while the officers all learn together and then come back and work together with the new skills that they've received.

CHAIRPERSON GIBSON: Is the three-day course different from the intact training and you also mentioned, Deputy Commissioner, that the current tracking system does not include all of the different levels of training, so will this three-day course now be included in the tracking system?

INSPECTOR HOLMES: Hi deputy... I'm sorry, Madame Chair, I'm Inspector Holmes, the Executive Officer of the Training Bureau. I'll speak to the mandated training and the tracking of the training. Currently what we have in place now are logs, so members of the service that receive a particular type of training, especially our current in-service

command level training, they actually sign in to this particular log and it's tracked that way. It's monitored by our Quality Assurance Division, so they actually conduct; I believe quarterly inspections to ensure that all members are receiving training. At the range we have, which is the firearms range, an electronic device; that actually tracks when an officer goes to the range for their biannual cycles. What we're currently looking at for the new in-service training is actually creating a report monitoring system. At the command level we have what's called a video on demand that actually... where we download the particular training videos from the police academy into the system so it can be viewed during roll call at the command. So what we're looking to do is to enhance that video on demand where possibly creating a tracking... you know, a scanning device that's attached to the video or command and if that's not possible, we actually have hand-hand scanning devices that's used at various trainings like executive development training; we actually scan the ID card and it's downloaded into a system and track the attendance that way.

CHAIRPERSON GIBSON: So it almost seems that you're looking to better centralize everything; is that correct...? [crosstalk]

INSPECTOR HOLMES: Absolutely. Right now everything is kinda antiquated; there are the traditional logs, we have to maintain them; you know, naturally, you know, forever because in case legal matters and people inquiring about particular training; whereas if we create this report monitoring system, then it can be in a database where we can actually retrieve... it's easily retrievable, it's easy to monitor, it's easy for inspection by creating this report monitoring system.

CHAIRPERSON GIBSON: After this three-day training, is there an evaluation period or is there anything to determine that the lessons have been learned and also; what happens in an instance if an officer does not satisfy that mandatory training; is there any system in place for that officer to, you know, take the mandatory training; what systems are currently in place and are you looking at making any changes to that?

DEPUTY COMMISSIONER TUCKER: Well for the three-day training we are going to be evaluating the



1 pilot that we're gonna conduct, so we'll probably...  
2 roughly around 600 officers will go through that  
3 first training; we will, as the Commissioner  
4 mentioned, train a group of officers from different  
5 platoons around the city, get us to the 600 mark and  
6 then we will train those officers; it will probably  
7 take about two weeks, two-and-a-half weeks and then  
8 we will evaluate them. Essentially what we're gonna  
9 do... it's not gonna be a formal evaluation in the  
10 context of any long-term review, but really what  
11 we're asking them to do is assess the training that  
12 they're receiving and how it compares with training  
13 that they've had in the past or to essentially  
14 evaluate the content of the training and how it  
15 effectively helps them in terms of their jobs. So  
16 that will... and we expect that their experience will  
17 be positive. We will then move on to training the  
18 balance of the 20,000 officers and then ultimately we  
19 will move on to training the additional 15,000  
20 officers that are in other parts of the department in  
21 other assignments that are not necessarily on patrol  
22 and we will continue that training, the in-service  
23 training, every year, so they will come through for  
24 in-service training on tactics, they will come  
25

1 through for other in-service training when they come  
2 back that has other content and the content will, as  
3 you might imagine, evolve or change, depending on  
4 issues that we become aware of, any additional  
5 training that we might need to conduct, to your  
6 point, that may have evolved out of incidents that we  
7 now know we need to change this issue or that issue;  
8 address this issue or that issue; then we'll add that  
9 to the subsequent training as the time passes every  
10 year for those officers. And again, the tracking  
11 system, we think, will be effective at giving us the  
12 ability to ensure that all the officers are getting  
13 the training. In terms of the evaluation, I think  
14 what we wanna do, as we do now with some of our  
15 plains clothes officers, that evaluation takes many  
16 forms, so in addition to just documenting that they  
17 received the training we'll also want to have their  
18 supervisors, when these officers go back, so for  
19 example, some of the intact training and some of the  
20 street narcotics unit training that we conduct, for  
21 example, when these officers hit the streets again  
22 they are evaluated based on... by their supervisors  
23 based on what they've learned; I mean the presumption  
24 is, you've been to the training, you now have this  
25

1 skill set, you go out and you perform the job and  
2 what we're interested in knowing is whether or not  
3 you can perform the job to whatever proficiency we  
4 think is necessary. And of course that translates in  
5 a variety of ways in terms of, in some cases civilian  
6 complaints, if they [background comment] come out of  
7 that, or in some ways in terms of their productivity  
8 and how effective they are doing their job and the  
9 arrest rates and so forth.

11 CHAIRPERSON GIBSON: Okay. So for the  
12 sake of time, I definitely wanna continue to have  
13 this conversation; this is not the last opportunity.  
14 I do have two quick questions I'm just gonna throw  
15 out and then I'll turn it over to my colleagues. To  
16 what extent will the Department within this new  
17 training work with some of the advocacy groups,  
18 members of the clergy; community leaders? Following  
19 the Eric Garner case, Commissioner, you went to  
20 Staten Island with many of us and we talked to many  
21 clergy leaders and advocacy groups and the question  
22 was; will there be a commitment to work with many of  
23 the folks that are on the ground working with  
24 communities at risk; communities of color to really  
25 determine this training mechanism, putting it forth

and making sure that there are other voices added?

And my second question, I have to go back to the use of force; what factors are you looking at if there are any indicators where officers have excessive complaints of use of force against them, any warning signs, any red flags; are you looking at having a system that will track some of those officers where there's been more than one; more than two series of complaints of use of force? So those are my last two questions.

DEPUTY COMMISSIONER TUCKER: Can you just... On the first question, can you just repeat...

CHAIRPERSON GIBSON: Absolutely.  
[background comment] Within the training, are you looking to incorporate conversations and discussions with advocacy groups, members of the clergy; community leaders [background comment] as we build this training out?

DEPUTY COMMISSIONER TUCKER: Well the answer is yes. We... and let me give you one example, but we will... going forward we are in conversations now with advocacy groups and we are always trying to bring people to the table who are from communities who can give us some feedback and a sense of how

1 we're doing. So as I mentioned earlier, when I  
2 talked about the field training and the partner  
3 officer program, one of the things that we recognized  
4 would be important is to engage the community in a  
5 way that would have them be able to interact with our  
6 new officers as these new officers begin their field  
7 assignments, and so as you may know, that process is  
8 already in place; we selected through our precinct  
9 commanders and through our Community Affairs Bureau,  
10 identified citizens who are now what we call partner  
11 officers but they're citizens from these 10 areas and  
12 precincts where the last class of recruits are now  
13 assigned and they are hosting our officers, giving  
14 our officers the opportunity to understand the  
15 community, they are keeping the officers informed and  
16 introducing them to other members of the communities  
17 in which they're working and so that's I think as we  
18 go forward with the training and getting input and  
19 comment as we develop the training for our recruits  
20 we are looking at changing the content substantially,  
21 increasing our training around diversity, as an  
22 example, but in terms of our ability and our desire  
23 to reach out and get information from folks who are  
24 in communities who we think can be helpful in helping  
25

us assess whether or not we're on target in terms of what we intend to do we are committed to doing that.

CHAIRPERSON GIBSON: Oh and then my... my...  
[interpose]

POLICE COMMISSIONER BRATTON: In response to your... [crosstalk]

CHAIRPERSON GIBSON: Thank you.

POLICE COMMISSIONER BRATTON: second question about the identification of officers whose behavior practices and patterns might indicate a need to interrupt that behavior at an earlier stage, my seven years in Los Angeles were spent really developing, in response to that consent decree -- their inspector general; their police commission -- a large part of it was developing the early warning systems necessary for that type of activity and then the training to correct it. To that end I have already mentioned Mr. Chaleff, who led that effort successfully; we have also brought onboard as a consultant a woman that directed the creation of their Risk Management Unit under Mr. Chaleff; both of them are now working with our newly established Risk Management Unit here in the NYPD; that's under the direction of newly appointed Deputy Commissioner for

1 legal matters, Larry Byrne; I have a two-star chief  
2 that's in the process; he now has a very significant  
3 size staff that are expanding very quickly our  
4 ability to develop early warning mechanisms for all  
5 our personnel, given the refocus, the retraining  
6 necessary or as a result of disciplinary processes  
7 ensuring that they get the appropriate retraining  
8 necessary. So there's going to be, moving forward, a  
9 building on the platform that's already been  
10 established over the last number of months.

12 CHAIRPERSON GIBSON: Thank you very much.  
13 We've also been joined by Council Members Linda  
14 Rosenthal, Antonio Reynoso... Helen Rosenthal, sorry...  
15 [laugh, background comments] I used to be a State  
16 Assemblywoman... Helen Rosenthal, Antonio Reynoso,  
17 Jimmy Vacca and Chaim Deutsch. And now we'll hear  
18 from our New York City Public Advocate, Letitia  
19 James.

20 PUBLIC ADVOCATE JAMES: Thank you, Madame  
21 Chair and thank you, Madame Speaker. Good morning,  
22 Commissioner. I recognize the challenges and the  
23 dynamics of urban policing, I fully understand the  
24 dangers and the risk; however, over the past few  
25 months we have seen significant incidents related to

1 police misconduct here in New York City and across  
2 the country that are troubling and raise serious  
3 questions about the apparent use of force protocols  
4 and procedure. In New York City in the past five  
5 years the CCRB received 1,000 chokehold complaints,  
6 which ranks fourth amongst misconduct. Chokeholds  
7 were up 40 percent between 2012 and 2013. Of the  
8 over 22,000 complaints against the police, half are  
9 due to misconduct. In each of the last five years  
10 NYPD has accounted for the highest or second highest  
11 number of tort claims against the city and has been  
12 the top three city agencies in terms of cost of  
13 claims. Any debate in regards to reform has to  
14 acknowledge the fact that the City has paid over \$152  
15 million in claims just in 2012. And Commissioner, I  
16 know this is before your tenure here and I recognize  
17 that we want to address a lot of these issues and so  
18 I start out my first question with your last  
19 statement and I am glad that you indicated that there  
20 will be early warning signals; I would hope that you  
21 would include in those early warning signals charges  
22 that have been brought by certain officers that have...  
23 where respective district attorneys have declined to  
24 prosecute for whatever reason, I would hope that you



1  
2 would include the number of tort claims against  
3 individual officers; the number of CCRB complaints  
4 against certain officers, because these early warning  
5 signals, we need to track those officers and address  
6 the pattern, as you just indicated and I thank you  
7 for establishing that unit.

8 I also know that the mission of the In-  
9 Service Training Unit is to reinforce and refresh  
10 officers in the proper use of tactics during the  
11 course of routine patrol; my understanding is that  
12 there is a handcuffing course; is that true?

13 POLICE COMMISSIONER BRATTON: That's  
14 correct. [sic]

15 PUBLIC ADVOCATE JAMES: Okay. And in  
16 your statement, on Page 4, you said that a few  
17 precincts... on Page 4... in November will launch a pilot  
18 in-service training program in a few precincts and  
19 conduct assessments of officers' reaction after its  
20 close. Could you indicate the precincts in question?

21 DEPUTY COMMISSIONER TUCKER: Yeah, we  
22 haven't selected them yet; this is the beginning of  
23 the 20,000, training of the 20,000...

24 PUBLIC ADVOCATE JAMES: Okay.  
25

DEPUTY COMMISSIONER TUCKER: it will probably be some of our precincts where we have some of the most activity, so it could be, you know, precincts in Brooklyn North, for example, but we haven't actually selected those yet or identified them.

PUBLIC ADVOCATE JAMES: Will there be continuous training and if there will be continuous training, how often?

POLICE COMMISSIONER BRATTON: There will be continuous training in the sense that the initial training in 2014, calendar year 2014 and now moving into 2015 will be primarily done on an overtime basis. In our budget submission for next fiscal year that budget submission will include projects costs to again continue that training into the following year; it will also include basically budget projections for the hiring of additional personnel to accommodate this training as well as a number of other initiatives that we're engaging in as part of the reengineering effort. But I think we all clearly understand that the focus the Department committed to in the two days of training for firearms has resulted in those very, very significant climbs in use of

1 firearms and loss of life as a result of that use  
2 over the years. Similarly, we would anticipate that  
3 this training, this refresher training for perishable  
4 skills will go a long way toward the reduction of  
5 lawsuits, the addition of the body camera system that  
6 you've discussed and that we are moving forward with  
7 on a pilot program I think will go a long way to  
8 reducing significantly the number of complaints. I  
9 would point out that we've also been in discussion  
10 with the City's attorney about a more aggressive  
11 posture on fighting back on a lot of these nuisance  
12 suits; we have several law firms in this city that  
13 are nothing more than boilerplate factories who  
14 effectively have gotten very expert at suing the  
15 City, suing our officers, understanding that the City  
16 sees them as nuisance complaints and settles and  
17 oftentimes our officers are not even aware that the  
18 allegations made against them have been settled by  
19 the City and that's not fair to the officers  
20 involved, they don't get their day in court, if you  
21 will, it's not fair to the taxpayers of this city to  
22 be basically enriching some attorneys in this city  
23 who have found a way to beat the system, if you will.  
24 So we're gonna very aggressively seek to not only  
25

1  
2 train our personnel to reduce the need for lawsuits;  
3 we're gonna work very closely with the CCRB to ensure  
4 that we are on the same page relative to discipline  
5 systems going forward; we have a very aggressive  
6 posture on the Risk Management Initiative I've  
7 already outlined and hopefully working with the City  
8 attorney and if necessary, the federal attorneys,  
9 taking a look at some of these law firms that are  
10 effectively out recruiting complaints they make  
11 against our officers.

12 PUBLIC ADVOCATE JAMES: And does the  
13 Department plan on hiring mediators to deescalate  
14 street encounters?

15 POLICE COMMISSIONER BRATTON: The new  
16 chairman of the CCRB is making an effort on the issue  
17 of mediation to greatly expand it; something I'm very  
18 supportive of; currently our detectives, for example,  
19 do not participate in the mediation process; we are  
20 hoping to do several things; he has proposed this in  
21 some of this discussions -- one, to commit to a 60-  
22 or 90-day turnaround time on some of these early  
23 complaints, to take mediation out to the various  
24 precincts and boroughs, he's talked about; something  
25 I'd be supportive of, traveling mobile vans that

could be equipped for these mediation sessions so that it could in fact not require citizens and police officers to have to travel downtown here to conduct those mediations; that would speed it up significantly. And I think also the body camera initiative, once we get that up and fully running, which will take a period of time; it's extraordinarily costly and complex to put together; I think it will significantly reduce an awful lot of these he said she said types of complaints.

PUBLIC ADVOCATE JAMES: I agree with you, Commissioner and I wanna thank Mayor de Blasio as well as you for following suit and moving forward to provide officers with body-worn cameras; these cameras will provide clear and strong policy and will provide objective evidence with respect to police encounters; it will also provide investigators the evidence they need to ensure equal justice, justice for officers as well as justice for the public. And so my last two questions are; during the pilot we wanna make sure that we ensure a transparent system that protects civil liberties by clarifying who will have access to footage, ensuring civilians access to footage in a timely fashion, preserving footage for

1 reasonable periods of time, clearly establishing how  
2 and when cameras will be activated; can you just  
3 explain your views on it and lastly, I know that I've  
4 joined you as well in advocating for the usage of  
5 gunfire tracking technology, often referred to as  
6 ShotSpotter; can the Department update us on the  
7 familiarity of those programs? And I thank you for  
8 your testimony.  
9

10 POLICE COMMISSIONER BRATTON: In  
11 reference to the second question, ShotSpotter, that  
12 Chief Banks, who has been leading that effort, is not  
13 here today, but I'm not sure in the group here who  
14 would be familiar with the current state of that; the  
15 Mayor, as you know, is very supportive of it; we have  
16 funding to go forward with a number of those systems;  
17 it's a technology I'm very intimate with myself; I  
18 had served on the board of directors of that company  
19 at one time and had seen it firsthand around the  
20 country; it's very effective and something that we  
21 would hope to in the months ahead actually have up  
22 and running. For your colleagues, it's a technology  
23 that detects shots being fired, tracks them and  
24 allows us to respond more quickly; city after city  
25 has found that many shots fired are never reported to

911, so we lose the evidentiary capacity to recover shell casings, to have a true picture of what's going on in our various precincts that our citizens are experiencing relative to gunshots in their neighborhood, so we're moving forward on that.

I'm gonna apologize that the... at the... the first question of the two that you asked..

PUBLIC ADVOCATE JAMES: Just in regards to the cameras, footage, preserving civil liberties, privacy issues, [background comment] access to the video... [interpose]

POLICE COMMISSIONER BRATTON: Jessica Tisch, who is our Deputy Commissioner for Information Technology has been putting some of the costing of that together; the cost is very significant; I think [background comment] the Council early on needs to understand that, that for every device there is a monthly charge if we go with a vendor to store it in their cloud and that device... that cost can run into the hundreds of dollars per month, depending on the amount of volume being used by officers, so that... just the storage and the retention will run into tens of millions of dollars annually and that's why I say this is not something you snap your finger and go buy

one at Radio Shack; we're looking for an end to end solution, not only to take the video, but to store it and then be able to retrieve it and then in conformity with the laws of the City and the State as to how long we have to retain it. So Jessie is very engaged in putting all of that together.

PUBLIC ADVOCATE JAMES: Thank you Commissioner and I look forward to having conversations with you on that. Thank you.

CHAIRPERSON GIBSON: Thank you very much, Madame Public Advocate and now we're going to take questions from my colleagues and I'm going to put every council member on a strict timeframe because we have a lot of us here; all of us have very important questions, but the Commissioner's time is very limited with us, so the time is four minutes, not five, not six; it's four minutes, colleagues please respect everyone's time; we are going to start with Council Member Jumaane Williams.

COUNCIL MEMBER WILLIAMS: Thank you Madame Chair, thank you Commissioner for being here. I do wanna thank the 35,000 men and woman who come to work every day; if we call 911, they're first people that will come out and risk their lives every single



1  
2 day; I believe the vast majority of them come in and  
3 do a good job; for every one or two negative  
4 experiences I've had with the police I've had three  
5 or four that were exceptional, but the exception will  
6 soon diminish the problems that we have with the one  
7 or two. I wanna thank your office for being  
8 accessible to my office and responsive.

9 I did have a couple of questions; I have  
10 to try to get through 'em 'cause we only have four  
11 minutes. I did take exception to one thing you  
12 mentioned about no right to resist arrest; it did  
13 concern me; I think people do have the right to not  
14 wanna be unlawfully arrested or accosted and don't  
15 wanna cause confusion though, so I always try to tell  
16 everyone, do not resist arrest, to comply with every  
17 officer and what they're asking you to do; I think  
18 what would be helpful is if there was accountability  
19 at the other end; it would be easier to tell people  
20 to do that if they felt there is a place for regress  
21 to address their issues after they've been unlawfully  
22 arrested and that is a huge problem, so I have three  
23 quick questions... I can't see the time; I'm sorry.

24 Thank you.

The first is... and I'm happy we're having training 'cause there should always be retraining for people to get a refresher, but without dealing with the cultural shift that you spoke about, I think it's problematic, so I think the first question is... and I'll just ask... going down the line; do you believe that race and class has been an issue historically with the Police Department on how we police different races and classes in this city and are we gonna try to address that? The second is accountability; what are we doing to ensure that police officers know there's accountability, they will be held accountable and punished if they do something wrong, particularly if someone dies unarmed, and unfortunately in your tenure most of the substantiated cases of CCRB, nothing has happened to an officer, so that's part of their accountability as far as I'm concerned. And then specific to the Garner case, I believe what the officer was trying to do was a seat belt hold that turned in... looked like it turned into a chokehold; I believe a seat belt hold is still being taught as a tactic; how are we addressing using these kinds of tactics and preventing them from turning into

potentially illegal or dangerous tactics like the chokehold?

POLICE COMMISSIONER BRATTON: Addressing the issue of accountability that -- thank you for your support of the idea that citizens should not resist arrest -- their recourse is through the courts, certainly, and then secondly, through the CCRB and a major reason both my officers as well as the citizens to ensure that we have a strong CCRB that we work closely with and that we are as much as possible on common ground, if you will, is to have that degree of confidence on the part of my officers, that they'll get a fair shake and on the part of the citizens that they'll get a fair shake and I think once again the camera systems that Letitia James proposed a while back will help significantly in moving that issue forward.

On the issue of the idea of race and class, let's fact it, in America that is at the moment and has been throughout our history an unresolved issue and one that we wrestle with every day in American policing; it can be addressed successfully and I think it can be addressed successfully through the initiatives we're talking

about here; about the idea of training, about the idea of recruitment, about the idea of discipline systems that are fair to the public and fair to our officers. One of the things I feel very good about during my seven years at the LAPD, a city that I think had, being quite frank, even more significant racial tension than this city because of its history, that it was widely felt that after the consent decree [bell] was implemented that one of the major benefits of it was that the racial tension had been... "a corner had been turned," to quote the LA Times on that issue. As we go forward here, a significant part of what we're trying to do is to address in this city and maybe you should have this city serve as a national model, where police and citizens can work together in such a way that the historical issues of race and class are addressed. What I'm specifically looking to do, when I look at my maps where crimes are occurring, where disorder is occurring, where calls are coming in for assistance from 911 or 311, I'd eventually like to have the precincts in the Bronx and the precincts in Brooklyn look like those precincts in Manhattan and other places where there is not those levels of crime, those levels of calls

1  
2 for police service; I think it's doable and I did not  
3 come back as police commissioner to not be in a  
4 position to try to address those issues of race and  
5 class, which are very real in this city.

6 And in terms of the Garner case, that  
7 part of what we're attempting to do with the  
8 retraining is not only retraining, but refocusing on  
9 all the training that we do give -- is it  
10 appropriate, is it state-of-the-art, is it  
11 justifiable, is it defensible, does it give our  
12 officers the best tools to one, prevent harm to  
13 themselves, certainly; protect my officers' safety,  
14 but also prevent harm to the public. So as to the  
15 particular hold that you referenced, that would be  
16 one of the holds that is in fact taught not only at  
17 this department but many departments around the  
18 country. So we will, as part of this process going  
19 forward, be looking at pretty much everything; we  
20 teach to see is it still timely, is it still  
21 relevant; is it still safe?

22 COUNCIL MEMBER WILLIAMS: Thank you; I  
23 know my time is up; I just did wanna mention that the  
24 problems with the courts and the issues that you  
25 mentioned for... redress the issues, they haven't been

working and so we just wanna make sure that there is real accountability [background comments] at the end of it. [background comments, crosstalk]

POLICE COMMISSIONER BRATTON: Well that's where the CCRB... [crosstalk]

CHAIRPERSON GIBSON: Thank you.

POLICE COMMISSIONER BRATTON: changes will be helpful.

COUNCIL MEMBER WILLIAMS: Thank you.

CHAIRPERSON GIBSON: Thank you. Thank you, Council Member Williams. Next we will hear from Council Member Torres, followed by Council Member Johnson and we've also been joined by Council Member Ydanis Rodriguez. Council Member Torres.

COUNCIL MEMBER TORRES: Thank you Commissioner for testifying before the Council. I was struck by something you said in your testimony; your assessment is that the NYPD has an extraordinary record of restraint and I'm wondering, if that's the case, why is there a need for a mass retraining of the police force, because it seems to me the prescription is out of sync with the diagnosis?

POLICE COMMISSIONER BRATTON: We have an obligation to our police officers to keep them out of

1 harms way and that obligation is best fulfilled with  
2 policies that are contemporary, with training that  
3 gives them the best training that we can provide and  
4 in the area of our... particularly our use of force,  
5 tactical training, takedowns; alternative ways to use  
6 force, as we've been going through our reengineering  
7 process, is the belief that that can be improved on  
8 and thus the commitment to improving on it. The  
9 benefit of it is to reduce to the greatest degree  
10 possible the incidents of use of force, whether it  
11 takes a life or causes an injury or causes resentment  
12 in the community and that's what these efforts are  
13 all about; we have done it very successfully I think  
14 with the shooting incidents in this city and I think  
15 it can be done also with arrest incidents and use of  
16 force going forward, and that's what this is all  
17 intended to do.

18  
19 COUNCIL MEMBER TORRES: Now you were  
20 formerly the head of the LAPD and my understanding is  
21 that you site the LAPD as a model of training, but I  
22 notice that the fatal police shootings are actually  
23 much higher in the LAPD than they are in the NYPD, so  
24 like what reason it... to believe is that... [crosstalk]

25 POLICE COMMISSIONER BRATTON: Gangs.

COUNCIL MEMBER TORRES: that the training there is actually working and...

POLICE COMMISSIONER BRATTON: Gangs.

COUNCIL MEMBER TORRES: You say? [sic]

POLICE COMMISSIONER BRATTON: Gangs. Los Angeles has 40... [interpose]

COUNCIL MEMBER TORRES: Okay.

POLICE COMMISSIONER BRATTON: has 40,000 active gangs, it's the birthplace of the Bloods, the Crypts, Mexican Mafia; as recently as the last week that they've have had several incidents of their officers being assaulted with AK-47's. We have crews in the city that are incredibly violent and their activities in the community [background comment] direct against each other, but a lot of the violence in Los Angeles is in response to violence that's directed against them, but even proportionately in that city is, considering what they're up against in that city, their levels of force have been reduced dramatically over the years also.

COUNCIL MEMBER TORRES: Alright.

DEPUTY COMMISSIONER TUCKER: If I could add, just to [background comment] as it relates to your point about LA, [cough] the other reason we're...



you know we take... the other take away that we think is valuable for us in visiting and watching and observing what they do is how they deliver their training and so they have a model of facilitation, have facilitators as opposed to instructors; it's semantics, but in terms of how they train, and they have teams of trainer who work together with the new police officers that they're training coming through their academy; it's a model that we were... we're going back to three-instructor model where we have three instructors teaching the three main academic disciplines, from what is now one instructor and we believe just going back to three and doing that in a way that allows us to have subject matter experts in law, police science and social science conduct the training and work together as a team with the recruits from the beginning of their training to the end is very valuable. We are seriously considering taking the facilitator model that LA has and superimposing it into ours so that we have this team concept, not just with three, but we engage our tactics instructors; our firearms instructors as well in the training as we teach our new recruits; all to I think great effect based on the observations and

the feedback from the LA and how they feel the content has been delivered more effectively.

COUNCIL MEMBER TORRES: And I suspect we all agree that the objective here is to improve police-community relationships and so as you go through the process of revising the training procedures, is there gonna be some process or opportunity for public input to inform whatever revisions you make to the training procedures?

POLICE COMMISSIONER BRATTON: Part of what we'll be doing will be with our law enforcement partners that we'll be introducing to the district attorneys; U.S. attorneys, outlining to them what this training [bell] is going to consist of; it's important that they understand that as they respond to various arrests, etc. that will be coming about as a result of the new training. In terms of community output, my intention is to take a lot of this to the various police community councils that we have at the various precincts; matter of fact, I'll be introducing some of it this evening; we have a meeting of all the community councils tonight at police headquarters where I'm gonna ask Commissioner Tucker to speak to some of the changes that are

COUNCIL MEMBER TORRES: Thank you  
Commissioner.

CHAIRPERSON GIBSON: Thank you. Council Member Johnson, followed by Council Member Espinal.

COUNCIL MEMBER JOHNSON: Thank you Commissioner Bratton for being here today and answering our questions. I wanted to get back to what the Public Advocate and the Chair of this

1 committee mentioned with regard to the number of  
2 chokehold complaints that have been registered since  
3 2009 -- 1,128 chokehold complaints the CCRB and the  
4 Police Department have been informed of -- there have  
5 been reports that 10 chokehold complaints since 2009  
6 have resulted in recommendations of serious  
7 discipline from the CCRB; in each completed case the  
8 previous Police Commissioner, Commissioner Kelly,  
9 opted for lesser punishment or no punishment at the  
10 time. I would like it if you could explain how you  
11 believe your relationship is going to be with the new  
12 chair of the CCRB, Mr. Emery, and how you plan on  
13 looking at these 1,100 chokeholds, which is an  
14 illegal maneuver, as we know; banned from the  
15 Department; how you plan on looking at those 1,100  
16 and in the future, when individual chokehold  
17 complaints come to you from the CCRB asking for  
18 serious disciplinary action, how you plan on handling  
19 those. I understand it's probably a complaint by  
20 complaint basis.

22 POLICE COMMISSIONER BRATTON: Thank you  
23 for that question and first off a clarification --  
24 chokeholds are not illegal, they're not against the  
25 law, there is no law... [interpose]

COUNCIL MEMBER JOHNSON: Banned.

POLICE COMMISSIONER BRATTON: There is no... there is no law in the State of New York... [interpose]

COUNCIL MEMBER JOHNSON: Are they banned by the NYPD?

POLICE COMMISSIONER BRATTON: That's a policy; it's not a law. So for our friends in the media who continually report it as illegal, it is not against the law; it is basically a department policy that prohibits the use of that particular chokehold going back many years. [interpose]

COUNCIL MEMBER JOHNSON: But is a banned maneuver?

POLICE COMMISSIONER BRATTON: I'm sorry?

COUNCIL MEMBER JOHNSON: It's banned by the department; officers are not supposed to use it... [crosstalk]

POLICE COMMISSIONER BRATTON: That... that's correct, but it is not against the law.

COUNCIL MEMBER JOHNSON: Yeah, okay. Thank you.

POLICE COMMISSIONER BRATTON: That's a very distinct distinction to understand, the

terminology. Secondly, that... we have an expression in policing that the first story is never the final story. So the figures you're reciting, the 1,100 so-called chokehold complaints that at the beginning of the process, that as you're aware Mr. Emery is conducting a review of that at the Mayor's request, let's see what he comes out with in terms of his report as to how many of them actually fall within the definition of chokehold versus what somebody at the beginning of the process, whether it's the complainant, what the investigator at CCRB, how they classified it and what the outcome was after classification. In terms of the reorganization of the CCRB by Mr. Emery, which we are working closely with him with our team, that the differences of opinion, the differences of how cases are evaluated and judged has been the crux of some of the confrontation, as well as the differences in findings by Police Commissioner, CCRB and its various commissions, and so part of what Mr. Emery is attempting to do; part of what we're trying to do is to find commonality of language and commonality of understanding of policies and procedures and what appropriate penalties might be versus what the

1  
2 Department sees; versus what CCRB sees. So it is a  
3 work in progress, so on the issue of chokeholds, I'd  
4 take a step back from the emphasis on the thousand  
5 and see what Mr. Emery comes up with in terms of his  
6 analysis. And then in terms of... I am very  
7 comfortable that you're going to see great progress  
8 on the relationship between CCRB and the Department  
9 wherein they will maintain their strong objectivity,  
10 but in terms that we do need some commonality..  
11 [interpose]

12 COUNCIL MEMBER JOHNSON: Commissioner, I  
13 just wanna get one more question in, 'cause I know  
14 I'm short on time. Quickly, I read that there was..  
15 that you may be considering or there may already be  
16 use of Tasers [bell] from the police force; I wanted  
17 to understand what your plans are for potential more  
18 widespread use of Tasers; there have been conflicting  
19 studies and reports on potential death from Tasers  
20 when they've been used against folks in departments  
21 across the city and I'd like to understand a little  
22 bit more about that.

23 POLICE COMMISSIONER BRATTON: Tasers is  
24 the use of the electronic device to stun an  
25 individual; I am supportive of the concept; Taser is

1  
2 probably the most well-known of these various service  
3 providers of that type of equipment. Currently it is  
4 limited to patrol sergeants and our Emergency Service  
5 Unit personnel; many departments around the country  
6 have adopted it for general distribution to all of  
7 their patrol personnel. It's a concept that I'm  
8 supportive of because it is a less than lethal, but  
9 the less than lethal also is very dependent on  
10 officers using it appropriately and always, as is the  
11 case with that no two people are alike, that there  
12 are some individuals that are more at risk with the  
13 use of that device, much the same as the would be  
14 more at risk with some of the other less than lethal  
15 types of strategies that we use. So we are in the  
16 process, as part of our overall review, looking at  
17 Tasers as to how we currently assign them, how we  
18 currently use them and to see, is that another  
19 expansion that we might wanna engage in.

20 COUNCIL MEMBER JOHNSON: I would just  
21 like for us to ensure that these are not gonna..  
22 [crosstalk]

23 CHAIRPERSON GIBSON: Thank you.

24 COUNCIL MEMBER JOHNSON: potentially harm  
25 and cause death in people that they're used against



and make sure we have good, valid, appropriate information if we're gonna use them in a more widespread way. Thank you, Chair.

CHAIRPERSON GIBSON: Thank you. Thank you, Council Member. Before we get to my next colleague, since we brought up the chokehold, the LA Police Department right now, within their use of force training, they teach you about carotid, restraint-control holds within the LA Police Department; how is that different or how does that compare to the Police Department's no chokehold policy that you have; are there similarities, because your officers were in LA looking at some of the training, so within the use of force training, will there be any differences or is that something that you're looking at or no?

POLICE COMMISSIONER BRATTON: Certainly that the idea... [clears throat] idea of looking at LA, it's among many departments that we look at; they do use that hold that you describe, which we do not that... and maybe Inspector Holmes can speak to that specifically, but this week we will be issuing to our personnel, there will be a video going out outlining the risks of any type of activity around the neck

1 area for a whole variety of reasons and while contact  
2 with the neck may occur during arrest situations,  
3 that at all costs we try to avoid it and in case of a  
4 chokehold, the Department, based on its experience,  
5 prohibited that actual hold, which was a prolonged  
6 compression against the neck, so in an effort to keep  
7 our officers, giving them guidance that there's an  
8 additional guidance that's been prepared by our Chief  
9 Surgeon, Dr. Kleinman, that speaks to the risks of  
10 any type of involvement of the neck and to avoid it  
11 if at all possible. So with that, Inspector Holmes,  
12 if you could just briefly discuss that.

14 INSPECTOR HOLMES: The carotid hold, as  
15 they refer to it, it's not where you're coming near  
16 the neck and it's something used by LAPD as well as,  
17 I believe, the FBI; they're focused more on the  
18 carotid artery, so they actually come down in a  
19 sweeping method and press against the carotid artery  
20 and what they're actually doing -- I think they said  
21 it's about six to eight seconds -- they're actually  
22 putting a person to sleep, so you see 'em sort of  
23 kinda lose consciousness, so they actually lose some  
24 sort of control. Naturally, that's not something  
25 that we practice here, but their maneuver, actually

the way the arm is placed, the... it's not coming in the area of the neck.

CHAIRPERSON GIBSON: Okay, I'll have more questions on that later. Let me call on Council Member Espinal, followed by Council Member Lancman.

COUNCIL MEMBER ESPINAL: Thank you Madame Chair and I also wanna thank the Commissioner and the officers for all the work you guys do, keepin' our city safe; I actually feel really safe sitting here right now, so thank you. With that being said, I'll just touch upon the topic of ticket quotas. Thought law prohibits quotas, there have been numerous reports alleging that certain metrics were in place to evaluate police performance, which I believe can alter an officer's judgment and actions when on the street. Does a quota system exist and how can we ensure that NYPD offers training that does not include requirements to meet certain productivity goals in the form of tickets or summons?

POLICE COMMISSIONER BRATTON: I'm gonna apologize; I'm missing the term that you're inquiring about -- photos? [background comments] Quotas...

COUNCIL MEMBER ESPINAL: Ticket quotas.

POLICE COMMISSIONER BRATTON: There are no quotas in the NYPD.

COUNCIL MEMBER ESPINAL: Okay... [laughter] oh, you know; I just... in response... [crosstalk]

POLICE COMMISSIONER BRATTON: There are no quotas in the NYPD. [background comments]

COUNCIL MEMBER ESPINAL: Okay.

POLICE COMMISSIONER BRATTON: We are focusing on quality, not quantity... [interpose]

COUNCIL MEMBER ESPINAL: Right. So...

POLICE COMMISSIONER BRATTON: and I'm making that point here, making it in front of my leadership team, which we emphasize. They clearly understand that, either in ComStat, that we look at our numbers, but there are no quotas that... in this department and if there are, that they're identified and we'll deal very effectively with that.

COUNCIL MEMBER ESPINAL: Now is there any way in your trainings that we can implement, I guess like kinda understanding that the productivity doesn't mean giving a certain amount of tickets for police officers... [interpose]

POLICE COMMISSIONER BRATTON: We are bas... [clears throat] we are basically doing that through

1 ComStat; we are basically doing it through the many  
2 messages of the Chief of Department and the collected  
3 leadership team that you see here, that if... I believe  
4 that any of the individuals sitting in front of you  
5 were basically driving that type of system they  
6 wouldn't be sitting in this audience today. The  
7 drilldown to move away from a system in which it was  
8 widely believed and maybe there were quotas that...  
9 certainly our unions felt that; certainly some of you  
10 felt that, that... well if they were, that those days  
11 are over, because in ComStat we want results and if I  
12 can get away with results with the minimum use of  
13 enforcement, well that's what we're looking for.

14  
15 COUNCIL MEMBER ESPINAL: Thank you.

16 CHAIRPERSON GIBSON: Thank you colleague.  
17 Wow. Council Member Rory Lancman.

18 COUNCIL MEMBER LANCMAN: Thank you very  
19 much, it's good to see you, Commissioner. I wanna go  
20 directly to your comment about chokeholds not being  
21 illegal, which strictly speaking is correct, it's not  
22 a penal law violation to perform a chokehold. Given  
23 how dangerous chokeholds are, the fact that the NYPD  
24 itself banned them in 1985, except for circumstances  
25 where the officer's life was in danger, but even that

1 was not enough and in 1993 went farther and banned  
2 them in all circumstances whatsoever, and clearly the  
3 fact that officers are not getting the message,  
4 because when Eric Garner was killed, and he didn't  
5 pass away, it was a homicide, when Eric Garner was  
6 killed by a chokehold, there were two other videos  
7 that surfaced within about a week of officers  
8 performing what appeared to be a chokehold. Would  
9 you support legislation that would make it illegal  
10 for an officer or anyone to perform this incredibly  
11 dangerous maneuver?  
12

13 POLICE COMMISSIONER BRATTON: I would  
14 not.

15 COUNCIL MEMBER LANCMAN: Why not?

16 POLICE COMMISSIONER BRATTON: I feel the  
17 Department policies are sufficient; that if lawmakers  
18 want to try to make that against the law, well good  
19 luck, but I will not support it.

20 COUNCIL MEMBER LANCMAN: So let's get to  
21 that view that the Department's policy is sufficient,  
22 given how many chokeholds we have been able to see  
23 performed with our own eyes.

24 POLICE COMMISSIONER BRATTON: What you  
25 seem to see.

COUNCIL MEMBER LANCMAN: What we seem...

[interpose]

POLICE COMMISSIONER BRATTON: that's what the CCRB exists for, to make a determination and in a case of a death, that's what our legal system exists for, to determine was there in fact any criminality involved in the use of that particular type of force by an officer, if it's determined that that was the use of force that was applied.

COUNCIL MEMBER LANCMAN: Although whether or not the use of force was criminal and there's criminal culpability is different from whether or not the chokehold was applied. It's my understanding...

[interpose]

POLICE COMMISSIONER BRATTON: That's correct. Right.

COUNCIL MEMBER LANCMAN: It's my understanding that it's your own observation, but in the Garner case the maneuver that was applied was a chokehold... [crosstalk]

POLICE COMMISSIONER BRATTON: I'm not gonna speak to the Garner case at all, it's in the appropriate form at the moment and that's the district attorney over in Staten Island. So our

posture is that we don't wanna speak to that case at all.

COUNCIL MEMBER LANCMAN: So before we talk about the training that is to come and I hope that it will be well thought out and it will be comprehensive and that it will be successful; given the fact that the NYPD has banned the chokehold maneuver and it has been banned for at least 20 years, almost 20 years; what failure in the NYPD's training, either at the academy or after officers are on the streets so to speak, where's... what's been the failure in properly training officers to restrain suspects who are resisting arrest without the use of this banned chokehold?

[background comments]

POLICE COMMISSIONER BRATTON: Well first off, I'll object to your term failure; the idea of policies, guidelines, training; we attempt to equip our officers with the appropriate skills to address situations they may encounter, however there is no policy procedure that can address every circumstance they might find themselves in, including life-threatening to them or to their partners or to the public, so in terms of going back to the point of the



reference of the number of a 1,000 chokeholds; that's the allegation going into the process, as to whether that's a chokehold based on the definition of it when it comes out, well that's where the CCRB and then subsequently the NYPD review would come into play. But I would not see that as a failure, if you will; that our officers face incredibly difficult circumstances every day out in the streets and that's why we have the very public review processes that we have, [bell] district attorney review, see if there's criminality, department review... [interpose]

COUNCIL MEMBER LANCMAN: Well...

POLICE COMMISSIONER BRATTON: civil rights investigation... [interpose]

COUNCIL MEMBER LANCMAN: if... if I may just frame the question this way -- what is the affirmative training that is provided to officers in how they should restrain and arrest a subject who is resisting arrest?

POLICE COMMISSIONER BRATTON: That's the whole point of the testimony I just gave this morning, myself and my colleagues, the training that we're going to attempt to provide this point going forward to take these perishable skills and every

1  
2 year, as we do with firearms, retrain them and if  
3 policies and procedures or state-of-the-art practices  
4 or laws change, that we then train to those changes.  
5 So that's where I'll be fully expecting the support  
6 of this Council to ensure that we're all together in  
7 ensuring that our officers have every skill set that  
8 they need to do their duties and at the moment I  
9 think that we have not been doing that and I'm hoping  
10 that together we can ensure that the men and women  
11 that we count on to protect and to serve the public  
12 are able to do it in as safe a way as possible going  
13 forward.

14 COUNCIL MEMBER LANCMAN: Thank you...

15 [crosstalk]

16 CHAIRPERSON GIBSON: Thank you. Thank  
17 you, Council Member Lancman. Next is Council Member  
18 Cornegy.

19 COUNCIL MEMBER CORNEGY: Good afternoon.

20 POLICE COMMISSIONER BRATTON: Good  
21 afternoon... almost afternoon... [crosstalk]

22 COUNCIL MEMBER CORNEGY: Uh... [background  
23 comments] Yeah... [interpose]

24 POLICE COMMISSIONER BRATTON: Yeah,  
25 getting close.

COUNCIL MEMBER CORNEGY: we're right there, Commissioner. Thank you Madame Chair and Commissioners and the new leadership team for being here; I would be remiss if I didn't take 30 seconds of my time to say congratulations to Inspector Holmes, who joins this leadership team with a tremendous amount of experience, coming from the 81st Precinct, which is in my district, who served with distinction for many years; congratulations to you [background comment] for doing what you're doing. Having said that, a couple of weeks ago I published an op-ed titled *Struggling is Not a Crime* in the Amsterdam News and I did that because I became extremely concerned that too many New Yorkers who are just doing what they can to get by in these tough times are being charged with crimes, even when their activities are classified as violations and not even misdemeanors, in terms of the Criminal Code. One example is the young people who dance and solicit tips on the subway trains; there have been many reports of these children being arrested and charged with reckless endangerment, although there have been no reports of injuries associated with their performances. This is true despite the fact that the

MTA rules state that punishment for performance on trains is a \$20 ticket. Can you please just explain some officer training... what officer training influences these decisions and whether there is a plan to change training to lessen what some of us deem as the over-criminalization of New Yorkers participating in this informal economy?

[background comment]

POLICE COMMISSIONER BRATTON: First off, I'd remind you that that behavior is prohibited by the Transit Authority; I'm fully supportive of their move to that effect, having chaired as the chief of the Transit Police and as a frequent rider of the subways currently. Subway cars are not for sleeping, they're not for dancing, if you will, no matter how entertaining, 'cause there is a risk to the performer; just because there have been no incidents, first time one of those kids falls and basically paralyzes himself, you and I will be paying for that young man for the rest of his life for his injuries or if he basically during one of his moves manages to kick or injury a passenger or a baby. I'm sorry that we have a strong disagreement on this matter; subways are not for that type of activity; I'm supportive of

1 it and we're looking at it currently with the MTA to  
2 see if there's certain areas in the subway or in some  
3 of our concourses etc. where that activity could be  
4 engaged in. Outside this building every day there  
5 are a group of young men who provide great  
6 entertainment and we don't bother them. Why?  
7 Because they're not putting the public at risk; on  
8 the subways they are putting the public at risk on  
9 those subway cars. That's my feeling about it.

11 COUNCIL MEMBER CORNEGY: And I thank you  
12 for your comment, but I do wanna note that while the  
13 MTA has classified it as prohibited, their punishment  
14 has been a \$20 ticket, not arrest and/or a charge;  
15 that's not even a misdemeanor, so I just wanna be  
16 careful because those are the least among us and I  
17 guess no one's brought it up, but it kinda lends to  
18 the whole broken windows type of policing, which is...  
19 [crosstalk]

20 POLICE COMMISSIONER BRATTON: If... If...

21 COUNCIL MEMBER CORNEGY: is the 5,000-  
22 pound elephant in the room probably at this point.

23 POLICE COMMISSIONER BRATTON: No, in  
24 terms of the... even with the increased enforcement,  
25 certainly the publicity that I'm grateful for to our

1 friends in the media that they've given attention to  
2 this issue, there are still individuals who still  
3 engage in that behavior despite knowing that we are  
4 making arrests for it and but fortunately the numbers  
5 of these events has dropped off dramatically. The  
6 discretion to summons, to cite, to verbally admonish  
7 is dependent on the level of response we get. So  
8 even with arrests we're still getting noncompliance  
9 by some in the subway system, so again, the whole  
10 issue of this issue is that I feel that at this  
11 particular point in time, till that behavior [bell]  
12 stops, arrest is an appropriate protocol.

14 COUNCIL MEMBER CORNEGY: Thank you.

15 CHAIRPERSON GIBSON: Thank you, Council  
16 Member Cornegy. Next is Council Member Reynoso.

17 COUNCIL MEMBER REYNOSO: Hello  
18 Commissioner... [crosstalk]

19 POLICE COMMISSIONER BRATTON: Good  
20 morning.

21 COUNCIL MEMBER REYNOSO: thank you to the  
22 panel for being here. Just wanna make mention that  
23 we talked on quality and quantity and quality being  
24 important, but regardless of whether it's the amount  
25 or the quality, it is young men of color that are

1 disproportionately engaged in police enforcement  
2 interactions, which is my biggest concern, leaving  
3 them open to most cases of possible officer  
4 misconduct. But in those cases a 100 percent of the  
5 time we are asking our young men of color to not  
6 resist arrest, but in 58 percent of CCRB  
7 substantiated cases in 2013, we have the NYPD  
8 rejecting those disciplinary recommendations. So  
9 while we're held accountable at a 100 percent, you're  
10 held accountable at 58 percent; we would like to know  
11 why is it that we don't take on a 100 percent of the,  
12 what we call substantiated cases from the CCRB?

14 [background comments]

15 POLICE COMMISSIONER BRATTON: That goes  
16 to the heart and sole of the discussions we're having  
17 with Mr. Emery and as he seeks to reconstitute the  
18 CCRB and as I've sought to reconstitute the  
19 leadership team on the police side to find more  
20 common ground so that we have fewer these disputes  
21 about the appropriateness of the finding, the quality  
22 of the investigation and the appreciation of what the  
23 police department would normally do for a similar  
24 finding in terms of punishment or retraining that and  
25 some restrictions as if many years ago we sought to

1 build that Verrazano bridge and when we got to  
2 midpoint we found that one part of it was 20 feet  
3 below the other part of it, well that's the CCRB that  
4 we have at the moment and the relationship with the  
5 New York City Police Department. So Mr. Emery,  
6 myself, the Mayor and hopefully the Council will be  
7 very supportive of the changes that we're seeking to  
8 make to ensure that we don't have a bridge to nowhere  
9 but rather we have a bridge to justice that's  
10 constitutional, that's transparent and that is much  
11 more quicker for both [background comment] the  
12 officer and the complainant... [interpose]

14 COUNCIL MEMBER REYNOSO: When speaking to  
15 justice, just want you to understand where we come  
16 from when we have to get arrested at a 100 percent of  
17 the time or we can't resist arrest a 100 percent of  
18 the time and justice doesn't take a pause for us till  
19 we figure it out or till the NYPD figures it out, but  
20 it does take a pause for you while you guys get to  
21 build policy that is gonna be more appropriate, so  
22 understand the levels of frustration that we have  
23 regarding what we consider justice on both sides  
24 here, it's two standards, so I just wanna make sure  
25 that that was communicated. I also noticed that when



collecting race information the number of summonses dropped from 30 to 4 percent, from 30 percent to 4 percent and I just wanna know why this change happened.

POLICE COMMISSIONER BRATTON: I'm sorry, the change in summons for what, please?

COUNCIL MEMBER REYNOSO: Regarding... [background comments] What?

FEMALE VOICE: It's no longer documented.

COUNCIL MEMBER REYNOSO: In 2012... yeah, you're right, in 2012 the number of summonses of race information included a drop of 30 to 4 percent, so we're... we're allowing less [background comment] information regarding race on our summonses. Do you know why that is...? [crosstalk, background comment]

POLICE COMMISSIONER BRATTON: I'll let you speak to that, but I believe the issue is that the summons doesn't have racial classification on it.

COUNCIL MEMBER REYNOSO: Alright. So was it voluntary... [interpose]

INSPECTOR HOLMES: I... I believe that the older summonses did and maybe that's where you're getting your stats from... [interpose]

COUNCIL MEMBER REYNOSO: Okay.

INSPECTOR HOLMES: but the newer summonses, they don't contain any area for race.

[background comments]

COUNCIL MEMBER REYNOSO: Okay and why is it that they don't contain the race information?

POLICE COMMISSIONER BRATTON: You'll have to ask the legislature.

COUNCIL MEMBER REYNOSO: It was a legislative item. Alright. So I guess the last part is, going back to my first question is... [interpose]

POLICE COMMISSIONER BRATTON: Thank you.

COUNCIL MEMBER REYNOSO: asking what does happen to the 42 percent of officers... what type of disciplinary action is taken in these substantiated cases by the NYPD that are not necessarily the recommendation of the CCRB?

POLICE COMMISSIONER BRATTON: Each case is reviewed by me personally, whether it's initiated and investigated by the NYPD, our Internal Affairs [bell] or by CCRB or in some instances jointly and that what I will look to determine is was the case made, if you will, was it justified. Secondly, that there are norms, if you will; if in fact there is a finding of guilt of some form, what are the norms, if



1  
2 their functions? And in discussing all of this, do  
3 you anticipate a new need for overtime and if that is  
4 the case, do you think this will trigger a need to  
5 hire more officers to help mitigate the overtime?

6 POLICE COMMISSIONER BRATTON: 'Kay. As  
7 you may recall that during last year's budget cycle  
8 this Council made a proposal for a 1,000 additional  
9 police officers, a proposal that the Mayor and I at  
10 that time appreciated, but we reported to you that  
11 we're in the process of reengineering the  
12 organization and that I would be looking very  
13 carefully at what should the size of the NYPD be  
14 going forward; was it a 1,000; 2,000 and we are in  
15 the process of closing in on those numbers; that it  
16 will be in excess of a 1,000 additional officers  
17 we'll be looking for, some to support the additional  
18 training, some to support the need for additional  
19 field training officers. There will also be monies  
20 that will be necessary to support the camera  
21 initiative that we are proactively looking to go  
22 forward with, which the Public Advocate, the Mayor  
23 and I believe this Council has embraced and which  
24 will be subject to the federal consent decree... or not  
25 consent decree; in our case in terms of the federal

1 monitor. So the overall cost of all of this that we  
2 would hope, both in the short-term, to have numbers  
3 for this year's budget, additional monies that will  
4 be necessary and that is going to be in the range...  
5 for the training we're talking about in the range of  
6 \$25 to \$30 million; the budget for the next budget  
7 cycle that we'll be going forward with discussing  
8 will include monies for the training we're talking  
9 about as well as additional personnel, and as we  
10 formulate and develop that we'll be more than happy  
11 to share it with the Council because it will require  
12 your approval in most instances for those additional  
13 personnel or the overtime authorization to ensure  
14 that we have a police force that is adequately staff  
15 to support the needs of the city and a police force  
16 that is adequately staffed to support the training  
17 needs of the men and women of the organization.

18  
19 COUNCIL MEMBER FERRERAS: You said \$25 to  
20 \$30 million for the training costs; does that include  
21 your overtime expected number?

22 POLICE COMMISSIONER BRATTON: The initial  
23 budget proposed by Deputy Commissioner for Budget,  
24 Mr. Grippo, is in the approximate \$25 to \$30 million  
25 range to complete the overtime training or

1 replacement of officers who are at training for that  
2 initial 20,000 officers and then the additional staff  
3 that will need to be basically recruited to be the  
4 trainers, if you will. So we'll have specifics on  
5 that; right now it's been flushed out, but we're now  
6 moving it into the final details that we'll be coming  
7 to you with the appropriate budget submissions.

8  
9 COUNCIL MEMBER FERRERAS: Commissioner, I  
10 would really appreciate if we can... if you can share  
11 this with us as soon as possible and not in March  
12 when we're doing our preliminary budget hearings so  
13 that we're able to properly digest and able to really  
14 give oversight to this program that you're going to  
15 be introducing to the Council. And I know that you  
16 talked about staff; when you say staff, are you  
17 referring to civilians and uniforms?

18 POLICE COMMISSIONER BRATTON: That's  
19 correct.

20 COUNCIL MEMBER FERRERAS: And when we  
21 have... in Fiscal FY 15, we transitioned officers out  
22 and [bell] replaced with civilians; are any of those  
23 civilians the ones that we're talking about in this  
24 group or is that additional to those civilians?  
25

POLICE COMMISSIONER BRATTON: These will be additional officers that we'll need to pull in from other assignments to expand the academy staff to accommodate this training. We'll also need to spend additional time training the trainers -- each command has training officers who'll need to be acquainted with the new training regiment, so there's a lot of moving parts to this that Commissioner Tucker and his personnel are working on with other units within the Department.

COUNCIL MEMBER FERRERAS: Thank you very much Commissioner. Thank you, Madame Chair.

CHAIRPERSON GIBSON: Thank you, Council Member Ferreras and thank you; I appreciate that our finance chair brought up those questions because I'm very interested to know; during the budget process we had this conversation around increasing the head count and you know, all of the initiatives that we continue to talk about, it gets me back to that same conversation, that we really need to understand that overtime and shifting is not the answer and I am extremely, extremely happy to hear and moving forward we really need to understand that increasing the head count moving forward has to be a part of the

1 conversation; we cannot do all of this work with a  
2 growing diverse city with 35,000 uniformed officers;  
3 the civilianization was a great plan; I wanna see  
4 more of that, I think it's great to have civilians do  
5 the work that uniformed staff normally has been doing  
6 and putting those cops on the streets where we need  
7 them is really important, so I know Deputy  
8 Commissioner Grippo is here and I certainly... we would  
9 definitely need that information in terms of cost  
10 breakdown, the staffing at the academy and how much  
11 that will cost; there's a lot of money we're talking  
12 about and that's something that the Council really  
13 will have to consider moving forward.

14 I also just wanna go back to... Council  
15 Member Reynoso talked about the summons forms and I  
16 don't know if you alluded to the change where the  
17 ethnicity on the form was omitted on the actual form,  
18 so now when the summonses are issued, we don't know  
19 the ethnicity of those individuals that are being  
20 given those summons and it's good for us to track the  
21 data obviously to see if there are any trends and  
22 patterns. Did you allude that there was State  
23 legislation that changed that or was the a PD policy  
24 internally that omitted that information?  
25



POLICE COMMISSIONER BRATTON: Those forms are provided by the State, they're not designed by us. So to change the form, I'm not sure what the rationale was for changing the information field; we would not be opposed to putting back onto those forms that type of classification; we have it on many other of our department forms, so again, I'm just not familiar enough with the history... [interpose]

CHAIRPERSON GIBSON: Okay.

POLICE COMMISSIONER BRATTON: of when it was changed or what the rationale was for the change.

CHAIRPERSON GIBSON: Okay. So we'll continue talking about that because we have different information and I'm glad to hear you say I support putting that information back on so that when summonses are collected and issued we have the ethnicity for those individuals. Next we will hear from Council Member Rodriguez, followed by Council Member Deutsch and we've also been joined by Council Member Cumbo and Council Member Greenfield.

COUNCIL MEMBER RODRIGUEZ: Thank you.  
Good morning Commissioner; thank you for your leadership at the NYPD and I know that if we look backwards to the 80s and the 90s and today, even

though we have major challenges and still the need to work all of us together to improve the relationship between the police and the community, as someone that had been arrested in the 80s and the 90s by stop and frisk, I can say that I'm proud the improvement that we have made on the relationship between the police and the community; however, I also praise your commitment and interest to bring the leadership of the city together, religion leaders to talk about challenges that we have as a city. I just believe that... now I hope to see a commitment from everyone on the legacy that we would like to leave after we leave office, after we leave the NYPD and I would like to hear, one; what is your goal; I read great numbers, but I would like to see what is... great, these numbers reflect what we have done in the past, but what is the goal for the next four years when it comes to everything, all the aspects that you describe here. Second, I believe that... I hope that you can leave yourself open as a commissioner and with the administration to look at the possibility to make chokeholds illegal in New York City. There are so many arguments on why we should eradicate chokeholds from the streets of New York City; I believe that

1 this is one particular practice that you will help us  
2 to bring many leaders together and I just hope that  
3 even though I heard your position today, that we can  
4 leave the door open to have conversation on the  
5 possibility to see if we make a chokehold illegal in  
6 our streets.  
7

8 My next concern is about the diversity of  
9 those who provide training at the police academy.  
10 You know in New York City, as I have said before,  
11 different from a 100 years ago is composed by 28  
12 percent Latino, 25 percent black, so you make the  
13 black and Latino the largest percentage of New  
14 Yorkers; however, at the higher level, at the  
15 training level I don't see the diversity is  
16 reflected; not even in the discussion or the stop and  
17 frisk and the chokehold problem I have seen the  
18 interest to bring leaders together that reflect that  
19 diversity that we have composed by 28 percent Latino  
20 and 25 percent black.

21 POLICE COMMISSIONER BRATTON: 'Kay. And  
22 to answer your question about what are the goals,  
23 both currently as well as moving forward, they're  
24 quite simple; the basic mission for which the police  
25 exists is to prevent crime and disorder and in this

1 city, to ensure as we go about doing that, that all  
2 areas of the city experience that level of decrease  
3 to the extent that they can enjoy the benefits of a  
4 safer city. That is not the case in some areas of  
5 the city, unfortunately at this time, despite  
6 reductions of 70 or 80 percent in some of those  
7 neighborhoods where they're still experiencing the  
8 bulk of the murders and the shootings and the rapes  
9 and the robberies. The way we intend to go about  
10 doing that is in a way that will be; one, within the  
11 constitution; two, transparent and three, in a way in  
12 which we garner respect rather than lose it as we go  
13 about that. [bell] And we're also hoping to ensure  
14 greater compliance with the community that has trust  
15 in its police so that they are not, as in the case of  
16 the arrest situation we talked about, the thousands  
17 who continue to resist being arrested when that is  
18 the appropriate action for the behavior. So in sum a  
19 substance [sic] that we are focused on really how  
20 police deal with crime and disorder, the process and  
21 it's as important as the outcome; the outcome being  
22 reduced crime and fear. Well, how do we get to that  
23 goal? And in practice this means that every tactic,  
24 every procedure, every policy and every guideline in

our department has to be enlightened by the constitution and developed within its context. The idea that we are committed to legitimacy, we are committed to procedural justice; we are committed to policing within the constitution. As to the makeup of the Department, this is one of the most diverse police departments in America, at all levels of the organization -- civilian and uniform, as well as in the leadership structure; it's something that the Mayor is totally committed to as he develops his administration, something I've been mindful of in my appointment of personnel. As to the numerical match-up that... because of a 25 percent of this or 35 percent of that, that's a perfect world; we do not live in a perfect world, but we can still strive to goals that reflect the diversity of this great city and to that end I think I'm very comfortable with the diversity that exists at the upper levels of the organization during my time as commissioner and building on the success over the last number of years, a department that is fast approaching a minority majority in our uniformed ranks and I believe that's already the case in our civilian ranks.

CHAIRPERSON GIBSON: Thank you. Thank  
you, Council... [crosstalk]

POLICE COMMISSIONER BRATTON: Thank you.

CHAIRPERSON GIBSON: Member Rodriguez.  
And I didn't hear that last part, Commissioner,  
talking about the diversity of the police department  
is incredible in terms of the officers, but in terms  
of the high-ranking officials, people of color; what  
was your position on that in terms of... [interpose]

POLICE COMMISSIONER BRATTON: I'm very  
supportive...

CHAIRPERSON GIBSON: increase  
opportunities?

POLICE COMMISSIONER BRATTON: I'm very  
comfortable; if you look at my appointments that are  
reflected in the group sitting before you; this group  
sitting at this table with me, I'm very comfortable.  
But again... [crosstalk]

CHAIRPERSON GIBSON: Are you looking to  
make...

POLICE COMMISSIONER BRATTON: am I able  
to match up my command staff 25 percent Latino, 30  
percent black -- I'm sorry, that's a perfect world,  
it's a goal to go toward, but I look in addition to

1  
2 diversity, I have also looked at talent and so in  
3 terms of the duality, as any manager in this city, as  
4 any city official has to speak to, that you know,  
5 it's a goal to seek, to strive toward, to be mindful  
6 of as we conduct our hiring and our recruitment and  
7 in that regard I'm very, very comfortable looking at  
8 my leadership team versus the leadership team that  
9 was in place when I got here; I think you'll find the  
10 diversity of the... particularly those that I appoint  
11 has expanded pretty significantly.

12 CHAIRPERSON GIBSON: The percentages you  
13 described are senior staff or the entire force?

14 POLICE COMMISSIONER BRATTON: Percentages  
15 of the senior staff... [interpose]

16 CHAIRPERSON GIBSON: senior staff...

17 POLICE COMMISSIONER BRATTON: and  
18 percentages over the entire force.

19 CHAIRPERSON GIBSON: Okay.

20 POLICE COMMISSIONER BRATTON: And it's a  
21 work in progress... [crosstalk]

22 CHAIRPERSON GIBSON: Okay.

23 POLICE COMMISSIONER BRATTON: being quite  
24 frank with you; this was a city that for many years  
25 had a very significant white majority, as did many of

1  
2 its city agencies; the city is increasingly going in  
3 another direction; over time you'll see over the  
4 years that the leadership in all the department of  
5 the City will in fact be going in that direction  
6 also.

7 CHAIRPERSON GIBSON: Okay, I appreciate  
8 the commitment to just say that it's an improving  
9 process that will only continue to get better; I  
10 definitely appreciate that and it will satisfy many  
11 of our New Yorkers that wanna see a police department  
12 that's not only reflective of New York City, but  
13 especially at the top level where most of the  
14 decisions are made it's really helpful to know that  
15 you have the police administrators that look like the  
16 communities in which they serve; I think that's  
17 helpful and I appreciate your commitment to continue  
18 to make more appointments that are reflective of the  
19 diversity of this city. Next we will hear from  
20 Council Member Deutsch, followed by Council Member  
21 Greenfield.

22 COUNCIL MEMBER DEUTSCH: Thank you Madame  
23 Chair; thank you Madame Speaker. First off all let  
24 me just remind you, Commissioner that anything I say  
25 you cannot hold against me; you did give me an award,



POLICE COMMISSIONER BRATTON: The statute of limitations has run out on that one.

COUNCIL MEMBER DEUTSCH: I also would

I'd like to thank you, Police

Commissioner for implementing the training which will improve community relations as well as accountability in the New York City Police Department. I also want to praise Deputy Commissioner Pineiro for reaching out to our community council meetings and throughout my districts and it's been really... the people really appreciate you being there and answering questions and being there for the community, as well as Detective De Squad [sp?] in my command, in one of the commands, 70 Precinct that has a high clearance rate

in shootings, under the leadership of Chief Boyce, so thank you very much, Chief.

You mentioned, Police Commissioner that there's 22 percent less of an arrest rate on homeless; throughout this summer I had approximately over 22 operations on homeless outreach with the Department of Homeless Services, Common Ground, New York City Police Department and Parks Department, Parks Police, Parks Enforcement and my question is, you have what's homeless outreach in the New York City Police Department, so if there's no enforcement on homes or not being able to bring them to shelters or to hospitals or forcing them to do anything; what is the role of Homeless Outreach?

POLICE COMMISSIONER BRATTON: Actually, let me ask Susan Herman to speak briefly to that; she's been the principal coordinator; a lot of our focus has been on the subway system initially, 'cause they do have a homeless outreach unit, but those activities will be branching out beyond the subway, so if I could ask her to just very briefly within the brief time we have to just quickly expand on that.

SUSAN HERMAN: Good afternoon. What we're trying to do is make sure that the laws are

1 enforced but that there are other options and  
2 opportunities available, not only for the officers  
3 but for people we encounter, both in the subways and  
4 above ground. So to that end, we've been working  
5 very closely with the Department of Homeless Services  
6 and BRC, the nonprofit they contract with. And in  
7 our subways, and Chief Fox can talk to this; in our  
8 subways we have now paired BRC outreach workers with  
9 homeless outreach officers and they're patrolling  
10 together, both on subway platforms on the trains and  
11 at end of service points... [interpose]

12  
13 CHAIRPERSON GIBSON: Can you please state  
14 your name for the record?

15 SUSAN HERMAN: I'm sorry; I'm Susan  
16 Herman, Deputy Commissioner of Collaborative  
17 Policing.

18 CHAIRPERSON GIBSON: Thank you.

19 COUNCIL MEMBER DEUTSCH: Throughout the  
20 summer, like I said, I have been reaching out, doing  
21 homeless outreach and I have a number of homeless  
22 people under the train stations, on the train  
23 trestles, on the boardwalk, which is in my  
24 colleague's district and as well as, you know, on  
25 park benches and I've been working with Common Ground

1 and the Department of Homeless Services [background  
2 comment] and what they do is, they reach out to the  
3 people and they try to get them to come into  
4 shelters. But when it comes... some of the areas you  
5 find people that are... they're intoxicated, so what is  
6 the Police Department allowed to do or not allowed to  
7 do when it comes to homeless... you know, what is their  
8 role; I mean...

10 SUSAN HERMAN: So first of all, I think  
11 the statistic that you heard earlier was a decrease  
12 in arrests in the subways; it wasn't overall, if I'm  
13 correct. Yes?

14 COUNCIL MEMBER DEUTSCH: Yeah.

15 SUSAN HERMAN: And that is the result of  
16 the joint outreach, when an officer and an outreach  
17 worker are approaching someone together [bell] and  
18 offering services and making it clear that it's kind  
19 of a... you know, you've been encountered and we're  
20 approaching you because your behavior is problematic,  
21 but we'd like to offer you shelter and services,  
22 mental health counseling, job tainting programs, all  
23 of that; it's a very stark view when you see an  
24 officer and an outreach worker together; we're trying  
25 to do that above ground as well, so it doesn't mean

that the officer can't enforce the law if the services are rejected, it just means that we're trying to make it clear that there are alternatives.

COUNCIL MEMBER DEUTSCH: Yeah. So I'm not asking to enforce... [interpose]

CHAIRPERSON GIBSON: Council Member, sorry; your ti... can you make your closing remarks? We have to close. Thank you.

COUNCIL MEMBER DEUTSCH: Okay. Let me get to the next thing. You have what's called CouncilStat and we have... we have what's called CouncilStat; you have CrimeStat and AccentStat [sic], so when we look at our CouncilStats, when it comes to police issues we have a very high percentage; I understand you're reaching out to community boards and to, you know speaking with the committee council president; my question is; are you planning on meeting all individual council members [background comment] on a one to one basis?

POLICE COMMISSIONER BRATTON: Actually, I have a meeting with one of you this afternoon, so I've been trying to be very responsive to those requests; I've met with... I think, looking at about four or five of you already that are on this

committee, so I'm very agreeable to meeting individually with council members; I have been since I was sworn in.

COUNCIL MEMBER DEUTSCH: Thank you very much... [crosstalk]

CHAIRPERSON GIBSON: Thank you Council Member. Thank you.

POLICE COMMISSIONER BRATTON: Thank you.

CHAIRPERSON GIBSON: Next we will hear from... [interpose]

POLICE COMMISSIONER BRATTON: I'd like to just acknowledge, in addition to Susan Herman, who has been working on this issue, Chief Joe Fox over at the Transit Police has been very actively engaged and embracing of trying to find alternatives to the arrest situations as it relates to the shelter-resistant and the homeless.

CHAIRPERSON GIBSON: Thank you. Next we will have Council Member Cumbo, followed by Council Member Greenfield.

COUNCIL MEMBER CUMBO: Thank you Madame Chair and protocol has been established, so I wanna just, in the interest of time, state all my questions

and then present them to you in their entirety.

Thank you so much, Commissioner.

Wanted to talk about -- this is something that we discussed earlier -- wanted to know; have there been any thoughts or discussions relative to when protocol or policies are broken by members of the Police Department, the ability to have some level of transparency so that individuals, such as in the situation with Eric Garner for example, the community understands what the direct penalty is for an infraction to a policy being made that way? So wanting to know; has there been further discussion and has there been some way of determining what those policies and procedures will be, if a policy and procedure is broken by the NYPD?

The second one that I wanted to talk about was -- in my... and all throughout New York City, and I know there have been a lot of discussions about commanding officers and them rotating maybe every two to four years; as a new council member it has been difficult because even in my nine months with the four precincts, both commanding officers have rotated out as soon as I came into office, well one of the challenges that that poses is that in communities

1 there are so many people that it takes a long time to  
2 get to know and to establish those relationships and  
3 for the police officers, wanted to know, such as in  
4 my community and Ebbets Field, their challenge is  
5 that there are new officers coming into their  
6 development on such a regular basis who have no  
7 understanding of who that community is, who those  
8 young people are, who are the negative influences as  
9 well as the positive influences and we believe that,  
10 in many ways from our tenant meetings, the only way  
11 that can happen is if there are police officers that  
12 are regularly involved with those communities on an  
13 ongoing basis so that they know who the community  
14 members are and how to best approach those. And then  
15 cultural sensitivity -- I think, and I'm sure every  
16 member claims it in some ways, but I believe I have  
17 one of the most diverse districts in New York City  
18 and with that I wanted to know if you could give me  
19 an example of how -- in my district I have a huge  
20 Orthodox Jewish population; I have a huge Caribbean  
21 population and African American, the new hipsters  
22 that have come in, all of these different dynamics,  
23 but could you give me an example of how, let's say in  
24 a large Caribbean population, how are officers then  
25



1 trained, how are they given the cultural sensitivity  
2 in a very specific district to understand the needs  
3 of that community? And then my final one goes to the  
4 broken window theory -- in my studies of that, it was  
5 really more, and it seems problematic to me that the  
6 broken windows theory is applied to people versus  
7 structures. So the idea was, let's say in a public  
8 housing development, if a window was broken, if an  
9 elevator was broken, if the stairwells weren't kept  
10 clean or if there was graffiti that hadn't been  
11 removed, that that would in fact create the  
12 environment for petty crime or additional crimes to  
13 escalate. But the challenge that I face is that  
14 there has actually been not very much attention given  
15 to the actual broken windows, but more in terms of to  
16 the people, so it's this concept of creating a safe  
17 environment that is cared for so that way people  
18 respect that this environment is cared for and  
19 thereby the people are cared for and that this not a  
20 conducive environment for violence to occur.

22 POLICE COMMISSIONER BRATTON: Okay.

23 Thank you. Far as the qualities and penalties  
24 relative to the disciplinary process, there's already  
25 in place a lot of documentation... uh sorry. Far as

1 the policies and transparency of the disciplinary  
2 processes with CCRB [bell] and myself, those are  
3 already in place in some of the discussion here in  
4 the Council Chambers this morning. [background  
5 comment] As to the outcomes of some of the findings  
6 by the police commissioner on CCRB complaints, I  
7 think we're already there, but there is a great deal  
8 of transparency in those processes that myself and  
9 the CCRB will be attempting to, both for purposes of  
10 our officers, as well as the public, make them even  
11 more transparent going forward and certainly speed up  
12 the process.

14 As for the issue of promotions and the  
15 assignment of personnel, we're a very large, very  
16 dynamic organization that people get promoted as  
17 they're deserving of and moved at times with those  
18 promotions; many of our personnel do stay for several  
19 years that -- Inspector Holmes is a case in point --  
20 that I had a need at the police academy at this  
21 particular time for a very top priority, doing an  
22 outstanding job, as the Council Member referenced in  
23 the 81 Precinct, but there was a point in time where  
24 the needs of the Department required on a larger  
25 level her services. So we are continually,

1 unfortunately for you, in the precincts shifting  
2 precinct commanders; that's always been the case;  
3 will continue to be the case, our obligation is to  
4 try to have them in there for a period of time where  
5 they can establish relationships that are in fact  
6 then able to be transferred to the next person coming  
7 in.  
8

9 As to the issue of individual police  
10 officers, I have referenced -- you were not in the  
11 room earlier -- that the POPS program that this  
12 leadership team here at the table created, POPS  
13 program is intended to assign officers with mentoring  
14 officers and mentoring community members who work  
15 with them to familiarize them with the neighborhood  
16 they're going to police; instead of being assigned to  
17 a fixed post on a corner they have beats to walk,  
18 they have instructions to go into the stores, into  
19 residences and to meet people; we're expanding on  
20 that dramatically with the next class of kids coming  
21 out the academy; will all be assigned to precinct  
22 assignments for at least their first six months so  
23 they can get familiar with people in the developments  
24 in a general policing sense, not just an enforcement  
25 sense operation impact. So we are already

recognizing that need and that urgency to make that correction.

In terms of the issue of cultural sensitivity, that... we are an organization that is very focused on that, as reflected in our hiring practices; recruitment efforts, as well as that POPS program I talked about was the effort to try and educate young officers much more quickly to the communities they're now gonna be policing, all the various cultural diversities, particularly as you say in yours. Some of how we address that is by having officers from those communities, so this past Friday for example, I promoted... [interpose, crosstalk]

COUNCIL MEMBER CUMBO: Can you say that last sentence; I just didn't... your accent threw me off a little bit?

POLICE COMMISSIONER BRATTON: That... [background comment] in terms of on the issue... [interpose]

COUNCIL MEMBER CUMBO: I'm sorry, all due respect...

POLICE COMMISSIONER BRATTON: On the issue cultural sensitivity, the POPS initiative was intended to address the idea of young officers out of

1 the academy meeting mentoring community members who  
2 would work with them to educate them as to the  
3 community; that program is expanding. It's also the  
4 idea of the diversity of the Department continuing  
5 trying to recruit into the Department members from  
6 the various communities, we are a changing city, a  
7 phenomenally changing city, and to that end, we now  
8 have over 40 fraternal organizations in the  
9 Department representing many of the very diverse  
10 communities, including some that have only recently  
11 begun coming to America and they are constantly  
12 advocating for attention to their particular issues.  
13 In that regard, last Friday at a promotion ceremony  
14 for the first time in the history of the City that  
15 has a huge Hasidic Jewish population [background  
16 comment] we promoted the first sergeant in the  
17 history of this city to the position of sergeant from  
18 that community. So we're moving in that direction.

19  
20 CHAIRPERSON GIBSON: Thank you very much.  
21 Thank you Council Member Cumbo. Council Member  
22 Greenfield.

23 COUNCIL MEMBER GREENFIELD: Thank you  
24 Madame Chair; thank you, Commissioner. I just wanted  
25 to start off by saying that I think overall NYPD does

do good work; I appreciate your leadership; I think the roll of the Council however is to focus on issues that are not being addressed and I think that's clearly what we're trying to do here today and every organization could use some improvement. So in that vein I wanna just focus on a couple of issues I don't think have been significantly addressed before. I wanna specifically focus on the question of arrests and my specific question has to do with the training that's involved on the decision-making process when to make an arrest versus when to deescalate the situation; without getting into specifics, we've seen videos that have circulated where it appears that as soon as things go a little bad or there's a little bit a talk-back to a police officer the next move becomes an actual arrest. Is that something that you're considering in your training; is there as way to reduce the number of arrests and to focus on perhaps deescalating situations as opposed to what seems now to be the de facto, which is an officer's upset, doesn't like your response; I've heard it from many of my constituents even, when an officer tells them, well you know, you keep on talking to me like this, I'm gonna arrest you. And that's something I

1 think that we haven't really touched on in the bigger  
2 picture because that's ultimately what leads to many  
3 of these tense situations, which I would deem as  
4 unnecessary arrests; you might call them resisting  
5 arrest, but I would say there's no resisting because  
6 the arrests have not even begun yet, right? So is  
7 that something that you're focused on and if not, is  
8 it something that you'd be willing to focus on,  
9 because I think if you reduce some of those arrests  
10 you'd improve a lot of those tense situations?

12 POLICE COMMISSIONER BRATTON: You were  
13 not here for... I don't believe you were here for the  
14 early portion of this where we spent that whole early  
15 portion discussing just that. In the prepared  
16 statement, if you have the opportunity to read that,  
17 you'll see... [crosstalk]

18 COUNCIL MEMBER GREENFIELD: I read it.

19 POLICE COMMISSIONER BRATTON: so much of  
20 the focus of the costs that we're looking to absorb,  
21 the \$25 million in overtime, is intended to provide  
22 training to officers very specifically focused on  
23 deescalating arrests through better training on  
24 verbal initiatives and then if an arrest is necessary  
25 after exhausting alternative systems that we will try

1 to train our officers on, that they will then in fact  
2 be given better training, hands-on training; one on  
3 one training as to how to affect an arrest with the  
4 minimum use of force and a minimum potential injury  
5 to themselves and to the police officer, so that's  
6 the thrust of the, basically, reorganization at the  
7 police academy at this time, which I'm hoping that  
8 this Council will be supportive of.

10 COUNCIL MEMBER GREENFIELD: Thank you  
11 Commissioner. I wanna focus on a little more  
12 parochial issue that deals with training as well and  
13 that is that some media reports recently pointed out  
14 that in the last year anti-Semitic crimes have gone  
15 up 29 percent in the city of New York, so while other  
16 crimes have actually gone down, including hate  
17 crimes, the one crime consistently going up is anti-  
18 Semitic crimes. I will say for the record that I  
19 certainly believe in your Hate Crimes Task Force that  
20 you have here in the City, it is better than any  
21 other in the country; one of the challenges that  
22 we've been hearing though directly from the  
23 individual who are making complaints at precincts,  
24 and this goes to the training, is that there seems to  
25 be some resistance when a crime is filed to consider



1  
2 it to bring it as a hate crime, so it's very quickly  
3 dismissed as a simple assault or some other action as  
4 opposed to being escalated so it's not actually  
5 reaching hate crimes in fact for that investigation,  
6 which leads me to actually believe that the number of  
7 anti-Semitic acts are even higher than 29 percent  
8 because many of these are not even being reported.  
9 Without getting into specifics, because I only have  
10 26 seconds left, I'm happy to bring it up afterwards;  
11 I'm wondering whether there is a protocol in place  
12 that actually triggers; when is there a trigger when  
13 an individual believes that they were a victim of a  
14 hate crime; when does that trigger where a Hate  
15 Crimes Task Force is brought in for a broader  
16 investigation?

17 POLICE COMMISSIONER BRATTON: Let me ask  
18 Detective Chief Boyce to speak to that, because he  
19 has an extraordinarily [bell] capable group of men  
20 and women that he directs that are part of that chain  
21 of custody, if you will, for these types of crimes.  
22 Bob.

23 CHIEF BOYCE: Good afternoon, sir; Robert  
24 Boyce of the Chief of Detectives. In regards to  
25 answering your question about hate crimes, each thing

1 that comes into the City is evaluated immediately by  
2 the Hate Crimes Task Force, which is under the  
3 Special Victims Division. Chief Osgood takes a  
4 careful look at things to make sure that we send  
5 people out immediately to an enhanced patrol arrest,  
6 which is what we'd often do. To answer your question  
7 about hate crimes citywide, they are up, not  
8 substantially, but they are up nonetheless; they're  
9 up in two communities -- the Muslim community and the  
10 Jewish community. We think that, from our analysis,  
11 what we're able to ascertain from it, is actions that  
12 are happening globally are affecting us here as well.  
13 So to that end, we are up somewhat... light numbers,  
14 but up nonetheless; other communities are not feeling  
15 that change, hate crimes, but the Jewish and Muslim  
16 and communities are.

18 CHAIRPERSON GIBSON: Thank you. Thank  
19 you very much, Council Member Greenfield. And now,  
20 as we come to a close, Commissioner, I thank you for  
21 your time this morning and for your commissioners'  
22 presence here. I just wanted to bring up three  
23 different points. Within the training that we're now  
24 looking at in the rollout in November, I'd like to  
25 know about training officers on using discretion as

1 it relates to low-level quality of life crimes. I  
2 wanna give you some statistics to see if you agree  
3 and what we're going to do to try to change that  
4 around. From 2008 until 2011 there's been an average  
5 on three different precincts on bicycle-related  
6 summonses, riding your bicycle on the sidewalk. In  
7 the 78 Precinct in Park Slope, between 2008 and 2011  
8 there were eight summons issued on average. In the  
9 73 Precinct in Ocean Hill and Brownsville there was  
10 an average of 1,062. In Bedford-Stuyvesant in  
11 Brooklyn in the 79 Precinct there was an average of  
12 2,050. Now so I'd like to know within the training  
13 that we're looking at in this whole broken windows  
14 topic that we keep talking about, I know your  
15 affirmative position, but I'd like to know, moving  
16 forward, these statistics demonstrate to me what  
17 happens across the city and if you look at these  
18 three precincts, the 78, the 73 versus the 79, really  
19 the one factor and the difference in these  
20 communities is the racial/ethnic makeup and the  
21 socioeconomic status of people living in poverty. So  
22 I'd like to know your views on that moving forward  
23 and how broken windows and the discretion officers  
24 are using in enforcing low-level quality of life  
25

crimes is and will be incorporated into the new training.

POLICE COMMISSIONER BRATTON: I'll be happy to give you more specific answers to the questions you've raised in terms of in written form, so we will get back to you with the specificity that you're requesting. I would point out that very oftentimes our enforcement activities in various communities, based on a study that we have underway at the moment about quality of life enforcement, based on 311 and 911 calls for services request complaints that we receive, so I'm not in a position to respond relative to the three precincts you have referenced without understanding what was the 311, what was the 911 and being quite frank, what was the political requests for enforcement of certain quality of life issues in certain parts of the city. As you all know that, in your positions as elected leaders, oftentimes we're responding to your requests for specific enforcement of specific violations that you're hearing from your constituents. So of you would, let me get back to you on those three precincts. In general the training that we'll be very happy to also provide you on, as we gave you a

1  
2 preview of some of what we're doing, more intimate  
3 understanding of just what we're attempting to do  
4 with the training as it goes forward.

5 CHAIRPERSON GIBSON: Thank you. And I'd  
6 also like to know, within the training are we looking  
7 at additional CPR training, as well as AED training,  
8 because I understand AED training is not mandatory  
9 for every officer, so circumstances where it is being  
10 used are you looking to increase that to the entire  
11 force as well as increasing CPR training for  
12 officers?

13 INSPECTOR HOLMES: Currently AED and CPR  
14 training is mandated for every officer. Currently  
15 the majority of officers in New York City Police  
16 Department have been trained; if they haven't, it may  
17 be for some restrictive duty reason, but the majority  
18 of officers are trained and they're required to be  
19 recertified every two years by the State. So  
20 currently we have year-to-date 11,000 that are  
21 recertified and we have a staff of 1 to 4 and  
22 approximately a class of 25-30 are trained every day.  
23 And as we go to move into the new academy we'll have  
24 more space and able to recertify more people, you  
25

1 know, more members of the service as a result of  
2 that. [background comment]

3  
4 POLICE COMMISSIONER BRATTON: Terms of  
5 the CPR training, I think you're well aware that just  
6 in the past week to 10 days we've had three instances  
7 where officers on patrol performed life-saving CPR-  
8 related activities, so [background comment] the  
9 [background comments] training, if you will, the  
10 repetition of it, is obviously having a life-saving  
11 impact out in the streets.

12 CHAIRPERSON GIBSON: Okay. And what  
13 about therapeutic services for any of the officers;  
14 is that also being talked about, being that they face  
15 so much each and every day, particularly cases of  
16 emotionally disturbed persons and responding to those  
17 cases, not fully understanding how to identify an  
18 EDP; what types of services that they particularly  
19 need; is there anything you're looking at in the  
20 training that focuses on therapeutic services for the  
21 officers?

22 POLICE COMMISSIONER BRATTON: That would  
23 be combined effort between a number of entities  
24 within the Department, Deputy Commissioner Susan  
25 Herman and her role, certainly within the academy



1 collective bargaining they're currently engaged in is  
2 a separate issue between them and the City, but in  
3 terms of access, transparency, briefing them on  
4 initiatives that -- what we discussed with you this  
5 morning -- we'll be continuing to share with our  
6 unions much the same as last week, before we made the  
7 public announcement about the cameras, we had  
8 meetings with all the various unions affected to  
9 brief them on what we're looking to do and hope to  
10 get their cooperation and what we hope will be a  
11 voluntary effort going forward.  
12

13 CHAIRPERSON GIBSON: Okay. And now let  
14 me hear some remarks from our Speaker, Melissa Mark-  
15 Viverito.

16 [background comments]

17 SPEAKER MARK-VIVERITO: So Commissioner,  
18 I wanna thank you for your testimony; there's  
19 obviously a lot of follow-up that we will be doing  
20 between our staffs, in terms of getting questions  
21 answered; as the Chairwoman has indicated at the  
22 beginning, this is just the initial conversation that  
23 we're having with you and the NYPD; there'll be other  
24 hearings on other subject matters, but I think it was  
25 really important for us to get a foundation as to



1 what is leading to the changes that you're seeking to  
2 implement, the acknowledge that there has to be an  
3 improvement between police and our communities is  
4 critically important and that there's really what is...  
5 looks like you're acknowledging and I'd like to get  
6 your affirmation of this, is a real institutional  
7 culture change, which is something that obviously  
8 takes a little bit of time to turn around, so with  
9 the acknowledgements that you've made, my  
10 understanding is; it seems that it's leading up to a  
11 whole culture change within the NYPD in terms of how  
12 it interacts and relates with communities; would that  
13 be an accurate assessment?

15 POLICE COMMISSIONER BRATTON: I think  
16 this organization does very well in terms of its  
17 interactions with the many diverse communities,  
18 nationalities; ethnic groups that we have to deal  
19 with; it's reflected in both our recruiting efforts  
20 that allow us now to have a department that is moving  
21 into a minority/majority position, our department and  
22 our civilian workforce is certainly reflective of the  
23 many communities in this city. We are an  
24 organization that is very mindful of the great city  
25 that we police, very mindful of all the different

1 issues that face the city as well as the country and  
2 whether in our traditional crime-fighting, our focus  
3 on counterterrorism, that we are continually  
4 committed, as I repeated continually through this  
5 event, to constitutional policing, to respectful  
6 policing. And I think we've been doing it and I  
7 think we have the opportunity to -- with our  
8 expanding training -- to do an even better job in  
9 that critical area.

11 SPEAKER MARK-VIVERITO: I appreciate  
12 that. We definitely would like to touch base in  
13 subsequent months to see the impact of the training  
14 and how it's being felt in communities throughout the  
15 city, 'cause I think that's ultimately the test as  
16 well and I know there's follow-up issues with regards  
17 to cost. So I wanna thank you; I do wanna recognize  
18 -- I know we do have families that are here -- Edie  
19 [sp?] Vailes [sp?], Nicholas Haywood, Sr. and Juanita  
20 Young I know are here, that I at least wanted to  
21 acknowledge and recognize; they are the parents of  
22 children that had their sons and daughters had  
23 interactions with the police which led to their  
24 death; I at least wanted to recognize that they are  
25 here. So I again wanna thank you for being here and

we look forward to having hearings in the future and your participation, Commissioner.

CHAIRPERSON GIBSON: Thank you, Commissioner to you and your team... [interpose]

POLICE COMMISSIONER BRATTON: Thank you.

CHAIRPERSON GIBSON: I wanna thank the Speaker for staying with me this morning; I wanna thank all of my colleagues and the staff. You know, I guess just to sum this all up, this is not the last opportunity we will have to speak to all of you; I guess I just wanna really be clear because we are at a point in this city where we have to turn the page on the past; recognizing what has happened, but really making a commitment to move forward. I'm encouraged that as you go out and travel, meet with New Yorkers, meet with the community councils, with our local clergy members who understand and can really bring a different perspective to the conversation. I say it before and I will say it again, [background comment] there really has to be one system of justice for everyone and that goes for police, that goes for elected officials, the public; every single person that takes the oath to serve the people of this city. I appreciate a lot of what I've

heard -- the accountability, the inclusion, the fact that we're putting all of the different ingredients together -- but we have to remember that at the end of the day this is about true public service for all New Yorkers, regardless of what neighborhood you live in, what ZIP code; my community, every community deserves the respect and I'm hoping and knowing that moving forward that we will truly achieve that. So I thank you for your time, thank you for your testimony and we will certainly be in touch. Thank you to all of you for being here.

POLICE COMMISSIONER BRATTON: Thank you.

[background comments]

CHAIRPERSON GIBSON: And now we will just take a couple minutes of a break before we turn to our next panel. If anyone is still interested in signing up, please see our sergeant at arms on the side if you wanna sign up to speak. Thank you again.

[pause]

[background comments]

[gavel]

CHAIRPERSON GIBSON: Good afternoon ladies and gentlemen, welcome back to our oversight hearing on the New York Police Department's focus on

enhanced training. I am Councilwoman Vanessa Gibson, Chair of the Committee on Public Safety; I thank all of you for your presence here and first we heard from the Police Commissioner, William Bratton and his team on the plan of a detailed analysis of police training and enhanced training and now we will resume this hearing and get to some of our advocacy groups and members of the public.

So our first panel is Candace Tolliver from the New York Civil Liberties Union, as well as Sydney Kopp-Richardson from AVP, NYC Anti-Violence Project, Alyssa Aguilera from Vocal New York and Mickey Osterreicher from the National Press Photographers Association. If you all four could please come forward and if you have any copies of your testimony, please provide them to the sergeant at arms. Thank you.

[pause]

[background comments]

CHAIRPERSON GIBSON: Thank you all for being here and I just want to share with you that because we have a number of other panels following you we have to put all of you on a timeframe, so you will have two minutes to either read your testimony,

summarize to put on the record and please identify yourself before you begin. Once again, thank you for being here and we'll start with Miss Candace. Thank you.

CANDACE TOLLIVER: Good afternoon and thanks for having me. My name is Candace Tolliver; I'm from the New York Civil Liberties Union.

Protecting New Yorkers' rights to be free from discrimination and abuse of tactics in law enforcement is a core component of the NYCLU's mission and we are glad to share our thoughts on the NYPD's use of force training today.

The death of Eric Garner and police custody raises serious concerns about how the NYPD uses force, including deadly force when interacting with civilians. Three important questions to be considered in the wake of this tragedy are: How often are officers trained in use of force; should policymakers and the public have more information about and input into that training, and who and how are New Yorkers impacted by excessive force?

The Council should also review the NYPD's needlessly aggressive enforcement of non-violent, non-criminal infractions, such as selling untaxed

cigarettes, possessing an open container, riding a bicycle on the sidewalk and possessing small amounts of marijuana, which have a likely possibility of escalating into officers using force.

The NYPD's trainings on the use of force have thus far been unavailable to the public; the NYPD Patrol Guide intended to be an officer's manual on how to effectively perform duties is particularly vague when it comes to use of force. Now we know that officers are only trained in the academy, but we need to know more about what that training entails.

Community confidence in NYPD policies is vital to their success. The Council should increase its oversight of the use of force training and enhance community trust; there should also be opportunities for the community, academics, law enforcement and specialists to comment on any trainings that the NYPD has or will implement using force.

The use of force on civilians, especially in the wake of very high-profile incidents like that of Eric Garner, Ramarley Graham and the many others before them is something we cannot allow to go unexamined. Our recommendations to the Council today

are as follows: Demand transparency [bell] around violations enforcement, particularly demographic information on use of force; require that the NYPD produce information around frequency and content of trainings and increase oversight of the use of force training used by the NYPD. This should include requiring the NYPD to create opportunities for stakeholders to weigh in on proposed new trainings. Thank you.

CHAIRPERSON GIBSON: Thank you so much for summarizing and I have your testimony as well. Thank you. You may begin.

SYDNEY KOPP-RICHARDSON: Okay. Good afternoon, my name is Sydney Kopp-Richardson; I am the Education and Training Coordinator at the New York City Anti-Violence Project (AVP). I am here to testify about the NYPD oversight that would enhance NYPD officers' trainings to decrease harmful policing practices. I also conduct promotional trainings at the police academy around cultural competency and so I see what the value and the lack in terms of what training can and cannot do in terms of shifting institutional culture.





for the second year in a row reports of police misconduct remain high, with a slight decrease from 78 cases in 2012 to 68 in 2013.

AVP saw a disturbing trend in specific severe types of police misconduct, including 53 percent of survivors reporting they'd been arrested by the police and 21 percent of survivors reporting the police's use of slurs or bias language. These findings suggest there is still much more work to do.

We urge the [bell] Public Safety Committee to push for enhanced training of NYPD officers; part of this enhanced training requires education to officers around the consequences of discriminatory and hyper aggressive enforcement of minor offenses, sending a clear message that it makes their policing ineffective and causes fear in New Yorkers. Thank you.

CHAIRPERSON GIBSON: Thank you very much.

MICKEY OSTERREICHER: Good afternoon; thank you for allowing me to speak to the committee today. My name is Mickey Osterreicher and I'm the General Counsel for the National Press Photographers Association, founded in 1946 in New York, with a current membership nationwide of approximately 7,000

1 members. I've been a photojournalist in print and  
2 broadcast for over 40 years and since 1976 I've also  
3 been a uniform reserve sheriff's deputy with the Erie  
4 County Sheriff's Department and continue to serve in  
5 that capacity.  
6

7 In law enforcement there is no substitute  
8 for proper ongoing training. I realize that there  
9 are many areas for which improvements may be made in  
10 the training of members of the NYPD and I commend  
11 Commissioner Bratton and the staff for some of those  
12 proposals they have made and for attending the  
13 hearing today. As General Counsel for NPPA I deal  
14 with many issues, including photographers being  
15 interfered with, detained and arrested for doing  
16 nothing more than photographing or recording in  
17 public; this happens to both citizens and journalists  
18 on an almost daily basis around the country.

19 Over the past few years our members have  
20 been involved in a number of these incidents in New  
21 York City; fortunately in almost all the cases the  
22 charges were dropped, but that does not solve the  
23 problem or excuse the constitutional violations.  
24 After the arrest of 26 journalists covering police  
25 activity in and around Zuccotti Park during the

1  
2 Occupy Wall Street demonstrations in 2011, I helped  
3 draft a letter to the NYPD, signed by almost all the  
4 media organizations in New York. As a result of that  
5 meeting, then Commissioner Kelly issued a "Finest"  
6 message directing members to cooperate with the press  
7 and also ordering members of the service to not  
8 interfere with videotaping or photographing of  
9 incidents in public places. It's my understanding  
10 that Commissioner Bratton also just issued his  
11 "Finest" message on August 6th directing members of  
12 the service to do the same thing, but once again it's  
13 a good start, but without [bell] proper training it's  
14 just another piece of paper. We at NPPA offer our  
15 services in helping the Department train; I've shared  
16 that with NYPD; you have my statement and for brevity  
17 of time I've kind of shortened my comments. So thank  
18 you.

19 CHAIRPERSON GIBSON: Thank you very much;  
20 I appreciate your presence and your testimony and we  
21 do have it and we'll make sure it gets in the record  
22 and we will absolutely review it. Madame Speaker, do  
23 you have any... okay. If I could just challenge you,  
24 30 seconds; I just wanna get your reaction to the  
25 Commissioner's testimony this morning and his

submission of information and where we are moving forward, 30 seconds.

CANDACE TOLLIVER: Oh, okay [laugh] 30 seconds, uhm... [interpose]

CHAIRPERSON GIBSON: And...

CANDACE TOLLIVER: I think it's really telling that we found out today that the NYPD is only trained on use of force in the academy; that is really scary to know that officers who have weapons can be trained once [laugh] [background comment] and be allowed to interact with communities in that way. The other thing that's important to know is that we need that information on summonses regarding race [interpose, background comment] and I was really happy that you all pushed him to say that if that information could be included it should be included.

CHAIRPERSON GIBSON: Okay. Good. Thank you so much. Thank you all; I appreciate it.

CANDACE TOLLIVER: Oh, did I take all the seconds too?

SYDNEY KOPP-RICHARDSON: That's alright.

[background comments]

CHAIRPERSON GIBSON: Our next panel --  
Linda Sarsour from the Arab American Association of

1  
2 New York, Kirsten John Foy from the National Action  
3 Network... [background comments] oh, Herman Francis  
4 from the Bronx Chapter of the National Action  
5 Network; Jean Rice from Picture the Homeless.

6 [background comments]

7 [pause]

8 CHAIRPERSON GIBSON: Okay. So we have a  
9 panelist missing so I'm gonna call one more person,  
10 Adam Rudich from the Simon Wiesenthal Center. Are  
11 you here? Okay. Linda, are you ready? Okay, you  
12 may begin.

13 LINDA SARSOUR: I was wondering why my  
14 voice wasn't loud. Sorry. My name is Linda Sarsour;  
15 I'm the Executive Director at the Arab American  
16 Association of New York and I'm also representing the  
17 Muslim American Civil Liberties Coalition. I'm here  
18 today to obviously support the ongoing demand from  
19 communities for extensive training for the New York  
20 Police Department, especially in regards to use of  
21 excessive force, but I also thin it's important, as  
22 the coalition that's been doing police reform work in  
23 New York City, which includes members of the Muslim  
24 community, LGBTQ; black and brown communities, that  
25 we look at training as a holistic model and we don't

1 divide the different types of trainings that New York  
2 police officers need to go through. One of the  
3 things that's really important we understand from the  
4 New York Police Department; our history with the New  
5 York Police Department, is that they also have  
6 engaged in using Islamophobic training materials that  
7 has been exposed by FOIA requests, as well as the  
8 media, using, most recently, about two-and-a-half  
9 years ago we found out the New York Police Department  
10 was using a film called "The Third Jihad" that they  
11 showed to 1,500 officers, which was supposed to train  
12 them or give them a perspective about the Muslim  
13 community. This film shows carnage and Muslims  
14 engaging in criminal and terrorist activity and it  
15 was supposed to be informing police officers how to  
16 or who is the Muslim community. We also know that  
17 one of the things that we wanna ask of the New York  
18 Police Department is that they use and work with  
19 community leaders, religious leaders and community-  
20 based organizations in New York City to provide  
21 cultural sensitivity training, because only we know  
22 how our community wants to interact with the police  
23 department; only we understand the nuances of  
24  
25

cultural and religious sensitivity when it comes to the Muslim community.

So what I ask of the New York City Council and in joining in my colleagues here today, that when we look at training curriculum of the New York Police Department that we make sure that it is reflective and truly reflective of the city of New York and that it includes vetted and that there is a community process that allows community members to then say this is not reflective of our community and how could we then engage community members in the process around training, which is a very tangible way to build community trust and relationships between law enforcement and communities of color in New York City, including the Muslim community. Thank you.

CHAIRPERSON GIBSON: Thank you.

JEAN RICE: Ladies, gentlemen, sisters and brothers, members of the New York City Council Public Safety Committee, for the record let me state that Picture the Homeless is not an anti-police organization; we are an anti-unconstitutional behavior organization. We do not believe that training in response to the Eric Garner chokehold is enough to bring this NYPD back in line under the



1 constitution. We at Picture the Homeless firmly  
2 believe that homeless New Yorkers are entitled to the  
3 same measure of 14th Amendment protections as housed  
4 New Yorkers. Homeless New Yorkers are being targeted  
5 by the current Police Commissioner's broken windows  
6 policing ideology. We have two specific training  
7 recommendations for the NYPD. The Disorderly Conduct  
8 Statute is used by the NYPD as a blank check to  
9 ticket and arrest homeless New Yorkers when the NYPD  
10 has nothing to charge them with but want to remove  
11 them from public space. The NYPD is training on the  
12 intent and use of this Disorderly Conduct Statute.  
13 In 2011 a federal judge in Manhattan approved a  
14 stipulation between the City of New York and Miss  
15 Sojourner Hardeman, a homeless New Yorker who was  
16 panhandling and was repeatedly arrested and ticketed  
17 for disorderly conduct because panhandling per se is  
18 not illegal. We want this to include training for  
19 office... that stipulation included training for  
20 officers in the Midtown North Precinct under  
21 definition of disorderly conduct of the Disorderly  
22 Conduct Statute, which is routinely used by the NYPD  
23 to harass homeless New Yorkers. Sensitivity training  
24 for the NYPD relative to their relations with  
25

homeless New Yorkers [bell] must be mandated.

Picture the Homeless volunteers to assist with these trainers if need be. Homeless New Yorkers are targets of much of the Police Commissioner's quality of life policing, yet being homeless and receiving a ticket of arrest can have much more harmful consequences than for a housed New Yorker when arrested, to loss of a bed, loss of your belongings, etc. [interpose]

CHAIRPERSON GIBSON: Miss Rice, I'm sorry; could you please summarize your comments? I have it in my testimony.

JEAN RICE: I apologize; you know what, I'll yield because I already gave you... it'll be on the record.

CHAIRPERSON GIBSON: Okay; no problem.

JEAN RICE: Thank you.

CHAIRPERSON GIBSON: Thank you so much.  
Thank you.

ADAM RUDICH: Good afternoon. My name is Adam Rudich and I have the privilege of serving as the Director of Operations and Community Affairs for the Simon Wiesenthal Center's Museum of Tolerance New York. Thank you to Chairwoman Gibson and the other

members of the Public Safety Committee for allowing me this opportunity to testify.

The Museum of Tolerance New York (MOTNY) is the educational arm of the Simon Wiesenthal Center, a global human rights organization that promotes tolerance, confronts hate and terrorism and teaches the lessons of the Holocaust. Through the use of high-tech, interactive exhibits MOTNY engages visitors and challenges them to assume personal responsibility for positive change. The museum's specialized professional and development programs present fresh perspectives on complex social issues, promoting responsibility and positive action. The Tools for Tolerance Program, since its inception in 1996 has successfully developed and delivered professional and development training programs for well over 200,000 frontline providers nationwide, including over 125,000 law enforcement officers and criminal justice professionals. The MOTNY Perspectives on Profiling, which we refer to as POP is a day-long interactive training that uses cutting edge technology to provide law enforcement officers with the tools to hone their ethical decision-making and strengthen security without jeopardizing

individual and community trusts and freedoms. With the ongoing debate facing New York City about the stop, question and frisk, as a policing tool by NYPD, POP is a timely intervention that will decrease insensitive racial profiling and build trust between the police and the community in New York City. The Museum of Tolerance New York currently trains those officers sent by NYPD that have received infractions from the Civilian Complaint Review Board; however, we believe that this training should not only be seen a punitive reactive measure, but rather a proactive endeavor that creates a police force that is culturally sensitive to the multicultural, ethnic and racial city that they serve. We feel that the training needs to be provided to all members of NYPD and ideally this should start with cadets in the academy. In addition, NYPD should reach out to outside organizations to provide training that will give a unique and different perspective to enhance the internal training that is currently happening. We believe the proactive measures taken with the Speaker and the Council's leadership as well as the administration [bell] is certainly moving our city in a forward-thinking manner to develop and find some

1 initiatives that will eliminate this discriminatory  
2 component of stop, question and frisk. Through our  
3 experiences working alongside municipalities large  
4 and small in similar processes, we know that there is  
5 a long road ahead ensuring the cultural tolerance  
6 sensitivity needed for community-oriented policing,  
7 but together with the NYPD's cooperation we have  
8 certainly started on that path. Thank you.

9  
10 CHAIRPERSON GIBSON: Thank you very much;  
11 I appreciate it.

12 HERMAN FRANCIS: Good afternoon everyone.  
13 My name's Herman Francis. We're here for just one  
14 reason only, to improve the quality of life in our  
15 neighborhood by eradicating behavior that's negative  
16 to building our community. As my grandmother used to  
17 say, common sense is not common and the Police  
18 Commissioner validated that when he issued a  
19 directive to use discretion. NYPD has a history of  
20 having what you call standard operating procedure.  
21 Today right now, September 8th, 2014, it's the 151st  
22 anniversary of the New York City Draft Riots 1863,  
23 where Abraham Lincoln had to send federal troops back  
24 here to why; to stop NYPD who could not protect their  
25 own citizens from black folks' bein' driven out of

1  
2 Manhattan, the black folks orphanage from being  
3 burned down and black folks being forced at gunpoint  
4 to sign over their property after the Mayor at that  
5 time, Fernando Wood, refused to guarantee the safety  
6 of the 54th Massachusetts to march down Broadway on  
7 its way going south. Or also, six years prior to  
8 that, in 1857, 'cause history's gonna repeat itself,  
9 those who get the lessons of the past are doomed to  
10 repeat 'em. The Irish had arrived in New York City;  
11 over what? Police misconduct, police brutality and  
12 discrimination. It took the Police Commissioner two  
13 days, 'cause he lived in Long Beach, to get to New  
14 York City; then the law was changed that the Police  
15 Commissioner had to live in New York City, 'cause  
16 NYPD got established 1844; the first black police  
17 officer did not join the force till 1909, Mr. Battle,  
18 a very interesting gentleman. So what we see right  
19 now is a manifestation of a bunch of bullies running  
20 around out here misusing the law. The only way this  
21 is gonna stop -- keep this in mind -- the law of the  
22 land from Canada to Argentina was slavery; it took  
23 the 13th, 14th, 15th, and 19th Amendments came to  
24 existence 'cause no female here could vote till the  
25 19th Amendment had passed, which came out arise from

the 15th Amendment. Understand this; when the police officer misuse it, the only way it's gonna stop if we change that mindset and their behavior. When the lawsuits come in, instead of us the taxpayers paying their... make them pay for it out of their own pocket, number one. And also, probably cause [bell], everybody here could be arrested for probable cause, but yet, why is it that the law enforcement is exempted from it. And keep this in mind also, you got over 50,000 individuals in New York City, out of a dozen city, state and federal agencies with peace officer, law enforcement capabilities. We don't need no more police officers, 'cause people police themselves... NYPD works for me, I don't work for them; I pay their salary. As long as we go ahead and do what we supposed to, we don't need them, 'cause we know who the crooks are; I know, I used to sell dope 40 years ago; I used to run a number hole 30 years ago and I went to smoke at an after hours spot, I'm the only one sittin' at the table [background comment] without a weapon and half the table be police officers, the other half would be gangsters; they probably sniffin' cocaine... [interpose]

CHAIRPERSON GIBSON: Mr. Francis... thank you, thank you very much; I appreciate your testimony [applause]. Thank you. [background comments] Members... no clapping, please. Thank you very much so we can move this forward. [background comments] Please... Please identify yourself. [background comments] Thank you.

KIRSTEN JOHN FOY: Thank you Madame Speaker... I'm sorry, Madame Chair; I'm a minister, so maybe I was being prophetic there. To the Committee, to the City of New York, we are here to discuss how to improve on the relations between NYPD and the city that it serves, but doing that by improving the agency as a whole, structurally, and improving the quality of service of the individual officers and their deliver to the community. There I think several layers to this; I think training and I'm the Northeast Regional Director for the National Action Network; it is our position that training is a good foundational first step, but it must be in the context of broader reforms. We can retrain all we want, but there are certain attitudes and certain proclivities that training just will not deal with. It does not take training to instruct an officer when



1 to stop choking someone. If some says, I can't  
2 breathe 11 times, I don't care how much training that  
3 person has, they intended to do what happened, in my  
4 opinion, and so training goes but so far. We must  
5 start out with individuals, candidates for the police  
6 department who are more properly screened, giving a  
7 more stricter psychological screening and examination  
8 so that we know... we have a higher quality of  
9 candidates coming into the academy to be trained.  
10 Then we must also have a system of accountability  
11 that enforces the law and holds police accountable  
12 the same way civilians are held accountable to the  
13 law. If you remove accountability, then training  
14 means nothing as well. So we must have a full-  
15 fledged top to bottom review of our police  
16 department, from entrance to retirement. There must  
17 also be [bell], I believe, we believe, strict  
18 psychological examinations throughout so that  
19 officers can be property deployed and not deployed  
20 according to what is recommended by medical  
21 professionals. So that is our opinion; we are in  
22 support of training, but it must be in a broader  
23 context of broader reforms.  
24  
25

CHAIRPERSON GIBSON: Thank you very much.  
Thank you all.

[background comments]

CHAIRPERSON GIBSON: For the sake of  
time, I was thinking about it, but now I just wanna  
move the panels forward. [background comments] So I  
don't want everyone to answer, so the one question I  
have for the panel, one person answers, [background  
comments] is what is your reaction to Commissioner  
Bratton's testimony this morning on the enhanced  
training moving forward?

HERMAN FRANCIS: Standard operating  
procedure; we're being bamboozled.

CHAIRPERSON GIBSON: Okay, great. Thank  
you. [background comment, laughter] That's it, one  
person. [background comments] Thank you.

[background comments, laughter, applause]

Our next panel is Daniel Loehr from The  
Bronx Defenders, William Gibney from The Legal Aid  
Society, Christina [sic] Bella from The Legal Aid  
Society, Fazeela Siddiqui from The Legal Aid Society  
and the Muslim Bar Association and Maribel Martinez-  
Gunter from Legal Services NYC. [background  
comments] Okay, Daniel Loehr, William Gibney,

Christina Bella, Fazeela Siddiqui and Maribel Martinez-Gunter.

DANIEL LOEHR: Good afternoon and thank you to the Committee for the opportunity to testify [bell]. We good? [background comments, laughter] My name is Daniel Loehr and I'm a Criminal Defense Investigator for The Bronx Defenders.

As we all agree, building trust between police officers and communities they serve is critical for effective policing and public safety. Unfortunately in contrast to the picture painted by the testimony this morning, based on my conversations and interviews with hundreds of Bronx residents there exists a severe lack of trust for police officers. I want to share two incidents just from this week; they are illustrative of the problems that plague police-community relations and they are by no means unique.

Last Tuesday I was walking across a busy Bronx intersection, a police car put on its sirens to cross the intersection against the light, an elderly man was crossing in front of the police car; although he walked with a cane, he attempted to speed up to get out of the way. As the marked NYPD car approached, the officer in the driver seat put down

his window and leaned out to yell, "Get out of my fucking way, you cracky." To be clear, this is verbatim from a New York City police officer.

On Thursday I investigated a case involving the assault of a bodega employee. When the cops arrived on the scene they ran into the bodega with guns drawn, pointed their guns at our client's stomach and proceeded to arrest him. The bodega owner and numerous other people present explained to the police that our client was not involved; he was merely buying food; the police arrested him anyway. Later, none other than the bodega owner bailed the client out. Regarding this incident our client said to me, "They are targeting me, I know it and so long as they do I will keep suing them."

These stories are commonplace. These are merely the two most recent examples of the severe lack of trust that Bronx residents have in their police officers. [bell] So in the sake of time, training is important, but it is not enough. What is happening on the streets and what happened with Eric Garner is a national shame and training is the crucial first step, but the real work of building

1 trust requires a thoughtful reevaluation of broken  
2 windows policing.

3  
4 CHAIRPERSON GIBSON: Thank you.

5 WILLIAM GIBNEY: William Gibney from the  
6 criminal practice of The Legal Aid Society. Eric  
7 Garner was a client of The Legal Aid Society; we  
8 applaud the announcement today about a retraining  
9 effort, but we think that retraining of the NYPD does  
10 not go nearly far enough to change the policy that  
11 was the fundamental root cause of Eric Garner's  
12 death. The policy is one of large-scale arrests for  
13 very low-level offenses, broken level policing. The  
14 immediate cause of Mr. Garner's death was a  
15 chokehold, but the underlying fundamental cause was  
16 the policy that emphasizes large-scale numbers of  
17 arrests for very low-level offenses. The policy has  
18 resulted in... has Rikers Island into a warehouse for  
19 our mental ill; over 50 percent of the women on  
20 Rikers Island right now have some form of mental  
21 illness; one-third of everyone at Rikers Island has  
22 some form of mental illness and these arrests are  
23 largely a choice that are being made by the NYPD.  
24 Police officers right now under current law have the  
25

ability to issue a summons for the vast majority of these offenses where an arrest is now going on.

The problem of the use of deadly force to subdue those accused of minor offenses, such as selling loose cigarettes or taking up two seats in the subway will not end with a new round of training. There is strong evidence that the current system of discipline needs a thorough overhaul. We heard earlier that over 1,000 cases in the five-year period between 2009 and 2013 were filed regarding complaints to the CCRB were filed regarding chokeholds; [bell] in that period only nine cases were substantiated and only one of those cases resulted in a moderate level of discipline and that was the loss of several vacation days. For the NYPD, five years, over 1,000 complaints, one minor punishment. The NYPD treats the use of deadly force in a chokehold as a minor rule violation.

In our view, Eric Garner's death was caused not just by this one wrongful implementation of a chokehold, but the entire policy, the policy has to be changed. Thank you.

CHAIRPERSON GIBSON: Okay. Thank you very much, Mr. Gibney. Thank you. [background comments]

CHRISTINE BELLA: Good afternoon. My name is Christine Bella; I'm an attorney with The Legal Aid Society Juvenile Rights Practice and I'll speaking... my testimony is submitted in combination with Mr. Gibney's and I'll be speaking on the policing of youth in the city.

As we know, the youth in the city are policed both in their schools and in their communities; they are also a vulnerable population. I'll begin by sharing some general concerns that I've noted at greater detail in my written testimony; these are concerns based on our observations about youth interactions with police in New York City and they must factor into any envisioned training, both to ensure fair and humane treatment and to enhance public safety.

First, while New York City in partnership with the State has undertaken sweeping reform efforts to reduce the number of children prosecuted, detained and sentenced in its family courts, there has not been a corresponding drop in the number of arrests.

Efforts to reduce arrests through the use of enhanced training, de-escalation techniques and diversion are essential for the youth in this city. Second, we all agree that youth of color are disproportionately arrested and detained by the NYPD and that this disproportion of minority contact is an entrenched, persistent problem plaguing both youth and adults in New York City. We know this from the data and we know this from our own observations. Between 90 and 95 percent of youth admitted to secure detention in New York City are children of color; as a result, people of color have developed great mistrust, not surprisingly, over those sworn to protect them and sadly it starts at a very young age. Third, we know that LGBTQ and runaway and homeless youth are particularly vulnerable and also disproportionately represented in the juvenile justice system, social stigmatization and familial rejection resulting in depression, isolation and homelessness act as powerful forces that cause LGBTQ youth to leave their homes and schools; ultimately youth living on the streets face arrests for low-level offenses. Fourth, the overwhelming majority of youth facing arrest and detention lived in under-resourced and heavily-



1  
2 policed neighborhoods, with low-performing schools  
3 and high rates [bell] of child abuse and neglect. I  
4 will just... if I could, just run through my last  
5 observation, which is the extent of the mental health  
6 problems among youth... [interpose]

7 CHAIRPERSON GIBSON: Okay. Yeah, 'cause  
8 I see several here; I see a fourth, a fifth and a  
9 sixth.

10 CHRISTINE BELLA: I'm not going to  
11 continue... [background comment] the fifth is the last.  
12 So the [background comment] mental health concerns  
13 certainly, the extent of mental health problems for  
14 youth in the juvenile justice system is staggering  
15 and all the data is there in my testimony. But  
16 lastly, I just wanna comment on the training. At a  
17 minimum, training to address youth policing should  
18 have the following goals: awareness of DMC,  
19 increasing police officer knowledge of adolescent  
20 behavior and strategies for interacting with youth  
21 effectively; that's key, improving police attitudes  
22 toward youth and improving the youth and community  
23 attitudes towards police and lastly, improving the  
24 use of de-escalation to reduce and eliminate the use  
25 of force. Sadly we're here for this hearing due to

1 death of Eric Garner, so enhanced funding to improve  
2 and create community partnerships and implement  
3 training designed to improve the NYPD's handling of  
4 street encounters will keep both the police and the  
5 community members safer and ensure that the  
6 constitutional rights of all New Yorkers are  
7 protected from unreasonable, excessive and sometimes  
8 deadly force. Thank you.

9  
10 CHAIRPERSON GIBSON: Thank you. Thank  
11 you very much.

12 FAZEELA SIDDIQUI: Ready?

13 CHAIRPERSON GIBSON: Yes.

14 FAZEELA SIDDIQUI: Okay.

15 CHAIRPERSON GIBSON: Yes.

16 FAZEELA SIDDIQUI: Thank you Chairperson  
17 Gibson, members of the Committee. My name is Fazeela  
18 Siddiqui and I represent the Muslim Bar Association  
19 of New York or MUBANY. MUBANY is one of the nation's  
20 largest and most active professional bar associations  
21 for Muslim lawyers and MUBANY has been a long-  
22 standing and formidable voice on issues relating to  
23 Muslim New Yorkers and the NYPD. We are here today  
24 to express our continue concern with the NYPD's lack  
25 of oversight and inefficient officer trainings and we

1  
2 urge the Committee to ensure that officer trainings  
3 are effective, fair and just. Through our work in  
4 the community, it is clear that the relationship  
5 between the NYPD and the American Muslim community is  
6 tenuous. Since 9/11 American Muslims have been  
7 viewed and treated en masse as suspicious by the  
8 NYPD. Now history shows us that the targeting of a  
9 group of people due to their belief system is not  
10 new; in order to overcome this, a stringent oversight  
11 of the NYPD is required.

12           So there are three issues that we would  
13 like to bring to notice. The first is that the NYPD  
14 has used inaccurate and Islamophobic training reports  
15 as policy prescriptive. Number two, the NYPD has  
16 required misleading, gruesome and Islamophobic videos  
17 -- Linda had mentioned "The Third Jihad" as a  
18 requirement in officer trainings. Third, the NYPD  
19 needs to do a lot more to build trust within the  
20 American Muslim community; after 9/11 the community  
21 has been surveilled and in 2011 -- this was leaked  
22 publicly -- Lieutenant Paul Galati had indicated that  
23 in his six years in the unit not one Muslim... under  
24 the surveillance, not one complaint had yielded a  
25 single criminal lead. Now before I go to

1 recommendations I would like to quickly mention that  
2 one of our MUBANY members was recently arrested; she  
3 was recently the general counsel Public Advocate,  
4 Tish James, and she was arrested without cause and we  
5 wanted to bring that up to underscore that no one in  
6 our community is immune to the broad officer  
7 misconduct that is a result of incomprehensive  
8 training and over-policing in communities of color.

9 Real quick, five recommendations: 1.  
10 mandatory training on Muslim communities with  
11 community groups that incorporate [bell] Muslim  
12 perspectives; 2. periodic training of training  
13 materials every year; 3. track the efficacy of  
14 officer trainings -- you can read the testimony; 4.  
15 involve the inspector general in training policies;  
16 5. hire more Muslims in high levels of government.  
17 Got it. Tried to get through it. [laughter]

18 CHAIRPERSON GIBSON: Thank you very much.  
19 Thank you.

20 MARIBEL MARTINEZ-GUNTER: You're ready?  
21 Thank you Madame Chairperson and members of the  
22 Council. My name is Maribel Martinez-Gunter and I am  
23 the Director of the Family Law and Immigration Unit  
24 at Manhattan Legal Services. Manhattan Legal Service  
25

1 is a constituent corporation of Legal Services NYC  
2 that services poor people across all five boroughs in  
3 New York City, and although we do not practice  
4 criminal litigation, we are informed by our clients  
5 and by numerous community organizations as to how our  
6 communities interface with the police.

7 I'd like to address specific reference to  
8 police practices with interfacing with individuals of  
9 limited English proficiency, LEP individuals, and  
10 also victims of domestic violence.

11 Nearly 25 percent of New York City  
12 residents over the age of 5 are LEP and require  
13 assistance in order to access the services of the  
14 police; 1.2 million are Spanish-speaking, 419,000  
15 speak a Chinese language. Our organization has  
16 currently filed a lawsuit against the NYPD for  
17 failing to provide interpreter services to LEP  
18 individuals and specific to individuals that are  
19 victims of domestic violence; this results in  
20 catastrophes as a result of this.

21 The lawsuit highlights that not only does  
22 the NYPD continue to discriminate against LEP crime  
23 victims, but it does so in life-threatening  
24 situations, such as when victims are attempting to  
25

report abuse; their denial of interpreter services deprives the victims of their right to report crimes, to protect themselves from dangerous abusers and to communicate effectively with the police on a wide range of circumstances. And although we are hopeful that the Commissioner has testified that it will increase training, we are very concerned that the training not be limited to just chokeholds or use of force; it also has to include other areas of tension between the community and the police, such as incidents where a person being investigated by the police does not speak English as their first language and the police are failing to [bell] provide an interpreter and other instances where someone is reporting an incident of domestic violence and the police are not adhering to their policy of accepting who's the primary aggressor, of engaging and following through on mandatory arrests. So it's a larger issue that we need to focus on in terms of more intense and more substantial training and it cannot and will not work unless the police department begins to look at it from an anti-racist perspective; I feel that we use cultural sensitivity as a euphemism, when what we really need to do is

dismantle the racism that exists in these institutions. [background comments] Thank you.

CHAIRPERSON GIBSON: Thank you very much. Thank you. [background comments] Sorry; I forgot to ask the question [laugh]. Thank you all. [background comments]

Our next panel is Carla Rabinowitz from Community Access and CCITNYC, Sandra Mitchell from Community Coalition Crisis Intervention Team, Lenora Fulani from All Stars Project... Lenora Fuline [sic]; sorry 'bout that, Yvonne Lee from All Stars Project and Joshua Brown, also from All Stars Project.

It's Carla Rabinowitz, Sandra Mitchell, Lenora Fuline, Yvonne Lee and Joshua Brown. [background comments]

CARLA RABINOWITZ: Hello. [background comments] Ready? [background comments]

CHAIRPERSON GIBSON: Yes, you may begin.

CARLA RABINOWITZ: Okay. My name is Carla Rabinowitz and thank you for this hearing. I work for Community Access. [background comments] Community Access is a 40-year-old nonprofit that empowers mental health recipients by providing quality housing and alternatives to hospitals like

1 crisis respite care. [background comments] I also  
2 speak for 65 organizations called CCITNYC; we're a  
3 coalition that's been trying to bring crisis  
4 intervention team training to NYPD for the last year-  
5 and-a-half. I urge the New York City Council to pass  
6 a law requiring crisis intervention team training for  
7 NYPD to reduce deaths and injuries and to bring NYPD  
8 training into 2014. In contrast to what the NYPD  
9 Commissioner was saying, most police mental health  
10 encounters still result in use of force. [background  
11 comments] Someone came to my office the other day  
12 who was brought to a hospital by the police; she had  
13 a hematoma on her arm from where they twisted her.  
14 There was a report in the Daily News August 4th about  
15 a brutal beating of the police of a mentally ill  
16 person because he spit at them.

17  
18 A crisis intervention team is a method of  
19 policing that provides police officers with the tools  
20 they need to respond to incidents involving people in  
21 acute emotional distress. Crisis intervention teams  
22 are a way of training police that replaces old  
23 command and control techniques with more appropriate  
24 crisis de-escalation tools. Police are the first to  
25 respond to someone experiencing an emotional health



1 crisis; when a police force lacks [sic] a CIT  
2 encounter between police and those in crisis result  
3 in dangerous outcomes and sometimes death, according  
4 to the FBI Law Bulletin.  
5

6 Because of this poor police training,  
7 mental health recipients face injuries and family  
8 members don't wanna call the police. In the last  
9 five years at least seven people died in these police  
10 encounters; in the last two-and-a-half years NYPD  
11 killed four mental health recipients through lack of  
12 training -- Sharise [sp?] Francis, age 30; Darrius  
13 Kennedy, age 31; Mohamed Bah, age 28; [bell] Rexford  
14 Dasrath, age 22; they're all dead. About 40 mental  
15 health recipients are shot each year by the NYPD; in  
16 the Legislative Gazette article the police had said  
17 there were 83 shootings in 2012 and 56 in 2013 and  
18 one-half of all police shootings involved people with  
19 mental health recipients. [sic] Crisis intervention  
20 teams are not a new idea, they started in Memphis  
21 in '88; CIT's have been in other cities for 10-15  
22 years -- Chicago 2004, Houston '99, San Antonio,  
23 Texas. NYC is the only one of the seven largest USA  
24 cities without a CIT. Houston has trained 50 percent  
25 of their officers; San Antonio 92. Crisis

1 intervention teams reduce force. In San Antonio,  
2 after instituting a CIT there has not been even one  
3 use of force against a mental health recipient..  
4 [interpose]  
5

6 CHAIRPERSON GIBSON: Miss Rabinowitz...

7 CARLA RABINOWITZ: Okay, I'll just wrap  
8 up... [crosstalk]

9 CHAIRPERSON GIBSON: Okay.

10 CARLA RABINOWITZ: with one sentence. So  
11 in addition to the human cost, there's legal costs;  
12 New York City set aside about \$700 million to cover  
13 claimants [background comment], according to the AM  
14 New York and Scott Stringer's report. In 2018 that  
15 number's gonna be \$800 million and police misconduct  
16 and civil rights allegations made up [background  
17 comment] a third of all these claims. Crisis  
18 intervention teams is a common sense solution to  
19 police injuries; it's a win-win for the police, the  
20 mental health recipients, their families and the city  
21 as a whole, so we ask the New York City Council to  
22 start thinking about legislation, urging Mayor de  
23 Blasio to implement a CIT to save lives and money.

24 CHAIRPERSON GIBSON: Thank you very much.  
25 Thank you.

SANDRA MITCHELL: Good afternoon. My name is Sandra Mitchell; I'm also a member of the CCIT; also I'm a mental health provider in Brooklyn and I just wanted to give an account of how I witnessed a homeless man who was outside of Starbucks on 125th Street and Lenox Avenue several months ago and he was cursing and talking out loud; the police officer, he ordered him to move away from the establishment, but he wasn't moving fast enough. So the police officer maced him and at that time the homeless person shook his head and wiped the mace out of his eyes and said, "Why did you do that?" At that time was the perfect opportunity to de-escalate the situation by continuing to ask the homeless man to continue to move on, since he had already started to move on, but the police officer did not; he instead.. the police officer called for backup and about 15 or more officers responded with SWAT cars and a captain came and as a result, the homeless person was Tasered and he screamed while sinking to the ground, clutching his chest. Another man was arrested for attempting to cross the street and was told that he was obstructing justice.

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1 I'm here to talk about a program called Operation  
2 Conversation: Cops and Kids. It's a program where  
3 you get inner-city youth in the poverty-stricken  
4 communities, like I'm from Brownsville, Brooklyn, and  
5 you get opportunity to sit in front of a whole group  
6 of police officers in uniform and we just have a  
7 conversation and you get a chance to say how you feel  
8 about them being in your community and the problems,  
9 because a lot of kids in our community, we don't view  
10 police officers as human beings, we view them as just  
11 being police and abusing their authority. So this  
12 program, which in 2012, I actually had the chance to  
13 meet former Commissioner Ray Kelly and we were doing  
14 a press conference and he actually partnered with the  
15 All Stars Project and having the new recruits go  
16 through this Operation Conversation: Cops and Kids  
17 and we had altogether 3,000 kids and police officers  
18 from the communities and it wasn't like... we all  
19 volunteered, so it wasn't like really mandated before  
20 the partnership came intact [sic] and I feel that if  
21 the relationship between cops and kids in our  
22 communities are gonna change that we need to sit  
23 down, get opportunities to get together and talk  
24 about it rather than having someone that's not in the  
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community and don't know what's going on implement rules and say oh, you need to do this in order for this to happen; you will actually have the kids and people that represent the communities talk with the Police Commissioner or Deputy Commissioners or police officers themselves and I think that's the way that we can change. Thank you. [sic]

CHAIRPERSON GIBSON: Thank you.

YVONNE LEE: Hello, my name is Yvonne Lee; I was born and raised in Harlem since 1946; I have been angry at the world since the age of 8, being forced to watch the death and destruction of my community and the world we live in because of poverty, which breeds violence from the police and each other.

In 1980 I met Dr. Fred Newman and Dr. Lenora Fulani who had a plan to build and grow our communities from the bottom up, be inclusive of everyone. In 2014 I'm still angry about the violence and destruction in all the Harlems across the country; in 2014 there are new tools and solutions being built by Dr. Fulani; the All Stars Project and the community and of course, our youth; that makes much more sense to me.

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CHAIRPERSON GIBSON: Thank you very much.  
Thank you all for your presence today.

YVONNE LEE: 'Kay. Thank you.  
[background comments].

CHAIRPERSON GIBSON: Our next panel is  
Nicholas Heyward from Parents Against Police  
Brutality, Iris Baez from Parents Against Police  
Brutality, Juanita Young from Parents Against Police  
Brutality, Agnes Johnson from BWARE, B W A R E, and  
Sarah Schwartz from Stop Mass NYC Incarceration  
Network. Nicholas Heyward, Iris Baez, Juanita Young,  
Agnes Johnson and Sarah Schwartz.

[pause]

CHAIRPERSON GIBSON: I'm also calling  
Jose LaSalle, Josmar Trujillo, Lizzie Pastrana and  
Genghis Khalid Muhammad, if you're here. Mr.  
Heyward, you may begin.

NICHOLAS HEYWARD: Hello. Alright. Yes,  
my name is Nicholas Heyward, Sr.; I'm the parent of  
Nicholas Jr. Nicholas Jr. was a 13-year-old honor  
student when he was murdered by NYPD back in  
September of 1994. There hasn't been an  
investigation in that case, as far as a significant  
investigation; actually, there's no investigations on



any case involving police murder of innocent, unarmed humans.

I've been out here for the last 20 years; I've been fighting alongside Iris Baez, Juanita Young and many of the parents who had their loved ones murdered by the NYPD. I use the word murder loosely because anytime an innocent, unarmed person is gunned down for doing absolutely nothing wrong, that in this... in a civilized society is called murder, whether he's law enforcement or just a regular civilian it's called murder. And the reason why they're going through the same thing now 20 years later with Eric Garner is because there is never any justice or any significant investigation that is done on any case, not a single case. In my community alone five victims, Boerum Hill, downtown Brooklyn -- my son Nicholas Heyward; like I said, he was playing a game, innocent game, cops and robbers; all the kids had plastic toy guns; none of the toy guns looked anything like a real weapon, and for the officer to have shot my son, it was just... you know, I was just befuddled by the whole situation; that they actually targeted look-alike toy guns to justify the murder. Andre Harris was gunned also; he was shot multiple

1 times in the neck and in the back [bell] and they  
2 justified that case by saying that he was robbing the  
3 officer in the officer's apartment. When I went to...  
4 I knew Andre Harris; he's from the community; I went  
5 to the place to look and see what was actually  
6 happening in that community; when I went to see where  
7 the off... they they're sayin' the officer lived at;  
8 the apartment was in a... it was an abandoned building.  
9 Now in an investigation, how could you miss that  
10 this... this was a complete cover-up? Montes [sp?]  
11 Moore [sp?] was gunned down also in the Gowanus  
12 Houses, shot in the leg; they left him there to bleed  
13 to death. They said he had a gun; it took them two  
14 hours to find a gun and actually the didn't find a  
15 gun until after another officer, another squad car  
16 pulled up and after the officers had already searched  
17 the grounds for two hours looking for a gun, there's  
18 no gun, all of a sudden the officer comes over and  
19 sticks his hand in a gate and pulls up a gun.  
20 Briana... I'm pretty sure you're familiar with the 11-  
21 year-old who was having an asthma attack and the  
22 officer didn't help the parent and the girl wound up  
23 dying. Johnathan Smith was beaten to death,  
24 handcuffed behind his back, legs shackled; beaten to  
25

1 death in front of a crowd of residents from the  
2 community; absolutely no investigation, and what  
3 happened with the... it was caught on camera; the  
4 police came by the very next day and confiscated all  
5 the cameras in the area. Basically all of these  
6 cases were just covered up, unheard of or nothing.

7  
8 So for Bratton to come in here and say  
9 that he's going to, or that there's a change,  
10 significant change that's gonna be made to the NYPD,  
11 I'm sorry that he's not here for me to tell him that  
12 he is a complete liar; he covers up cases himself,  
13 along with also district attorneys, or law  
14 enforcement as far as captains and sergeants and  
15 things of that nature. These cases are being covered  
16 up, innocent people are being murdered and something  
17 seriously needs to be done. What happened in  
18 Ferguson, Missouri, with all of the youth mobilizing  
19 and resisting out there; that's because they are sick  
20 and tired of... this is something that's going on  
21 across the country, innocent lives are being taken  
22 and it's being justified in cover-up and they say  
23 because of the training that the officers are  
24 getting, they actually are justifying it by saying...  
25 take, for instance, Pat Lynch, they were trained to

1 do this, [background comment] you were trained to  
2 kill innocent people? How could they actually  
3 indicate that the officers are going what they were  
4 trained to do? That's the statement... that's how they  
5 are actually justifying a lot of these cases, saying  
6 it's in their training [background comment] and as  
7 far as investigations, I don't know what kind of  
8 investigations [background comment] they actually are  
9 saying they are doing, because there was no  
10 investigation in my son's case; it was only a cover-  
11 up; there's no investigation in any of the cases in  
12 my community; they were all covered up. So...  
13 [interpose]

14 CHAIRPERSON GIBSON: Okay. Thank you.

15 NICHOLAS HEYWARD: I don't know how  
16 you're gonna... you know, I'm hoping that there's some  
17 serious, serious, you know, thing... changes that can  
18 be made, but as far as William Bratton, Bratton looks  
19 at our youth, in his own words... what statement he  
20 made? [background comments] He looks at our youths  
21 as a disease. [background comments] Now what kinda  
22 law... he's a commissioner making statements like that,  
23 [background comments] and you can check that... that is  
24 in operation back in 2000... I mean he was [background  
25

comment] police commissioner back then; he made that statement from his own mouth.

CHAIRPERSON GIBSON: Okay. Thank you Mr. Heyward. Thank you.

JOSE LASALLE: Yeah, how you doing? My name is Jose LaSalle; I'm a co-founder of Cop Watch Patrol Unit, which patrols the five boroughs; I have like 25 guys that I send out to document police activity on a daily basis; we have collect like hundreds and hundreds of video showing how police treat people within the community; these videos have been seen by Bill Bratton, they've been seen by de Blasio, they've been seen by the whole police department, 'cause they basically are the ones that watch all my videos.

The reason that I'm here to testify is that I don't believe that training these officers is going to change anything. These officers have been trained over and over again. When Anthony Baez, who mother was here, but she had to leave, when her son got murdered in 1994 under Bill Bratton being the police commissioner back then, these officers were also put into training back then because of an illegal... because of the chokehold that they put on

1 Anthony Baez which caused him to catch an asthma  
2 attack and die, which is just... it's like repeating  
3 itself with Eric Garner up there in Staten Island in  
4 Bay Street. So we have no faith in this training and  
5 we don't believe that it's going to do anything to  
6 change police brutality within the community of  
7 color. I'm telling you because I live in these  
8 communities and every day we see the way police  
9 officers treat people in these communities and as  
10 people from the Council who profess to be the voices  
11 of the people, it is up to you all to make sure that  
12 you all come up with something better than just  
13 training or support Bill Bratton and his training,  
14 so-called training officers so they could go out  
15 there and be more constitutional; it is your duty to  
16 make sure that you all find a way to put some type of  
17 bill out there that will make these officers  
18 responsible for when they break the law; to make them  
19 responsible when they fail to follow proper  
20 procedures and protocol; [bell] that is something  
21 that I haven't see any council member put up on the  
22 floor and make sure that when these officers kill  
23 somebody, when the officers violate somebody's right  
24 that they are persecuted to the full extent of the  
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1 law; they shouldn't be treated any different than any  
2 civilian; to be honest, they should be treated with  
3 more regard because they are the prescribers of the  
4 law, so if they break the law, which is the laws that  
5 they're out there to prescribe, we have to understand  
6 that they should be more responsible than the  
7 civilians themselves out there. And the last thing I  
8 wanna say is that it was a beautiful show for him to  
9 show how many people were shot by police and how many  
10 people was so-called murdered by police when they got  
11 shot, but that information is not complete because  
12 what we need to know is how many people got shot that  
13 wasn't carrying guns; how many people got shot that  
14 their cases was controversial in one way or another,  
15 so we don't have a whole accurate information of  
16 that; 1994, when Bill Bratton was the Commissioner,  
17 we're talking about close to 60 or 70 people killed  
18 underneath Bill Bratton, right, underneath Bill  
19 Bratton and not only that; when the family of a lot  
20 of these people that was killed went to a town hall  
21 meeting to address Bill Bratton about this situation,  
22 he called them a bunch of fools, so that's who we're  
23 talking about, we're talking about a man that sat  
24 here himself and when you all asked him if he will  
25

1 stand behind making the chokehold illegal, he said  
2 no; he didn't even hesitate, he said no. So you've  
3 got somebody telling you all that regardless of what  
4 you all say or do, it ain't gonna change his mind or  
5 how he feels policing should be done. And this is..  
6 since Amadou Diallo, we had 249 people killed; these  
7 are questionable death; questionable death are lack  
8 and brown people and we and you all as a city council  
9 and people, and the voices of the people, you all  
10 need to address this and you all need to make sure  
11 that when information is distributed the information  
12 is exact, is right and is in the form that is basic  
13 and fundamental that everybody could understand,  
14 because for me, understanding is to see things  
15 clearly for what they are and not what they present  
16 themselves to be, and that should be your job to make  
17 sure that whatever you present to the community that  
18 you're speaking for is something that relays and they  
19 could understand and they could relate to. Thank  
20 you.

21  
22 CHAIRPERSON GIBSON: Thank you very much.

23 JOSMAR TRUJILLO: Hello, my name is  
24 Josmar Trujillo and I'm from New Yorkers Against  
25 Bratton; obviously my position on Bratton is in the



1 name of our group; I could spend some of my time  
2 going over my reactions to the Commissioner, like his  
3 insinuations that the 311 system is the reason for  
4 the broken windows crackdowns we keep seeing in 2014;  
5 I could say that the fact that the 311 system... you  
6 know, the broken windows ideology has been around  
7 about 10 years before the 311 system was ever even  
8 created, I could mention that this is a political and  
9 ideological issue with broken windows; this man has a  
10 very uncanny way of being able to wiggle his way out  
11 from criticism; he's done it from New York in the 90s  
12 to LA and now back again. I could point out that in  
13 LA, also what he said today about homeless people,  
14 that he used water cannons and false arrests to get  
15 homeless people out of the Skid Row section of Los  
16 Angeles; I could go on for days about Bratton, but  
17 what I will say from this point on will be about the  
18 City Council members who apparently, the majority of  
19 whom decided they didn't have to stick around for the  
20 public comment section. There was a congressional  
21 delegation last month with Hakeem Jeffries, Gregory  
22 Meeks, who came and had a press conference and they  
23 called out broken windows policing, and the fact that  
24 we... I mean some people mentioned it today, but the  
25

fact that we're not having hearings here at the local level about the dominant policing ideology that governs most our lives; this is much deeper than stop and frisk and I know a lot of council members will hang their hats on their stop and frisk legislation, but this is the fundamental issue, the fundamental... you know, the key component of our relationship with the police, no matter what de Blasio and Bratton will say about community-police relations; we need to have hearings on this; the City Council needs to have hearings on this, not just trainings. If congress members can come in and say this, why can't our local elected officials say this? The fact that no council members came out and said anything, with the exception of Council Member Barron, the former and the current one, they were the only ones who came out and said anything about Bratton's politics, his ideology when he first arrived here. What did people thing was gonna happen with Bill Bratton came back to New York City [bell] in 2014? Did they not know broken windows has been talked about... I read it in my academic studies five years ago; everyone knows Bratton and broken windows sentiment, so when people talk about reform, if the City Council members wanna

1 talk about reform and you wanna talk about that  
2 conversation and having Bratton in the room at the  
3 same time; you're living in an alternate reality; you  
4 can't have reform when you're talking about the man  
5 who innovated and who continues to push an ideology  
6 that is 20 years old, we live in a different city  
7 now, we live in a much safer city and the fact that  
8 we're arresting people for riding their bikes on a  
9 sidewalk, for telling loose cigarettes or any of  
10 these low-level crimes, is the fact that we're going  
11 backwards, we're not going forwards, so if these  
12 council members wanna describe themselves as  
13 progressive; let's progress towards something past  
14 broken windows.

16 CHAIRPERSON GIBSON: Thank you.

17 GENGHIS KHALID MUHAMMAD: [background  
18 comment] I'm Genghis Khalid Muhammad; I'm a  
19 community activist; I've worked with organizations  
20 like Picture the Homeless, Fury [sic] and 61 plus  
21 grassroots organizations.

22 I just wanna start off by stating that,  
23 you know I had a nephew who was on the New York  
24 Police Department police force and he retired from  
25 it; I have a niece who is currently working in the

correctional systems right in New York City; these are children that I seen grow up and when they came to me and asked me for advice, I told them to treat the people right, treat them how you would want them to treat you and never break the law and don't abuse them, but don't take abuse. Now, I said that for the reason, because I wanted it to be clear that, you know if my nieces and nephews will come to me for counseling going into the New York City Police Department force and the corrections system, then that says something about me, because they know me all their life and I'm a native New Yorker, I was born and raised here. Now we know that the scripture says to whom much is given much is expected, so everybody has made their testimony and stated that what we're really saying here is that the police department is held to a higher standard and they have to be accountable; just in one word, accountability. We were here and we seen the City Council pass the law of Community Safety Act and the courts upheld this law of Community Safety Act. My question right now in my head that I keep asking is why aren't we enforcing that law and making these police come to the court and putting them behind bars and putting

Another question that always goes in my mind, and I have to... I have to recognize your strength because, you know, your son was killed like that; I don't know what I would do. I'm a father too and I'm a grandfather, but you know, I wanna say... I've always asked the question; when do we see that these police officers are killing white boys; I've always seen black boys gettin' killed; not white boys and I've asked this question, so that tells me that racism is well and alive today. We have to deal with this problem. So I wanna say to you that we have to enforce the Community Safety Act because it is law; the Inspector General has to get on the case and crack down on the behavior of these police officers.

The other problem is the unconstitutional harassment of homeless people. Now Commissioner Bratton said that the trains weren't made for

1 sleeping, well there's a lot of places that weren't  
2 made for sleeping; the streets weren't made for  
3 pissin' and crappin' either, but the bathrooms are  
4 shut down everywhere. I would like for the City  
5 Council to make a law that says that you cannot  
6 harass any human being for sleeping, that you cannot  
7 tell a human being that they can't sleep here or  
8 sleep there in a public setting or places; they're  
9 not doing any harm to anybody or botherin' anybody,  
10 because sleeping is a natural phenomenon, but when  
11 you run homeless people from the subways, from the  
12 subway stations, from the parks, where do they go to  
13 sleep; in the street, and you call this a human  
14 society. This is a crime against humanity and we  
15 need to stop this.

17 Now I want the City Council to make a law  
18 against that; I know you're gonna cut me off because  
19 I'm hittin' these points -- the chokeholds, I just  
20 wanna get this... [interpose]

21 CHAIRPERSON GIBSON: They're all good  
22 points.

23 GENGHIS KHALID MUHAMMAD: I... I just wanna  
24 get this chokehold thing off, right. As a practice  
25 in martial artist for years and every instructor that

1  
2 I came across, they said don't let nobody choke you  
3 past three seconds, because it only takes three  
4 seconds for a man or a person to choke you out when  
5 you have the proper choker hold on 'em. I've been  
6 taught chokeholds; I know how to put chokeholds on  
7 people and I know that if you put them chokeholds on  
8 people right, three seconds; they're out. So the  
9 police officers should not be using these chokeholds  
10 on people and we need to outlaw this.

11 CHAIRPERSON GIBSON: Thank you very much.  
12 Thank you panel; I appreciate your patience being  
13 here all day and I thank you for your testimony and a  
14 lot of the suggestions you have made; I hear you; I  
15 think you very much. [background comments]

16 GENGHIS KHALID MUHAMMAD: We want to  
17 respond to that question, and the question is; that  
18 that's a lot of bull, that... [crosstalk]

19 CHAIRPERSON GIBSON: We asked several  
20 questions...

21 [background comments]

22 GENGHIS KHALID MUHAMMAD: that's a lot of  
23 bull... [crosstalk]

24 CHAIRPERSON GIBSON: But I don't even  
25 need to ask the question, because all of you have

[background comment] indicated your position on his testimony this morning, so I thank you... [interpose]

GENGHIS KHALID MUHAMMAD: Yeah, but it's a lot of bull that they were talkin' today.

CHAIRPERSON GIBSON: Thank you very much. Is there a Lizzie Pastrana here, Lizzie? Okay, just checking.

Our next panel is Deshonay [sp?] Dozier, Evalina Leady [sp?], Veronica Pickney, Tyrone... hm... Anthony, Martha Williams, Clarence Canty [sp?], Jr. [background comments] Deshonay Dozier, Evalina Leady, Veronica Pickney, Tyrone Anthony, Martha Williams and Clarence Canty, Jr.

And before you begin, let me just acknowledge that we have the presence of my colleague, Council Member Ritchie Torres here and you may begin. Thank you.

EVALINA LEADY: My name is Evalina Leady; I own a home in Bushwick and a small business in Windsor Terrace. I've been a resident of this amazing city for 25 years and I'm about to lose my driver's license. I came to discuss the NYPD policy of traffic ticket quotas and the police misconduct that follows, which includes false statements and



1 intimidation; I've been a victim of these policies  
2 not once but twice. July 2013 I was pulled over by  
3 Police Officer Lufredo [sp?]; the officer approached  
4 my vehicle and asked what I was doing on my cell  
5 phone; my reply to the officer was, "Officer, you are  
6 mistaken; I was not on the cell phone." He went  
7 crazy, yelling, screaming, questioning me repeatedly;  
8 finally asked how many tickets I had had; the answer  
9 was none; I have been a licensed driver in this city  
10 for 25 years and I had never received a moving  
11 violation. He issued me a summons for improper cell  
12 phone use. I immediately proceed to the 88th  
13 Precinct to file a Citizen's Complaint. I had to  
14 speak to three officers in order to make that  
15 complaint. The first said that they don't take  
16 traffic complaints here at the precinct. The second,  
17 after about 10 minutes, stated and gave me a  
18 telephone number to call the people downtown. The  
19 third, Officer Desk Sergeant Coffee [sp?], stated  
20 that I should have great compassion for the police  
21 officers; they have ticket quotas. I went before a  
22 judge, okay, thinking that finally justice would be  
23 done, I stepped before that judge with my evidence,  
24 evidence of my cell phone records; a witness, who was  
25

1 in the car; guilty, five points. November 2013, 7:40  
2 a.m., driving to work down Knickerbocker Avenue and  
3 Covert, warehoused area, [bell] police officer pulls  
4 me over, "What is your hurry, miss?" "I wasn't in a  
5 hurry, officer." Gave me a ticket for driving  
6 through a stop sign; I had in fact stopped three  
7 times. Went to court again; not guilty, right,  
8 saying that I was not guilty. I show up at court  
9 with a lawyer this time, standing beside a very  
10 nervous police officer who stated to the court that  
11 he didn't really have a recollection of my specific  
12 case because he was on overtime, sitting at that very  
13 corner; had issued 15 summonses that day. He also  
14 admitted it was possible that I had stopped --  
15 guilty; three more points. This is a very dangerous  
16 policy; encouraging police officers to issue tickets  
17 to meet quotas, whether they're performance quotas,  
18 whether they're ticket quotas; encouraging officers  
19 to lie, emboldened by their superiors and supported  
20 by the DMV courts. This policy completely erodes  
21 public trust.

23 I'm a person who actually believes in  
24 truth and justice; I had confidence in this New York  
25 City Police Department. This however is a systemic

1 problem, [background comment] the Commissioner, the  
2 Council can do something to restore public trust and  
3 it's just not a matter of training, it is a matter of  
4 policy. You guys have the power to make this change,  
5 the Commissioner has the power to make this change.  
6 I pray that that change is made. I used to be afraid  
7 of the criminals in this town; I am now afraid of the  
8 New York City Police. Thank you and I wanna thank  
9 Councilman Espinal for inviting me here today and for  
10 actually bringing that issue to light in this  
11 hearing. I wish that the other council people were  
12 here; I wish that the press were here to hear the  
13 public, to hear the public [background comments]  
14 about these issues; it is absolutely sad and we are  
15 in a [background comment] very, very dangerous  
16 situation in this city, [background comments] we  
17 can't trust the police, we can't trust the courts and  
18 we can't trust the press. I hope and pray we can  
19 trust you.

21 CHAIRPERSON GIBSON: Thank you very much.  
22 Thank you for being here today.

23 TYRONE ANTHONY: How you doin'? My name  
24 is Tyrone Anthony and I'm an activist first and a  
25 child of god and I'm the Housing Chairman in the

NAACP, so I've only been doing this about 29 years.

It's the same thing over and over and over; we need to do something. Change should be immediately.

Everybody now said the same thing, basically, about the pain and suffering from the Police Department;

it's systemic. Eric Garner wasn't selling loose cigarettes, he broke up a fight [background comment]

before the police got there. So this media blitz

about how loose cigarettes... let's not reframe what

the police done. What they did was, they responded

to a man who broke up a fight [background comment]

and then they put him in a strangle hold. A strangle

hold should not be used on anybody, on anybody.

Okay, that is a Vietnam, old chokehold. I'm a

martial artist too; none of that should be used, it's

illegal.

The third thing is that, in order to

systemically change the Police Department there's got

to be solutions, it can't be window dressings. What

I heard today was window dressing; it was basically

about -- well no, I won't do this from the

Commissioner, which means he's not gonna change

anything. If you've got bad apples in the Police

Department, you gotta take them back apples out the

1 police department; there's no way around it. Okay.

2 You cannot say oh well, I'm gonna do this, gonna do  
3 and keep the same racism or bad apples in the police  
4 department or anywhere else for that matter.

5 Everybody should have the quality of life. History  
6 tells us in this country, history tells us, that

7 we've been going through this too much, we've been  
8 going through this too much and we make everybody

9 [bell] rich in this country. What would Malcolm say

10 if he was living today? He would say, we've got all

11 these organizations, we've got the City Council, we

12 have this, we have that, but the same thing is

13 happening; that means something is wrong, somebody is

14 doing something wrong; we are not responding or we're

15 not bringing solutions to the real problem in our

16 community. And I wanna say also this; nobody gets

17 away with murder or wrongdoings under god, nobody

18 gets away, because you know, Cain said.. god said,

19 Cain, where's your brother? And the next thing he

20 said, I'm not my brother's keeper. But then the lord

21 said, your blood cries out from the ground. So

22 Trayvon Martin's blood cries out from the ground,

23 Eric Garner's blood cries out from the ground, okay;

24 Abner Louima's blood, even still to this day, has not

12 CHAIRPERSON GIBSON: Thank you very much.

13 Thank you.

14 VERONICA PICKNEY: I'm here to clarify,  
15 the police that commit the offense the 48-hour rule  
16 should not supersede the U.S. Constitution; it's  
17 illegal. The officer involved should have money for  
18 Eric Garner's family as we speak directly from  
19 Pantaleo's income. Policeman Benevolent Fund should  
20 choose is willing to pay. No report has been given;  
21 like the Rodney King video, more people have seen  
22 Eric Garner's gang murder. Pantaleo's public hearing  
23 court date is when? Because the 48-hour rule has  
24 been up several times. How long have the police  
25 falsely arrested innocent people? For instance, I

1 myself was chained to a wall in the precinct for  
2 three days without food. I worked; I am a veteran of  
3 the U.S. Army. I also born and raised in this  
4 country. I also am related to police officers. I  
5 would like to know why I had my menstrual and could  
6 not use the restroom, because they did not have a  
7 female officer on duty. I had never experienced being  
8 arrested; I had never experienced someone in my  
9 family dealing with the criminal justice system in  
10 the manner that I experienced.

12 I was taken to Rikers for over a year. I  
13 was taken away from my four children. To this day it  
14 is something that; what would a child of 10 say; what  
15 would your child say? Mommy was the PTA president  
16 and she's no longer here, she just disappeared. As a  
17 nurse for over 16 years, I had never experienced what  
18 I did. PTA president, to wait for the police from  
19 2008 to today to get it together. Oh my goodness.  
20 To be told by a judge you are free to go, there is no  
21 evidence and I do not need the jury to deliberate.  
22 How do I get that time back that was taken from my  
23 children? [bell] Criminal slave catchers,  
24 promotions; this is the same thing as the Central  
25 Park Five. Lana Nicky [sp?] raped at age 8; she was

1 put into Kings County to be put on medication. She  
2 was found naked on a train; her mother goes to pick  
3 her up, 23, Lana pregnant, Kings County Hospital.  
4 Her mother came to pick her up; they put her out on  
5 the street; they kept the baby; now she's going back  
6 and forth to court for her child. She was released  
7 to the public; she was found in South Carolina. Lana  
8 Nicky last month was in Bellevue Hospital, after  
9 being placed in Rikers, mental health people need  
10 mental health, not to be jailed in Rikers.

12 Grant Houses, every door was kicked in  
13 this year; it could be you tomorrow. My child, who  
14 took his SATs at the age of 12, I have been a  
15 consistent parent to all four of my children. What  
16 does it matter; it will say he's dead whether he took  
17 his SAT or not and passed it. All that I have put 28  
18 children through college, what does it matter if the  
19 criminals are in the courtroom? The family has been  
20 financially strapped because as a nurse and a 16-year  
21 veteran with an immaculate record, every person I've  
22 ever worked with -- staff, patients -- in the  
23 hospitals, in-state; out-of-state; Connecticut,  
24 Delaware, here -- my record did not help me. To have  
25 doctors, nurses, e-moms [sic] come forth to speak on



1 my behalf, for me to be sitting here now, when do you  
2 take the money from the criminals that arrested me;  
3 that chained me to a wall for three days and my  
4 family did not know where I was? I wasn't taken to  
5 the neighborhood precinct or my... the area in which I  
6 lived; I didn't even know where I was. I was scared  
7 for three months to walk to the corner store by  
8 myself; I was afraid to go to the grocery store to  
9 shop; to drive my car. Oh by the way, I also  
10 received a ticket while I was at Rikers; I don't know  
11 how I drove my car. [background comments] I haven't  
12 paid that ticket. Ethnic cleansing has destroyed so  
13 many families; can Cal Taylor's racial quotes test be  
14 given as an employment test? I'm looking at the way  
15 that the train in Harlem crashed. Is it because a  
16 Harlem building is suing the police department, the  
17 people that live there, that every door in Grant  
18 Houses was kicked in? You know, these are the things  
19 that I look at. Where's the Adam Clayton Powells,  
20 the 17 point plan, the congressional record? Where  
21 are these laws? Little things like having equal  
22 opportunity employer on every application so that  
23 your qualifications get you the job instead of this  
24 race-based...  
25

CHAIRPERSON GIBSON: 'Kay.

VERONICA PICKNEY: interview and so forth... [crosstalk]

CHAIRPERSON GIBSON: Thank you.

VERONICA PICKNEY: you're already qualified. It's been taken off, I've noticed. That's all I have to say right now besides... you know, there are so many things I could get into... [interpose]

CHAIRPERSON GIBSON: Uh...

VERONICA PICKNEY: Europeans having... [crosstalk]

CHAIRPERSON GIBSON: Right. 'Kay.

VERONICA PICKNEY: Hitler on... would never have Hitler on their money, bit I'm walking [background comment] around with a whole bunch of slave masters that I can't see because I have not been able to go back to work, so I cannot imagine someone who has committed a low-felony crime or any crime getting a job if I have not been able [background comment] to go back to work for six years because of the discrimination that I have endured.

CHAIRPERSON GIBSON: Thank you very much ma'am for being here. Thank you.

[background comments]

MARTHA WILLIAMS: Good afternoon. My name is Martha Williams; I'm a lifetime resident of Brooklyn. I'm sorry that I was not present for Commissioner Bratton's testimony regarding the training; however, in my opinion, training would not be effective for police officers' enhanced training because the police culture is based on racism, which is a system of power and privilege based on race and if the culture in the Police Department does not change, nothing will change and training will not help. If there must be training, I believe that the police should be trained on the difference between making arrests due to probable cause, which is mentioned in the 4th Amendment of the U.S. Constitution, which is legal, versus reasonable suspicion, which is based in Penal Code 140.50, which is practiced in New York State, which is the basis for the stop, question and frisk law. In probable cause, if something happens and surveillance is done or whatever, the police can arrest based on the fact that this happened and more than likely you caused it to happen as opposed to reasonable suspicion where it's a subjective thing and you're guilty because

1 someone suspects you. And as we know in this  
2 country, black and brown people are criminalized  
3 based on color. That law needs to be repealed and I  
4 should hope that the City Council would support the  
5 effort to repeal Penal Code 140.50.  
6

7 I just wanted to mention that my son was  
8 stopped, questioned and frisked twice on two separate  
9 occasions as he was riding in a cab; he was taken out  
10 of the cab by a police officer, frisked and put back  
11 in the cab; there was no probable cause; there was  
12 no... it was not reasonable; they [bell] will suspect  
13 him of anything because he wasn't around for whatever  
14 crime they were looking for.

15 I want to say lastly that the 48-hour  
16 rule, which I understand is not a law, should be  
17 taken away from the police, they are citizens just  
18 like we are and they need to be held accountable and  
19 if I were to do something, I would be arrested and  
20 questioned immediately; that must go. It might be a  
21 consideration in labor negotiations, but that needs  
22 to go. Thank you.

23 CHAIRPERSON GIBSON: Thank you very much.

24 CLARENCE CANTY, JR.: Good afternoon.

25 I'm a long-time activist. My name is Clarence Canty,

1 Jr., a long-time activist and long-time observer of  
2 what's going on wrong with our people in this town.

3 In addition to what has been discussed so far, we  
4 have another toxic twist within the Police Department  
5 that no one has ever brought this issue up. We have  
6 people who are now being recruited in the Police  
7 Department who are from the Caribbean and I've asked  
8 a few of them that I have talked to; was it mandatory  
9 or required reading about the black American  
10 experience in this country before they came here;  
11 they all said no. So when you have Caribbean people  
12 who look like me but have no knowledge of the black  
13 American experience because it was not required  
14 reading in their school system in the Caribbean, they  
15 come here to this country with preconceived notions.

16 I know of one who's a pretty well-established now  
17 police officer; he was involved with undercover  
18 partner of his in the killing of a woman who was  
19 begging for her life while she was sitting the wheel  
20 begging for her life. They shot into her car on her  
21 driver side, killing her instantly, even though she  
22 was begging for her life. This happened in broad  
23 daylight on Nostrand Avenue and Church. The brother  
24 was very cold in understanding that, well what if  
25

1 this woman didn't... had... she had time in court to  
2 plead her case rather than being an investigation  
3 about... as if it was right on the spot. He said it  
4 was done, the deal was done, everything was over.  
5 The United African Movement had the first community  
6 town meeting and they invited all local elected  
7 officials to come to this meeting where they could  
8 hear the grievances of the community. Not one  
9 elected official showed up. Our chairman, Attorney  
10 Alton Maddox, sent two open letters to [bell] de  
11 Blasio telling him about the bad idea of having Bill  
12 Bratton come back as police commissioner; he gave him  
13 a litany of things about Bratton. He did not  
14 respond, but the second letter that was sent by  
15 Attorney Maddox, Mayor de Blasio showed his arrogance  
16 and racism by not even opening up the letter; he sent  
17 it back to Alton Maddox the same as he received it;  
18 that meant that he didn't even care to even read the  
19 letter; he sent the letter back to Attorney Alton  
20 Maddox; are we now having problems that Attorney  
21 Maddox had predicted would happen with Bratton?  
22 There's an old saying, you are what your record say  
23 you are. [background comments] And right now  
24 Bratton is like a rat looking for a hole, trying to  
25

1 cover himself, but he cannot deal with the fact that  
2 he is incompetent and I'm sorry to say that the  
3 daughter of the late Bill Jones, who head the  
4 Transitional Committee, she agreed with de Blasio to  
5 let Bratton come back up there again, knowing her  
6 father, if he was around, he would've kicked her in  
7 the you know what, knowing that she would dare let  
8 this man be ratified to come back again to terrorize  
9 people of color who have no clout. Thank you.

11 CHAIRPERSON GIBSON: Thank you very much.  
12 Thank you. Are there any other panelists?

13 [background comments]

14 JAMES ANTHONY: Good afternoon. My name  
15 is James Anthony and I wasn't here in the earlier  
16 testimony of the NYPD Commissioner and I would like  
17 to tag onto your hearing as far as they are  
18 recommending the body cameras that... I feel as though  
19 that each, in each command where police officers turn  
20 out; during roll call and prior to roll call that  
21 they be given breathalyzers and urine tests before  
22 they go on and after they come off duty. It would be  
23 somewhat substantial because they do imbibe;  
24 sometimes you see 'em over there in firehouses and  
25 whatever and this has set a different tone for people

1 out in the street, plus in our communities you'll  
2 find these officers coming around, they take their  
3 hats off like they're cowboys; they are out of  
4 uniform. When the sergeants and everybody, they  
5 don't give 'em any demerits and that's the first  
6 level of disrespect. I conclude there with my  
7 statement.

8 [background comments]

9 CHAIRPERSON GIBSON: Thank you very much.  
10 So you're the last panel today and [background  
11 comments] let me just double-check that I don't have  
12 anyone else here. [background comments] Sarah  
13 Schwartz; are you here? Lizzie Pastrana, Iris Baez,  
14 Juanita Young and Agnes Johnson. Okay. So to each...  
15 [background comments] you already made your comments,  
16 rights? [background comments] Oh okay. Sorry... I'm  
17 sorry; you would have to sign up again. I'm sorry  
18 about that. [background comments] To the last panel  
19 who's here, every panel that's come forth I've been  
20 asking the position on Commissioner Bratton's  
21 testimony this morning, but I get a sense from all of  
22 you and I really understand, so I don't have to ask  
23 the question because all of you answered it.



VERONICA PICKNEY: And I was gonna mention, the videographer being arrested for videotaping Eric Garner... [crosstalk]

CHAIRPERSON GIBSON: Okay. Yes, so... Okay.

VERONICA PICKNEY: and his wife, both being arrested... [background comments] it would be along the lines of what they have been doing. [background comment]

CHAIRPERSON GIBSON: Thank you. Thank you very much. [background comment] To everyone who remains here, I thank you truly for all of the testimony and all of the concerns that we have heard this afternoon; obviously this is the beginning step; this is the first hearing that we are holding this fall following June and following Eric Garner and many other cases and instances, so I am telling all of you as Chair of the Committee on Public Safety, we are just starting; this is not the last time we will have these conversations; I am very firm on inclusiveness with members of the public; that will continue to happen. A lot of the reforms that we have talked about start with training, but it will not end with training. There are other factors that

1 we will be looking at as a council and to the extent  
2 that within our city charter, if we can implement we  
3 will; we will have to work with our partners in  
4 Albany in relation to changing some of the CPL and  
5 some of the State Law and Penal Law and that  
6 conversation will happen with our state colleagues  
7 and then also working with our federal congressional  
8 members on a federal level about some of the work we  
9 can do; we have partners in Albany and in Congress  
10 and we will continue to have those conversations.

12 I share much of the concern; this I take  
13 very personal, as someone who is a woman, a woman of  
14 color representing a community in the Bronx, I hear  
15 these stories each and every day. So I want every  
16 one to understand that when I say that I am  
17 committed; I am committed. As someone who was  
18 elected to serve this public, as someone who has  
19 colleagues in the City Council under the leadership  
20 of our Speaker, we will continue to have these  
21 hearings not just here at City Hall, but we're going  
22 to make sure that the voices get out to the people  
23 and that's where we want the message to be. So I  
24 want all of you to understand that this is the  
25 beginning, training is good, but it's not the only

1  
2 answer, it's only one ingredient in a very long  
3 process that just has started. So I wanna thank all  
4 of you for being here, I wanna thank all of our  
5 public members who testified today; I do wanna thank  
6 all of my colleagues in government who were here; I  
7 wanna thank the Speaker, the Public Advocate for her  
8 presence; I also wanna recognize my staff, Carmine  
9 Guiga, Salvador Arrona, Ellen Eng, Fiza Ali, Pasquale  
10 Bernard and all of the Speaker's staff for all the  
11 work that they put in to make these hearings a  
12 reality. I thank all of you for being here and this  
13 oversight hearing for the Committee on Public Safety  
14 is hereby adjourned.

15 [gavel]  
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C E R T I F I C A T E

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



Date September 12, 2014