

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND CRIMINAL JUSTICE
SERVICES JOINTLY WITH THE COMMITTEE ON
PUBLIC SAFETY, THE COMMITTEE ON TECHNOLOGY,
THE COMMITTEE ON OVERSIGHT AND INVESTIGATION
AND THE COMMITTEE ON CONTRACTS

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February 25, 2015
Start: 10:10 a.m.
Recess: 1:08 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: ELIZABETH S. CROWLEY
VANESSA GIBSON
JAMES VACCA
VINCENT GENTILE
HELEN K. ROSENTHAL
Chairpersons

COUNCIL MEMBERS:
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Rory L. Lancman
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Chaim M. Deutsch
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David G. Greenfield
Inez E. Dickens
Daniel Dromm
Casa G. Constantinides
Peter A. Koo
Ruben Wills
Corey D. Johnson
I. Daneek Miller

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

Mark D. Peters
Commissioner
New York City Department of Investigation

Anne Roest
Commissioner
New York City Department of Information Technology
and Telecommunications (DOITT)

Mindy Tarlow
Director
Mayor's Office of Operations

Richard Napolitano
Inspector and Commanding Officer
Communication Division
New York City Police Department

Chief Michael Fitton
Chief of Emergency Medical Dispatch
Fire Department of the City of New York (FDNY)

Stephen Cassidy
President
Uniformed Firefighters Association

James Lemonda
United Uniformed Fire Officers Alliance (UFOA)

Ritchie Alice
United Uniformed Fire Officers Alliance (UFOA)

Rachel Fauss
Director of Public Policy
Citizens Union of the City of New York

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[sound check]

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[gavel]

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SERGEANT-A-ARMS: Quiet, please. Find

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seats.

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CHAIRPERSON CROWLEY: Good morning. My

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name is Elizabeth Crowley, and I'm the Chair of the

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Fire and Criminal Justice Services Committee. The

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hearing is held jointly with the Committee on Public

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Safety, which is chaired by Council Member Vanessa

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Gibson; the Committee on Technology, which is chaired

12

by Council Member Jimmy Vacca; the Committee on

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Oversight and Investigations, which is chaired by

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Council Member Vincent Gentile; and the Committee on

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Contracts, which is chaired by Council Member Helen

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Rosenthal. I want to thank them all for their

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partnership in conducting today's hearing.

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Beginning in 2004, the City embarked on a

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major projected the Emergency Communications

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Transformation Project in order to improve the

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reliability of the 9-1-1 system. The system was

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antiquated, and the goal of a more reliable system,

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one that would not crash during major emergencies,

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and one that uses technology to help response times

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made sense. Eleven years later, our system is no

1 more reliable than it was on September 11, 2001, or
2 during the major blackout in 2003. Both of which
3 prompted the City to begin this overhaul. To date,
4 the City has spent over \$2 billion improving of the
5 system. Most of the resources of this projected were
6 devoted to unifying the call taking process for
7 police, fire, and medical emergencies. But these
8 three distinctly different emergency areas require
9 entirely different types of responses. Therefore,
10 the process by which the City attempted to achieve
11 the goal was flawed.

12
13 Emergency calls that require a response
14 from the Fire Department need to be handled by call
15 dispatches within the Fire Department in order to
16 achieve the fastest response time possible.
17 Therefore, when such a call is made to 9-1-1, it
18 should be immediately transferred over to the Fire
19 Department for processing of both fire and medical
20 emergencies. We should not be over-burdening NYPD,
21 9-1-1 call-takers, who are already understaffed with
22 calls that should be handled by the Fire Department.

23 Early last year, I met with the de Blasio
24 Administration to convey serious concerns regarding
25 our emergency response system. In May of 2014, these

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2 committees held a hearing on the 9-1-1 call-taking
3 system to address many of the same issues that will
4 be discussed here today. During that time, the
5 Administration ordered a 60-day hold and ordered a
6 major review of the system by the Department of
7 Investigation, the Department of Information
8 Technology and Telecommunications and the
9 Controller's Office. Each agency issues reports
10 similar to reports that have been issued over the
11 past ten years, which detail persistent
12 mismanagement, lack of coordination between City
13 agencies, and millions of dollars in wasteful
14 spending. All confirming the cripple--crippling
15 issue that has plagued the 9-1-1 system for years.

16 Earlier this month, the DOI released a
17 larger, more complete report saying much of the same.
18 Today's hearing will examine this report, and seek to
19 determine how the City should move forward with its
20 overhaul to the 9-1-1 system. At this point, it is
21 important to clearly define the scope of the project
22 in order to achieve the goals of making the 9-1-1
23 system more reliable. For years, the Bloomberg
24 Administration operated under a cloud of secrecy and
25 did not disclose end-to-end response times for 9-1-1

1
2 calls. End-to-end response times are calculate from
3 the moment a call is placed to the moment that first
4 responder arrives at the scene of the emergency. The
5 Council took action, and passed a bill, Local Law 119
6 of 2013 to require the Administration to report end-
7 to-end response times. We can now shed light on the
8 true response times, and clearly see how long it
9 takes to process calls in critical time-sensitive
10 emergencies. For example, the average end-to-end
11 response time by ambulances to life-threatening
12 medical emergencies is currently 9 minutes and 30
13 seconds. We can all agree that this is unacceptably
14 high.

15 If the call processing in this fashion
16 were handled by emergency medical dispatchers with no
17 redundancies, the data shows the processing time
18 would be greatly reduced, and the same is true with
19 fire dispatchers. Given the fact that the City is
20 receiving record-breaking number of emergency medical
21 calls and fire calls, it is imperative that we do
22 processing in the most efficient manner possible for
23 call-takers who are specifically trained to handle
24 these calls. In the 11 years since the City started
25 the project, the only aspect of the 9-1-1 system that

1 has been unified is the physical location of police
2 call-takers, fire and emergency medical dispatchers
3 at 11 Metro Tech in Brooklyn, known as PSAC 1. The
4 advantages of this co-location as opposed to the
5 prior system in which dispatchers were held in
6 facilities in each borough remains unclear to me.
7 Additionally, the main goal of this undertaking is to
8 have a system that allows all emergency responders to
9 communicate with each other have not been
10 successfully achieved by any measure. I am seriously
11 concerned that this Administration much the last is
12 failing to recognize the inherently flawed premise of
13 unified call-taking process, and is still moving
14 forward with components of this overhaul that
15 undermine our public safety.

17 I welcome Commissioner Peters and
18 Commissioner Anne Roest for being here today, and I
19 look forward to both their testimonies. I'd like to
20 recognize my colleague Vanessa Gibson, Chair of
21 Public safety for her opening statement.

22 CHAIRPERSON GIBSON: Thank you very much,
23 Chair Crowley, and good morning to each and every one
24 of you. It's a pleasure to be here. There are lot
25 of committees present this morning, but all for the

1
2 right reasons. I am Council Member Vanessa Gibson. I
3 represent the 16th District in the great borough of
4 the Bronx. And I'm proud to serve as chair of the
5 Committee on Public Safety. I want to thank my
6 colleagues Chairs Crowley, Gentile, Vacca and
7 Rosenthal for co-chairing this very important
8 hearing. I'd also like to thank the members of the
9 Public Safety Committee who are here with us today.
10 We have a lot to get through so I'm going to keep my
11 remarks very brief.

12 As our Chair Crowley mentioned, we're
13 here today to examine DOI's report on New York City's
14 long overdue and over-budget 9-1-1 Improvement
15 Project, also known as ECTP. I would like to thank
16 the DOI for conducting their investigation, and
17 issuing this report and making serious
18 recommendations to improving the project, and
19 ultimately the 9-1-1 system's effectiveness. I thank
20 everyone--I think everyone here will join me in first
21 collectively thanking all of the great men and women
22 of the New York Police Department, the Fire
23 Department, and EMS who take and respond to over 13
24 million 9-1-1 calls every year. Emergency Services
25 including the services provided by the New York

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2 Police Department, FDNY and EMS are among the most
3 critical and important services provided the City of
4 New York. Simply put, we rely on these 9-1-1 system,
5 the people that run it, the call-takes, the
6 dispatchers, the supervisors, the first responders
7 for safeguarding all our lives. I am tremendously
8 concerned that we've endured many years of delay,
9 mismanagement and runaway costs, as detailed in DOI's
10 report in an effort to upgrade and improve this vital
11 system. Unfortunately, this is not the first time in
12 the project's history that we have an assessment and
13 recommendations to make improvements.

14 I am extremely hopeful and optimistic
15 because I have read in the report that the
16 Administration has already implemented several of the
17 recommendations. As opposed to making a commitment
18 to adopt changes that never materialized. City Time
19 was another large technology project that was
20 beseeched by mismanagement and cost overruns. But,
21 unlike City Time, our 9-1-1 system is not an
22 administrative tool. It is a life and death
23 operating system. So it's imperative that we move
24 this project forward, and we do in learning from our
25 past mistakes in a manner that benefits the

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2 importance of the system that we are trying to
3 ultimately improve, and we do not--we do not make the
4 same mistakes again.

5 I look forward to hearing from all of our
6 officials, and advocates and members of the public,
7 and union officials who are all here to testify this
8 morning. And get a better understanding of how we
9 move forward collectively. I also want to recognize
10 the staff of the Committee on Public Safety for
11 putting this very important hearing together. These
12 hearings are a lot of work, and without the staff, we
13 would not have the opportunity to have these very
14 critical conversations. So I want to recognize Brian
15 Crow, Robert Calandra, Laurie Wen, Ellen Eng, and
16 members of the Speaker's staff as well for helping
17 the Committee on Public Safety be a crucial
18 partnership in this hearing today. And now, with
19 that, I will turn this hearing over to the Chair of
20 the Committee on Oversight and Investigation, Chair
21 Vincent Gentile.

22 CHAIRPERSON GENTILE: Thank you Madam
23 Chair and thank you Madam Chair. My name is Vincent
24 Gentile. I'm the Chair of the Oversight and
25 Investigations Committee, and I would like to thank

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2 my co-chairs for joining me in putting together
3 today's important hearing. I would also like to
4 thank their staffs, and certainly my own staff for
5 the hard work they have put to make--put in to make
6 this hearing happen. Today's Oversight hearing is an
7 examination in the City's effort to overhaul the 9-1-
8 1 system in light of the problems that have not only
9 been previously examined by this Council but also--
10 but have also plagued this project since its
11 inception. Very recently, the Department of
12 Investigation issued a report, which critically
13 examines the mistakes that have been made in the past
14 that lays out by making recommendations, a manner in
15 which to move forward with this critically important
16 and necessary project.

17 Following the attack on 9/11 and the
18 blackout in 2003, these flaws in the system were
19 exposed in the 9-1-1 system, which brought to light
20 the urgency in which it was necessary to overhaul and
21 modernize the system. The ECTP began taking shape in
22 2004. Its goal, of course, to transform the
23 communication--the emergency communication and
24 service delivery for the City through the
25 streamlining of operations, and improved technology

1 solutions. As my colleagues have already stated, the
2 original capital budget was at \$1.3 billion, and the
3 completion date was set for August 2007. And based
4 on the figures currently available, the project is
5 about ten years behind schedule. And final cost is
6 set at about three-quarters of a billion dollars more
7 than was originally budgeted.
8

9 So the DOI Report illustrates not only
10 what went wrong that caused these severe
11 miscalculations, but they also address remedies that
12 were applicable to make sure the project stays within
13 the newly projected timeframe, and eliminates the
14 possibility of any further unforeseen costs. Among
15 other suggestions, the report suggests things such as
16 the integrity monitor, and a manager to be appointed
17 by ECTP, and all future large-scale technology
18 projects. I'm sure we'll hear more about that from
19 Commissioner Peters. And as the DOI points out, some
20 of these have already been implemented, and some have
21 not. But these recommendations appear to be moving
22 this project in the right direction. Furthermore,
23 DOI's recommendations will be helpful not only to
24 assist in managing the ECTP project as we move
25 forward, but the suggested remedies will improve the

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2 City's management of large-scale technology projects
3 in the future.

4 So, I'd like to commend the Department of
5 Investigations for their thorough work, dedication,
6 and understanding of how important the emergency
7 communication system is for the city to be adequately
8 prepared for any type of emergency. And how vitally
9 necessary it is to have a security system that can
10 facilitate the communication between the NYPD, FDNY,
11 and EMS. So I'm looking forward to our testimony
12 today. Thank you.

13 CHAIRPERSON CROWLEY: Thank you, Council
14 Member Gentile. Next, we'll hear from the Council
15 Member who is the Chair of the Committee on
16 Technology, Council Member James Vacca.

17 CHAIRPERSON VACCA: Thank you, Chair
18 Crowley. I do have a prepared statement, but I'm
19 going to dispense with it because when reviewing your
20 testimony that you submitted, Commissioner, and
21 listening to my fellow--listening to my fellow
22 members, what's happened here at ECTP really is
23 indicative of what has happened to the New York City
24 Capital Budget over a very long period of time. We
25 have a problem in this city, and the problem in the

1 city is that we have a capital budget where we can't
2 spend money efficiently. We can't get projects
3 underway, and then when projects basically start,
4 they become mired in difficulty, overruns,
5 inefficiency and other issues. I have spoken about
6 this for many years, and I'm going to continue to
7 speak out about it. We in the Council as members
8 give money to City agencies. And I think this is the
9 only city where you give money to City agencies and
10 they can't spend it. Usually, when we give money,
11 the agencies should say, Oh, my God, thank you. Let's
12 get it done. But no, that's not the case here in New
13 York. It hasn't been the case for years.

15 The reality is that the Capital Budget of
16 New York City could be our economic engine. It could
17 be the job provider. It could provide such stimulus,
18 and it has not. Now, I have PSAC2 under construction
19 in my district, and the very, very start of PSAC2,
20 when it was originally conceived by the previous
21 administration, I warned them. And I said that the
22 scope of what you're doing is tremendous. And I said
23 we have to have in place controls so that we meet
24 deadlines and that money is appropriated, and money
25 is spent. And, based on many of my conversations,

1 the scope was reduced. PSAC2 was supposed to be even
2 bigger than what it is today. Well, what it is today
3 has become mired in overruns. What we have today
4 will take longer to build than what was originally
5 anticipated. But ladies and gentlemen, what we're
6 building today is crucial to the City of New York.
7 This involves public safety. So, I look at it in
8 that context. The context that this project that
9 we're talking about today is indicative of a
10 discussion we have to have, and that we should have
11 had for many, many years.

12
13 So I thank the Commissioner. I reviewed
14 the report some time ago. I think the report is
15 really long overdue. I thank the Administration for
16 taking the bull by the horns. I will say that
17 inherent in what we're doing in talking about this
18 issue has to be the issue of response time. I
19 chaired the Committee on Fire and Criminal Justice
20 prior to Chair Crowley. And during those years,
21 2009, 2008 we were talking about giving people
22 realistic knowledge what actual response time is.
23 How do we calculate response time? And the City
24 always telling us that response time was getting
25 better s really not the case because over the years

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2 response time has been calculated differently by the
3 city than what we feel would be a more indicative way
4 of calculating response time.

5 So we have to get to the bottom of that
6 because seconds that we lose in response time could
7 mean the difference between life and death. And the
8 ultimate objective of anything we do has to be to
9 improve response time. So, I do say that this
10 Administration I feel has been proactive based on
11 what they had to deal with when they came into
12 office. But I do not want this opportunity to
13 discuss our infrastructure of this city, and the need
14 to make sure that our infrastructure programmed at
15 our locations are spent efficiently and
16 expeditiously. I do not want that opportunity lost,
17 but I do thank you, Commissioner, for all the work
18 you've done, and I thank my colleagues. You know, we
19 only have five committees here today. So things
20 don't get accomplished, we'll come back next month
21 with nine committees or ten. So, you know, there's
22 always room on the stage for all of us. Thank you,
23 Commissioner.

24 CHAIRPERSON CROWLEY: Thank you Chair
25 Vacca. I would like to recognize the council members

1 who have joined us here today. We've been joined by
2 Council Member Steve Matteo, Council Member Rory
3 Lancman. Briefly, we had Council Member Antonio
4 Reynoso, and we will soon be joined by Council Member
5 Helen Rosenthal. Commissioner, before you begin your
6 testimony, and for those who are here to testify
7 today, unfortunately it's a very busy week in the
8 Council and I only have this room. The committees
9 here can only stay in this room for this hearing
10 until 1 o'clock. And, Commissioner, I know you have
11 a seven-page written testimony, and the report is
12 over 100 pages. So, I would ask if you could not
13 read from your testimony, or some way you could try
14 to condense your testimony just for the benefit of us
15 having the opportunity to ask questions, and hearing
16 from the public. Your testimony will be part of the
17 record, and then if you'll decide which you prefer to
18 do. But I have to swear you in first as the Council
19 procedures.

20
21 COMMISSIONER PETERS: [off mic]
22 Certainly.

23 CHAIRPERSON CROWLEY: And then, two
24 colleagues who are from your agency, will they be
25 testifying or answering questions today?

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2

COMMISSIONER PETERS: No, they will not.

3

CHAIRPERSON CROWLEY: Okay. Okay,

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Commissioner, if you could please raise your right

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hand, and answer the question. Do you affirm to tell

6

the truth, the whole truth, and nothing but the truth

7

in your testimony before the committee, and to

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respond honestly to the council member's questions?

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COMMISSIONER PETERS: I do.

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CHAIRPERSON CROWLEY: Thank you. Please

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begin.

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COMMISSIONER PETERS: Thank you. I will

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endeavor to shorten my seven pages, which was itself

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a condensation of a 104 pages. Sadly, there is a

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limit to how much one can truncate 105 pages--a 105-

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page document that was itself a consolidation of a

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review of 1.5 million documents over 50 interviews

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and hundreds, if not thousands, of hours of review

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time. I will dispense at least with the introductory

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good mornings and thank you. Suffice it to say I

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appreciate every member of the Council's time and

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attention to this matter. Last May, as you know,

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upon learning about the significant delays and cost

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overruns, Mayor de Blasio ordered a halt to work on

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the City's Emergency Communications Transformation

1 Program, ECTP. Pending a comprehensive review by the
2 Department of Investigation, the Department of
3 Information Technology and Telecommunications, and
4 the New York City Controller's Office. Pursuant to
5 the Mayor's request, DOI undertook our review of the
6 system.
7

8 In ordering the temporary halt of ECTP,
9 Mayor de Blasio cited the program's costs and delays,
10 as well as significant and long-standing technical
11 design, systems integration and project management
12 risks, and issues that necessitate immediate
13 corrective action. As requested by the Mayor, DOI
14 issued a preliminary investigatory report on August 6
15 of 2014. Over the course of the last seven months,
16 DOI, as I noted, has now reviewed tens of thousands
17 of documents. 1.5 million pages of documents in total
18 were submitted. We've conducted many, many
19 interviews. We've spent hundreds of hours and
20 produced, as Chair Crowley noted, a report that is
21 itself 104 pages.

22 The conclusion of the investigation
23 culminated in our still lengthy report earlier this
24 month. Our report documents a number of management,
25 oversight, and performance failures, which caused the

1 program to be years behind scheduled, and hundreds of
2 millions of dollars over its original budget. As a
3 result, the program to date has yet to fully deliver
4 on the promise of a modernized 9-1-1 system that will
5 effectively respond to the health and safety needs of
6 New Yorkers. Specifically, the Department of
7 Investigation has identified a variety of management
8 failures, internal control weaknesses, and contractor
9 performance deficiencies that between 2004 and 2013
10 created the conditions for the substantial delays and
11 rising costs, which have plagued the program.
12

13 While no evidence of overt criminal
14 conduct was discovered, DOI did identify inadequate
15 program controls pertaining to inflated price
16 estimates by contracts. As well as attempted to hide
17 the significance of problems facing the program. For
18 instance, with respect to inflated price estimates by
19 contractors, the sheer number of subcontractors
20 involved in the program resulted in the inflated
21 price estimates of as much as 600% on specific
22 services. Ultimately, the project will be more than
23 \$700 million over budget. In addition, our
24 investigation revealed that as late 2013, senior
25 program officials created an environment that

1 discouraged truthfulness seeking to spin, soften and
2 sanitize negative information about the program in
3 reports to create the impression that ECTP status was
4 better than it actually was. We found more than \$200
5 million in costs that were hidden in the budgets of
6 other agencies, and thus not reflected in ECTP's
7 total overruns. Our report detailed the programs
8 deficiencies as follows:
9

10 First, a fundamental failure to
11 adequately plan or sufficiently define the initial
12 scope and direction of the program.

13 Second, an effective program governance
14 by both officials at City Hall and various government
15 agencies.

16 Third, in adequate contractor management
17 resulting in a failure to control consultant costs.

18 Fourth, undue pressure applied by program
19 officials upon employees to report positive
20 information about the status of ECTP and the City
21 Hall.

22 Fifth, the failure to appoint an
23 independent integrity monitor.

24 Sixth, a failure to present a clear
25 picture of the program's total costs, and

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2 Seventh, inconsistent recordkeeping
3 practices of agencies involved in ECTP including the
4 NYPD, which did not have document retention policy
5 for program records.

6 In order to mitigate the risks of similar
7 management failures and internal weaknesses in the
8 context of ECTP and other large-scale technology
9 projects, DOI has made the following recommendations:

10 First, ECTP's scope and direction going
11 forward must be well defined in a written plan that
12 should be drafted and agreed upon by all
13 stakeholders.

14 Second, the City must appoint a program
15 manager empowered by the Mayor to lead large-scale
16 technology projects such as ECTP.

17 Third, where possible, the City should
18 establish direct contractual relationships with
19 vendors, and avoid layers of subcontracting. The
20 City should also seek to avoid seating complete
21 responsibility over projects to outside contractors.

22 Fourth, the City should set forth written
23 criteria for any new reporting of ratings or metrics
24 intended to measure the program of particular
25 projects. Reporting should not take so much time and

1 effort as to significantly detract from the staff's
2 ability to perform substantive program work.

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4 Fifth, the City should retain an
5 independent integrity monitor for large-scale
6 technology projects.

7 Sixth, the City should account for all
8 costs relating to large-scale technology programs
9 like ECTP as costs of programs, and

10 Seventh, the City should implement
11 standardized recordkeeping practices on large-scale
12 multi-agency projects. Agencies including the NYPD
13 should create a document retention policy for ECTP,
14 and future large-scale technology project.

15 As noted in our report, the City has
16 already made real progress on several of these
17 recommendations. In the first instance, DOITT has
18 begun efforts to analyze and redefine ECTP's scope in
19 response to our recommendation that there be a
20 program manager empowered by the Mayor to run the
21 program. The City has appointed DOITT Commissioner
22 Anne Roest, who has recently taken significant steps
23 to centralize the process. As to ECTP, the City has
24 begun steps to reduce subcontractor involvement
25 including the removal of a number of consult-- The

1 City has taken some preliminary steps to simplify the
2 process of round reporting of ratings on metrics
3 intended to measure program performance. And
4 finally, the City is committed to install an
5 integrity monitor for ECTP. The process for
6 appointing an integrity monitor is underway. We
7 expect that by the end of next week the RFP will be
8 out and submitted, and we are working closely with
9 Commissioner Roest to keep that process moving.
10

11 DOI's final report, which as we noted
12 spans 105 pages contains a wealth of additional
13 detail that I will not repeat here, but I commend it
14 to the committee as important reading. DOI stands
15 ready to assist agency heads and the Mayor as they
16 navigate the completion of this important project.
17 With that, I'm happy to take any questions you may
18 have at this time. Thank you.

19 CHAIRPERSON CROWLEY: Thank you,
20 Commissioner Peters. We have now been joined by
21 Council Member Rosenthal, who will give a brief
22 opening statement. And then the Committee Chairs and
23 Council Members will ask questions.

24 CHAIRPERSON ROSENTHAL: Thank you,
25 Council Member Crowley and Council Member Gentile for

1
2 spearheading this oversight hearing today. I
3 apologize. I was at a press conference earlier. You
4 know, I Chair the Contracts Committee, and I'm
5 grateful to be a part of this oversight hearing. As
6 I think about what has happened here with the 9-1-1
7 contracts, I can't help but be reminded of the
8 contracts that have been problematic in the past that
9 we have had hearings about over the last year. And,
10 I am going to, if it's all right Councilwoman Crowley
11 to sort of segue into one question.

12 CHAIRPERSON CROWLEY: No, no.

13 CHAIRPERSON ROSENTHAL: No, no. Okay, I
14 won't. I'm on the list for questions, but I think
15 what you'll hear me say is my disappointment at your--
16 - Give the nature of the problems that are--have
17 occurred here, they sound so similar to the problems
18 of other contracts where we've seen cost overruns
19 mismanagement. I would think that what we would want
20 to see is a systematic approach of resolving these
21 issues going forward. And I'll be interested to hear
22 about the role of the Mayor's--the Mayor's new
23 Steering Committee for Technology Projects and
24 whether--what role that would have played in catching
25 some red flag problems here as well as whether or not

1 there's a need for additional oversight on
2 subcontractors and subs of subcontractors. So, I
3 very much look forward to continuing the
4 conversation. Thank you very much, Chairs.

6 CHAIRPERSON CROWLEY: Thank you, Council
7 Member Rosenthal. We have now, and have since we've
8 been joined by Council Member Dromm, Council Member
9 Williams, and Council Member Ferreras, and Council
10 Member Constantinides, and Council Member Eugene.
11 Now, Commissioner, I have a few questions and the
12 Chairs and many of the members have questions. So,
13 we'll begin. You know, Commissioner, earlier this
14 month the Mayor gave his Preliminary Budget. It was
15 reported in the papers that response times are higher
16 than they've ever been in the past since we started
17 calculating them. What they failed to mention at the
18 press conference or in the press is that we actually
19 know even more about response times because this
20 Council passed legislation that tracks end-to-end
21 response times. And that they really are a lot worse
22 than they appear to be. But since we know that, a
23 lot of that time that the press doesn't necessarily
24 know about or the public is the processing time. So,
25 your report got into the overall emergency command-

1 taking, call-taking project. But from what--the time
2 that you spent researching how this project came
3 together and how monies were spent over the past 11
4 years, do you believe today that we have a more
5 reliable, more effective 9-1-1 system than we did
6 when the project started?
7

8 COMMISSIONER PETERS: I think that that
9 there is--that that is sort of a two-part, well, it's
10 an actual three-part question. And the first is as
11 an absolute matter are we better off today than we
12 were when the project started. Second of all, should
13 we be vastly better off still than we are. And third
14 of all, was the process getting their good. So let
15 me try to tackle those three items seriatim for you.
16 I don't think that there is huge debate that in an
17 absolute sense we are better off today than we were
18 15 years ago.

19 CHAIRPERSON CROWLEY: [interposing] The
20 question is really as it relates to the call
21 processing and response to emergencies when a person
22 in need is calling 9-1-1. It's really a yes or a no
23 question. If response times are higher today, and we
24 can absolutely accurately measure it. We see that
25

1
2 time is wasted in the process. Is it a more reliable
3 system of today than it was 11 years ago? Yes or no?

4 COMMISSIONER PETERS: Um--

5 CHAIRPERSON CROWLEY: [interposing]

6 You're not sure?

7 COMMISSIONER PETERS: Oh, no, I'll answer
8 that. Actually, it is not, of course, a yes or no
9 question. It's good theater to be a yes or no
10 question.

11 CHAIRPERSON CROWLEY: [interposing] I
12 don't know--

13 COMMISSIONER PETERS: It's not a real yes
14 or no question.

15 CHAIRPERSON CROWLEY: --if I need help,
16 and the building is on fire and it takes longer today
17 than it did 11 years ago-- When somebody is in need
18 of emergency help, and it takes longer is it more
19 reliable?

20 COMMISSIONER PETERS: The system as a
21 whole, if I could finish my sentence, the system as a
22 whole is more reliable now than it was 15 years ago.
23 Although there are clearly problems, which were laid
24 out in the report.

1
2 CHAIRPERSON CROWLEY: [interposing] Well,
3 that's a problem--

4 COMMISSIONER PETERS: If I could finish
5 my sentence, Council Member. Thank you.

6 CHAIRPERSON CROWLEY: Thank you.

7 COMMISSIONER PETERS: That said--that
8 said, I am not an expert on the specifics of the Call
9 Time numbers because I do not run the Fire
10 Department. I know that it is a complex set of
11 numbers. I know there is a lot of subtlety. I am--I
12 noticed that there are members of the Fire Department
13 here. I presume some of them will be testifying, and
14 I would commend to you talking to them about the
15 specifics of Call Time numbers. Thank you.

16 CHAIRPERSON CROWLEY: Commissioner, if
17 you look at the over \$2 billion spent on this
18 project, the cost of building a PSAC1, a PSAC2 or the
19 constructions involved with integrating systems, the
20 process of moving police call-takers into the same
21 building as fire-call takers and EMS call-takers,
22 that's what this project was. Do you agree with
23 that? If you look at this--the cost of this project,
24 that's what the overarching goal of the project was
25 to bring it all together to unify the system.

1
2 COMMISSIONER PETERS: Well, there were
3 several. Let's be clear. That's actually not an
4 accurate fact. There were a number of goals of the
5 project, and a lot of the money was not spent on
6 unification. Having said that, a big chunk of money
7 was spent on unification, and I don't believe-- And
8 again, our review was a review of the process of
9 whether the money-- If I could finish, please. It
10 was review of the process, and a review of how the
11 money was spent, and whether there were
12 inefficiencies in the process of procuring these
13 goods, and the process of doing--building the system.
14 We are not the experts on whether a unified system is
15 a good or bad thing. We are experts on once the
16 experts the experts, and by the way I'm not aware of
17 an expert anywhere who suggests a unified system
18 isn't a good thing, but I'm not an expert. We are in
19 the process--

20 CHAIRPERSON CROWLEY: [interposing]
21 Sorry, say that one more time.

22 COMMISSIONER PETERS: I said I'm not
23 aware of any expert who doesn't suggest that a
24 unified system isn't a good thing. But having said
25 that, that's not what I do. What I do--

1

2

CHAIRPERSON CROWLEY: [interposing] I---

3

I--I need you to elaborate on that one. What does it

4

mean to be a unified system?

5

COMMISSIONER PETERS: A unified system

6

means that we have a single system or a set of

7

systems that are integrated that combine Fire, EMS,

8

Police so that, for example, what happened in the

9

Rockaways last year where there was a significant

10

delay because Fire and EMS were on separate systems

11

and we needed human beings to interact. And there

12

was no automatic notification going back and forth.

13

And that a possibility for human error is one of the

14

things that delayed the response time. But in any

15

event, if I can clarify, we are-- Once policy--we

16

don't make policy. Once policymakers decide a

17

unified system, PSAC1, PSAC2 is a good idea, our job

18

is to say, Did you honestly and efficiently carry out

19

whatever the policy is that the policymakers have

20

decided upon? And what we found, as you know from

21

our report, is that it was not done in anything like

22

an organized or efficient process. The result of

23

which is over \$700 million in cost overruns, a ten-

24

year delay during which systems were not anything

25

like improved the way they should. Leaving us with a

1 system that you and everyone on this Council has
2 commented is not working the way it should And so,
3 as to whether or not PSAC is a good idea, I leave
4 that experts in Emergency Response. I am an expert
5 in once you've decided you want PSAC, did you go
6 ahead and do it in a responsible way? And sadly, the
7 answer there is no.

9 CHAIRPERSON CROWLEY: When you refer to
10 the \$700 million in cost overruns, what was that
11 comprised of?

12 COMMISSIONER PETERS: The \$700 million in
13 cost overruns, and it probably when it all plays out
14 will be more like \$900 million. The original budget
15 for this project was \$1.3 billion. Over \$2 billion
16 has now been spent. So, \$2 billion less \$1.3 bill
17 gets us to this \$700 million in cost overruns. Some
18 of that was for the building. About \$300 million was
19 for the building of PSAC2. About \$200 million of
20 that was for hiring a new systems integrator because
21 the first systems integrator couldn't get the job
22 done. Although we paid the first systems integrator
23 their full \$300 million, we had to bring in a second
24 systems integrator the equivalent of a general
25 contractor in to clean up the mess. That was over

1
2 \$200 million. Those are probably the two. That's
3 \$500 million. Those are the two biggest chunks of
4 the cost overruns. But there aren't that many, many
5 cost overruns.

6 CHAIRPERSON CROWLEY: [interposing] But
7 Commissioner, the PSAC2 will cost well over \$300
8 million, and it is closer to the \$700 million number
9 that you said was the cost overrun. And it wouldn't
10 be a surprise that you would need another systems
11 integration, or a significant amount of technology in
12 a new building that would go along with the brick and
13 mortar of constructing that building in the Bronx.

14 COMMISSIONER PETERS: [interposing] Uh--

15 CHAIRPERSON CROWLEY: So when you say
16 \$700 million, you said there was no criminal or
17 intent to defraud in anyway found in your
18 investigation. When you say \$700 million it sounds
19 like a lot of money, but tell us here was that for
20 PSAC2? Whether--we want to know whether it was spent
21 wisely or planned wisely. That's the bulk of the
22 \$700 million?

23 COMMISSIONER PETERS: No, it is. I'm
24 sorry. That's just--your--your--the facts-- Those
25 are not the accurate facts. So the facts--

1
2 CHAIRPERSON CROWLEY: [interposing] Who
3 is doing the system of integration at PSAC2? There
4 was no PSAC2 in your initial plan.

5 COMMISSIONER PETERS: That is not true.

6 CHAIRPERSON CROWLEY? Who's doing the
7 PSAC?

8 COMMISSIONER PETERS: The original
9 systems integrator. Several facts, if I may. One,
10 the \$300 million for additional PSAC2 is the
11 additional cost for PSAC2 above what was originally
12 budgeted in the \$1.3 billion. Yes, PSAC2 is going to
13 cost more than \$300 million, but a chunk of that was
14 already in the original budget. So of the \$700
15 million, which is going to be more like \$900 million,
16 right? Of that \$700 Million differential, only \$300
17 million is accounted for by PSAC2. The rest of
18 PSAC2's costs were in the original \$1.3 billion.
19 Second of all, the original systems integrator was
20 budgeted for \$300 million, and was budgeted to
21 include the work on PSAC2. So when the original
22 systems integrator got paid the full \$300 million,
23 couldn't do PSAC2 because they didn't know what they
24 were doing, and weren't properly supervised by City
25 Hall. And we then had to spend another \$200 million

1 on a new systems integrator to do PSAC2. That's \$200
2 million that we spent over budget because we hired
3 somebody and gave them \$300 million, and told them
4 when we did, You've got to do PSAC2 and they didn't.
5

6 CHAIRPERSON CROWLEY: [interposing]

7 Right.

8 COMMISSIONER PETERS: So, in fact,

9 that's--

10 CHAIRPERSON CROWLEY: [interposing] But

11 when the Mayor-- When the Mayor put a stop.

12 COMMISSIONER PETERS: [interposing] Uh-

13 huh.

14 CHAIRPERSON CROWLEY: --last year on all

15 new contracts or projects moving forward, what--what

16 contracts were stopped? What was the six--that six-

17 week window that you referred to in your testimony?

18 COMMISSIONER PETERS: Right, and

19 everything literally all with-- As I understand it,

20 all work was stopped on PSAC2, although I would

21 suggest that that's something worth taking up with

22 the folks who do this. Again, the Mayor-- Am I

23 disturbing you?

24 CHAIRPERSON CROWLEY: No, I just-- PSAC2

25 construction was not stopped during that time.

1

2

COMMISSIONER PETERS: I--I am not--

3

CHAIRPERSON CROWLEY: [interposing]

4

There's--there was no new contracts, but there was no

5

new contracts pending. It's just we want to get into

6

the nitty-gritty of it. I really don't want to do

7

that. I want to get into what the goals of fixing

8

this system to be more reliable were, and in your

9

investigation did you seek to question whether those

10

were admirable goals? And are we anywhere near those

11

goals that we should be? And what are we going to do

12

to fix it? See this is a system that was delayed,

13

over budget, you inherited it, the Mayor inherited

14

it. He's the boss. The old Mayor was the boss. Now

15

the new Mayor is the boss. You did a vast

16

investigation. Now what are we going to do to fix

17

it? In order to know what we're going to do to fix

18

it should be simple. This and that went wrong, and

19

this is what we're going to do to fix it.

20

COMMISSIONER PETERS: Right, I agree and

21

if you-- In our report we list a series of steps that

22

need to be taken to fix it. They are the steps that

23

I listed in my testimony.

24

CHAIRPERSON CROWLEY: [interposing]

25

Right. Commissioner, it just seems like it's just

1 more of the same. When the project started the
2 Commissioner of DOITT was in charge. Ultimately, the
3 Mayor was in charge, and then the Deputy Mayor
4 oversaw DOITT. The same thing happened. What you're
5 looking to do, and still appear to be looking to do
6 is making a unified system where a 9-1-1 police call-
7 taker sitting in a police center is telling the FDNY,
8 whether it's a fire or medical dispatcher what to do,
9 where to go. And often that 9-1-1 call-taker is
10 overburdened, overworked, stressed out and doing the
11 work that they weren't previously doing before this
12 whole big project started. I'm going to recognize
13 Council Member Gentile for questioning.

14
15 CHAIRPERSON GENTILE: Thank you. Thank
16 you Council Member. Commissioner, it actually seems
17 like we've been here before. Both you and I and our
18 committees have sort of discussed much of the same
19 issues regarding large technology contracts when we
20 discuss the City Time situation. And it seems that
21 ECTP and City Time were happening with the--
22 simultaneously during the same years. And in many
23 ways to me they seemed very similar. Could you--
24 could you just comment on the fact that the
25 similarities, maybe some of the differences.

1
2 Obviously, one of them is the criminality issue that
3 was in City Time, but you're saying is not in this--
4 in the ECTP progression.

5 COMMISSIONER PETERS: Right. Thank you.
6 It's an interesting question, and as you know, and
7 sadly, Mr. Chairman, you and I have been--have had
8 this conversation now multiple times. City Time the
9 good news is nobody was outright stealing money on
10 ECTP the way they were on City Time. Bluntly, that
11 is more a function of good luck than anything else,
12 right? We got lucky and none of the contractors and
13 subcontractors who were functionally given a blank
14 check on ECTP. It turns out none of them decided to
15 steal any money. As opposed to City Time where they
16 did. I'm as happy for good luck as anybody else.
17 Somebody once asked Lincoln what kind of generals he
18 wanted, and I think he said lucky ones.

19 CHAIRPERSON GENTILE: [laughs]

20 COMMISSIONER PETERS: But having said
21 that, I'd rather not assume we live on luck. The
22 similarities are this: In both City Time and in
23 ECTP, we essentially turned a very large project over
24 to a series of outside consultants. And we didn't
25 take the trouble to understand the project ourselves.

1
2 There is simply no doubt that there are certain
3 specialized things for which the City needs to hire
4 consultants especially in the technology region. But
5 what we cannot do is essentially accede our
6 responsibility to be running these programs on a day-
7 to-day basis. Watching these programs on a day-to-
8 day basis. And that's what happened with both ECTP
9 and City Time. Now, in City Time the people not only
10 ran the project off the rails, but they were stealing
11 money, quite a lot of money. In ECTP, nobody was
12 stealing money. Good luck for us, but again, the
13 program didn't move anything like the direction it
14 needed to. In fact, we found that in some instances
15 price estimates were inflated 600% because each
16 subcontractor added money onto it. Indeed, it could
17 be argued that one of the reasons nobody was stealing
18 money is if you're getting paid hundreds of millions
19 of dollars in price markups, stealing another couple
20 million dollars may be just an unnecessary risk. So,
21 again, what we need to do is several--

22 CHAIRPERSON CROWLEY: [interposing]
23 Commissioner, a point of clarification. Are these
24 hundreds of millions of dollars in price overruns or
25

1

2

a 600% markup? Please let us know more about that.

3

Can you go into detail?

4

COMMISSIONER PETERS: Sure.

5

CHAIRPERSON CROWLEY: If it was marked up

6

600% how much did we wasted on that? We need to know

7

whether it was just a \$10 million waste, or whether

8

it was a \$300 million waste.

9

COMMISSIONER PETERS: Sure. All of this

10

is, and some point the easiest thing to do would be

11

simply start on page 1 of the report and keep

12

reading.

13

CHAIRPERSON CROWLEY: I read the report.

14

It's not in there.

15

COMMISSIONER PETERS: Well, without

16

engaging in colloquy, the six--

17

CHAIRPERSON CROWLEY: Commissioner, you

18

should know. You said 600%.

19

COMMISSIONER PETERS: Okay.

20

CHAIRPERSON CROWLEY: Please go into

21

detail. I need to know. We need to know. We're

22

having this oversight committee today to find the

23

facts.

24

25

1
2 COMMISSIONER PETERS: Let me make sure I
3 understand your question. If your question is the
4 600% markup--

5 CHAIRPERSON CROWLEY: [interposing] I
6 mean, Commissioner, you said hundreds of millions of
7 dollars in markups. I'd like to get to the heart of
8 that.

9 COMMISSIONER PETERS: No, I said hundreds
10 of millions of dollars in cost overruns. I did not
11 say hundreds of millions of dollars in markups.

12 CHAIRPERSON CROWLEY: Okay, you said--

13 CHAIRPERSON GENTILE: [interposing] Okay,
14 let him answer. Let him answer.

15 COMMISSIONER PETERS: If I could answer I
16 think it would be helpful to everybody. Thank you.
17 [sighs] The 600% markup is, in fact, discussed in
18 the report. All of the math that goes along with
19 that is discussed in the report. I'm not quite sure
20 what to do short of reading through the math. Some
21 of the details were, in fact, not put in the report
22 because of a variety of trade secret issues that were
23 litigated and negotiated when we got information from
24 various people. The hundreds of millions of dollars--

1
2 CHAIRPERSON CROWLEY: [interposing] Okay,
3 Commissioner, just a point of clarification then. I
4 read the report. The only markup that I read in the
5 report was a contract to buy radios with Motorola,
6 and I did-- And then, there was 600%, but it
7 didn't. It was not attached to the radios, and it
8 was not clear on what that 600% markup was. We need
9 to know that to be sure that there as no fraud.
10 Because a 600% markup, one would question that. That
11 would be fraud. And depending on how much we spent,
12 we need to know how much we've lost there. So we
13 need more information, and if your investigators can
14 get back to us.

15 COMMISSIONER PETERS: We would be happy
16 to get back to you, Council Member.

17 CHAIRPERSON GENTILE: Commissioner, there
18 is also cost overruns on the City Time project, but
19 you're saying that the criminality from that was what
20 was the stealing of the money, not necessarily cost
21 overruns. Cost overruns was just the inefficiency--

22 COMMISSIONER PETERS: [interposing]
23 Correct.

24 CHAIRPERSON GENTILE: --of it?
25

1
2 COMMISSIONER PETERS: There were both--
3 On City Time there were both cost overruns, and
4 criminality. On ECTP we saw no evidence of
5 criminality, but we saw the significant cost
6 overruns. As I said, the project went from \$1.3
7 billion to \$2 billion plus there's another \$200
8 million that was hidden in other budget items that
9 were not attributed to ECTP.

10 CHAIRPERSON GENTILE: And that's included
11 in the cost overruns that--

12 COMMISSIONER PETERS: [interposing] No,
13 the \$200 million--

14 CHAIRPERSON GENTILE: --we're looking at?

15 COMMISSIONER PETERS: --does not include
16 ECTP.

17 CHAIRPERSON GENTILE: It does not include
18 ECTP.

19 COMMISSIONER PETERS: It's really--that's
20 why I said when all is said and done--

21 CHAIRPERSON GENTILE: [interposing] uh-
22 huh.

23 COMMISSIONER PETERS: --my guess is we're
24 really looking at more like \$900 million in cost
25 overruns. Because when you-- We did not do-- We are

1 not accountants. We did not do a full accounting of
2 every penny spent that would require, you know, 50
3 staff--that would require 50 staff, a long period of
4 time. We did enough to see what the problem was.
5 And, indeed, one of the points that I was about to
6 make is one thing that you should have on every large
7 city project whether it's building a building or
8 building a technology solution is an integrity
9 monitor. And these are folks--they have very large
10 staffs of accountants for just this purpose--who will
11 pull a sample of all invoice to make sure that (a)
12 when we get billed for 100 widgets, somebody
13 delivered 100 widgets. And if they were supposed to
14 deliver Grade A widgets, they really delivered Grade
15 A widgets. That when somebody paid to get something
16 done by this date, it was done by this date.
17 Integrity monitors are absolutely essential. An
18 integrity monitor would long have caught the
19 criminality in City Time. It would have long ago
20 flagged the problems of ECTP. And integrity monitors
21 are paid for either by the City or by the contractors
22 depending on the circumstances. They are hired by
23 the Department of Investigation. They report to the
24 Department of Investigation.
25

CHAIRPERSON GENTILE: So DOI would be
vested with the authority to hire in most cases--

COMMISSIONER PETERS: [interposing] Yes.

CHAIRPERSON GENTILE: --to hire integrity
monitors.

COMMISSIONER PETERS: Yes, there are.

There are now like 21 integrity monitors watching
various City projects. They have all been hired by
us. They serve-- You know, they work for us. There
will be an RFP going out next week. By the end of
next week, we will have an RFP going out to hire an
integrity monitor for ECTP, and the City has agreed--

CHAIRPERSON GENTILE: [interposing] So
you're driving that process--

COMMISSIONER PETERS: [interposing] Yes.

CHAIRPERSON GENTILE: --not DOITT?
You're driving it?

COMMISSIONER PETERS: Yes. We've
obviously worked with DOITT and consulted with DOITT
because we need to make sure the integrity-- We need
to make sure in setting out the specs for the
integrity monitor that we understand what's got to be
looked at. I'm not an expert. I still use--I still
use a fountain pen. So I'm the wrong one to ask

1 about computers. SO we're obviously working with
2 DOITT on that. But no, we will drive that, and we
3 will hire the integrity monitor. The integrity
4 monitor will report to the Department of
5 Investigation.
6

7 CHAIRPERSON GENTILE: So, and-- Okay, so
8 the integrity monitor reports to you, and not to
9 DOITT--

10 COMMISSIONER PETERS: [interposing] That
11 is correct.

12 CHAIRPERSON GENTILE: --in any way?

13 COMMISSIONER PETERS: That is correct. I
14 mean clearly as they see things, will we be
15 immediately reporting to Commissioner Roest? Of
16 course. I'm not gong to, you know, have an integrity
17 monitor say I saw a problem and not tell people about
18 it. But the point is that they report to me. And
19 the reason for that if you take a look at-- One of
20 the things we talk about in our report is there was a
21 lot of pressure from City Hall on the folks running
22 ECTP to sanitize the monthly reporting documents.
23 The reason that you have a Department of
24 Investigation with a Commissioner who unlike every
25 other commissioner in the City of New York is

1 nominated by the Mayor, confirmed by the Council, and
2 can only be removed for cause is so that you could
3 have integrity monitors reporting to somebody who, in
4 fact, has sufficient independence. I'm really not
5 interested in delivering in good news.
6

7 CHAIRPERSON GENTILE: Uh-huh.

8 COMMISSIONER PETERS: I'm ready-- You
9 know, I don't get paid to deliver good news.

10 CHAIRPERSON GENTILE: Okay. Let me just--
11 --there are other questions so--

12 COMMISSIONER PETERS: [interposing]
13 Sure.

14 CHAIRPERSON GENTILE: One of the--one of
15 the things I'm not sure you're recommendations
16 addresses is the fact that it seems that when
17 Hewlett-Packard was the sole bidder--

18 COMMISSIONER PETERS: [interposing] Uh-
19 huh.

20 CHAIRPERSON GENTILE: --in the ECTP
21 Contract, that left the City apparently feeling with
22 no choice but to award the contract to HP. Is there a
23 way we could--we could avoid that issue of going--
24 being forced to go with one--a single company that
25

1 submitted a bid? Should it been-- The RFP redone
2 and re-

3
4 COMMISSIONER PETERS: [interposing] Yes.

5 CHAIRPERSON GENTILE: --and reopened?

6 COMMISSIONER PETERS: Yes, and so--and
7 this is not unique to this contract. Periodically,
8 you--one of the things that you do when you put out
9 an RFP for a large contract is you spend-- If you're
10 doing it right, you spend considerable time and
11 research figuring out not just what you want, but
12 what you can reasonably have. And you try to put out
13 an RFP-- And, in fact, one of the reasons that we
14 spent the last basically almost two months working
15 with DOITT to craft this RFP is because I don't--you
16 don't just say, Okay, so tell me what--who wants to
17 bid? You put together an RFP that is intelligently
18 thought about what you want and what you can
19 reasonably have with a lot of specifications. And if
20 you don't get any bids back, or you only get one or
21 two bids back, and they weren't very good, then you
22 consider it to be a failed bid. And you have to go
23 back and say is there a reason that we only got one
24 or two bids when we expected more? Is there a reason
25 that we only got one or two proposals and we don't

1
2 like them? Now, there are occasions when you say
3 there is nothing that I can do about it, and with my
4 eyes wide open I go with somebody I'm not crazy
5 about. Because for having looked at it, it's this or
6 nothing. But you only award a contract under those
7 circumstances when you've taken a very hard look.
8 And decided that you don't need to rebid. You don't
9 need to re-think it. And here that's what should
10 have happened to. To commit yourself to \$300 million
11 massive contract with somebody who basically didn't
12 really meet the specs because they are the only ones
13 who bid, that's suggests to me a failed bid that
14 should have been rebid.

15 CHAIRPERSON GENTILE: Let me--let me
16 just--let me finish up with a question about the
17 layering of subcontractors. You said there are steps
18 being taken now to reverse that process or to
19 eliminate the number of subcontractors. What steps
20 specifically are you talking about?

21 COMMISSIONER PETERS: Sure, and I will
22 let Commissioner Roest, who I know is coming, talk
23 about this because she's done-- and in our estimation
24 she's done a very good job with this.

25

1

2

CHAIRPERSON CROWLEY: Commissioner Roest

3

it would be best if she comes and joins the panel.

4

CHAIRPERSON GENTILE: [interposing] Well,

5

I--

6

CHAIRPERSON CROWLEY: I think it would

7

be. In the interest of time, I apologize,

8

Commissioner Peters, but your--

9

COMMISSIONER PETERS: [interposing] Well,

10

I don't--

11

CHAIRPERSON CROWLEY: --two colleagues

12

from DOI are not speaking today, and they're taking

13

up two chairs. We have a host of council members

14

with questions. And I would like a representative

15

from the Police Department, a representative from the

16

Fire Department--

17

COMMISSIONER PETERS: [interposing] I,

18

that was--

19

CHAIRPERSON CROWLEY: --to come up as

20

well. [off mic] We have to be out of this room by 1

21

o'clock. I'm sorry.

22

COMMISSIONER PETERS: I am available to

23

come back at your convenience, Council Member.

24

CHAIRPERSON CROWLEY: It may not be

25

necessary. I would just like Commissioner Roest to

1
2 come up as well as a representative from Fire and a
3 representative from Police.

4 [pause, background comments]

5 COMMISSIONER PETERS: Let me propose
6 since I actually have-- Let me propose, Council
7 Member, that if there are other council members who
8 have specific questions to this report, let me answer
9 them and then I'm happy to turn this table over to
10 people who can discuss the substance that you do seem
11 anxious to discuss. Are there council members who
12 have specific questions about the Investigation
13 Report?

14 CHAIRPERSON CROWLEY: [interposing]
15 Commissioner, I am chairing this hearing, and there
16 are questions that come about from the answers that
17 you give. Now, I don't know, you know, I'm not an
18 investigator, although my grandfather was a
19 detective, but it seems to appear to us here at the
20 Council, certainly to myself that you're trying to
21 hide something. Why can't the other representatives
22 from the other agencies come up?

23 COMMISSIONER PETERS: [interposing]
24 Council Member--

1
2 CHAIRPERSON CROWLEY: Unless you are the
3 sole person responsible for this project?

4 COMMISSIONER PETERS: [interposing]
5 Council Member--

6 CHAIRPERSON CROWLEY: You're responsible
7 for a report that has to do with three other agencies
8 that are here today to testify.

9 COMMISSIONER PETERS: Council Member, you
10 just made a really serious accusation that I assume
11 you or your Council would be prepared to back up in
12 writing over the next 24 hours. You just accused me
13 and my agency of hiding something. If that
14 accusation is accurate--and if that accusation is
15 accurate, then you're also accusing me at the moment
16 of committing a felony. So I would appreciate it if
17 you would either dial down your rhetoric and withdraw
18 the accusation of a felony. Or I would like written
19 evidence of that within the next 24 hours.

20 CHAIRPERSON CROWLEY: Commissioner, I
21 would just like the representatives from the three
22 other agencies that have to do with emergency
23 response and the 9-1-1 system to answer question.
24 We're here about public safety. Ultimately, that's
25 what matters most. We'd like to get to the heart of

1 the concerns both from your 105-page report and your
2 plan and the Administration's plan on fixing this
3 problem. Fourteen months into the new Administration
4 we deserve answers.
5

6 COMMISSIONER PETERS: Council Member are
7 you accusing me of not fully--

8 CHAIRPERSON CROWLEY: [interposing] You--
9 you haven't--

10 COMMISSIONER PETERS: --and accurately
11 answering your questions?

12 CHAIRPERSON CROWLEY: --answered some of
13 the questions I've asked. You said, Well, I'm not a
14 police expert. You'll have to ask them. I'm not a
15 fire expert. That has to do with technology. What's
16 the hesitation? I don't understand.

17 COMMISSIONER PETERS: [interposing]
18 Council Member are you--

19 CHAIRPERSON CROWLEY: Why can't we hear
20 from the other agencies at the same time? Because
21 two people--

22 COMMISSIONER PETERS: [interposing]
23 Council Member are accusing me of hiding something?
24 I just need to know whether you're making that
25 accusation? You said it. I'd like to know.

1

2

CHAIRPERSON CROWLEY: Commissioner--

3

CHAIRPERSON GENTILE: [interposing]

4

Commissioner--

5

CHAIRPERSON CROWLEY: I said it appears,

6

okay. We can stop through the hearing and go through

7

the testimony, or in the interest of time and in the

8

interest of the people in the public, can you please

9

let representatives from the other agencies sit with

10

you at the desk so we can get a lot of these--

11

CHAIRPERSON GENTILE: [interposing] At--

12

CHAIRPERSON CROWLEY: --important

13

questions we have answered?

14

CHAIRPERSON GENTILE: At--at the least--

15

at the least, let me just hear your answer on the--on

16

the subcontractor layering. I just want to hear your

17

answer on that.

18

COMMISSIONER PETERS: Sue. My

19

understanding, Council Member, is that over the

20

course of the last several months a number of the

21

over-the-top contractors who were functionally doing

22

nothing but hiring subs for the City have since been

23

removed from the process. And the City is dealing

24

directly with those sub. Whether that is complete or

25

not, I don't know the answer. But my understanding

1 is that a number of the top-level contractors who
2 were really doing a little more than being pass-
3 throughs have now been removed. That saves us both
4 money and is more efficient.
5

6 CHAIRPERSON GENTILE: Okay, and then
7 we'll expand on that as we go forward.

8 COMMISSIONER PETERS: Sure.

9 CHAIRPERSON GENTILE: Thank you.

10 COMMISSIONER PETERS: Thank you very
11 much.

12 CHAIRPERSON CROWLEY: Counsel Member
13 Gibson.

14 CHAIRPERSON GIBSON: Okay. Thank you
15 very much Commissioner. So, I just have to very
16 brief questions.

17 COMMISSIONER PETERS: Sure.

18 CHAIRPERSON GIBSON: In the report you
19 criticize the management structure of ECTP--

20 COMMISSIONER PETERS: [interposing] Uh-
21 huh.

22 CHAIRPERSON GIBSON: --as having no
23 accepted essential decision-making authority. I do
24 know the recommendations that there is the Program
25 Manager or Commissioner of DOITT, but what I'd like

1 to know is has the management structure really
2 changed. And, you know, let me be honest because a
3 lot of the recommendations that you have made, all
4 seven, I am concerned about how they really actualize
5 and materialize. You talked about including all of
6 the stakeholders, about a direct contractual
7 relationship that the City should have with vendors.
8 So I'd like to know how does that happen? So if
9 DOITT is running the show, what's DOI's
10 responsibility? Who makes the final decision? PD is
11 here, FD, EMS. Are they really and true
12 stakeholders? And then also, are we including the
13 workforce representatives, the unions that represent
14 the workforce? Because with all that we've done, I
15 myself have visited the 9-1-1 call-taking center, and
16 have seen the tremendous work they do. But
17 understanding the nature of the work they do, I am
18 very concerned about the workforce and all the
19 decisions we make, and how that affects the
20 workforce.
21

22 COMMISSIONER PETERS: Sure. That's a
23 great question. Ultimately, DOITT is the final
24 deciding authority on which contracts get left with
25 the exception of the RFP for the independent

1 monitors. Se that aside, please, for a moment.
2
3 DOITT is the final authority on which contracts get
4 let. DOITT is tasked with and has been collecting
5 input from all of the various stakeholders, NYPD,
6 FDNY, et cetera. The Department of Investigation
7 does not--either in this project or any project--get
8 involved with the hiring of particular contractors.
9 But, with an independent monitor, that independent
10 monitor would do two things. One, they will review
11 the RFP and the RFP process to make sure that it's
12 done the way it's supposed to be done. And had we
13 had an integrity monitor--to go back to Council
14 Member Gentile's question--from the start one of the
15 things they would have said is, Wait a second. Your
16 RFP function failed. You shouldn't just give the
17 contract to HPD to rebid. Two, that independent
18 monitor will then be reviewing invoices and
19 deliverables from those contractors to make sure
20 that they're getting what they should. And by the
21 way, one of the issues, and it doesn't come up as
22 much in technology contracts as in others. But to
23 your point about workforce development, which is
24 extremely important--and if we had more time, I could
25 talk about for hours--is truly important. Because

1 one of the things that integrity monitors do is they
2 check working conditions. And to give you an
3 example, we have done, and will be doing in the
4 future a huge number of prevailing wage cases.
5

6 Many of those cases were essentially
7 contractors hired by the City are stealing from work-
8 -stealing from workers. Let's just call it that. We
9 do those cases, and we'll be doing them a great deal
10 more. They are certainly worth our discussing. Many
11 of those cases come to us from the integrity monitors
12 who are hired to oversee the construction jobs. Who
13 say that the cost that they're looking for this, and
14 come to us and say, We've found the following
15 subcontractor who is installing all of the windows on
16 this building has, in fact, been stealing money from
17 the workers. And we will go in and then arrest
18 people. So it's a very important point. It has come
19 up less I confess in technology circumstances than in
20 others. But one of the things an integrity monitor
21 will do is deal with those workforce issues for
22 exactly that reason. Because we take that stuff
23 incredibly seriously, as you and I talked about
24 before.
25

1
2 CHAIRPERSON GIBSON: And what about the
3 document retention policy? I guess I was concerned
4 because I know NYPD has some challenges with
5 retaining documents. So who is going to look at that
6 as we move forward in terms of the recommendations--

7 COMMISSIONER PETERS: [interposing]
8 Sure.

9 CHAIRPERSON GIBSON: --that the report
10 has outlined, and in terms of keeping track of data.

11 COMMISSIONER PETERS: Sure. Now, good
12 question. In the first instance, we have said to the
13 NYPD you need a better document retention policy. In
14 the first instance my view is that it is for the
15 agency to come up with a better document retention
16 policy. Having said that, we will clearly over the
17 next six to twelve months among other things-- And
18 as you know, we now have an entire NYPD IG. One of
19 the many things that is going to be on his late over
20 the next sit to twelve months, and there are, as you
21 know, a number of things on his plate. Is going to
22 be to double back and see okay, did you put a
23 document retention policy in place? Is it a smart
24 one and is it working? So, yes, we will-- I'm not
25 going to design it for them, but I'm sure that

1 they'll go back and make sure it's a sound one. And
2 I'm going to go back and check and make sure it's
3 being followed. Along with a whole host of other
4 issues that you or I could profitably talk about at a
5 separate hearing.
6

7 CHAIRPERSON GIBSON: Absolutely. So
8 moving forward, and you know, I guess our goal-- We
9 all have a responsibility to make sure that we
10 provide efficiency and safe taxpayer dollars as much
11 as we can. You know, I'm always hopeful, I'm always
12 optimistic that these changes will be embraced and
13 will be good. I just want to make sure that there's
14 a clear and coherent understanding that every
15 stakeholder has to truly be involved. While I know
16 there may be one agency that has the final decision,
17 it's really important as Chair of Public Safety for
18 me to make sure that NYPD is tied in. The majority
19 of the 9-1-1 call-takers are 9-1-1 call-taker
20 operators. So that for me is very important as well
21 as, you know, the workforce. I always think about
22 the people on the ground that do all the work. So I
23 emphasize that because it's important for me. But,
24 based on the recommendations that your report has
25 outlined, do you feel that we as a city are moving in

1 the right direction. And as we move forward, and we
2 take these baby steps, what happens when there's an
3 indicator that you may see or DOITT may see where
4 there's something that looks wrong, or there is a
5 cost overrun or there's a subcontract. You know, I'm
6 concerned about that. How do we avoid that before it
7 balloons to millions of dollars? I want to make that
8 clear. If we see an indicator, it's there for a
9 reason, you know.
10

11 COMMISSIONER PETERS: I agree with you
12 and it's something that keeps me up at night as well.
13 There are several things that we do. One, next week
14 we will put out an RFP for an integrity monitor. We
15 will have that person hired and in place. That is a-
16 -

17 CHAIRPERSON GIBSON: [interposing] This
18 year?

19 COMMISSIONER PETERS: Oh, yes. Oh, oh,
20 goodness gracious, yes, absolutely. Yes, well before
21 the end of the year. We will have an integrity
22 monitor in place in short order. The RFP will go
23 out-- Is it 30 days for responses or 60?

24 INSPECTOR GENERAL: [off mic] I think
25 it's like three.

1
2 COMMISSIONER PETERS: Three weeks is all
3 we're giving people to respond to the RFP, which is--
4 even I think is a tight turnaround. So, we will
5 probably--

6 CHAIRPERSON GIBSON: [interposing] The
7 RFP is out already?

8 COMMISSIONER PETERS: Next week. By the
9 end of next week--

10 CHAIRPERSON GIBSON: [interposing] Oh,
11 okay.

12 COMMISSIONER PETERS: --it will be out.
13 It's largely ready. It will be out there in the next
14 week. We'll give it--my Inspector General tells me
15 we're giving people three weeks to respond, which is,
16 by the way, a very short turnaround time. That
17 person will be looking at, you know, samples of
18 invoices, samples of billings. They will--that is
19 the first line of defense. If we'd had that ten
20 years ago, we wouldn't be here now, right? In the
21 same way that we now have 21 integrity monitors on 21
22 large projects, who in addition to coming to us, and
23 they have, and said we've got workplace safety
24 issues. Workplace-- or workplace prevailing wage
25 theft issues, and look at these invoices and

1 constantly coming back and saying, here's where the
2 problems are. They would catch that. They would
3 catch any instance in which there is a 600% markup.
4 So that's the first line of defense. The second line
5 of defense is that DOI-- You know, I'll give you a
6 concrete example of the second line of defense. We
7 did an investigation after the fire in the Rockaways
8 last Easter, the tragic fire with the long delay.

10 CHAIRPERSON GIBSON: [interposing] Sure.

11 COMMISSIONER PETERS: And among other
12 things, as a result of that we said to the Fire
13 Department, even before ECTP gets finished because
14 sadly the problem is the Fire Department has sort of
15 been waiting, you know,, waiting for next year, next
16 year, next year because ECTP has still hasn't
17 finished. Even before that, there needs to be a
18 technology bridge so that call-takers over here, and
19 those dispatchers over here there's an automatic
20 notification. We don't have to worry about human
21 error. That technology bridge has now been put in
22 place. So that's the second line of defense, and the
23 third line of defense is exactly what we're doing
24 here today. I assume that six months from now, all
25 of you are going to ask us back again, and say-- And

1
2 how is monitor-- And say to me, so tell me, what is
3 the independent monitor finding. Did they find
4 anything? If they did, what did you do about it? If
5 they didn't find anything, are they really looking?
6 And I will be back here in six months, and I will
7 answer those questions. And that's your third line
8 of defense.

9 CHAIRPERSON GIBSON: Okay. Thank you
10 very much. I appreciate it. I'm glad you recognize
11 that you will be asked to come back.

12 COMMISSIONER PETERS: I'm looking forward
13 to it.

14 CHAIRPERSON GIBSON: This has to be an
15 ongoing conversation so thank you.

16 COMMISSIONER PETERS: I am looking
17 forward to it, and I am here, as you know, always at
18 your disposal. Thank you.

19 CHAIRPERSON CROWLEY: I would like
20 everyone in the Chambers to welcome IS51 from Staten
21 Island. They're up on the balcony. [applause]
22 Thanks for joining us here today. Just two points of
23 clarification for the Commissioner before we move
24 over to Council Member Vacca, and then a request.
25 Commissioner, for whatever your reasons may be, you

1 would not like the three other agencies up on the
2 desk with you. We understand. I would hope that you
3 can remain here until the Administration's
4 representatives are complete with their testimony in
5 case we have additional questions.
6

7 COMMISSIONER PETERS: I am always happy
8 to be here, Council Member.

9 CHAIRPERSON CROWLEY: Now, you mentioned
10 integrity monitor and I think out of the entire
11 report that's the smartest thing that's come about
12 from your report. Other than you analyzed what has
13 been analyzed time and time again. Now, under
14 Bloomberg we had the outside monitors. You know, we
15 had Gartner, then we had Nassau. We even had the
16 Windberg [sp?] Report after the 2010 snowstorm. All
17 of them said, We're not going in the right direction.
18 This system doesn't work. But what I tried to get
19 at--at the heart of my questions to you earlier to
20 day, the overarching goal of fixing the system. It
21 doesn't seem to be changing under this
22 Administration. You're still looking for that same
23 end goal that's almost mission impossible that
24 Bloomberg looked to do for so long and failed to do
25 it. You're not changing the course.

1

2

COMMISSIONER PETERS: Well, two things.

3

One is your point about Gartner and more Gartner than

4

Nassau [sic] in the Windberg, but your point of

5

Gartner is actually a good one, and one worth making,

6

which is this: Gartner did, in fact, write a number

7

of reports, some of them we cite in our report, that

8

said, this is not going in the right direction. And

9

the City--

10

CHAIRPERSON CROWLEY: [interposing] In

11

2004, 2005.

12

COMMISSIONER PETERS: Yes, I've--I've--

13

they're all here.

14

CHAIRPERSON CROWLEY: Right.

15

COMMISSIONER PETERS: They said it, and

16

the City ignored Gartner, and then fired Gartner or

17

didn't renew their contract, to be precise. The City

18

didn't renew Gartner. You know, ignored then and

19

then didn't renew them. Nassau honestly was not

20

hired--it was hired to do some quality control. It

21

was not an integrity monitor. It's a very different

22

thing.

23

CHAIRPERSON CROWLEY: [interposing]

24

Correct.

25

1
2 COMMISSIONER PETERS: But if I may, the
3 point is the difference between a property integrity
4 monitor hired by DOI and Gartner is that the City can
5 ignore Gartner and the City cannot renew their
6 contract. The City doesn't have the--

7 CHAIRPERSON CROWLEY: [interposing] I
8 know.

9 COMMISSIONER PETERS: --the option to--

10 CHAIRPERSON CROWLEY: I know that that is
11 different, Commissioner.

12 COMMISSIONER PETERS: --continue [sic]
13 the DOI contract.

14 CHAIRPERSON CROWLEY: Commissioner, I've
15 been talking with you. I complimented you on the
16 idea of implementing an integrity monitor. One
17 that's going to evaluate invoice from invoice and
18 hold that to performance. But we've had performance
19 monitors in the past that said the same thing that
20 your report says, and it wasn't just once performance
21 monitor or two, but three. Stop going in this
22 direction. The unified call-taking system cannot be
23 unified. Police call-takers do what police call-
24 takers do. Fire do what fire, and medical, and when
25 intertwining, you waste time. You know, the

1 repetitive and duplicative nature of questions get
2 asked. And unfortunately, we're still moving in this
3 course of trying to unify a system. And at the end
4 of the day, when that call is placed and somebody
5 needs help, critical time is wasted because you have
6 one call-taker doing the same thing as the previous
7 call taker did. When study after study shows getting
8 it over to the right dispatcher is the quickest way
9 to get emergency help to be seen at the emergency.
10

11 [applause]

12 [background comment]

13 CHAIRPERSON CROWLEY: And the direction--
14 the direction of the Administration--

15 COMMISSIONER PETERS: [interposing]

16 [laughs]

17 CHAIRPERSON CROWLEY: is the same
18 direction that Bloomberg was going in.

19 COMMISSIONER PETERS: Well, several
20 things, if I may. I understand that you are opposed
21 to a unified call system. As I explained, I'm not--I
22 don't do policy. I don't decide unified call system
23 or not. I decide once the experts know these things
24 and decide a unified system or not, are they
25 implementing it properly--

1

2

CHAIRPERSON CROWLEY: [interposing]

3

Right.

4

COMMISSIONER PETERS: --and that's what

5

our report is about.

6

CHAIRPERSON CROWLEY: Right.

7

COMMISSIONER PETERS: So I'm reluctant to

8

get into a debate about whether a unified system is a

9

good or bad idea since bluntly I'm not an expert.

10

CHAIRPERSON CROWLEY: [interposing] Okay.

11

I agree. We won't get into that discussion. I don't

12

want to waste any further time. But you did say

13

there's one boss, right? So the one boss is going to

14

be Anne Roest of DOITT--

15

COMMISSIONER PETERS: [interposing] Uh-

16

huh?

17

CHAIRPERSON CROWLEY: --but ultimately

18

the real boss is the Mayor and whoever the Deputy

19

Mayor is and then that is pretty much the same as

20

what was there during the Bloomberg Administration.

21

It's not different and however, and with much due

22

respect to the new boss, the Fire Department and the

23

Police Department are not going to like always agree

24

with how the Department of Technology is telling them

25

the best way to respond to emergency is. And that's

1
2 why it didn't work in the past because they're
3 clearly distinct and different city agencies. And
4 part of your whole investigation says they didn't get
5 along.

6 COMMISSIONER PETERS: [interposing] Uh-
7 huh.

8 CHAIRPERSON CROWLEY: They didn't do what
9 they were supposed to do. It wasn't working as
10 planned and--and so that I don't think you could
11 answer the question to it. It's just a point I'm
12 making.

13 COMMISSIONER PETERS: Right.

14 CHAIRPERSON CROWLEY: Council Member
15 Vacca.

16 CHAIRPERSON VACCA: [off mic] Thank
17 you. [on mic] Thank you, I think. Commissioner, I
18 thank you for your testimony, and I appreciate the
19 chance to speak, too. I wanted to go into this a
20 little further. You know, we on the Council deal
21 with such large amounts of money when we talk about
22 the City Budget. But when I think of \$500 million,
23 that's a lot of money.

24 COMMISSIONER PETERS: It is with me, too.
25

1
2 CHAIRPERSON VACCA: I'm sure. We will
3 never see that money in our lifetime, and the average
4 person works so hard everyday. We are going to
5 protect the taxpayers, and \$300 million of that \$500
6 million is basically spent on a building my district
7 that many of us had said was not needed from the very
8 beginning. Your report does indicate that there was
9 an opportunity not to even build PSAC2, but to use
10 another facility. And that it would have saved the
11 money--it would have saved the City a lot of money.
12 Where--did you identify the location where the City
13 could have built PSAC2 that would have saved the city
14 this money? Was there a location that was overlooked
15 or not pursued, or was not even considered?

16 COMMISSIONER PETERS: Well, the way that
17 it--the chronology here is as follows: Originally
18 PSAC2 was going to be built in an existing building
19 on a different location that bluntly we did not get
20 into because we're not technology experts, the
21 experts at the time in the Bloomberg Administration
22 made the decision that that building would not work.
23 And that, in fact, no existing building would work.
24 They needed to build a new building. And that's when
25 they decided to build PSAC2 in your district either

1
2 congratulations or condolences depending. We did
3 not go and do a site survey to see whether there was
4 any place else it could have been built, or whether
5 it could have been built for less money. As it is,
6 it took us seven months to do this. If I had spent
7 another two or three months having people do site
8 surveys it would have taken up a delayed process
9 getting this report out and be--would have kept
10 investigators--who were presently looking at lost of
11 other things, including the prevailing wage that
12 Councilwoman Gibson and I talked about--from doing
13 that.

14 So I can't answer your question as to
15 whether there's another site they could have used
16 that would have been cheaper. What I can tell you is
17 that when they first sat down to do this, they
18 clearly didn't think through it. I mean everybody
19 agrees that you need a second redundant location
20 because God forbid something happens. And the first
21 one you don't want to suddenly-- So I don't think
22 there is anybody who says you don't need a second
23 location. Where there was a better site for the
24 second location, we simply didn't look at. What we
25 did look at, and did acknowledge is they ended up

1
2 deciding after they were quite a ways through it that
3 they hadn't thought through what they wanted for the
4 second location. And that's the kind of thing you
5 need to figure out at the start.

6 CHAIRPERSON VACCA: What I do think the
7 Council should be privy to, and I think your office
8 should be privy to would be those emails and those
9 criteria that said that this PSAC2 had to be built
10 and that no other site was acceptable. I want for
11 the sake of transparency, I want to know why other
12 sites were denied, and what into those denials? And
13 I think that the public is entitled to know. This is
14 a \$300 million overrun that did not have to be based
15 on your report.

16 COMMISSIONER PETERS: I would be happy to
17 get back to you on the question. I cannot sitting
18 here now, and I don't believe--

19 [background conversation]

20 COMMISSIONER PETERS: One of the secrets
21 to doing my job is to hire people who are a lot
22 smarter than I am.

23 [pause]

24 COMMISSIONER PETERS: There is a footnote
25 in our report, which I had forgotten, which I'll read

1 to you which is, The best explanation I can give you
2 sitting here, which is not to say that I'm not happy
3 to give you a better one, and a fuller one when we
4 get out of here. Which is DOI reviewed records
5 indicating that the City considered at least nine
6 additional sites for PSAC2. Many of these potential
7 sites were ruled out because they failed to meet one
8 or more of the site selection criteria such as access
9 to public transportation, proximity to main arterial
10 roadways, available utilities, the location of
11 technology, radio propagation, and security
12 requirements. I can't sitting here now tell you
13 whether (a) those were valid reasons, or (b) whether
14 they gone to a different site it would have cost
15 less. I would be happy, however, to have my staff go
16 take a look at whatever document-- And by the way,
17 one of the problems is we are trying to figure out
18 what people did ten years ago with incomplete
19 documentation.
20

21 Some of the--some questions that you
22 asked--you're going to end up asking me, we will
23 never know the answers to because they happened ten
24 years ago. The documents don't exist any more. But
25 having said that, I am happy to have my staff go back

1
2 and look at the documents relevant to footnote 44,
3 and get-- And to the extent that from that we can
4 figure out the answer to your totally legitimate
5 question, which is were these valid reasons. They
6 may have been. I don't know. And if they were not,
7 would we have saved money by picking a different
8 site. To the extent that the records still exist to
9 answer that question, we will go back and take an
10 look, and I will get back to you on it. How is that?

11 CHAIRPERSON VACCA: That's fine.

12 That's fine, Commissioner. Thank you.

13 COMMISSIONER PETERS: Sure.

14 CHAIRPERSON VACCA: Commissioner, you
15 stopped the work but I wanted to ask you has the
16 scope changed based on your stoppage? For PSAC2 has
17 the scope at all changed base on your findings?

18 [background conversation]

19 COMMISSIONER PETERS: I mean our findings
20 did not recommend a change to the scope of PSAC2. I
21 believe DOITT has made some recommendations about the
22 scope of work vis-a-vis PSAC2. We did not. Our
23 report did not specifically suggest changes in the
24 way that-- In the design and construction of PSAC2.

25

1
2 CHAIRPERSON VACCA: Okay. If there are
3 design changes, I would like the Commissioner of
4 DOITT to get back to me, and let me know.

5 COMMISSIONER PETERS: I'm sure she would
6 be happy to.

7 CHAIRPERSON VACCA: Okay. I want to
8 get into the issue of accountability, and I'm not
9 asking for heads to roll because I don't know whose
10 head I would ask for. But that may be a job that you
11 would want to undertake. Over this long period of
12 time based then on your report coming out and the
13 findings that it came out with, was anyone fired or
14 any consultants taken off the list. So that they
15 cannot consult with the City of New York ever again.
16 Were any inspector generals that we have for every
17 agency ever asked where the hell were you? I think
18 the public has a right to know what was done from an
19 accountability point of view based on your findings.

20 COMMISSIONER PETERS: I agree, and by the
21 way, part of the reason for writing a report of the
22 length that we did, and in the detail that we did and
23 releasing it as publicly as did is because I agree
24 with you. I happen to know that a number of
25 contractors have been removed from the program. On

1 the fired piece, part of the problem is that most of
2 the people who were involved with this and who one
3 might want to have fired--I'm trying to choose my
4 words carefully here--in fact, left when the
5 Administration changed. Do remember that this was
6 all that was done up until, you know, midnight of
7 2013. Indeed one of the issues that we note in the
8 report is that up until December 2013, all of the
9 status reports were basically all green-lighted.
10 Meaning everything is fine, right. And then suddenly
11 we get to January 2014 and all the green lights turn
12 into red and yellow. So, there are not--the problem
13 is we are a little late in the game for as much head
14 rolling as might otherwise occur with a project such
15 as this. But there certainly are contractors who
16 have been removed from this project. I don't know if
17 I can get back to you as to whether any of those
18 contractors have now also been flagged on Vindex. Do
19 I need to clarify how Vindex works?

21 CHAIRPERSON VACCA: No, I'm aware--I'm
22 aware of Vindex.

23 COMMISSIONER PETERS: I don't know
24 sitting here, but I'm happy to get back to you as to
25 whether of any of those contractors have been flagged

1
2 in Vindex, which is the way in which you punish
3 people prospectively.

4 CHAIRPERSON VACCA: Commissioner, I would
5 like you to look into this further.

6 COMMISSIONER PETERS: Happy to do it.

7 CHAIRPERSON VACCA: I'm sure that there
8 are people who as of December 31st with the advent of
9 a new administration left. But I'm sure that there
10 are people have to still be in place. If there were
11 consultants who did not perform, they should be
12 disqualified. If they screwed up a major project
13 like this, I don't want them bidding on other city
14 work, and we have to identify--identify them through
15 Vindex or whatever method we have. I want to know
16 about inspector generals. Where were the inspector
17 generals? DOITT is the agency that has oversight--
18 that had oversight over the years, over this project.
19 Am I correct over the years DOITT had oversight and
20 responsibility?

21 COMMISSIONER PETERS: Not--not entirely.
22 In fact, part of the problem was DOITT had it for a
23 while. They--DOITT had it for a while. Then OCEC
24 had it for a while. Then, DOITT had it for a while,
25 OCEC had it for a while. I think, yeah, then it only

1 transferred back to DOITT essentially last year. So,
2 in fact, DOITT didn't have this during a big chunk of
3 the problems. OCEC did, which was small mayoral
4 agency. If your question to me is why didn't the
5 Department of Investigation do a better job of
6 investigating the prior administration while the
7 prior administration was going on, I cannot-- Beyond
8 suggesting to you that this is a remarkably
9 complicated thing to do, and beyond pointing out that
10 we have not over the last 14 months been shy about
11 criticizing City programs. I think the number-- You
12 know, the fact that we arrested 50 people the week
13 before last from-- Many of them from the Department
14 of Buildings. The fact that we've now released two
15 reports demonstrating serious problems at Rikers.
16 The fact that we released not only this report but
17 the earlier report on the problems with the Fire
18 Department's response system. The fact that we've
19 arrested as many people as we have. The fact that a
20 report talking-- We released a number of other
21 report. I won't bore you with one. I'm sure you've
22 seen them all. I think demonstrates that this
23 Administration and DOI under--while I am Commissioner
24 has not been shy about criticizing the way government
25

1 programs are run, even government programs run by the
2 person who nominated me. I took--this Council you
3 all confirmed me on February-- I started February
4 18th, so you all confirmed me about a week before
5 that. It's a little hard for me, and I think not
6 productive honestly for me to speculate on the world
7 prior to February 18th, 2014. I feel very confident
8 in the oversight we have been engaging in since then.
9 I think the number--the sheer volume of reports on
10 failed government programs, the sheer number of
11 arrests including, as I said, 50 people in one day.
12 The investigations that I can tell you where I'm
13 going now about a lot of different things, give me
14 great confidence that we're doing it right now. And
15 I'm more anxious to look forward at the moment than
16 to try to figure out backwards.

18 CHAIRPERSON VACCA: I appreciate your
19 work, and believe me anything I say is not meant to
20 deter from that. But we need you to assure us that
21 going forth we have controls in place. We understand
22 we can't go backward But if going forward means that
23 we have a little--that we have to be a little
24 aggressive in making sure that everything is done
25 correctly then this Council wants your assurance that

1
2 you are going to stay on top of this even if that
3 means you stay on top of this integrity monitor in a
4 very, very personal way. Because I take it
5 personally that I represent the taxpayers. This is a
6 lot of money, and this is a project that was
7 boondoggle and a runaway train. And I don't think
8 there is any other way to describe it.

9 COMMISSIONER PETERS: I agree with you.
10 It was. We've certainly--we've gone to great lengths
11 to document that. I agree with you. It was. The
12 City has now agreed to have integrity monitor. We're
13 going to put out an RFP. I--as I have been with
14 other integrity monitor on large projects, I intend
15 to be personally meeting with that person. As I said
16 to Council Member Gibson, I assume six months from
17 now, you will have me back and ask me to tell you how
18 that integrity monitor is doing. You know, frankly I
19 was--you know, we pushed very hard for the integrity
20 monitor. I said in our first report and we've said
21 it in the first 60-day letter, and we've said
22 consistently ever since there must be an integrity
23 monitor, and a non-negotiable--

1

2

CHAIRPERSON CROWLEY: And we all agree.

3

Thank you Commissioner. I thank you Council Member

4

Vacca for that--

5

CHAIRPERSON VACCA: [interposing] No, no

6

I have one more quick question. One more quick

7

question. Commissioner, have you see the building?

8

Have you seen PSAC2? Have you been there to see it?

9

COMMISSIONER PETERS: My staff has been

10

there, sure.

11

CHAIRPERSON VACCA: I want you to see it.

12

It is--it dwarfs my entire community.

13

CHAIRPERSON CROWLEY: [interposing]

14

Right.

15

CHAIRPERSON VACCA: It's gigantic.

16

CHAIRPERSON CROWLEY: It's a public

17

safety command center that says look at me, and it

18

is--

19

CHAIRPERSON VACCA: [interposing] Oh, my

20

God, commissioner--

21

CHAIRPERSON CROWLEY: --really a part of

22

the entire--

23

CHAIRPERSON VACCA: --it is gigantic,

24

Commissioner. If the Design and Art Commission

25

approved this, I'll eat my hat. [laughter] They

1
2 have to approve every newsstand, but if they approved
3 this I don't understand this. My entire community is
4 upset with what was done, and how it was done. And
5 when I was--when this center was proposed for my
6 district, PSAC2 I was basically told no other
7 community in the city wanted it. Jimmy, this is
8 essential to New York City. It is s backup center
9 for our 9-1-1 call up, and if we're ever hit again we
10 need this facility. And on that basis, my community
11 said we understand. We want to protect the entire
12 city, but what was done here is just totally
13 unacceptable. And I would appreciate one day that
14 you look at what was done.

15 CHAIRPERSON CROWLEY: Right, and
16 Commissioner, when looking into why we needed to
17 build PSAC2, if you could also take it into
18 consideration the fact that there are five emergency
19 fire command centers that were operating at the time
20 PSAC2 was developed. And there was also one in
21 Police Plaza. So there was six different locations
22 that could have operated as a backup. So why were
23 they not chosen? It would be good to find out that.
24 We were briefly joined by Council Member Koo, Council
25 Member Wills, Council Member Deutsch, and Council

1
2 Member Dickens as well as Council Member
3 Constantinides, Council Member Torres and Council
4 Member Greenfield. And I would like to now recognize
5 Council Member Rosenthal

6 CHAIRPERSON ROSENTHAL: Thank you, Chair.
7 I have two quick questions. First, I want to follow
8 up on your point about the definition of criminality,
9 and how, you know, we found criminality in the City
10 Time contract, but not necessarily criminality here.
11 If we--if the City has over--initially decided to
12 spend \$1.2 billion, and that eventual cost will end
13 up being \$2.3. I'll call it \$2.2 or \$2.3. Of that
14 change of \$1 billion, did your report, which I did
15 not read. I'm sorry. Did it specify which of that
16 can be attributed to costs that we did not plan for,
17 but should have planned for, and costs that are
18 attributable to markups that were unexpected?

19 COMMISSIONER PETERS: Sure. We did not
20 break-- Well, we don't break the full figure down in
21 part because it's still ongoing. But to give you
22 some sense of the scale of that--

23 CHAIRPERSON ROSENTHAL: [interposing]
24 yes.

1
2 COMMISSIONER PETERS: --so \$300 million
3 of the \$700 million, which is the initial run over
4 figure is due to the fact that we're building PSAC2
5 as a new building, as opposed-- The original plans
6 called for taking an existing building--

7 CHAIRPERSON ROSENTHAL: [interposing]
8 Yes.

9 COMMISSIONER PETERS: --and retrofitting
10 it for PDSAC2. \$300 million of the \$700 million is
11 due to that. So that falls into the category of we
12 decided midway through we needed something different.

13 CHAIRPERSON ROSENTHAL: So
14 hypothetically--

15 COMMISSIONER PETERS: [interposing] But,
16 if I could just--

17 CHAIRPERSON ROSENTHAL: Uh-huh.

18 COMMISSIONER PETERS: On the other hand,
19 we also spend \$200 million roughly--we're not done
20 yet so these numbers are going to change--on a new
21 systems integrator. That's basically the general
22 contractor. After we paid \$300 million to the first
23 systems integrator, and that was really just to
24 finish the job the first systems integrator was
25 supposed to not-- In other words, we always knew we

1
2 were going to have PSAC2. We always knew it needed
3 to be integrated whether it was built anew or not,
4 and we always knew the first systems integrator was
5 supposed to do it. They couldn't. They didn't. So
6 we had to get a new one. So that's \$200 million
7 that's not-- We changed the specs so it costs more.
8 That \$200 million is just we didn't manage the
9 project right, and costs ran away. So it's
10 something. So it's some of each.

11 CHAIRPERSON ROSENTHAL: Yeah. [coughs] I
12 would appreciate as you continue to peel back that
13 onion, reports to the Council, information to the
14 Council about that.

15 COMMISSIONER PETERS: Uh-huh.

16 CHAIRPERSON ROSENTHAL: I think that
17 differentiation is important, and it sounds like when
18 you described it, the numbers went by very quickly.
19 But the piece where when the decision was made to
20 build a new building then anything that was spent on
21 renovating an old building would hypothetically be
22 money that didn't have to be spent, right? So you
23 would go back to that number instead of, you know,
24 when you think about--

25 COMMISSIONER PETERS: [interposing] Yeah.

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CHAIRPERSON ROSENTHAL: --that
calculation.

COMMISSIONER PETERS: I think that
that's--that's basically right with the caveat, that
as you can imagine, the details are immensely
Byzantine.

CHAIRPERSON ROSENTHAL: Sure, and without
putting a league-- But that's the job of the data
analysts. I mean that's--that's what--

COMMISSIONER PETERS: [interposing]
Right.

CHAIRPERSON ROSENTHAL: --But I assume
you're asking them to do that this ancient [sic]
research.

COMMISSIONER PETERS: We are-- quite
frankly, we are not--we are for this reason. The
Department of Investigation has 400 some odd staff to
monitor the entire City of New York. We did this
report. It is not the Department of Investigation's
job. It is the job of an integrity monitor of the
City's Controller, and various other people--

CHAIRPERSON ROSENTHAL: [interposing] All
right.

1
2 COMMISSIONER PETERS: --to be auditing
3 city projects. If I was going to do that full audit,
4 either the Council would have to increase my budget
5 by--

6 CHAIRPERSON ROSENTHAL: [interposing]
7 \$200 million.

8 COMMISSIONER PETERS: --\$200 million.

9 CHAIRPERSON ROSENTHAL: [interposing]
10 It's not worth it. So my point is--

11 COMMISSIONER PETERS: [interposing] Or, I
12 would have to shut down every other investigation I'm
13 doing for the next year, which--

14 CHAIRPERSON ROSENTHAL: [interposing]
15 Please, I'm--I'm not--

16 COMMISSIONER PETERS: --you know.

17 CHAIRPERSON ROSENTHAL: --I'm not asking
18 for silliness here. I actually am trying to make the
19 point that when we--and not a legal point because I
20 don't want to go down the legal road at all. But
21 that when we define criminality, I would argue that
22 without it being by definition criminal, the loss of
23 \$200 million because of poor management or \$200
24 million because we had to redo the work of somebody
25 else, means a loss of services to the seniors in my

1 district who are getting the full complement of
2 meals.

3
4 COMMISSIONER PETERS: Uh-huh.

5 CHAIRPERSON ROSENTHAL: So, while it may
6 not be technically criminal, I don't--I--it's-- You
7 know, it's criminal.

8 COMMISSIONER PETERS: It's a shonda [sp?]
9 as my grandmother would say. Yes, I agree--I agree.

10 CHAIRPERSON ROSENTHAL: [interposing] And
11 the problem is that-- Maybe the problem is that we
12 don't have good enough clawback features. We don't--
13 I mean I look to the Administration to figuring out
14 how we don't get us down this path again, which leads
15 me really to my second question. Which has to do
16 with the contractors or the subcontractors that were
17 found to be not doing good work. And how we flagged
18 that in our Vindex system. And whether or not you
19 feel that as the DOI investigator whether or not you
20 feel that the flagging that happens today in Vindex
21 captures or would--would stop another agency from
22 hiring a vendor that had ripped of the City through
23 the first agency? Sorry. I have jet lag if that
24 didn't come out as clear--

1
2 COMMISSIONER PETERS: [interposing] No,
3 no, no, I was following it. I'm just--I'm getting
4 over a cold and losing voice, and rallying through
5 the last of this. So, Vindex you need to separate
6 out because there are two things. There are the
7 contractors-- Well, there are three things. There
8 are the contractors who literally engage in criminal
9 behavior, which is as you pointed out a very
10 technical thing. You know, I read the Penal Code. I
11 read the elements of the Penal Code. Either I can
12 satisfy them or I can't. Second, there are the
13 contractors who engaged in some kind of obviously
14 shady practices, such that they should be flagged in
15 Vindex. And then there are the contractors who are
16 just incompetent. Vindex, and this is--we are now
17 straying way far afield from this report. Vindex
18 does a good, if not great, job of tracking the fraud.
19 But this is--and this is--this could be another
20 entire hearing. And the way Vindex works is, in
21 theory, if an agency wishes to hire somebody with a
22 flag in Vindex they let us know, you know, that a
23 decision-- We do not have the power to tell somebody
24 you can use them. It's rare that agencies want to
25 use somebody over our objections. Although, what

1 happens is at times, as you know, is you have a
2 situation in which this is the only vendor who does
3 this particular thing. And that's one of the reasons
4 we've got all of these integrity monitors because
5 what we'll say in those circumstances is, Fine, you
6 can hire this person, but given their past history,
7 they have to pay for an integrity monitor who will
8 report to us. So we know that we don't have that
9 problem again. I am not going to sit here and
10 suggest that the Vindex system is perfect. It is,
11 however, well beyond the scope of this report.

13 CHAIRPERSON ROSENTHAL: Sorry, but I'm
14 going to just continue it one more time.

15 COMMISSIONER PETERS: Go for it.

16 CHAIRPERSON ROSENTHAL: Is it possible if
17 a company changes its name, changes its-- I don't
18 know, some significant piece, but it's essentially
19 the same company. Is that captured in Vindex as
20 being the same company, do you know?

21 COMMISSIONER PETERS: Yeah, the way
22 Vindex works is you not only have to list-- It's a
23 great question, and it's something fraud
24 investigators spend a lot of time on. The company
25

1 has to list not only its name, but its principal
2 officers. So, if the officers-- In other words if--

3 CHAIRPERSON ROSENTHAL: [interposing] Got
4 it.

5 COMMISSIONER PETERS: --John Doe is the
6 president of both company, it will ping up. Now, the
7 problem is-- Do you really want to know? What
8 happens when John Doe appoints his brother-in-law as
9 the president of the company, and he has no formal
10 title in the company. But the brother-in-law is
11 really just a figurehead doing what John Doe tells
12 him to do. So he changes the name--

13 CHAIRPERSON ROSENTHAL: [interposing]
14 And Vindex doesn't pick that up?

15 COMMISSIONER PETERS: Well, and again
16 this is-- If you do it--if you're--if you do it
17 right, and you really have absolutely no involvement,
18 and you pick-- That brother-in-law is actually
19 tricky. You pick a friend, then no Vindex won't pick
20 that up. That's right.

21 CHAIRPERSON ROSENTHAL: Okay. Was that
22 part of one of your recommendations to ask MOCS to
23 find a way to tweak Vindex to--
24

1
2 COMMISSIONER PETERS: We've--we've talked
3 with MOCS about it, and it's, of course, always a
4 struggle between the desire not to make any-- And,
5 in fact, one of the issues that I suspect some day
6 somebody will ask me at a Council Hearing is that
7 aren't the Vindex forms incredibly burdensome--

8 CHAIRPERSON ROSENTHAL: [interposing]
9 Yeah.

10 COMMISSIONER PETERS: --it takes forever.
11 A private small business can't compete because they
12 can't fill out the Vindex forms. So we're constantly
13 balancing don't make Vindex so difficult that, you
14 know, only IBM can apply.

15 CHAIRPERSON ROSENTHAL: [interposing]
16 Yeah, I'm---

17 COMMISSIONER PETERS: --versus-- I will
18 tell you that folks in My Shop and folks at MOCS have
19 spent considerable time talking about balance that.
20 I'm not going to suggest that it's perfect, but it's-

21 -

22 CHAIRPERSON ROSENTHAL: [interposing] I
23 guess--

24 COMMISSIONER PETERS: --it is--it is a
25 subject that is under constant consideration and

1 constant tweaking as we learn more, and as time goes
2 on. But it's not as simple as it sounds because I
3 could design a system in which there was never any
4 fraud. But it would be a system in which nothing
5 ever happened either.
6

7 CHAIRPERSON ROSENTHAL: Okay. I'm going
8 to wrap up. I just--

9 COMMISSIONER PETERS: [interposing] Sure.

10 CHAIRPERSON ROSENTHAL: --I have to say
11 I'd like to have a continued conversation about the
12 items that fall in your Category No. 2.

13 COMMISSIONER PETERS: Uh-huh.

14 CHAIRPERSON ROSENTHAL: I would argue
15 that those are very analogous to how society used to
16 think that driving while drunk was just an accident.
17 And now society has moved on to say you're liable if
18 you're driving when you're drunk.

19 COMMISSIONER PETERS: Uh-huh.

20 CHAIRPERSON ROSENTHAL: I would call your
21 Category No. 2 the way we used to--to consider a DUI.
22 And that at some point we have to move it along and
23 put it in the spectrum of criminality to say that it
24 is something that City is responsible for in its
25 oversight. And there needs to be some consequence

1 when we're spending our taxpayer dollars in--for that
2 category of thing. And I'd like your help in trying
3 to fix that.
4

5 COMMISSIONER PETERS: Right. I can tell
6 you there is actually a very simple fix. So, well, I
7 agree with you. I absolutely agree with you. There
8 are any number of prosecutors other than myself, who
9 agree with you. This one, you know, we need yes--you
10 would need to amend the Penal Code. There are any
11 number of prosecutors who have argued at length about
12 a number of different changes to the Penal Code that
13 would allow us to more easily prosecute some of what
14 we see. Amending the Penal Code requires a majority
15 vote in both the State Assembly and the State Senate,
16 and signature by the governor. But I would be happy
17 to discuss it with you at a future time any number of
18 amendments to the Penal Code that I think would be
19 profitable. Thank you.

20 CHAIRPERSON CROWLEY: Thank you, Chair
21 Rosenthal. We are going to have one last set of
22 questions from Council Member Williams, and then
23 we're going to call Commissioner Roest up to testify.

24 COUNCIL MEMBER WILLIAMS: Thank you,
25 Madam Chair, and thank you for your testimony. I

1 have four questions. I'm not sure if they're perfect
2 for you or for DOITT, but I'm going to ask them
3 anyway. As was cited in the summary that received,
4 "Though DOITT was meant to supervise the project
5 throughout its implementation, FDNY and NYPD resisted
6 their authority and DOITT did not have a clear
7 mandate to lead daily operations of the program. The
8 crucial differences between these agencies were not
9 resolved. Gartner recommended repeatedly that an
10 independent 9-1-1 agency be established to help
11 resolve these differences. But the City felt this
12 was unnecessary. And my assumption is that the City
13 still feels it's unnecessary. Is that true, and what
14 crucial differences exist between these agencies?
15

16 COMMISSIONER PETERS: [coughs] As I
17 said, I'm losing my voice. So, to some extent, this
18 is a question for Commissioner Roest. What I will
19 say is that the level of cooperation between-- I
20 mean there is no doubt there was a real problem of
21 lack of cooperation between NYPD and FDNY on this
22 project. The sense that our folks got in our
23 conversations is that this is getting better. And
24 there is no doubt--but there is no doubt that on any
25 project of this size it is important to make sure

1 that you and everybody are going in the same
2 direction, and that clearly wasn't what happened
3 here.

4
5 COUNCIL MEMBER MILLER: So you don't--you
6 don't feel that independent NY--a 9-1-1 agency is
7 needed to be established so that we don't have the
8 same mistakes that we did?

9 COMMISSIONER PETERS: No, honestly I
10 think--and I would leave this to Commissioner Roest
11 to talk about--I think that given where we are now,
12 given how far down the road we have gone, it's no
13 longer on the realm of-- [sneezes]

14 COUNCIL MEMBER MILLER: God bless you.

15 COMMISSIONER PETERS: It's no longer on
16 the realm--excuse me--of options that are really
17 available to us. The amount of tearing down what's
18 been done and rebuilding makes it not a-- And that
19 would have been a tremendously important debated to
20 have had ten years ago. There should have been that
21 debate ten years ago. We're ten years past that
22 that now.

23 COUNCIL MEMBER MILLER: [interposing]

24 Okay.

25 COMMISSIONER PETERS: It--it just--

1

2

COUNCIL MEMBER MILLER: Okay, another.

3

The DOI also found that ECTP used contractors to

4

perform tasks that the City could have accomplished

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by using City employees. Proceeding forward, how

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will such tasks be identified as in the capability of

7

City employees to be completed, and they have been

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assigned to them? Is that a question that you can

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answer?

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COMMISSIONER PETERS: I think to some

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extent it's a question for Commissioner Roest because

12

she's the one in charge of running it. I will note

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that a number of contractors have already been

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removed from the process. But I think that, yeah, so

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first things first. Remove a bunch of the top-level

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contractors who are really being pass-throughs but

17

that's a question that I would defer to others.

18

CHAIRPERSON CROWLEY: Well, great. We'll

19

get--we'll get the Commissioner up.

20

COUNCIL MEMBER MILLER: So the other two?

21

CHAIRPERSON CROWLEY: Yeah. They're all

22

questions for Commissioner Roest.

23

COUNCIL MEMBER WILLIAMS: Okay.

24

25

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2

CHAIRPERSON CROWLEY: Thank you,

3

Commissioner Mark Peters. If we need you back, we'll

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ask

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COMMISSIONER PETERS: [interposing] I

6

will be coming back.

7

CHAIRPERSON CROWLEY: --for you to come

8

back.

9

COMMISSIONER PETERS: Thank you.

10

CHAIRPERSON CROWLEY: The Department of

11

Information Technology and Telecommunications I would

12

invite the Commissioner up. Commissioner Roest, and

13

if the Commissioner doesn't have a problem with

14

representatives from the Fire and Police Department

15

to come with her? Do you?

16

COMMISSIONER ROEST: Well, based on the

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questions I think it would be most appropriate if we

18

had the Director of the Mayor's Office of Operations,

19

Mindy Tarlow joining me who has been coordinating the

20

operation review. And we do have representatives

21

from NYPD and FDNY here to answer questions that come

22

up. But if we could have Mindy Tarlow join me I

23

think--

24

COUNCIL MEMBER MILLER: All those

25

testifying, can you raise your right hand and swear

1
2 and affirm that the testimony that you will give to
3 this--these committees will be truth and honest, and
4 that you will also answer all questions asked by the
5 committee and council members honestly. Do you
6 affirm that?

7 COMMISSIONER ROEST: I do.

8 MINDY TARLOW: I do.

9 COMMISSIONER ROEST: Okay.

10 CLERK: Can I take your testimony?

11 COMMISSIONER ROEST: This is not my
12 testimony. She has-- Do you have it up there?

13 CHAIRPERSON CROWLEY: [off mic] Yes. And
14 we hope that you can condense your testimony, and in
15 about ten minutes we're going to have council members
16 ask questions. We're going to limit the time council
17 members can ask question. We have to be out of this
18 room by 1 o'clock and we want to hear from everybody
19 who has signed up to testify. Unfortunately, we're
20 under those types of time constraints.

21 COMMISSIONER ROEST: Understood. I'll do
22 my best to condense it. I think there's parts that
23 are responsive to questions I've heard. No? Okay.
24 I'll get through it as quickly as possible. Sure.
25 Well, good morning first of all to Chairs Crowley,

1 Gibson, Rosenthal and Gentile and to members of your
2 committees. I appreciate the opportunity to be here
3 today. I will skip the history of the project. I
4 think we've heard that today already, and talk about
5 the City's review. So the City's Comprehensive
6 Review for the first time included representatives of
7 all stakeholder agencies, and revealed a number of
8 root causes for repeated program challenges and
9 delays. Including, as you've heard, over-reliance on
10 external consultants and lack of communication with
11 and input from stakeholder agencies. The report that
12 DOITT published in collaboration with those partner
13 agencies include dramatic recommendations to improve
14 deficiencies and chart the path forward. We pulled
15 the data in from the projected 2018 date to 2016 and
16 2017. The assessment was further able to add key
17 requirements and removes those no longer needed
18 allowing from ECTP to be completed within the
19 remaining capital budget of \$2.03 billion and not to
20 escalate the costs as we heard early in the
21 Administration.

22
23 Since releasing the 60-Day Assessment in
24 August of last year, DOITT has been actively pursuing
25 ECTP reform, and making real progress in meeting or

1 goals. We've forward on many of the recommendations
2 that resulted from our 60-Day Assessment, which I'll
3 focus the testimony on. Many of these
4 recommendations were validated by the DOI's
5 investigation as best practices that should be in
6 place to ensure success. And DOI's report had still
7 other recommendations that we support and are working
8 to implement, which I will also address in the
9 testimony. So one of the deficiencies in our review
10 of ECTP exposed was the lack of clear governance
11 principles. There were many stakeholders involved in
12 the project, but no clear mechanism for managing
13 progress and ensuring accountability. A plan that
14 offers clear accountability or direction for
15 stakeholder decision making and escalation is a
16 critical success factor for any project such as ECTP.
17 It should enable and require sustained participation
18 from all stakeholder agencies for the duration of the
19 program, and include executive level oversight with
20 active and committed participation from agency heads.

21
22 So we have fundamentally changed the
23 project governance. We've created an ECTP Steering
24 Committee responsible for directing and advising ECTP
25 management. The steering committee is comprised of

1 City Hall, FDNY, NYPD and DOITT. We meet weekly. In
2 short, the steering committee was created and was
3 used to monitor program progress, and relay decisions
4 to the program. The committee's role is to
5 understand key issues, risks, requested changes, and
6 approve our escalated budgetary related changes. And
7 to provide advice and decision-making for escalated
8 items. Create an executive committee chaired by the
9 First Deputy Mayor, which includes Commissioners from
10 the NYPD, Fire Department and DOITT, as well as the
11 Mayor's Office of Operations. That committee meets
12 quarterly, and deals with any items that need
13 escalation. As far as scope and schedule, the
14 steering committee has also taken on the task of
15 clearly defining the program's scope. And has for
16 the first time broken the project into distinct work
17 streams each with distinct goals. Breaking the
18 project into work streams has allowed us to
19 restructure how components will be delivered.
20 Delivering in phases will allow us to deliver sooner
21 and with less risk. In short, we have a better plan
22 that clearly lays out the program's scope and
23 direction. A work stream, by the way, is a
24
25

1 subproject for ECTP. For example, Network,
2 Telephony, and PSAC2 are examples of work streams.

3
4 Empowered Leadership. Okay. So, as
5 noted in the DOI Report, it's important that there is
6 a centralized authority over ECTP. Prior to the
7 completion of DOI's report, the Mayor charged me as a
8 single point of accountability for ensuring the
9 program's success. While the governance that I
10 described earlier is intended to enhance
11 communication and collaboration, I am responsible for
12 managing ECTP, and have the authority to make
13 decisions that could affect scope, schedule and
14 budget. It is vital that I maintain an open line of
15 communication with the stakeholder agencies, and that
16 the agency executives are engaged and support of
17 final determinations. It is also worth noting that
18 I'm in the process of hiring an associate
19 commissioner for ECTP to report directly to me, and
20 that's replacing the ECTP Director position, which
21 has been vacant for some time.

22 Our findings in the 60-day review also
23 indicated the value of appointing a vendor and
24 contract management lead, and providing staffing
25 necessary to effectively oversee the numerous vendor

1
2 engagements, and contracts associated with the
3 program. We've eliminated layers of vendors so that
4 the vendors responsible for delivery are in turn
5 directly communicating with stakeholders and city
6 program management. Not with other vendors. The
7 City has reduced subcontractor involvement, including
8 the removal of a number of consultants managing the
9 delivery of PSAC2 from 137 to 23. And for the first
10 time, shifting much of the responsibility to City
11 staff. We're filling all vacant and funded ECTP
12 positions, and have approval to add 17 more City
13 positions to the project. These City employees
14 continue to work--continue the work that was being
15 performed by outside consultants. Standardizing
16 Program Reporting is also an area that we sought to
17 improve in ECTP. ECTP management now receives clear
18 and concise weekly reports from each work stream,
19 which are substantially shorter than earlier reports.
20 Also, critically, these reports are prepared by City
21 management staff. Not by consultants.

22 The DOI Report also recommended the use
23 of an integrity monitor that can independently assess
24 the risk of large-scale projects such as ECTP. We
25 agree with this recommendation, and DOITT is

1
2 currently working with DOI on the procurement of the
3 integrity monitoring service. To further support a
4 focus on improving quality, DOITT has received
5 approval to fill additional positions in our quality
6 management unit. These internal staff will focus on
7 equality review and reporting on ECTP management,
8 program deliverables, and program processes. As far
9 as recordkeeping, DOITT is retaining all documents
10 related to the ECTP program. ECTP is using a
11 document management system within SharePoint. Which
12 includes all project management documents, such as
13 management plans and processes; vendor and resource
14 management docs--documents, risk and issues
15 repository; change control documents; action item
16 status reports, et cetera. We are effectively using
17 this site. [bell] So, really by fundamentally
18 altering the management approach to ECTP by
19 establishing the City as the program lead,
20 integrating stakeholders into the governance process.
21 And by eliminating layers of consultants, breaking a
22 large project down into smaller more manageable ones,
23 we have the ingredients for successful completion of
24 this initiative. I look forward to continuing
25 collaboration with stakeholder agencies, and with DOI

1
2 to deliver the modern updated 9-1-1 system New
3 Yorkers deserve, which we intend to do on schedule
4 and within budget. I thank the committee members for
5 their time today, and I'm happy to take any
6 questions.

7 CHAIRPERSON CROWLEY: Commissioner, back
8 in 2004, the City had an admirable role. They wanted
9 to make the 9-1-1 call-taking system more reliable,
10 and ultimately reduce response times to critical
11 emergencies, but as they said earlier the Mayor
12 recently released his Preliminary Budget and stated
13 that the response times are higher than ever before.
14 Now, with the investment of over \$2 billion and all
15 the ten years that it's taken to make this system
16 better, if our response times are longer, is that an
17 indication that the system is no more reliable today
18 than it was ten years ago?

19 COMMISSIONER ROEST: I think it would be
20 helpful if I talked a little bit about the system and
21 ECTP and the scope of ECTP because I do think that
22 the systems are more reliable and will become more
23 reliable as ECTP moves forward.

1

2

CHAIRPERSON CROWLEY: Right. I

3

understand that the system, what's really technology-

4

-

5

COMMISSIONER ROEST: [interposing] Right.

6

CHAIRPERSON CROWLEY: --that we're

7

relying on rather than people would make sense that

8

computers can do things faster. But ultimately, it's

9

somebody making that phone call, using technology to

10

make a phone call. But the person needs to speak to

11

another person--

12

COMMISSIONER ROEST: [interposing] Right.

13

CHAIRPERSON CROWLEY: --and then often if

14

it's a critical emergency such as medical or fire

15

they need to speak to somebody who is trained to deal

16

with that particular emergency. However, you know,

17

we had this hearing a few months ago. And ever since

18

I became a council member right around the same time,

19

the previous Mayor instituted the unified call-

20

taking. And it's really at the heart of the problem.

21

Now, if a 9-1-1 call comes into a police call-taker,

22

and it can be transferred to a fire or medical

23

dispatcher, it doesn't have to be in the same

24

building. But a big part of the goal, and a huge

25

part of the \$2 billion plus expense goes to building

1 two centers where they can all be in the same
2 building. Was that necessary? I haven't been
3 convinced so far. Yet, that's a lot of the \$2
4 billion. But it's towards the goal of unifying the
5 system. Ultimately, the previous mayor wanted to
6 reduce headcount in call-taking whether you're able
7 to admit that or not.
8

9 He looked at other cities and said if it
10 can be done here, we can do it in New York City. If
11 it can be done there, we can do it here. And what we
12 saw right away when they instituted this unified
13 call-taking where you increase the amount of time a
14 9-1-1 police call-taker is on the line for a fire or
15 medical emergency, more mistakes started to happen.
16 The length of time started to increase, and we knew
17 back then in 2009. We had hearings. We showed the
18 Administration. They tried to make changes. So
19 what's frustrating for me is that when I read this
20 long report that the Department of Investigation and
21 Commissioner Peters has spoken to. But the
22 overarching goal of unifying the system has not been
23 abandoned. Yet, here we are today sitting in these
24 Council Chambers looking at response times that are
25 greater than ever before. And knowing that critical

1
2 time is wasted when a 9-1-1 call-taker is asking
3 certain questions that then get repeated when a call
4 gets passed onto a medical dispatcher or fire
5 dispatcher.

6 Furthermore, the fire dispatcher once
7 they get that call, they're like 10 to 15 seconds on
8 the call. They already have units on their way.
9 They're experts in where the units are located and
10 how to dispatch that. And a lot of the same is true
11 for EMS, but they're not dispatching. You don't see
12 ambulances closer to the scene of an emergency. They
13 can't because of the reliance on the computer, and
14 often the computer is doing the dispatching leaving
15 the medical dispatcher out. They're able to do their
16 triage. Critical time is wasted. I just feel like
17 it's a never ending story. Here we are again back at
18 talking about unifying--unifying a system that time
19 and time again they've tried to unify. They see that
20 they lose time in the process that people's lives are
21 lost because of the mistakes brought on by the
22 unification of the system. But there's no changes.
23 There are no changes that the Administration is
24 putting in place to stop wasting the critical time.

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COMMISSIONER ROEST: So I hear your frustration. I do need to say that I came here today prepared to speak to ECTP, which is an implementation program. It's about building the PSACs and about implementing the technology that's needed by the fire and police operations. Not about running that. I think I heard someone say that fire and police would not want to DOITT telling them how to run their operations. I agree. I would never--I would never assume to do that. And so, my role is--

CHAIRPERSON CROWLEY: [interposing] I agree, too, Commissioner, but the previous Commissioner and I'm not sure where he went, Commissioner Peters testified that you're the new-- you're the new boss. So you're going to have to try to make sure that the Police Department and the Fire Department are working well together at this center, PSAC and PSAC2, and that-- What all New Yorkers ultimately want is that when they need help, when a fire is happening or they need an ambulance they get there as quick as possible. No time is wasted. Time is getting wasted every single day as we sit here, and as calls come into the 9-1-1 centers.

1
2 COMMISSIONER ROEST: So I am the new boss
3 of ECTP, which is really a project through that
4 building. But I will say that what we're seeing in
5 ECTP about building the PSACs and implementing the
6 technology has shown that we can, in fact, build a
7 good governance model where we all work well
8 together. And in the scope of what I'm charged with
9 doing, I would say that that's happening. We're in a
10 room together all the time working together on the
11 decisions around ECTP.

12 CHAIRPERSON CROWLEY: Commissioner, last
13 year we passed in the Council that measured end-to-
14 end response time.

15 COMMISSIONER ROEST: [interposing] Uh-
16 huh.

17 CHAIRPERSON CROWLEY: We now know how
18 much time gets wasted when a 9-1-1 call-taker is
19 asking questions that prior dispatchers should be
20 asking or a medical emergency dispatcher. So we know
21 that is process is not working. When you rely too
22 much on technology, we see with the medical
23 dispatchers. It takes too long, 9-1/2 minutes
24 through a critical emergency. It's not--it's
25 certainly not acceptable. I don't feel like you're

1
2 answering my questions, but you're the boss. Time is
3 getting wasted. We can make a change. We see it.
4 We see it broken down in area to area now because of
5 this law that we passed.

6 COMMISSIONER ROEST: I do think that that
7 would be a different conversation, an ECTP
8 conversation, which was about the project of
9 implementing--

10 CHAIRPERSON CROWLEY: [interposing] It's
11 about the project.

12 COMMISSIONER ROEST: PSAC2.

13 CHAIRPERSON CROWLEY: Now the medical
14 dispatchers are looking at their CAD system. They
15 see an ambulance very close to the emergency. They
16 can't move that ambulance there because the computer
17 is doing it from another battalion or another
18 station. It's happening. You need to just go down
19 there and see what's happening at the center. And, I
20 just don't-- You know, there's only so much time I
21 could ask my questions to try to get my point across.
22 May, you know, the Fire or the Police rep may want to
23 talk about it. But, you know, we've invested a lot
24 of money and time in this study. And ultimately it's
25 just telling us we're continuing to go in the same

1 direction Bloomberg has gone. But this
2 Administration is only going to do something
3 different by putting an integrity monitor in. There
4 was already a monitor before. Now, this one is going
5 to be more on the accounting of spending. So it
6 doesn't balloon and spiral out of control. We all
7 know the last increase in spending had lot to do with
8 PSAC2, which wasn't in the original plan. And that
9 report found that there was no criminal behavior.
10 All we want as public representatives is to make sure
11 that our communities are safe. And that when they
12 call 9-1-1 for help somebody picks up, and that
13 emergency help gets sent as quickly as possible. And
14 that's not happening. I want to recognize my
15 colleagues who have questions.

17 CHAIRPERSON GIBSON: [off mic] Madam
18 Chair, I do. [sic]

19 CHAIRPERSON CROWLEY: Okay. Vanessa
20 Gibson.

21 CHAIRPERSON GIBSON: [on mic] Thank you
22 again, Madam Chair, and thank you Commissioner for
23 being here today. So a lot of the questions we
24 directed to Commissioner Peters, but certainly since
25 DOITT is the agency that's in charge of this entire

1 operation, a lot of the questions that we had for the
2 Commissioner I will raise to you. While this report
3 really looked at the process of the system, I have to
4 bring up the workforce again. Because in the report
5 I didn't see any recommendations in terms of what's
6 happening right now with our 9-1-1 call-takers where
7 there's mandatory overtime. So I'm wondering if we
8 have had conversations about this process moving
9 forward, are we looking at making changes to that.
10 And how is the workforce going to be impacted by this
11 system moving forward.

12
13 COMMISSIONER ROEST: So I think I should
14 mention again that the ECTP program was about the
15 building and the technology. At the same time,
16 though, that there was a discussion about a review of
17 the ECTP program, there was a request for an
18 operational review. And I think Mindy Tarlow, the
19 Director of the Mayor's Office of Operations has been
20 coordinating that operational review, and could more
21 appropriately answer that question.

22 CHAIRPERSON GIBSON: Okay.

23 MINDY TARLOW: Good afternoon. I think
24 the most important thing about the operational review
25 and direct this to Council Member Crowley as well, is

1 that we were able to use the end-to-end response
2 times, which have only been available since 2013 to
3 do a comprehensive review of the 9-1-1 call-taking
4 system. That would allow us to look at staffing in
5 all agencies, deployment in all agencies, times
6 during the day across boroughs, across call type.
7 And we were able to come up with a series of
8 initiatives that we are implementing, some of which
9 involve staffing. As you know, the preliminary
10 budget included a significant increase in emergency
11 medical dispatchers as well as ambulance of tours,
12 and that came directly as a result of the in-depth
13 analysis that we did. It also resulted in increased
14 quality assurance across the whole system. Which
15 includes things like looking at workload, looking at
16 individual productivity, et cetera all across the
17 system. And it resulted in a governance structure
18 that Commissioner Roest mentioned earlier around the
19 executive committee associated with that governance
20 structure. But there's also an Operating Committee
21 that's meeting monthly that includes my office, the
22 Police Department, Fire Department, DOITT, the First
23 Deputy Mayor's Office. So that we can continue to
24 address operational issues over time, both as these
25

1 initiatives get implemented. But also as other
2 issues emerge.

3
4 CHAIRPERSON GIBSON: Right, and I
5 appreciate and applaud the Mayor for the decision on
6 including, you know, the EMS and Fire dispatch in the
7 preliminary. I think that's great, but there's
8 nothing that addresses the 9-1-1 NYPD call-takers.
9 And so my concern is with starting our budget
10 process, and that needs to be a part of the
11 conversation. I do know last year, as I was here, we
12 talked about 150, as a number of an increase. But,
13 you know, what always tends to happen is a lot of the
14 9-1-1 call operators don't last beyond orientation,
15 and many of them don't make it. So that 150 is not
16 an actual number to actually raise the headcount,
17 which I understand right now is about 1250.

18 MINDY TARLOW: Right.

19 CHAIRPERSON GIBSON: So my question is
20 are we looking at increasing headcount and are we
21 going to have a conversation about the mandatory over
22 time?

23 MINDY TARLOW: Right. I'm going to defer
24 on the specific question around headcount for NYPD
25 PCTs to my colleague, Inspector Richard Napolitano.

1

2

RICHARD NAPOLITANO: Good afternoon.

3

Just to address that question, the actual--

4

CHAIRPERSON GIBSON: Can you state your
name for the record?

6

RICHARD NAPOLITANO: Yes. I'm Inspector

7

Richard Napolitano, Commanding Officer of the

8

Communication Division. We actually did increase the

9

headcount by 18%.

10

CHAIRPERSON CROWLEY: Commanding Officer,

11

I apologize, but we need to swear you in.

12

RICHARD NAPOLITANO: Of course.

13

CHAIRPERSON CROWLEY: Do you affirm to

14

tell the whole truth, and nothing but the truth in

15

your answering the questions of this committee?

16

RICHARD NAPOLITANO: I do.

17

CHAIRPERSON CROWLEY: Thank you.

18

RICHARD NAPOLITANO: Approximately a year

19

and a half ago just to cut right to the question, we

20

had about 1,050 PCTs. We were under-staffed at the

21

time. And when I say that, we were under the

22

allotment. We were actually allotted 1,094. So we

23

were slightly below. We have been fortunate where

24

they did give us an incredible amount of resources.

25

We increased that to like you said, Madam Chair, to

1 1,250 approximately, which is almost a 20% increase.

2 Since we've increased the personnel to that degree,

3 it has showed substantial benefits. Such as you

4 said, mandated overtime has dramatically dropped. We

5 almost cut overtime in half for 2014. We've also due

6 to the number of call-takes we had handling 9-1-1

7 calls, we dramatically reduced delays in service.

8 I'll just give a brief definition of what
9 a delay is. A delay is any time someone calls 9-1-1,

10 and it takes us 30 seconds or more to answer that

11 call. We reduced that by 94% from 2013 to 2014, and

12 that was the lowest number of delays in record, in

13 history with New York City 9-1-1. In fact, the next

14 closest year was nearly five times as many delays in

15 the last 20 years. And the worst of those years in

16 the last 20 years was nearly 100 times more delays.

17 So we have made tremendous strides in improving the

18 9-1-1.

19 CHAIRPERSON GIBSON: Okay, you know, I

20 appreciate, you gave a lot of numbers. I just really

21 want to make sure any delay--anything over zero is

22 one too many for me.

23 RICHARD NAPOLITANO: Of course.

1
2 CHAIRPERSON GIBSON: And, you know, I had
3 a chance to visit the center, and I spoke to a lot of
4 the call-takers, the PCTs, the supervisors, the
5 dispatch. I was with FD. I was with EMS. A
6 tremendous amount of work is done. And, you know,
7 what I think we always have to keep in mind is that
8 regardless of the decisions that we're making if a
9 tragic unfortunate occurrence happens, you know, a
10 lot of times it's blamed on the 9-1-1 call operator.
11 And that's not--that's not fair. So I want to make
12 sure that when we have these conversations EMS and FD
13 are very important. But the majority of the 9-1-1
14 calls that come in are not FD or are not EMS, and
15 I've gotten figures from that. The majority of the
16 calls that come in are true emergencies that the
17 police ultimately respond to. So I want to make sure
18 if we're looking at, you know, the headcount, the
19 mandatory overtime, and I appreciate the we're
20 addressing it. I want us to just go a step further.

21 MINDY TARLOW: And Councilman, just to
22 talk about the preliminary budget that just came out,
23 there are 151 heads and \$6.3 million added in Fiscal
24 '16 and going forward.

1
2 CHAIRPERSON GIBSON: Since you're here,
3 Chief, I wanted to ask-- I asked Commissioner Peters
4 about the recordkeeping and retention, and he
5 mentioned that there is no ultimate proposal right
6 now, but the recommendations said that there should
7 be a policy that NYPD ultimately would adopt. So I
8 want to know the conversations that are being had,
9 and the relationship with DOITT as far as our
10 recordkeeping.

11 RICHARD NAPOLITANO: We are absolutely
12 mandated now to keep our own records in regards to
13 ECTP. So the Police Department is mandated to keep
14 all records. What happened in the past that really
15 was not my-- I was not too involved with that, and
16 that has changed since we've corrected it.

17 CHAIRPERSON GIBSON: In addition, the
18 report also cited a lack of partnership with PD and
19 with FD. Has there been conversations over the
20 Computer Aided Dispatch, the CAD system? What are we
21 looking to do with that based on the recommendations
22 in the report?

23 RICHARD NAPOLITANO: We have
24 conversations almost daily, myself, Chief Napoli,
25 Jerry Nevel [sp?], my counterparts from FDEMS. We

1
2 have several meetings. I meet quite often with
3 Commissioner Roest, and Director Tarvo, and we're
4 continually--constantly working together to address
5 any issues.

6 CHAIRPERSON CROWLEY: I think it would be
7 good to hear from FD, too, like how--what their
8 perception is.

9 CHAIRPERSON GIBSON: [interposing] Or
10 when we could expect to hear.

11 CHAIRPERSON CROWLEY: Who is here as a
12 representation from the-- I think that you could
13 say, Commanding Officer Napolitano, but whomever it
14 is to answer we have from that Fire Department.

15 [pause]

16 CHAIRPERSON CROWLEY: And you have to be
17 sworn in as well. Do you swear to tell the truth in
18 your testimony in answering any questions that the
19 council members may have?

20 MICHAEL FITTON: I do.

21 CHAIRPERSON CROWLEY: Thank you. Please
22 identify yourself for the record?

23 MICHAEL FITTON: I'm Chief Michael
24 Fitton. Until six weeks ago, I was the Chief of
25 Emergency Medical Dispatch.

1
2 CHAIRPERSON CROWLEY: Oh, good. So you
3 have a lot of experience with EMD.

4 MICHAEL FITTON: Sure.

5 CHAIRPERSON GIBSON: Okay, good.

6 CHAIRPERSON CROWLEY: So are there any
7 problems that have been expressed to you or that
8 you've seen happening from when a 9-1-1 call is
9 transferred over to EMDs

10 MICHAEL FITTON: Well, I'll tell you that
11 certainly over the last couple of years, we've
12 improved dramatically in our ability to work as
13 cohesive team with NYPD. As Inspector Napolitano
14 discussed, there are daily discussions. Initially,
15 it was somewhat informal, but now they are mandated
16 everyday that the Dispatch Commander and the Duty
17 Captain that's on duty. At that level they speak
18 each and every tour.

19 CHAIRPERSON CROWLEY: They're indirect.
20 Which is important? And not to cut you short, but
21 we're short on time.

22 MICHAEL FITTON: Okay.

23 CHAIRPERSON CROWLEY: And just a follow-
24 up from Council Member Gibson's questions. I've
25 spoken to workers who've taken the 9-1-1 calls, and

1
2 they're overworked. So, we've been able to decrease
3 the amount of overtime. I'm hearing that it's still
4 too high. Do you know what the average overtime is?

5 MICHAEL FITTON: They cut the overtime in
6 half.

7 CHAIRPERSON CROWLEY: I mean, it was
8 ungodly how many hours they were working in the past.
9 So how many hours are they working now overtime?

10 MICHAEL FITTON: Broken down by--

11 CHAIRPERSON CROWLEY: [interposing] And
12 they have a base without a break?

13 MICHAEL FITTON: No, that's not true.
14 That's not the case at all. Overtime is very
15 infrequently even mandated any more. We usually take
16 volunteers. The time that we do have to mandate
17 overtime is usually in snowstorms, holidays and
18 weekends. Other than that, we take volunteers. So
19 I'm not sure, you know, who's providing--

20 CHAIRPERSON CROWLEY: [interposing] But
21 your members-- You know, the staff that works under
22 you they've expressed that they're still stressed
23 out, and there needs to be more relief. And Ms.
24 Tarlow, you mentioned more funding. The Mayor wasn't
25 clear on how that was going to go to 9-1-1 call-

1 takes, and these are fire dispatchers. However, what
2 I am seeing in end-to-end response time is that when
3 your members, when the 9-1-1 call-takers have the
4 call, sometimes it's a minute. Sometimes it's two
5 minutes before it gets transferred over. I want them
6 to be available and free to answer and to work with
7 the 9-1-1 police calls as much as possible. The
8 Police Department needs that, and the Fire Department
9 needs to get those calls so that they can dispatch
10 them quickly. But there is too much delay. And
11 there is still too much delay from the numbers I've
12 seen in January. There's no delay when the fire
13 dispatchers get it. There's still some delay with
14 the EMDs. I think that it's not just a staffing
15 issue. There's a lot of reliance on technology. Can
16 you speak to why they can't dispatch the closest
17 unit? Why they have to rely on the computer system
18 that NYPD is transferring over?

20 MICHAEL FITTON: And actually, when
21 Emergency Medical Dispatch dispatches an ambulance or
22 a medical resource, the EMS CAD system that's
23 currently in place does take into account ambulance's
24 GPS location. And, in fact, if an ambulance is en
25 route to a low priority call, which would be 4 to 7

1 or a 4 to 8, something that's not deemed life
2 threatening, while we're still en route to that call,
3 it will still come up recommended for high priority
4 calls, 1 to 3s, life threatening calls. So that
5 while they're still traveling, if they're closer to
6 one of those 1 to 3 calls, they will come off of that
7 call and be dispatched to that call. So, that's a
8 fact. That's the way the MS CAD System works, and I
9 think that since the implementation of GPS on the
10 ambulances, it's really assisted us in making sure
11 that that closer ambulance gets there.

12
13 CHAIRPERSON CROWLEY: [interposing]
14 Well, that's broken down to a police grid, correct?
15 And there could be times when you have an ambulance
16 that is closer, and not in that grid, square or
17 whatever.

18 MICHAEL FITTON: [interposing] Atoms
19 [sic] they call them. Yes. They're actually called
20 Atoms and they're--they're similar to police precinct
21 sectors. But most recently, one of the things that
22 we've been doing to address that is actually what we
23 call splitting the atom.

24 CHAIRPERSON CROWLEY: Okay, at least
25 you're addressing it.

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MICHAEL FITTON: Yeah.

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CHAIRPERSON CROWLEY: I don't want to spend any more time on the issue, but in looking at the two and a half minutes of what I see as too long of a time before an ambulance is dispatched or sometimes over three minutes. There is more we've got to do, and it's not just that we need more EMDs, which we need. It's just that we need to cut the amount of time that the 9-1-1 call-taker happens to have the call, when it's not an 9-1-1 emergency. And have you done anything to improve that?

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MINDY TARLOW: Yes. So the Operational Overview that we engaged in collaboratively with our uniformed partners and the Office of Operations and the First Deputy Mayor's Office used the end-to-end times specifically so that we could analyze the system thoroughly and really look for ways we can improve what is already a very good system. But, as you said earlier, perfection is really what you strive for in a system that's this life critical. And we did do numerous things. One, by just focusing on the most life critical calls, and following the data. This was completely data-driven analysis. That was how we were able to identify the EMS and EMD

1 needs that were addressed in the preliminary budget.

2 But, we also looked all across the system and looking
3 at handoffs all across the system. Looking at how to
4 improve quality assurance, all across the system--

5 CHAIRPERSON CROWLEY: [interposing] And
6 not to interrupt you--

7 MINDY TARLOW: Those are all in flight
8 now.

9 CHAIRPERSON CROWLEY: --but the last time
10 that we had--

11 CHAIRPERSON VACCA: [interposing] Can I--
12 -can I ask a question when you get a chance?

13 CHAIRPERSON CROWLEY: Yeah, we'll--

14 CHAIRPERSON VACCA: I mean I'm a-- I'm a
15 co-chair here, you know--

16 CHAIRPERSON CROWLEY: [interposing]
17 Yeah, we're--I want to, you know, I know.

18 CHAIRPERSON VACCA: --and I have a
19 question.

20 CHAIRPERSON CROWLEY: Well, we recognize
21 that Council Member Miller and Council Member Weprin
22 have joined us. And just--the last time you
23 testified you were going to change-- You were going
24 to do a pilot program, and ask the question what is
25

1 your emergency rather than getting all the details of
2 the addresses? Has that changed? Have you done that
3 pilot?
4

5 MINDY TARLOW: We implemented a full
6 operational review, which we announced at that time
7 when we last met. And looking at every aspect of the
8 system, and we are now implementing a series of
9 initiatives that based on the evidence that we
10 uncovered, we believe will have a significant impact
11 both on response times, accuracy, speed, consistency
12 of the system, as I've discussed. The quality
13 assurance all across the system, the governance
14 structure that we've put in place as well as the
15 focus on the most life critical emergencies. And as
16 I'm sure you know, about 85% of the life critical
17 emergencies are in EMS. And we were able to really
18 pinpoint that as an area we needed to focus on. In
19 parallel to that, we were planning at that time--we
20 were planning at that time an initiative that would
21 look at the sequence of questions that are asked when
22 someone makes a call. We've done a tremendous amount
23 of work in parallel with the overall operational
24 review to put the technology in place and test it.
25 So that we can address that question. The Operating

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2 Committee that was formed as a result of this
3 governance structure agreed that we would put the
4 initiatives from the operational review in place
5 first, which includes a lot of hiring. Wanting to
6 make sure we're up where we need to be, and we can
7 then turn our attention to other initiatives
8 including that.

9 [pause]

10 CHAIRPERSON GIBSON: Ms. Tarlow, I just
11 wanted one--one final point that I wanted to make.
12 The operational review that you talked about is that
13 still a work in progress? Because you mentioned the
14 Mayor has baselined the 150 PCTs, the 9-1-1 call
15 operators. So all that's going to do is maintain our
16 number at 1250. So I guess I emphasize again in the
17 future and current conversations, that's still not
18 raising the headcount of 9-1-1 call operators. So
19 we're still flat at 1,250. So I wanted to make again
20 that urge that we have to look at raising it. If
21 we're looking at overtime, overtime going down, and I
22 believe you that it's going down. But I'm also
23 concerned about the current workforce that we have.

24 MINDY TARLOW: The operational review was
25 completed in December, as we had promised. That

1 said, looking at 9-1-1 operations is an ongoing
2 process that never stops. The Operating Committee
3 that we have put in place, which is now meeting
4 monthly with my office, with Commissioner Roest, with
5 the Fire Department, with the Police Department, with
6 the First Deputy Mayor's Office, we are constantly
7 looking to address operational issues as we go.
8 That's part of the reason we put that committee in
9 place. Because we always need to seek to improve the
10 system, and we always need to be in a constant state
11 of review.
12

13 CHAIRPERSON VACCA: Can I ask some
14 questions? I wanted to talk about across-agency
15 expenditures. The Commissioner of DOI testified
16 before that basically at this point we're \$700
17 million over, and it may go to \$900 million. But
18 that much of it was because there was money across
19 agencies that was spent, but never accounted for in
20 the total expenditure that we were given for PSAC2.
21 So if there is money still being spent in more than
22 one agency, if there is money across the various
23 agencies that is being spent, when will we get a
24 total number of how much money is being spent, and
25 who will be giving us that information and when?

1
2 COMMISSIONER ROEST: So there's a couple
3 of questions in there and I'll do my best to answer
4 and answer all of them. So looking backwards at what
5 was spent in the good hands of DOI, I can tell you
6 that when we walked into this project we had clear
7 capital budget for completing the scope of ECTP and
8 we are tracking that, and we'll continue to track it.
9 So anything spent on ECTP scope is being carefully
10 tracked, and will be reported by us and we will stay
11 within budget. That said--

12 CHAIRPERSON VACCA: [interposing]
13 Commissioner, I'm sorry to interrupt you. But when
14 you say us, you're tracking your agency or are you
15 talking in your capacity as head of the overall
16 working group or task force? Are you tracking all
17 agency expenditures?

18 COMMISSIONER ROEST: [interposing] So--

19 CHAIRPERSON VACCA: Is that--is that your
20 duty now, your responsibility?

21 COMMISSIONER ROEST: No it's not but--but
22 going forward so what we've done is we've taken the
23 scope of ECTP, and that's my role, and we're tracking
24 the ECTP expenditures. ECTP is not all 9-1-1
25 operations, but we are committed to, as a group,

1 getting together and making sure that we have a full
2 accounting of what it's costing the City to run the
3 9-1-1 operations now going forward. So although it's
4 not technically part of ECTP, we are working on
5 accounting for what are the costs and expenditures
6 that will be required going forward to maintain the
7 9-1-1 operations in PSAC1, PSAC2 and across the
8 agencies.
9

10 CHAIRPERSON VACCA: I want to make sure
11 that what happened before does not happen again.

12 COMMISSIONER ROEST: Uh-huh.

13 CHAIRPERSON VACCA: I want to make sure
14 that we don't have across-agency expenditures not
15 included in any type of report the Council gets or
16 the Department gets. Can you--can you tell me that
17 we have controls in place that will make sure that
18 any money any agency spends on this project is
19 accounted for as part of the total budget, and that
20 there will be a report issued at a certain point
21 detailing that type of budget analysis?

22 COMMISSIONER ROEST: So--so again, I want
23 to be clear. One of the things the DOI
24 recommendation included was that we create a clear
25 scope for ECTP. And ECTP is about building PSAC2 and

1
2 implementing those technologies. It's not about
3 running the 9-1-1 operations. So breaking those into
4 two pieces, yes, for the ECTP project I can assure
5 you that we will be fully accounting for any money
6 that's spent to build PSAC2, and to implement the
7 technologies around that. And further, we're working
8 together. The purpose of the Governance Committee
9 that the Administration put in place was to ensure
10 that we're all in the room and we're working
11 together, and we have a cohesive plan and tracking of
12 the 9-1-1 operations. So it's really two buckets,
13 but yes to both.

14 CHAIRPERSON VACCA: Can you answer my
15 question before about whether or not PSAC2 was
16 approved by the Design Commission?

17 COMMISSIONER ROEST: I can't. I'm sorry.
18 We can look into that.

19 CHAIRPERSON VACCA: I'd like to know.
20 Maybe in this case we should have called upon the
21 Design Commission. They--they tended to delay
22 projects for many, many years. So maybe we would
23 have had a better outcome.

24 COMMISSIONER ROEST: Next time we will.

25 CHAIRPERSON VACCA: Next time we will?

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COMMISSIONER ROEST: I promise.

CHAIRPERSON VACCA: Because I would like to know if this was approved by the Design Commission.

CHAIRPERSON CROWLEY: Thank you, Council Member Vacca. Council Member Rosenthal has a question. It's only going to be two minutes in length because we have to be out of this room shortly, and we have five members of the--

CHAIRPERSON ROSENTHAL: [interposing] Two quick questions. Thank you, Chair. First, to anyone. In terms of the cost, I'm trying to get to the cost overruns. Did OMB play a role? Did any OMB staff play a role in noticing the cost overruns, number one. And number two, given, you know, the Commissioner's answer about Commissioner Peter's answer about it would take-- He doesn't have the-- he's not equipped with the staff to understand the nature of the cost overruns and dissect those details. Is there any way that OMB, and I'm just guessing that would be the place, the Budget Office, who can understand the nature of the cost overruns, and which is attributable to bad planning. And which

1 is attributable to, you know, 600%, you know,
2
3 markups.

4 COMMISSIONER ROEST: So OMB was a very
5 active member of the committee as we took on the ECTP
6 project. But again, it was a look--go forward
7 assessment that we did. Looking back, we would have
8 to talk to OMB to see what information they have, and
9 what they can pull together about the overruns. That
10 wasn't our focus. It was where are we, and how do we
11 get to a good place and complete the project?

12 CHAIRPERSON ROSENTHAL: Okay, is there
13 someone from OMB here or is there some way we can get
14 at that question? Is there someone who can put that
15 back, but that back to OMB?

16 CHAIRPERSON CROWLEY: I believe that if
17 Mark Peter was still here--he said that he was going
18 to stay--it would be the Department of Investigation
19 who investigates OMB, but I don't see him.

20 CHAIRPERSON ROSENTHAL: I don't know. I
21 mean I just would like to know the answer to that and
22 the second--

23 CHAIRPERSON CROWLEY: Well, for the
24 purpose of the Committee we will request an answer to
25 that.

1
2 CHAIRPERSON ROSENTHAL: Thank you, and
3 secondly in terms of the markups whether or not
4 there's any opportunity for clawbacks?

5 COMMISSIONER ROEST: So the--the markups
6 that I've read in the report, one was an estimate.
7 It wasn't an actual procurement. We will be working
8 with DOI to examine if there were anything in the
9 report or any of their findings that we need to react
10 to.

11 CHAIRPERSON ROSENTHAL: Okay. I'm
12 interested in clawbacks.

13 COMMISSIONER ROEST: Right.

14 CHAIRPERSON ROSENTHAL: Thank you.

15 CHAIRPERSON CROWLEY: Thank you, Council
16 Member Rosenthal. We've been joined by Council
17 Member Cornegy. I want to thank-- Oh, and we were
18 joined earlier by Corey--Council Member Corey Johnson
19 as well. At this point, in the interest of time we
20 have no further questions. We would like to continue
21 this discussion. I've got more questions. Council
22 Member Vacca has questions, and the same with all the
23 Chairs. I want to invite the next panel up, and
24 thank you again for being here and testifying. The
25 first panel, or the first person up to testify is

1 Steve Cassidy, UFA, the United Firefighters
2 Association President.

3 [pause]

4 CLERK: Do you have any copies of the
5 statement?
6

7 STEVE CASSIDY: They're right there.

8 CLERK: Okay.

9 CHAIRPERSON CROWLEY: Mr. Cassidy, since
10 you're a member of the public and not the
11 Administration, we don't have to swear you in.

12 STEVE CASSIDY: I'll be happy to be sworn
13 in.

14 CHAIRPERSON CROWLEY: Do you swear to
15 tell the whole truth to this committee and answer any
16 questions that we ask of you with truth? Do you
17 affirm that?

18 STEVE CASSIDY: I do.

19 CHAIRPERSON CROWLEY: Please begin your
20 testimony.

21 STEVE CASSIDY: Thank you. Thank you for
22 having these hearings. I think they're critically
23 important. I want to go back and touch on what is
24 the main issue that wasn't addressed in my view. I
25 know you were talking about money, and that's

1 important. But in terms of delivering emergency
2 services as quickly as possible, the Bloomberg
3 Administration in 2009 went to UCT. And prior to
4 that, as soon as a call came in for the Fire
5 Department, whether it was a reportable fire or
6 medical emergency, the operator would say, What is
7 your emergency? And the caller would say I want to
8 report a fire. The would say, Hang on. Where are
9 you calling from, what borough? And transfer the
10 call to the fire alarm dispatchers of the appropriate
11 borough. That took five or six seconds. Now, the
12 Bloomberg Administration didn't have the ability to
13 count those five or six seconds. So they were never
14 part of the quote, unquote "total response time."
15 They decided in their wisdom, Let's have the 9-1-1
16 operators do the interrogation because since we don't
17 count that time, it doesn't matter. And as soon as
18 UCT took place, response times being reported by the
19 New York City Fire Department dropped 30 seconds.
20 Now, of course, at the time I said that's not true,
21 and they're probably 30 or 40 seconds higher than
22 what they originally were. And minute higher than
23 what they were reporting. As it turned out, I was
24 right. The reality is very simple. There's a new
25

1 Administration. They're 14 months in and they still
2 haven't figured out a way to say, What is your
3 emergency? And when that answer comes that it's the
4 Fire Department, dispatch immediately transfers that
5 call to fire alarm dispatchers.
6

7 I want the committee to know that they
8 currently have two people handling one phone call.
9 The 9-1-1 call, the 9-1-1 police call-taker does the
10 interrogation, then sends the information to the Fire
11 Department dispatcher. It takes them about a minute
12 and 20 seconds, which is way too long. And then, the
13 fire alarm dispatcher gets conferenced in. The fire
14 alarm dispatcher has to look at the information, and
15 send it out, and send the appropriate units. It's
16 not working, and why would you ever have two people,
17 two City employees handling one phone call? Right?
18 Fourteen months in, they still haven't answered that
19 question. If they simply have a pilot program that
20 says what is your emergency? And the Fire Department
21 only gets 9% of the 100% of calls that come in.
22 Transfer those 9% of calls to the fire alarm
23 dispatchers. I don't represent them, but they are
24 experts and specialists in dealing with fire and
25 medical emergencies. Transfer them immediately. You

1 will lower response times. The firefighters will be
2 responding with better information, which is critical
3 to us, and we need to get there sooner to save lives.
4 And, by the way, to make our jobs a little bit less
5 dangerous. Yet, nobody from the Administration is
6 even here. They're not even here. It's a disgrace.
7 They say they care about public safety. Why aren't
8 they here?
9

10 CHAIRPERSON CROWLEY: I could--I could
11 understand your outrage, and I'm outraged for my
12 constituents and the people in the City of New York.
13 They seem to be continuing in the same path on the
14 same mission that the Bloomberg Administration had,
15 and a lot of time gets wasted in critical
16 emergencies. I saw the breakdown from when the call
17 is taken, the call is dispatched, and then the
18 emergency help arrives. When you dispatch, it's a
19 very tiny--it's only 10 or 15 seconds. So they have
20 absolutely know the units, where they're located and
21 how quickly to dispatch that. They're experts, as
22 you said. It doesn't make sense to me to make the
23 difficult job of a 9-1-1 police call-taker any more
24 difficult. I couldn't agree with you more. I tried
25 to convey that to both Commissioner Peters and

1 Commissioner Roest. I hope that the Administration
2 sees the problem and, you know, we're going to hold
3 them to that. [sic]
4

5 STEVE CASSIDY: Just so you know, I would
6 like the entire Council to tell the Administration
7 that they should at an absolute minimum have a pilot
8 program, and it's--it's very simple. You can look at
9 response times before UCT. They were lower. You can
10 listen to phone calls that took place back then, and
11 listen to the 9-1-1 operators say, What's your
12 emergency? And when somebody says, I want to report
13 a fire, where are you? What borough are you calling
14 from? Manhattan? Hold on and transfer the call.
15 That's five seconds. Let's say it's seven seconds.
16 Seven seconds handoff, and then the fire alarm
17 dispatchers, who are trained to quickly dispatch the
18 appropriate resources. And by the way, the
19 appropriate resources is critical. Let's not send
20 one engine to a report of a fire when you need three.
21 And let's not send three to a gas leak when you need
22 one. It's a waste of time. It's a waste of
23 resources. It compromises public safety and
24 firefighter safety, and it's inexcusable. It's
25 inexcusable. The Bloomberg Administration instituted

1 this in my view simply because they wanted to get rid
2 of the Fire Alarm Dispatchers Union. They weren't
3 able to do it. Why this Administration, the de
4 Blasio Administration does not see the light of day,
5 and make a simple pilot program to see if what
6 everybody-- Not just me. Many, many other people in
7 this community that know about fire and public safety
8 are saying the same thing. No one will lose their
9 job. The police call-takers do a great job, but 90%
10 of the calls should be immediately slid over to the
11 people who are specialists. It's that simple. I'll
12 take any questions, if there's anybody out there.

14 CHAIRPERSON CROWLEY: Council Member
15 Vacca followed by Council Member Vacca and then
16 Council Member Miller.

17 CHAIRPERSON VACCA: I did refer to this
18 in my opening statement, and when I was Chair of this
19 committee we brought this up originally to the
20 Bloomberg Administration. I cannot understand how
21 this recommendation that the president is making
22 here is--why it's not implement. This is a loss of
23 time, critical time, and seconds could mean someone's
24 life. So we as a Council I know have had oversight
25 and we even enacted some legislation. Do you have

1 any recommendations? Is there further legislation
2 that you think would be helpful in this regard or is
3 this strictly an administrative matter? I, too, am
4 concerned that nobody is here to listen to this
5 because I think your testimony is really--it really
6 hits the--it hits the nail on the head.

8 STEVEN CASSIDY: Well, they know what I'm
9 going to say because I told them yesterday. I had
10 this conversation with Tony Shores [sic], and I told
11 him exactly what my point is. They know what--they
12 know why I'm angry. This has been something that was
13 promised to be done last year, and you heard them
14 really dodge this question. They didn't even say
15 they're going to have a pilot program on what is your
16 emergency versus what they currently do, which is
17 where are you calling from? And anybody who has ever
18 dialed 9-1-1 since UCT has been implemented, realizes
19 that if you need the Fire Department, it's a waste of
20 time. And I've done it many times for emergencies
21 that I see a car accident. You call up 9-1-1 and
22 they want to know where is your emergency. You give
23 them the address. Then they want to know the color
24 of the car. Like the color of the car matters. What
25 is the color of the taxicab? Like most taxicabs,

1
2 it's yellow. Why is this relevant? The answer is
3 it's not relevant, and if that call was transferred
4 to the fire alarm dispatchers, they would immediately
5 have units responding. Listen, seconds count whether
6 it's a heart attack or a medical emergency of some
7 kind or a fire. Why would we even consider doing
8 something that wastes time, and all they have to do
9 is have a pilot program. By the way, virtually
10 everybody in the New York City Fire Department knows
11 that the old system was better, right? They're not
12 allowed to say that, but virtually everybody in the
13 Fire Department knows that, right? You can't get
14 them up here to say. No, administration will allow
15 their team to contradict what they're saying. But,
16 I'm saying to all of you a pilot program, back to the
17 way it used to be will get better results. I don't
18 even think it's a debate, but you should insist that
19 it happen so that we can quickly decide whether or
20 not we're right or wrong. And by the way, if we're
21 wrong, which I don't think there's one chance in a
22 thousand, then they can stick with their program.
23 But I want to see the results.

24 CHAIRPERSON CROWLEY: Council Member
25 Miller.

1
2 COUNCIL MEMBER MILLER: Good afternoon,
3 President Cassidy. Thanks for being here.

4 STEVEN CASSIDY: Thank you.

5 COUNCIL MEMBER MILLER: The previous
6 panel testified right here about some of the
7 committees that they had put together to resolve some
8 of these issues. They're mostly obviously
9 administrative, and they did not talk about what
10 you're talking about now, the most important the
11 operational portion. That at any point whether it's
12 administrative or operational, these committees that
13 they mention are you, your members of any of the
14 bargaining units represented a part of these
15 committees--

16 STEVEN CASSIDY: [interposing] No.

17 COUNCIL MEMBER MILLER: --that make these
18 decisions?

19 STEVEN CASSIDY: And by the way, I don't
20 represent any of the members who are answering phone
21 calls whether the police operators. I don't
22 represent the fire alarm dispatchers. I don't
23 represent them. This isn't about me trying to get
24 jobs for my people. This is simply that my
25 firefighters are responding to emergencies, and they

1 should be responding quicker. They should be going
2 out the door quicker, and if they go out the door 30
3 seconds-- Listen, I had a firefighter jump out a
4 window on fire four years ago. Okay. And when you
5 look at the videotape in Brooklyn, and you look at
6 the videotape of Firefighter Weidman going out the
7 window on fire, less than 10 seconds later, water was
8 put on that fire and the fire in that room was out.
9 Ten seconds. Nobody can tell me seconds don't count.
10 We know that seconds count. And why this
11 Administration refuses to undo the Bloomberg error, I
12 don't know, but you should get an answer.

14 COUNCIL MEMBER MILLER: But to your
15 knowledge, are there any unions involved in any of
16 the committees that were aforementioned?

17 STEVEN CASSIDY: Not to my knowledge, but
18 I wouldn't know. Certainly, the UFA is not involved.

19 COUNCIL MEMBER MILLER: Okay. Thank you.
20 Thank you, Madam Chair.

21 CHAIRPERSON CROWLEY: No further
22 questions Thank you, Mr. Cassidy for being here
23 today to testify. I want to mention that we were
24 joined by Council Member Paul Vallone. Next, we have
25 James Lemonda up from the United Uniformed Fire

1
2 Officers Union. Oh, and Ritchie Alice both coming
3 from UFOA. [bell]

4 [pause, background comment]

5 JAMES LEMONDA: Thank you, Madam Chair.

6 Before I read my testimony, I just would like to
7 point out that the Council two years ago passed a law
8 that end-to-end response times must be reported. If
9 you look at the Fire Department's official website,
10 they show structural fires reported at 4 minutes and
11 11 seconds. But you have to go to the Mayor's
12 Management Report to see that the three-month average
13 is actually 4 minutes and 51 seconds, and that chimes
14 in with what President Cassidy had said in his
15 testimony.

16 Ladies and gentlemen, Chairs of the five
17 City Council Committees, thank you for the
18 opportunity to once again offer the thoughts of every
19 single fire officer, 2,700 strong who have been
20 suffering for five years from this broken and
21 mismanaged new UCT system. I have very little to
22 offer about the 105-page report of the Department of
23 Investigation on the cost overruns, and mangled
24 technology, and huge amounts of wasted City funds.
25 Most of what we saw in the DOI Report was a rewrite

1 of what we've been reading in the newspapers since
2 2009. The UFOA hoped that DOI was also looking into
3 the approximately 10,000 complaints from fire
4 officers in the field. 10,000 incidents that
5 included wrongful deaths, untold numbers of injuries
6 that could have been prevented. Loss of property
7 that has run into the hundreds of millions that might
8 have been avoided if the people in charge of UCT had
9 listened to a consultant who reported in 2011 that
10 the system was dangerous to the 8.2 million citizens
11 of New York City, and dangerous to the City's public
12 safety personnel.
13

14 Apparently, the safety of the residents
15 and their firefighters and police officers will have
16 to wait a little longer. Over and over the UFOA
17 working with your committees, and also with the
18 Public Advocate made the case that UCT was wrong for
19 the city, wrong for its residents, commuters and
20 visitors, and wrong for its firefighters and police
21 officers. No one has heard our appeal for help.
22 That is for sure. The solution is so simple that it
23 cries out for adoption immediately. When a person
24 calls 9-1-1, and specifies the emergency is a fire or
25 a medical emergency, the call-take should turn the

1 call over to a Fire Department dispatcher who would
2 be located in the Fire Department borough dispatch
3 office. So I will say it once more. The
4 Administration needs to issue an order to return to
5 the system that worked for all the years prior to
6 2009.
7

8 The previous administration refused to
9 admit a monumental mistake. We hoped this
10 administration would be more attentive to this
11 monumental scandal, but so far the problem does not
12 seem to be one of a priority. And I will say
13 something more--even more troubling to the people of
14 the City of New York. Over the last 13 years, the
15 Fire Department has been dangerously downsized even
16 as fire incidents have skyrocketed. In 2002, fire
17 incidents totaled 426,000. In the year that just
18 ended, 2014, the FDNY responded to more than 519,000
19 incidents, a new record in the long and honorable
20 history of your Fire Department. That is almost
21 100,000 more annual incidents.

22 On the morning of the attack on the World
23 Trade Center, the FDNY had 11,332 firefighters and
24 fire officers during a terrorist attack. Today, we
25 are operating with only 10,600 uniformed personnel.

1
2 In the interim, we have lost six engine companies and
3 the fifth firefighters, engine companies in high-risk
4 neighborhoods. Why is that high-risk neighborhoods
5 are always targeted. Thank you for allowing me the
6 UFOA to sound the alarm. Our experience over the
7 years has convinced us that the only elected
8 officials who listen to our pleas are the members of
9 the City Council, the Public Advocate and the City
10 Controller. We believe that's because that's because
11 you are closer to the people and neighborhoods where
12 mayors rarely tread.

13 In conclusion, I would like to state that
14 I, along with every member of the UFOA Executive
15 Board, have spent most of our careers in some of the
16 busiest neighborhoods in the City with the highest
17 incidents of fire. We have first hand witness of the
18 devastation of property, the loss of life. Women,
19 children, the elderly. Those images have been seared
20 in our minds forever. I would like to ask the
21 members present here today to close your eyes for a
22 minute. Imagine being awakened to a blinding,
23 choking smoke, searing heat, being paralyzed by
24 fright. The air being ripped from your lungs.
25 Imagine that it was your mother, your father,

1 grandmother, sister, daughter or son. Imagine if it
2 was you. Would you not want the fire apparatus
3 dispatched within second? Many times within
4 government when problem exist, the solution is
5 expensive. The solution to this problem will cost a
6 penny. The solution is free. I urge you to please
7 help us to serve and protect the citizens of our
8 great city. Their lives depend on it.

9
10 CHAIRPERSON CROWLEY: Thank you and thank
11 you Mr. Alice and thank you for what your members do
12 each and every day, as well as Mr. Cassidy's members.
13 I want to recognize Council Member Miller who has
14 quick, brief question.

15 COUNCIL MEMBER MILLER: Good afternoon,
16 and thank you for coming out. Again, I'm going to
17 basically ask you what I asked the previous panel,
18 which is about any union involvement in said
19 committee that was mentioned before? And/or is there
20 any labor management operations going on that address
21 the issues that you were talking about today?

22 JAMES LEMONDA: None. None whatsoever,
23 Council Member.

24 CHAIRPERSON CROWLEY: And have you had
25 any conversations with people in the Fire Department

1
2 as a union representative saying like what you're
3 doing now is putting my members in harm's way?

4 JAMES LEMONDA: Yeah, yeah. Yes, yes we
5 have, Madam Chair. Also we were led to believe that
6 there would be a pilot program that would institute
7 what we've been calling for. And now, from what we
8 hear that has been dropped. I don't have the answer
9 to why. If the Department was here, you know, it
10 would be great if they could answer to that.

11 CHAIRPERSON CROWLEY: Thank you. Thank
12 you for testifying today. I'm sorry we're short on
13 time. We have two people from the public who would
14 like to testify. Ralph Palladino, Second Vice
15 President of Local 1549 of DC 37. Is anyone from
16 that Local here to testify?

17 [background comment]

18 CHAIRPERSON CROWLEY: No. Okay, and then
19 we have Rachel Fauss from the Citizens Union, who is
20 the final person to testify.

21 [background comments]

22 CHAIRPERSON CROWLEY: And neither of
23 those two people are here today. Wait, wait.

24 RACHEL FAUSS: [off mic] Oh, yes she's
25 here. [laughs]

1
2 CHAIRPERSON CROWLEY: Okay, good. So
3 Rachel, you'll be our final person of the public to
4 testify today.

5 RACHEL FAUSS Yes, and I know you have my
6 written testimony so I will be brief knowing that I
7 am running up to your end date--end time here. Good
8 afternoon, Chair Crowley and I think you might be the
9 only-- And Chair Gibson. You're the two chairs left
10 and Chair Vacca. My name is name is Rachel Fauss,
11 and I'm the Director of Public Policy for Citizens
12 Union of the City of New York. We're a non-partisan
13 good government group dedicated to making democracy
14 work for all New Yorkers. We're very happy you're
15 holding this oversight hearing today. It's really
16 critical as far as the role of the Council in
17 providing this important oversight. You know, we
18 testified at the December hearing on the City Time
19 contract, and DOI's report for that issue. And there
20 are a lot of parallels, and I think it's important to
21 keep this oversight continuing and ongoing.

22 There are a few things we'd liked to
23 highlight from our analysis of the DOI Report.
24 First, inefficiencies related of interagency--a lack
25 of interagency coordination. I know that's something

1 that you touched on over and over again during the
2 hearing, and think it's very important. And I want
3 to be clear that we're not here to endorse either UCT
4 model versus the previous model. That's not where
5 our expertise is, but I think the DOI Report does
6 highlight a lot of inefficiencies.
7

8 CHAIRPERSON CROWLEY: [interposing] And
9 you believe that if a contracts are a certain amount
10 that they should have an integrity monitor or
11 something like that?

12 RACHEL FAUSS: Yeah. No, I think that's-
13 -that's one of our pieces. We do think the integrity
14 monitor for ECTP makes a lot of sense, and I think
15 it's something that you should continue to follow up
16 on. But I was just--when I speak about
17 inefficiencies and the need to save government
18 resources and taxpayer dollars, I just want to be
19 clear that we're not endorsing one model over
20 another.

21 CHAIRPERSON CROWLEY: [interposing] No,
22 no, I know but--

23 RACHEL FAUSS: I think that's the work of
24 ECTP. [sic]

1
2 CHAIRPERSON CROWLEY: --you know, but
3 this was a \$2 billion project--

4 RACHEL FAUSS: [interposing] Right.

5 CHAIRPERSON CROWLEY: --that may not have
6 needed to be built.

7 RACHEL FAUSS: Fair enough. [laughs]

8 CHAIRPERSON CROWLEY: So when you're
9 talking about resources, it's important to every--
10 That hasn't been proven today in today's hearing.

11 RACHEL FAUSS: Sure. And then as far as
12 the lack of internal city resources and experience to
13 conduct proper oversight of this matter--of this
14 project, I think that's critical. And I think move
15 to outside contractors and subcontractors is
16 something that as we seen the amount of money that
17 was wasted. Perhaps resources would have better been
18 spent have expertise within the City government. So
19 to this end, we recommend that you in the budget
20 process this year [bell] perhaps something to look at
21 is the exact level of resources that DOITT and other
22 agencies are committing to oversight of this project.
23 How much staffing is available? Because rather than
24 relying on DOI and the City Comptroller and others

1 later to audit, and find mistakes, why not have
2 better oversight in the beginning?
3

4 CHAIRPERSON CROWLEY: I think that is a
5 very good recommendation right down to the
6 commissioner. We should understand how much of the
7 Commissioner's time is on this project--

8 RACHEL FAUSS: [interposing] Sure.

9 CHAIRPERSON CROWLEY: --as we with all
10 the projects. So I want to thank you for being here
11 today. And we'll have your testimony as part of the
12 record.

13 RACHEL FAUSS: Sure. There's just one
14 really quick point I want to make, and that is
15 transparency. That's the core of Citizens Union's
16 mission. One thing I'd really encourage all the
17 committees to look at is the transparency of
18 subcontractors. There was an agreement in 2013
19 between the--Mayor Bloomberg and Comptroller Liu to
20 put subcontractor data online, put more of it online.
21 The Comptroller just released last week through
22 Checkbook more data on subcontractors. But it's very
23 clear that a lot of that is missing. Not all prime
24 contractors. They're the ones self-reporting the
25 information about their subcontractors. It's not all

1
2 being out there, and it's not complete. I think
3 that's a really critical thing for the Council to
4 follow up on, and it could be the subject of a
5 completely separate oversight hearing. But I just
6 wanted to flag that because I think it ties in very
7 clearly to the problems mentioned in the DOI Report
8 of the cost overruns. If the Council had in the
9 public journalists watch our groups like Citizens
10 Union had more data about subcontractors and could
11 use tools like Checkbook to do our own independent
12 verification that would be really important. But
13 otherwise, you have my testimony, and I just wanted
14 to flag that--that transparency part, which I think
15 is critical.

16 CHAIRPERSON CROWLEY: But I think that we
17 should schedule a meeting because I like a lot of the
18 ideas that you brought up in your testimony.

19 RACHEL FAUSS: Great. Well, thank you so
20 much. I appreciate it.

21 CHAIRPERSON CROWLEY: This concludes the
22 Fire and Criminal Justice, Public Safety, Technology
23 Oversight and Contracts hearing of February 25, 2015.
24 Thank you to all my Co-Chairs, and thank you to all
25

COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES JOINTLY
WITH THE COMMITTEE ON PUBLIC SAFETY, THE COMMITTEE
ON TECHNOLOGY, THE COMMITTEE ON OVERSIGHT AND
INVESTIGATION AND HE COMMITTEE ON CONTRACTS

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the staff that worked so hard on putting this
committee hearing together. [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 March 3, 2015