

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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HELD AT: Council Chambers - City Hall

B E F O R E: Vanessa L. Gibson  
Chairperson

COUNCIL MEMBERS:

Vincent J. Gentile  
James Vacca  
Julissa Ferreras-Copeland  
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Rory I. Lancman  
Ritchie J. Torres  
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## A P P E A R A N C E S (CONTINUED)

Richard Brown  
Queens District Attorney

Cy Vance  
New York County District Attorney

Ken Thompson  
Kings County District Attorney

Darcel Clark  
Bronx District Attorney

Michael McMahon  
Richmond County District Attorney

Bridget Brennan  
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Executive Director of Civilian Complaint Review  
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Jonathan Darche  
CCRB Chief Prosecutor

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Deputy Executive Director of Administration at  
CCRB

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

Robia Charles

Deputy Executive Director of Policy and  
Strategies at CCRB

Elizabeth Glazer

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General Counsel at MOCJ

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Safe Horizon

Viviana Gordon

Center for Court Innovation

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CHAIRPERSON GIBSON: Good afternoon, ladies and gentleman. Welcome each and every one of you to City Hall. I am Council Member Vanessa Gibson of the 16<sup>th</sup> District in Bronx County, and I'm proud and honored to serve as the Chair of the Committee on Public Safety. I welcome each and every one of you here to today's Budget Hearing on Fiscal Year 2017 Preliminary Budget Hearing. This afternoon we will hear from our District Attorneys and our Special Narcotics Prosecutor, the Civilian Complaint Review Board, and the Mayor's Office of Criminal Justice as well as members of the public. As a reminder to all of my colleagues and the public, the Public Safety Committee will hold an additional Preliminary Budget Hearing with the NYPD on Monday, March 21<sup>st</sup> at 1:00 p.m. here in the Chambers. Certainly on behalf of the City Council and all of my colleagues we offer our thoughts and prayers to NYPD Police Commissioner William Bratton on the loss of his father. As a result of that being with his family, we were unable to have the NYPD join us this morning at our hearing, and so we will have a separate hearing with the NYPD on Monday, March 21<sup>st</sup> at 1:00 p.m. here in the Chambers. The Fiscal 2017 Preliminary Plan included

no significant budget actions for our New York City's prosecutors whose total budget equals approximately 340 million dollars and a stable head count. As a result, I look forward this afternoon to discussing in detail the challenge and the priorities faced by each office and those budget items that are not reflected in the Preliminary Plan. I'd like to acknowledge the members of the Public Safety Committee who are here with us, our Minority Leader Council Member Steve Matteo, Council Member Rory Lancman, Council Member Robert Cornegy, Council Member Mark Treyger, Council Member Vincent Gentile, and we will have other members joining us shortly this afternoon. I also want to recognize the staff, the Legislative Division and the Finance Division. These hearings are a lot of work, and certainly as the Chair of the Committee I am so honored and blessed to have an incredible Legislative and Finance team. The Finance team is led by our Director Latonya McKinney [sp?], our Deputy Director, Regina Pereta-Ryan [sp?], Deputy Director Nathan Tole [sp?], Assistant Director Emory Adev [sp?], our Senior Legislative Financial Analyst Ellen Ang [sp?], our Unit Head Isha Wright [sp?], the Legislative Unit,

Legislative Counsel Deepa Ambikar [sp?], Legislative Counsel Beth Goleb [sp?], our Policy Analyst Laurie Wen [sp?], our Policy and Innovation Staff, Theo Moore, Faisal Ali [sp?], and my Budget Director Kaitlin O'Hagan [sp?], and our Communications Director Dana Wax [sp?]. I thank each and every one of you for your work and putting today's hearing together, and certainly we are in our third year as a new Administration. This is my third budget, and I'm very honored and proud to work with all of the members of this committee. We are a strong and mighty 11, and I'm thankful for the collective work of all of my colleagues on the Public Safety Committee. I'm very proud today that we have all of our New York City's Prosecutors. We have our Queens District Attorney, Judge Richard Brown, our New York County District Attorney, Cy Vance, our Kings County District Attorney, Ken Thompson, our Bronx District Attorney Darcel Clark, and Richmond County District Attorney, Michael McMahon, and our Special Narcotics Prosecutor Bridget Brennan. I thank each and every one of you for being here this afternoon, and certainly want to offer my congratulations to our two new District Attorneys joining our family this year,

our Bronx DA, Darcel Clark, and our Staten Island DA, Michael McMahon. Congratulations and welcome. Thank you for joining a great and dynamic team of Prosecutors in the City of New York, and we look forward to your testimony, and certainly I just want to commend each and every one of you. Obviously, this is my housekeeping rules, but I'm truly honored to work with all of you. I've had a chance to meet with you on an individual basis, not just during the budget season, but I've seen the work that our Prosecutors do each and every day, and sometimes it's not recognized the work that you do, and the fact that we are at an all-time low in overall citywide crime, the fact that we are looking at creative and innovative approaches to dealing with crime--the old way doesn't work anyway, and we're looking at new opportunities at technology, at training, at collaboration, at coordination, and so I appreciate all of the work that you do, you and your team. So, thank you so much for being here this afternoon, and before we begin, I'm going to ask our staff to administer the Oath of Office before we proceed with our Queens District Attorney. Welcome once again, and thank you for being here.



COMMITTEE COUNSEL: Do you affirm to tell the truth, the whole truth and nothing but the truth in your testimony before this Committee and to respond honestly to Council Member questions?

CHAIRPERSON GIBSON: Thank you very much. You may begin, DA Judge Brown.

RICHARD BROWN: Alright, Madam Chair. At the outset I want to express my appreciation to you and to your colleagues as well for the supports that you've given to us over the course of these last many years and your recognition as you just expressed it, the important role that these Prosecutors play in making the justice system work for the benefit of all New Yorkers. With your help we've been able to make very significant strides over the course of the last number of years, and particularly in view of that which has occurred after 9/11 and the economic downturn that we saw here in the City. That said, however, we need your continued support to ensure that we have the resources that we need to continue to rebuild and to respond to the many new and emerging areas of criminal activity that are taking place around us. I've given you a copy of my full testimony together with a booklet as we do each year

summarizing our office's accomplishments and setting forth our needs for the coming year, and you'll find in that presentation and that material some of required [sic] request that we have for additional monies in Queens and also for the rental of additional office space and staffing for a number of enhancements and new initiatives. So, let me just very briefly touch upon a few of the things that you'll find in that written presentation. We're looking for about two and a half million dollars in short term rental expense. We've talked in the past about the problems that we have about with regard to space and we're looking obviously for a long term solution, and we're in discussion with the City with respect to those possibilities, but in the meanwhile we have some interim needs and we're hopeful that you'll be able to help us in that regard. We're also requesting funding to be given on the number of new initiatives, and we're looking for baseline money for additional detectives which we desperately need as well, particularly in lieu of the fact that the Police Department has reduced the size of our Detective Squad, and we've been supplementing the Detective Investigators and we need a number of

1 additional people. We also want to enhance our  
2 Information Technology Units. We need some  
3 additional staffing for our appeals bureau,  
4 particularly in view of the fact that we're being  
5 inundated these days with the Freedom of Information  
6 Law requests and for civil [sic] discovery and  
7 litigation matters. We're also looking for some  
8 money for our Anti-Gun, Anti-Violence Initiative,  
9 particularly that which is being discussed with MOCJ,  
10 and we're hopeful that you'll be able to respond to  
11 that regard. We're also seeking some capital funding  
12 for our basic infrastructure and upgrading on our now  
13 antiquated telephone system for example and other  
14 network items. So, all of the detail is contained in  
15 the written presentation that I've given to you, and  
16 we're obviously available to you and your staff for  
17 anything and everything that you care to discuss with  
18 us. In the meanwhile, once again I thank all of you  
19 for that which you have done over the course of the  
20 past couple of years and certainly for your attention  
21 to that which we bill [sic] you [sic] now.

23 CHAIRPERSON GIBSON: Thank you very much,  
24 DA Brown, and now we'll hear form our Manhattan  
25 District Attorney, DA Cy Vance. Welcome.

CY VANCE: Madam Chairwoman, good afternoon, and to the members of the Committee, let me express my thanks to you for the leadership and the support that the City Council has provided all of us in recognizing our role as DA's and doing whatever we can to keep this city safer and our justice system fair. Needless to say, one of our highest priorities has always been and will continue to be focusing on gun violence in our neighborhoods, and I'd like to review some of the areas where we've had emphasis over the past year and looking forward where we plan to devote more resources. So, in the city where we are, the safest big city in America, it's obviously no consolation to victims of gun violence and their families which still continue to confront all our boroughs every day. I'm very pleased that we are working closely with the Mayor's Office of Criminal Justice to develop a coordinated strategy among District Attorneys and the Mayor's Office to address to violent crime and but one that takes into account the differences between our boroughs, which we also think is important. My commitment to fighting gun violence continues at a higher level than it ever has been before. Since we opened up the Violent Criminal

Enterprises Unit in our office, our indictments of gun traffickers has increased more than 1,000 percent and conducted investigations that have led to the removal of more than 1,000 guns off the streets by this one unit in our office alone. In total, our office since 2010 has removed more than 3,000 firearms off the streets of New York over the course of all our prosecutions, and this is the level of impact we need to get guns off our streets. We also will be in collaborating with the NYPD and our community partners. We'll be hosting two gun buy-back events in the first half of this year, once in Central Harlem and another on the Lower East Side. Ironically, despite New York having some of the strongest gun laws in our country there are still weapons flooding into our streets and getting in the hands of kids who are threatening other neighborhood residents and families and police officers. That's the reason why we've focusing, I know focusing as DA Thompson has been on gun trafficking indictments. We've brought 21 indictments since 2010 against 64 gun traffickers operating between New York City and southern states and some western states, recognizing that New York can't fight this battle alone. I co-

1 founded with Prosecutors from around the country and  
2 several of the DA's here today are participating in  
3 Prosecutor Against Gun Violence, which is an  
4 independent non-partisan coalition that is  
5 identifying and promotes prosecutorial and policy  
6 solutions to address this crisis of national gun  
7 violence around the country. Our office is also  
8 doubling in addition to the work that we are focusing  
9 on with violent crime to divert intelligently more  
10 nonviolent first time offenders away from what we  
11 believe is unnecessary incarceration in some  
12 instances, and also working to restore, because of  
13 these policies, confidence in our justice system. In  
14 2015, in partnership with the NYPD, the Center for  
15 Court Innovation and District Attorney Thompson in  
16 Brooklyn, we've implemented a pre-arraignment  
17 diversion pilot program we call Project Reset, and  
18 under this initiative we are focusing on providing  
19 alternatives to arrest to 16 and 17-year-old young  
20 men and women who are first time offenders for low  
21 level offenses. The eligible participants for this  
22 program get a Desk Appearance Ticket and are referred  
23 to the Harlem Community Justice Center in Northern  
24 Manhattan. If they complete the commitment for  
25

community service that they promise they will make, then their case will never go to Criminal Court at all, and the case will be dismissed and the record sealed. We anticipate, Madam Chairwoman, that this will be able to provide opportunities for about 1,300 young men and women when this is up to full speed which I think is a good goal, and we hope as we expand down the road to adults that we may be able to provide diversion for up to 10,000 New York County offenders and offenses when this is working at full tilt. Second, in partnership with the NYPD and the Office of Court Administration last week we announced that we are as an office no longer prosecuting a Criminal Court many low level nonviolent violations and infractions unless there is a demonstrated public safety reason to do so. Rather than be arrested, violators will be given summonses for these violations. This we believe will prevent unnecessary detention and jail time for low-level nonviolent violations committed by those who we believe pose no direct threat to public safety, and through this effort we believe that we are ensuring that police judicial and prosecutorial resources are focused on those who commit more serious crimes. We estimate

that this initiative will free up tens of thousands of additional hours each year for police officers, judges, prosecutors, and defense attorneys and prevent about 10,000 people from being arrested and having to spend 24 hours in jail for these low-level offenses. Currently, and I know Judge Brown and the Council Member from Queens understands this very well, we have a crisis in our Criminal Courts, and I've spoken to you, Madam Chairwoman, about this. Last year in my office there were 1,120 instances where both prosecutors and defense lawyers in misdemeanor cases went to the courtroom on the date of trial, answered ready for trial, which is a miracle in and of itself, but there were no judges, no court parts to send these cases, 1,120 times. I think that is incredible, and I think it is a real issue of a crisis in terms of getting the resources to manage these cases. It is unfair to defendants. It is unfair to victims. It is unfair to the police officers who are brought in on another day off the streets, and we are looking for your leadership and your help in helping us sort through this issue of resources, and I know there are some very intelligent ideas that you've been thinking about and we look



forward to talking with them--with you. We also finally in an effort to give a fresh start to those with open summons warrants for low-level offenses. In November of last year, we hosted our first ever what we call Clean Slate Event in partnership with the NYPD, the Office of Court Administration and the Legal Aid Society. On that Saturday morning where I was, more than 700 New Yorkers from all five boroughs came to the Soul Saving Station Church in Harlem to resolve outstanding warrants for summonses, some of them for cases that were more than a decade old, and I know District Attorney Thompson has a pre-existing program in Brooklyn that was really the basis on which we modeled our work in this area, and I thank him for his leadership. We also featured a resource fair with job training after the court appearance providing also information about healthcare information, referral services, and we have a second Clean Slate Event that's going to be hosted in the Lower East Side this spring. Madam Chairwoman, we have had an unparalleled opportunity in our office because of the nature of the offenses that we investigate to bring back to the City of New York and the State of New York resources that will enable you

as Council Members to do your job with more resources and the City to do its job with more resources. In the past six years we have now brought back to the City of New York alone more than one billion dollars in fines and forfeitures from nine banks, and that I know has been a--and I'm glad it has been a help to the City and others in the criminal justice system to use these dollars that are the proceeds of criminal activity, put them back into the communities to fight crime at the street level in all our communities where this money is so needed. We've been proud to be able to give 447 million dollars directly to the City of New York to be used at its discretion for investigation and prosecution of penal law crimes. Very proud that we were able to dedicated 101 million dollars to NYCHA for security upgrades including camera lighting and keyless access in 15 housing development not in Manhattan, all over the city. Ninety million dollars to the Police Department so that they could bring to fruition the mobility initiative that Mayor--that Commissioner Bratton has talked about, putting smart phones that are linked in to the NYPD mainframe in the hands of 35,000 police officers and a tablet in every police car so the

police officers are literally smarter as they go into any situation they may find in the street, and they're also safer, and I think Commissioner Bratton will be--would be welcomed to speak about his views on that initiative. We've been very proud to provide 40 million dollars toward the city's comprehensive mental health initiatives which were a real focus for this Mayor's Administration the first year. And I'm proud that we have committed 14 million for supervised release of qualifying defendants who are awaiting trial, making sure that pre-trial we are--no one should be in Rikers Island unless there's a demonstrated need to be so, to be there, and we look--the services that we can provide to provide supervised released in the right cases as an alternative to detention pre-trial. We think it's very important. Madam Chairwoman, we are asking for 600,000 dollars in baseline funding to form an Alternatives to Incarceration Unit at our office. This unit will serve as a resource for the entire office, identifying programs that are worthy diversion options and identifying defendants who will benefit from those options without compromising public safety. We have committed resource dollars to

the city to, you know, put this into play on a citywide basis. It's just really important for all of us, the court system and the DA's and the defenders all to know what are those alternative to incarceration programs that work, providing data that gives the court confidence to choose one over the other, and in our case, confidence that when we make a recommendation that our citizens know that it is not a random recommendation, but one based on data analysis and study. Finally, I just want to end with a call to you. Today, there is a debate that's going on about access to smart phones and that on those smart phones from our perspective, my perspective, in almost every case that we handle there is key evidence of criminal activity. Criminals have moved online and on smart phones just like we have. Apple and Google, companies that are enormously successful and phenomenal companies, however, have taken a position that they want to engineer through their operating systems, engineer out of a court, independent jurisdiction of a court to be able to access these devices even with a search warrant. We've given you a copy of our white paper, which we published late last fall which lays this out sort of

step by step in detail, and I give it to you because I think all over this country there ought to be a discussion about how we want to look at this issue of smart phone encryption. We want to have a world in which we have privacy. We also want to have a world in which we have public safety, and I want to have a world where I can say to families with cases in my courthouse that we are going to be able to do everything we can whether it's a rape case, a homicide case or a child abuse case, I need the access to the evidence in these phones. I only get it with a court ordered warrant, but that ability to access these phones has been engineered out. So, New York City Council you have powerful voices, and I hope upon reading our materials you'll consider whether you want to add yours to bring your point of view out in this debate about where we draw the line between public safety and privacy in our communities today and who gets to draw that line. Thank you for the opportunity to talk.

CHAIRPERSON GIBSON: Thank you very much, DA Vance, and now we'll hear from our Brooklyn District Attorney Ken Thompson.

KEN THOMPSON: Good afternoon. Thank you, Chairwoman Gibson and the Public Safety Committee for this opportunity to address you on the Mayor's Preliminary Budget, its impact on my office, the strides that we've made in the last year, and the continued fiscal challenges we face going forward. During the Fiscal Year 17 November and January budget plans my office saw a slight increase from the adopted budget attributable to additional collective bargaining and the city revenue agreement funding. As part of the January Budget Plan, my office submitted a summary of new needs to OMB. However, none of those needs, some of which I will highlight today, were addressed. I'm hopeful that through the continued support of the Council we can work together to get these critical needs reviewed and funded during the upcoming budget cycle, because we need the money requested based on the great volume of work that we're doing in Brooklyn. In 2015, Brooklyn saw 94,064 arrests, a 12.4 percent decrease from the prior year 2014. Felony arrests remain highest in Brooklyn. Approximately 6,000 more arrests in the next highest county. So, Brooklyn continues to account for the highest number of total arrests

citywide which places enormous pressure on our resources, both human and financial to continue effectively combatting crime in the borough.

Additional resources are necessary to address the high volume of cases and to prosecute them with the level of intention and skill that the people of Brooklyn expect and deserve. While Brooklyn led the city in arraigned arrest with 54,995 in 2015, the good news is that the average arrest to arraignment time is down an additional 2.7 percent from 2014. In 2013, the average arrest to arraignment time was 21.78 hours. Today, the average arrest to arraignment time is 19.87 hours. This clearly demonstrates that we are effectively using our limited resources and working closely with our law enforcement partners to move those who have been arrested through this system in a timely and efficient manner. Throughout my term as DA we have continued to see the average arrest to arraignment time go down, and we will continue to dedicate resources to maintain this positive trend. Beginning in 2014, 700,000 of new funding was allocated annually for the creation and maintenance of my Crime Strategies Unit. This unit focuses on using complex

in-depth data analysis to develop crime prevention strategies and to combat violent crime prevention strategies and to combat violent crime trends in those neighborhoods most impacted by street gangs and criminal activity. At its inception, my Crime Strategies Unit focused on three precincts, the 67<sup>th</sup>, the 73<sup>rd</sup> and the 75<sup>th</sup>, which at the time led the borough and the City in shootings and homicides. Beginning in 2015 we expanded the units reached throughout Brooklyn to 18 of the 23 precincts by including all NYCHA housing developments. This expansion was necessary because we saw that violent gangs were terrorizing our housing developments at alarming rates. For example, at the end of 2014 our Crime Strategy Prosecutors attended a CompStat session where they learned about a sharp increase in shootings at the Bay View Houses which is a NYCHA development located just off the Belt Parkway in the 69<sup>th</sup> precinct. The Bay View Houses usually had about one shooting per year. However, in 2014, the development saw a sharp spike ending the year with seven shootings. To combat this rampant gun violence, CSU and the NYPD opened a joint investigation into the cause of these rising



shootings. Through this investigation we learned that an ongoing feud between the G-Shine Bloods and a small rival Crips set was the cause of the increased violence. As a result of this investigation we arrested and indicted two leaders of the G-Shine Blood set on various weapons possession charges and conspiracy to commit murder and assault. In contrast to 2014, the end of 2015 saw only one reported shooting in the Bay View Houses, which was found to be domestic violence related. The elimination of gang-related shootings in the Bay View Houses is just one example that demonstrates our Crime Strategies Unit's effectiveness in making neighborhoods safer for all of our residents. To that end, my office requested additional funding to fully expand CSU operations. CSU will deliver targeted information to bureaus and units spanning all of Brooklyn in order to assist with data-driven decisions regarding investigations, prosecutions and whether certain defendants should be eligible for alternative to incarceration programs. The anticipated cost of the unit expansion is 99,350 in the current year and 196,000 annually going forward. The requested funds will be utilized to increase personnel with two

assisted District Attorneys and an Intelligence Analyst. Additional manpower and updated tools will be integrated in all precincts throughout Brooklyn. The expansion will allow our ADA's and investigators to focus and understand criminal patterns borough-wide. As we remain the borough with the highest volume of cases to prosecute, we need to ensure that our ADA's have all the tools necessary to successfully prosecute to conviction. As part of the January Plan, my office requested 236,100 for the expansion of our Forensic Science Unit which reviews all motions, appeals and complex discovery requests that pertain to expert witness testimony and scientific testing and analysis. My Forensic Science Unit reviews or directly assists on 40 cases a month and additional funding will ensure that our Forensic Science Unit has the essential manpower and access to tools necessary in prosecuting a variety of cases that involve scientific evidence. In October 2015, my office was one of four local government agencies nationwide to be awarded a grant of 425,000 from DOJ's Bureau of Justice Assistance for Smart Prosecution. This grant is a collaborative initiative with the Center for Court Innovation to

create a comprehensive approach to adolescent and young adult prosecution and diversion in Brooklyn with an emphasis on misdemeanor and felony defendants at the greatest risk of reoffending, conviction and/or incarceration. The goals of the Smart Prosecution Initiative are to reduce re-offending and increase public safety, to promote the use of meaningful social services, to provide rigorous compliance monitoring, and to reduce criminal convictions and the use of jail. My office created this specialized young adult bureau to focus on high risk offenders between the ages of 16 to 24 years old who have been charged with low-level offenses. CCI will conduct research and track the progress of this initiative. It's our hope that this collaboration will result in recommendations for policy changes that will impact how the criminal justice system approaches young adults nationwide, and I would like to again thank the Council for the Dove [sic] Funding which enables our Victims Services Unit to provide services to a wider number of immigrants, deaf and hard of hearing teenage and LGBTQ identified victims. VSU combines community outreach and education activities with direct services, and this is going to

benefit the community in many ways, because we're going to be able to provide domestic violence victims with advocacy, case management, crisis intervention counseling, community outreach and community--and educational workshop and training. In 2014, my office was funded 500,000 annually to expand my conviction review unit, which replaced what was then called the Conviction Integrity Unit. It had only two attorneys who were responsible for investigating about 100 murder cases, but were given very little if any resources to do so before I took over the office. I've created a real Conviction Review Unit that consists of 10 attorneys to review these and many other cases to make sure that justice was done. My unit is currently the largest Conviction Review Unit in the nation. After over two years in office, it has emerged as a model for the country. To date, we have reviewed nearly 60 murder cases and found that 18 individuals were wrongly convicted, including Vanessa Gavis [sp?] who was falsely accused of murder, put on trial, and spent 10 years of her life in prison unjustly. The other week, Ms. Gavis became the first woman exonerated by my Conviction Review Unit. That board just reflects the 18 individuals

whose lives were destroyed because of wrongful convictions. In addition, I convened and hosted a two-day Wrongful Conviction Summit in Brooklyn a few months ago. The purpose of the summit was to discuss the current state of Conviction Review Units, share best practices for preventing wrongful convictions, explore some of the characteristics of a model Conviction Review Unit and address any perceived obstacles to starting such a unit. The summit had over 200 attendees who came to Brooklyn from all over the country, including from California, Texas, Louisiana, Florida, and Washington State. As we continue to work through the backlog of cases for review, I remain committed to continue to conduct thorough and fair investigations of cases up for review and remain steadfast in the pursuit of justice for all in Brooklyn. In addition, I've previously come to the Council to discuss the detrimental records management issue within my office. Brooklyn has historically accounted for a large percentage of the arraigned cases citywide. In 2015, my office processed the most cases in the City. Each case file from the misdemeanor subway fare jumper to the homicide defendant requires that a case file is

created and retained. Retention rules require that some cases be kept indefinitely while many others have 25-year lifespans based on record management standards that we're required to keep. As a result of our intake, approximately 9,000 felony case files and 11,000 misdemeanor case files in our house we have to keep stored in our house storages. Our office space was designed to hold just about 9,000 or 11,000 of those files, but now we must hold many more. Due to the inability of DORIS to take in case files as our primary long term storage facility, we're left with the approximately 18,000 felony case files and 20,000 misdemeanor case files within our space at 350 Jay Street and 210 Joralemon Street. This does not include the investigative pre-indictment surveillance and grand jury court reporter notes, nor does it account for the administrative files at HR, payroll and fiscal that we're also required to retain. DORIS has instructed my office as of last month that they can no longer accept any additional files. They are also often unable to locate files that have been in their custody without extensive delays, often resulting in a file never being retrieved. Mismanagement of case files has

real implications for a prosecutor's office. Judges are reluctant to hold up a case and prolong detention because my office is waiting for a file to be retrieved. The risk of a case being dismissed because a file cannot be retrieved is real. It's also a risk that we do not want to continue to take. For this reason we requested 600,000 dollars annually to secure a single warehouse in order to consolidate our current file management operations which will allow my office to store case and administrative files more efficiently and effectively. We have kept files at 350 Jay Street in order to ensure availability; however, that's a temporary solution that urgently needs a permanent remedy. In addition, we lose a floor at 210 Joralemon Street, which will only make matters worse. To mitigate this issue we will rent a 60,000 square foot warehouse that will be the repository of all of my office files, allowing for the management of files in a single location. With the time sensitivity of our FOIA request and in the interest of justice, it's imperative that we receive funding to secure a warehouse to appropriately manage this critical function of my agency internally and without interruption or

disruption. Fiscal challenges remain present in my office as we continue to face those challenges. We remain focused on being the fiscally responsible and prudent steward of the resources entrusted to us by the great people of Brooklyn. This responsibility is one that I take very seriously as I continue to make substantial progress in transforming the Brooklyn District Attorney's Office into the leading law enforcement agency that the people of Brooklyn deserve. The needs of my office remain critical and tremendous. The new needs request sent to OMB is crucial to continuing the important work that's underway in Brooklyn. This additional funding solidifies my office's commitment to driving down violent crime and shootings where they are all too often present and building on the success that we have already achieved and will continue to achieve. I once again thank you Chairwoman Gibson, all the members of the Public Safety Committee and the entire Council for your tireless support of my office as we make the case for these additional resources. With your support, it's my hope that this funding will be provided by OMB in the next budget plan so that we can continue to ensure safe neighborhoods and peace



of mind to the people of Brooklyn and in the process make our city greater than it's ever been. Now, that's just my opening. I have about two more hours.

CHAIRPERSON GIBSON: You do not have two more hours. [laughter] Thank you very much, DA Thompson. Now we will hear from our Bronx District Attorney, Darcel Clark. Welcome once again.

DARCEL CLARK: Thank you and good afternoon, Chairwoman Gibson and members of the Public Safety Committee. It is my honor to appear before you today. When I took office as Bronx District Attorney on January 1<sup>st</sup>, I inherited a prosecutorial agency still mired in the 1990's. Back then, the crime rate in the Bronx was so high and caseloads threatened thoroughness and fairness. Cell phones and laptops had not yet exchanged--had not changed the landscape of crime from street corners to the vast secrecy of the internet. New York City Housing Authority complexes in the Bronx were just beginning to be overrun by scores of crews wreaking havoc on with retaliatory shootings. A new influx of immigrants legal and undocumented were just beginning, and Rikers Island was not yet the focus of unprecedented national scrutiny for high levels of

violence and pervasive corruption. Crime citywide is down, but the Bronx still suffers the highest per capita crime rates in the City. We have less than 17 percent of the population, but we are enduring 28 percent of the shooting in the City. We are handling a quarter of all homicide arrests and more than a quarter of all gun arrests. Pending caseloads have increased since 2001 with felonies up by 38 percent and misdemeanors up a whopping 75 percent. On average, our felony assistants carry 45 cases and the misdemeanor assistants 150 cases. Convictions from two decades ago that may have been wrongfully obtained are now coming home to roost, and the office only has rudimentary technology tools to gather new breed of forensic evidence from social media, recorded Rikers phone calls, cell cite data, and computer and cellphones. There was no dedicated Crime Strategies Unit to address the core group of fierce recidivist who endanger the 1.4 million people I serve. There was no dedicated unit to address issues for immigrants who are more than a third of the Bronx population. Defendants and their victims wait on average two to three years for a case to go to trial. My borough cannot go on like this as a

national emblem of criminal justice gone haywire.

So, I come to you today because I need your help. I

propose to take my office into the 21<sup>st</sup> century and

make it a model of fairness and justice and to begin

the process of eliminating persistent delays and

backlog in cases that have plagued the criminal

justice system in the Bronx for more than a decade.

Before the end of the next Fiscal Year the office

will achieve tangible results. We will announce

trial readiness in all cases within the standards and

goals set forth by the Office of Court

Administration. I will do this by enacting a

vertical prosecution system which means one Assistant

District Attorney will have a case from the complaint

room until the disposition. We will promote safety

on Rikers Island by establishing a satellite office

onsite and creating a working group with the

Corrections Intelligence Bureau so that inmate cases

can be arraigned promptly and prosecuted efficiently,

and we will work with the courts, defense lawyers,

the Mayor's Office of Criminal Justice, and our other

partners in government to ensure the proper

administration of justice in the Bronx. The Bronx

District Attorney's Office will also seek funding to

create a Conviction Integrity Unit to examine claims of actual innocence and questions going to the fundamental fairness of trials. We also have established a computer forensic laboratory because forensic evidence is becoming increasingly important to prove guilt and in some instances to exonerate someone avoiding unnecessary and inappropriate charges despite claims by an insistent witness. We also have created a Crime Strategies and Case Enhancement Unit to work with the NYPD in addressing the issue of violent gang members. Our gun readiness units where we fast-track possession cases and ongoing gang takedowns are making a big dent in prolific shootings. We have created a Public Integrity Unit to help ensure the proper workings of our government, and we have established an Immigrant Affairs Unit to help protect growing population in our county from those who prey on them. I've beefed up our Community Affairs Unit adding Community Engagement Coordinators, and I will bring to the Bronx for the first time an Amnesty Program similar to the one that DA Thompson as well as DA Vance have in their boroughs, Begin Again and Clean Slate, this program that will clear up the arrest warrants for

those who don't answer summonses for low-level offenses. These new or broadened units require more personnel and therefore more office space. So, I'm collaborating with DCAS on that issue. The Bronx has witnessed dramatic improvements in public safety since violent crime crested in 1990, but we must be vigilant and promptly act to curve the slightest upturn. My office is concerned over a statistical trend over the last five years. Specifically, although the New York City Police Department's 2005 CompStat index crimes decreased almost two percent citywide from 2014, in the Bronx crime complaints in these categories increased over four percent. In certain categories the trends were disturbingly higher. For example, year over year in 2015 reported rapes had increased 14 percent and robberies increased 10 percent. When we look deeper at violent crimes overall we see that in and around 2008 through 2010 there were approximately 12,800 reported incidents, but from 2011 through 2015 it appears that these figures may be starting to shift higher. Although the number dipped in 2014, the figure rose significantly in 2015. As a daughter of the Bronx and now the District Attorney for the County I firmly

believe that I have the responsibility to my community to advise you the City Council of the most important threats to public safety and criminal justice. They fall within two categories, first Rikers Island, and second, the backlog of felony and misdemeanor cases. I had studied these problems carefully and formulated solutions which are outlined in great detail in our budget proposal. These proposals are not created in a vacuum. The Bronx District Attorney's Office cannot solve systematic problems all alone. Quite the contrary. Even before I took office a little more than two months ago, I met with key stakeholders to discuss some of these ideas. My first proposal to create a Rikers Island Prosecution Bureau was developed only after discussions with numerous government officials and others. The problem with the current handling of Rikers' cases is that the cases are not being handled in the most efficient way possible. Evidence is not always being collected or documented properly. Arraignments are not being conducted promptly, and cases are sometimes being dismissed or lost as a result. This in turn promotes disrespect for the law and can embolden inmates who would assault other

1 inmates, corrections officers or civilian employees  
2 and thereby endanger everyone. By creating a Rikers  
3 Island Prosecution Bureau, I will have Assistant  
4 District Attorneys and other members of my staff  
5 working directly at a new office that we will  
6 establish on Rikers Island. The Bureau will be  
7 responsible for investigating and prosecuting  
8 inmates, civilians and corrupt officers and  
9 employees. Assistant District Attorneys in the  
10 Rikers Island Prosecution Bureau will be assigned  
11 cases for investigation and summary of arrest from  
12 the inception of each violent incident that occurs.  
13 Assistants will draft criminal complaints, interview  
14 witnesses, view video surveillance and other  
15 evidence, listen to Rikers Island telephone calls,  
16 review Department of Corrections paperwork and  
17 interview informants. They will also help train  
18 corrections officers in evidence collection. We  
19 believe that once the Bureau can generate and over--  
20 we believe that once established, the Bureau can  
21 generate overall cost savings to the City. If  
22 coupled with the creation of a court part on Rikers,  
23 our presence on Rikers Island will curtail or limit  
24 the need to produce defendants and witnesses multiple  
25

times to the Bronx Hall of Justice. Reducing the number of court appearances will save time and money. The Rikers Island Prosecution Bureau is critical to an overall strategy to combat and reduce violence and corruptions at Rikers Island. First, we believe that the Bronx District Attorney's Office presence on Rikers on the site at Rikers Island will have a direct and immediate impact on the level of violence and corruption at these facilities because it will send a strong message that the government is serious about prosecuting these incidents. Second, the placement of this Bureau on Rikers will enhance the quality of our criminal prosecution. Physical proximity to crime scenes, staff and inmates will give the office a much more effective platform to respond quickly if not immediately to incidents of violence at Rikers. Third, in cases involving the introduction of dangerous contraband into the facilities at Rikers, the presence of the Bureau at the facilities will be important because if ADA can respond to provide immediate support if search warrants or other investigative steps are required. In addition, if any misconduct, corruption or abuse was involved, the ADA can refer the case immediately



to the Public Integrity Bureau of our office.

Corrupt acts by criminals who wear the Department of Correction uniforms to smuggle drugs or weapons into a facility unjustifiably beat or sexually abuse prisoners and file false paperwork bring discredit and dishonor upon the many hardworking and decent Corrections Officers of Rikers Island, and will be prosecuted to the fullest extent of the law. Fourth, in all cases, the witness interviews can be conducted quickly and thoroughly in advance of all grand jury presentations and trials eliminating travel time and scheduling concerns for both inmates and corrections officers. This will cut down on overtime costs arising from multiple visits to the District Attorney's Office, for grand jury prep as well as trial prep. Finally, Rikers Island Prosecution Bureau will be in a unique position to cultivate intelligence while keeping paramount the need for safety and confidentiality of informants. Once the Rikers Unit is up and running we will need a courtroom out there which will save the city money in transporting these inmates back and forth for these cases. In the Bronx the courts only are able to arraign about five Rikers cases a day, and they do so

only four times a week, and that's due to the fact that prisoner cases cannot be mixed with NYPD arraignment cases. Since there were more than 1,100 cases last year, the need for a courtroom at Rikers is obvious and essential and I have engaged in productive discussions with the Office of Court Administration about this issue. My next proposal is designed to remedy a grave threat to the criminal justice system. It is simply unjust for someone to wait in jail three or four years for a trial. When a case gets old witnesses disappear, memories fade, detectives retire, evidence gets lost and many things can happen that do not favor the prosecution. Delay hurts both sides. Swift and short justice benefits everyone. For years the Bronx District Attorney's Office prosecuted most trial cases through a horizontal assembly line system where a different prosecutor will see a complainant witness at each state of the case. The victim would meet one prosecutor and the complainant, go through the story with a different prosecutor again a week or month later the grand jury and then meet yet another prosecutor to go through it all again, perhaps six months or a year or later for the trial. This

coupled with a backlog of cases led to a situation in which victims were seeing prosecutor after prosecutor and suffering delay after delay and losing interest in cases. That in turn led to situations in which defendants would be suffering long delays sometimes while incarcerated only to learn eventually that their cases would be dismissed for lack of cooperation by a victim. I propose a vertical prosecution system. There one prosecutor would deal with a complainant from the arrest of the defendant to the disposition or trial. The prosecutor will meet the victim in a complaint room, prepare the witness for the grand jury and get the case ready for trial and stick with it until the end. To accompany the Vertical Prosecution Program, I'm instituting a set of reforms in the Bronx District Attorney's Office to ensure trial readiness and the integrity of our prosecutions. First, I have created Gun Readiness Units to respond to the immediate threat posed to our community by firearms. Each Trial Bureau in our office has a Gun Readiness Unit that is responsible for bringing gun cases to trial. I created this unit around the same time that the Mayor announced the Fast Track Program in conjunction with

1                   NYPD, the courts, the Queens District Attorney's  
2                   Office, as well as other partners in government.  
3                   Although that program has not reached the Bronx, my  
4                   Gun Readiness Units already have 86 gun cases ready  
5                   for trial as we speak, and have nearly 100 others  
6                   ready as soon as the motion practice is done and in  
7                   some cases DNA testing is completed. Our Special  
8                   Investigations Unit will help with the retrieval and  
9                   prosecution of gun traffickers as well. I also have  
10                  developed an accountability program in my office to  
11                  which I and members of my Executive Staff are meeting  
12                  with Bureau Chiefs on a weekly basis to discuss trial  
13                  readiness. I also have formed a taskforce to  
14                  investigate the status of old cases on a weekly  
15                  basis. Through this program I am ensuring that my  
16                  assistants are maintaining trial readiness and  
17                  keeping up with their cases. Even more importantly I  
18                  am learning about any evidentiary problems in cases  
19                  so that I can take action when continued prosecution  
20                  is not appropriate or when issues arise short of  
21                  dismissal that require my attention or intervention  
22                  such as a disclosure to the defense in the sake of  
23                  fairness whether that disclosure is required or not.  
24                  I am also proposing and will create a Conviction  
25

Integrity Unit. My office will consider any new evidence that emerges in a case to determine whether a conviction should be vacated. The office cannot rely solely on the good faith efforts of its prosecutors, so I am committed to establishing a formal mechanism to protect against wrongful conviction. That is why I seek funding to build a Conviction Integrity Unit, both to advance my commitment to conviction integrity and also to bolster public confidence in the fairness and integrity of prosecutions. We will pursue credible requests for case reviews regardless of their origin. We are committed to working with the innocence organizations such as the Innocence Project, the Exoneration Initiatives and others. Although it is critical to address concerns about past prosecution, the main goal of the Conviction Integrity Unit is to reduce the risk of wrongful convictions before the cases go to trial in the first place. We will accomplish this by applying the lessons learned from the case reviews to the issues posed by perspective prosecution. The Conviction Integrity Unit is tasked with developing consistent policies and best practices that will push such required safeguards in

place. There are other specific proposals in the written budget request about which I can answer questions, but there are several that I would like to mention here specifically. I would like to talk briefly about our proposal to hire domestic violence ADA to staff an area in the vicinity of the Family Justice Center and supply them with work stations tied to our main complaint room. The first few hours can be critical in dealing with domestic violence victims. The question for that person may be, "Do I cooperate with law enforcement?" And the answer to that question sometimes can be life or death. That person will be in crisis and may need services immediately or he or she may need to know what to do with the kids, where to go, where to sleep and what to do. Instead of having DV victims go to the regular complaint room located in the Criminal Courts Building where police officers are all over the place and defendants are milling in and out of the building, we will direct them instead to the Family Justice Center where there is access to plenty of social services and domestic violence ADA's will prepare complaints in one step while allowing the complainant to obtain whatever services are

necessary. Another important proposal I would like to address here is our Immigrant Affairs Unit. We have 15 percent of New York City's immigrant population on the Bronx, and immigrants are 35 percent of the total population of our county. Language barriers and citizenship status can leave some of our residents vulnerable to those who would exploit them and a language barrier or concern about citizenship status can also leave someone fearful about seeking help. My Immigrant Affairs Unit will assist members of our community to obtain justice and appropriate referrals to legitimate immigration service providers. We will investigate and prosecute all financial fraud complaints that target and exploit immigrants. We will aid documented and undocumented immigrant victims through enhanced community outreach and education. The unit receives referrals from our help line, our website and from our partnership with the Protecting Immigrant New Yorkers Taskforce. One final matter that deserves attention and that concerns the question of space. The lack of space is a crucial issue with our office. We have submitted a reanalysis of our needs at OMB's request. There are local spaces that may be

appropriate for our space needs including several vacant floors in a nearby building once occupied by HRA and in the Bronx Hall of Justice. Again, Councilwoman Gibson, I'd like to thank you and the Council for the opportunity to address you today. It is my firm hope and expectation that when I address you next year that I will be able to tell you that we have been successful. We will measure our success through shorter overall arraignment to disposition times, shorter periods of incarceration for defendants awaiting trial, a reduction in violence and corruption on Rikers Island, fewer adjournments due to lack of preparedness, and a reduction of case backlogs. I thank you very much for giving me this time.

CHAIRPERSON GIBSON: Thank you very much, DA Clark, and now we'll have our Staten Island District Attorney Michael McMahon. Welcome and thank you for being here.

MICHAEL MCMAHON: Thank you, Chairwoman Gibson. It's an honor and a privilege for me to appear before the City Council today. I thank you. I thank Minority Leader Matteo, Council Members Greenfield, Lancman, Gentile, Cornegy, and the others



who have been here in and out of this Committee.

It's especially a privilege and honor for me to be

here as a former City Council Member. I'm really

excited and filled with nostalgia for the great years

that I spent here and being part of this very

important and noble budget process, and I want to

thank all of you and also my former colleagues

Berelli [sp?] and Debbie Rose from Staten Island who

every day do great yeoman's work and yeowoman's [sic]

work on behalf of the people of the City of New York.

As you also know, I've had the privilege and honor of

being District Attorney of Richmond County last

November, and when I decided to run for District

Attorney I was moved by the very serious issues

facing my hometown and the ability to make a direct

impact on those issues in the lives of Staten

Islanders each and every day. Throughout the

transition from post-election and in my first couple

of months in office I have found this to be

especially true given the current serious and grave

state of affairs on Staten Island. I want to thank

my colleagues, the great Prosecutors of the City of

New York who sit here with me today, and as we were

both elected they reached out to us right away and

1 offered their help to us, and they are great leaders,  
2 and I remember sitting on that side asking them  
3 questions as well. And it's no surprise that we all  
4 come here today to talk about our budgets and how we  
5 need your help to better serve the criminal justice  
6 needs of the people in our different boroughs. Hi,  
7 Councilman Treyger, how are you? And but what I'd  
8 like to do before I go into the specific needs of  
9 Staten Island is to make two points I think that puts  
10 into context how the needs and the requests that we  
11 make on behalf of Staten Island this year is a little  
12 different than the requests you receive normally.  
13 And first and foremost is how Staten Island has  
14 changed. Staten Island is no longer a bucolic hamlet  
15 within the City of New York. The common perception  
16 throughout New York City has been for many years that  
17 Staten Island is unique until itself, removed from  
18 big city problems and the crime facing the other  
19 large boroughs. We are often portrayed as a suburb  
20 and a hamlet away from the dangers of the inner city.  
21 Today, however, that idea of Staten Island is indeed  
22 a misconception and no longer relevant or realistic.  
23 Although the city's smallest borough, Staten Island  
24 faces very serious and complex challenges in the  
25

criminal justice area. For example, stated simply Madam Chairwoman and members of the City Council, our children are dying. Staten Island leads the city in deaths from heroin and prescription drug overdoses. In fact, we are considered by most experts to be an epicenter of this national crisis. Staten Island's domestic violence rate is increasing faster than any other borough in the city. Our children are being beaten and killed. According to DCJS, from 2009 to 2014, Staten Island reported an astounding 64 percent increase in domestic violence victims. By and far the most of any other borough. In 2015 there was 16 total murders on Staten Island. In the first eight weeks of this year 2016 there have already been eight murders, six of which were domestic violence related. Third, violent crimes are on the rise and according to DCJS since 2010 there has been a 14.8 percent increase in total violent crime in our borough of Staten Island. This is the highest increase of any borough in the City. Looking back on my first seven weeks in office, the depth of the horrific and tragic cases which have occurred on Staten Island proves this point more than any statistic ever could. Let me share with you just some of the cases that have

occurred in the last two weeks. On February 10<sup>th</sup>, 2016 inside the Ramada Inn, Rebecca Cutler was fatally stabbed 40 times about her body. Her daughters Xiana [sp?] Cutler, age one, and Malia Sikes [sp?], age five months, were also stabbed nine times each resulting in their deaths. Cutler's third daughter Miracle, our little miracle, age two was stabbed approximately 11 times, but she's been hospitalized and survives in critical condition. Between February 19<sup>th</sup> and the 21<sup>st</sup>, little baby Anthony Delgado, age 16 months, was slammed face first onto the floor while he was strapped in a stroller, struck numerous times about the head and forced to walk for at least 36 to 48 hours with a pencil inserted into his rectum. This abuse and resulting injuries ultimately resulted in his death. On February 14<sup>th</sup>, Anthony Paretti [sp?], 43, of Bay Terrace was stabbed 22 times throughout his upper body following a dispute over finances in an industrial yard in the Arthur Hill [sic] section near Rossville. On February 19<sup>th</sup>, a 44-year-old woman was ambushed by a male stranger while leaving work. He told her had a gun and would shoot her and then proceeded to forcibly rape her in a high profile

stranger rape. Additionally, he took her jewelry, 18 dollars from her wallet and her cellphone before fleeing. On February 24<sup>th</sup>, the same day that my office announced the City's first ever overdose response initiative, a 26-year-old man died of an apparent drug overdose and days later an eight month pregnant woman also died from an apparent drug overdose. Her baby did not make it. Upsetting but unsurprisingly there have been five overdoses in the last two weeks, and those are the instances that we are aware of and are now investigating. Staten Island is no longer the quiet suburb it is portrayed to be in the past. We face all significant trials and tribulations of big city crime and indeed we are confronted by some of the most serious criminal justice challenges in the city each and every day. As a newly elected District Attorney I am proud to say that I have found the public servants the ADA's in the Richmond County Office to be some of the brightest and most dedicated in the country. I am honored to lead them on a daily basis. But unfortunately, years of underfunding have left our office unable to keep pace with the changing times and rising needs of crime in our borough, and I

regret to report to the City Council that is currently structured and operated the Richmond County DA's Office is woefully behind in staffing, technology and resources to meet the safety of our citizens. We are respectfully requesting therefore your assistance to address this critical issue and ask that you work with us to provide adequate and fair funding to our office which would allow us to modernize and transform the RCDA into a more efficient and crime effective fighting and crime prevention force for good. What is it that I'm talking about historic underfunding, because I know coming from Staten Island and coming here for years every New Yorker feels that and every representative feels that their borough and their district and their people and their offices need more, but the numbers don't lie about the historic underfunding and lack of parity that Staten Island has felt. Currently the Richmond County District Attorney's Office is given a budget from the City of 9.61 million dollars, just three percent of the overall criminal justice budget. This allocation is frankly unfair and disproportionately low compared to the other boroughs considering that Staten Island has six percent of the

1 City's population and just under four percent of its  
2 arrest rate. Please also bear in mind that the  
3 arrest rate or crime rate numbers do not account the  
4 number of drug overdose deaths in each borough where  
5 Staten Island leads the city per capita with far and  
6 away the most deaths as I said in many borough. So,  
7 if you look in the papers we've submitted and see it  
8 by population, by budget office, by ADA, by the  
9 criminal justice budget, crime rate or arrest in  
10 every case Staten Island is woefully underfunded.  
11 Tied to this underfunding the Richmond County  
12 District Attorney's Office has just 86 staff lines  
13 funded by the City, and with that just 45 attorneys.  
14 This shortage of staff prevents the office from  
15 having the necessary resources to fully engage our  
16 Narcotics Bureau to create a separate and dedicated  
17 Domestic Violence Bureau and from conducting many  
18 financial crime and elder abuse investigations, and  
19 the full throttle of narcotics, gang and gun  
20 investigations that we could and would like to  
21 undertake. It also prevents our participation in  
22 comprehensive community outreach, education and crime  
23 prevention initiatives through our Community  
24 Partnership Unit. We do not have a Community  
25

Partnership Unit, but we've seen these in the other boroughs and we know that it is a key to building bridges between law enforcement and the community.

In addition, this staff shortage precludes us from pursuing asset forfeiture which means that our office is not taking advantage of ways to supplement its funding. These are all efforts performed and funded in the other DA's office as they should be, and please understand, I'm not here to say that they deserve less. They need more, but Staten Island's historical situation is even more dramatic. All of these efforts performed and funded in the other DA's offices are services which if conducted on Staten Island would undoubtedly increase public safety. The people of Staten Island deserve and are entitled to a modern District Attorney's Office that works to both prosecute and prevent crime, and I implore the Mayor and the leadership of this City Council, all of you, to please work with our Staten Island delegation to rectify this problem and address this need in the 2017 budget. If you look at the budget categories that I spoke about, if you used arrest rates, the shortfall would be about three million. If you use crime rates, the short fall is about three million,



and if you use population rates, which is my favorite actually, the short fall is about eight and a half million dollars, but we'll--I'm happy to settle on crime rate or arrest rate as the category. And so we've submitted a budget proposal that will address Staten Island's criminal justice needs and increased funding that we speak to. To address these needs and the historic underfunding that has given rise to a disparity in service between our office and that offered by the other DA's offices we are requesting an increase of funding for Fiscal Year 2017 amounting in two million 856,000 in additional PS funding and 500,000 in increased OTPS, and a 250,000 dollar baseline to baseline task an alternative to incarceration program for addicted defendants. We believe this funding is crucial to our mission and the public safety of the people of Staten Island. Here in order of priority is how that funding would be effectively dispersed and used to improve our office. In order to tackle the heroin and prescription drug crisis, we believe that the people of Staten Island need and deserve a fully funded Special Narcotics Unit within our office. If you look at the chart that's submitted with our testimony, you

can see the rise in unintentional overdose deaths involving heroin by borough of residents in New York from 2000 and 2014, and the dark blue line or the top line is little Staten Island which has risen to the top over those last 14 years. But we believe this is a crisis than can be resolved, and with a full narcotics unit and a community advocate who can work with that unit to connect people with treatment, we believe that we can have an impact. As I said, we've just started and overdose reaction team that every time there's an overdose we would like--we are going with the Police Department to follow up with the families, but right now we do not have the victim advocate to do that. We'd also like to do that in the case of the Naloxone applications, but again, we do not have the team to do that. And so a total package that we've requested to take on the heroin crisis and the opioid prescription drug crisis on Staten Island is 790,000 dollars. As I mentioned, we have a Drug Treatment Court on Staten Island, and it's assisted by the Treatment Alternatives for Safer Communities Organization. They do not have a baseline budget every year, and we're asking you to baseline them for 250,000 dollars. And so the total

cost to tackle the heroin and prescription drug crisis on Staten Island is 1,040,000 dollars including the 250 to task. In area to serve the soaring number of domestic violence victims in vulnerable populations, as I said, the domestic violence rate is increasing faster than any other borough in the City with a 64 percent increase over the past four years. Now, all the other boroughs have enjoyed the existence of a Family Justice Center over the last many years. The bad news is Staten Island does not have one. The good news is it's slated to open within the next few months after the advocacy of many people to get it in place. We are informed that it will open this spring and we are anxiously awaiting the services and benefits to victims this collocated facility will bring, but projections indicate that the opening of the Family Justice Center and awareness that inevitably follows there will also be an even higher domestic violence caseload for our office. Currently in the Richmond County DA's office all domestic violence cases are handled by the Special Victims Bureau which also handles all cases of child abuse, sexual assault, sex trafficking, child pornography, other abuse and any

case where the victim and the defendant have an interfamilial qualifying relationship. The ADA's in this bureau have by far the highest caseloads in the office and due to the nature of their cases and the involvement of victims must dedicate more time to each case. In fact, the two ADA's who handle misdemeanor cases have close to 200 cases each. In recent years, we have also seen a dramatic increase in financial cases targeting the elderly which warrant additional resources which we do not have to go after these cases, and as a result of the aforementioned drug crisis plaguing Staten Island we have seen an increase in cases of thefts and assaults where family members are turning to the criminal justice system to intervene with their addicted family members. This enormous caseloads of the ADA's in the Special Victims Bureau necessitate the creation of a dedicated domestic violence unit and that is what we are proposing and asking you therefore for an allotment of 563,000 dollars to do that. We're also asking the ability to initiate an Elder Abuse Unit and are asking 70,000 dollars to do that, and so the total request for domestic violence is 633,000 dollars. As I also mentioned, we do not

1 have a Community Partnership Unit in order to build  
2 bridges into the community. We all have our own  
3 opinions about the case of Eric Garner, but what we  
4 do know is a terrible tragedy, a loss of life and one  
5 that extremely strained and brought tension to the  
6 relationship between the men and woman of law  
7 enforcement who bravely put on the uniform in the  
8 City of New York every day to keep us safe and those  
9 communities that they are sworn to serve and protect  
10 every day. I believe and I submit that if Staten  
11 Island's DA's Office had a Community Partnership Unit  
12 we would use it to build bridges into every community  
13 to not only reduce crime, to prosecute crime, but in  
14 the case that there is a high tension case that we  
15 are in better position to bring healing and  
16 understanding to the community, and so we request an  
17 allotment of 378,000 dollars to establish that unit.  
18 As I also mentioned, we'd like to establish an asset  
19 forfeiture and Financial Crimes Unit and we have a  
20 request for that as well. As my colleagues have  
21 mentioned, the City also faces gun violence crisis in  
22 the City of New York and Staten Island is not--is no  
23 exception there as well. As they've also mentioned  
24 it's quite clear that there's an interconnectivity  
25

1 between drugs and guns and gangs and one of the best  
2 ways to fight that is with the intelligence-driven  
3 prosecution that has been advocated so much by our  
4 colleagues from Manhattan that have a truly  
5 functioning Crime Strategies Unit that can identify  
6 the drivers in crime, to identify those on Staten  
7 Island who come to Staten Island to pick up a gun and  
8 to shoot it, and we do not have that in place right  
9 now. So we have a request there for 400,000 dollars  
10 as well. And that would allow us to better prosecute  
11 and be more effective. Now, there are some mundane  
12 requests we have as well. We do not have, believe  
13 it, in the year 2016 a case management system in  
14 place that allows me to answer questions like how  
15 many cases, how old are your cases, how many case  
16 felonies do you have in the Domestic Violence Unit,  
17 because each ADA manages their own caseload by hand  
18 with a pencil, if you will, or on a self-driven  
19 spreadsheet. There's no case management system in  
20 place in the office which is very hard to believe,  
21 and so when people say, "Will you work with MOCJ, and  
22 will you work on these initiatives that people want  
23 to have in City of New York?" we really can't because  
24 I can't quickly pull up the numbers to tell you or to  
25

answer the questions that we need to have answered.

We are the only offices in the City of New York that

does not provide an annual report and probably we

couldn't right now. However, with your help, Madam

Chairwoman, and with the help of the City Council

we'll be able to implement a case management system,

and of course we have a request for that technology

as well. A few other requests are here, and I'm sure

that they'll go over closely, but let me just say in

conclusion that again it's an honor for me to be

here. It's an honor for me to sit at this table.

There's no place better in the world for people's

voices to be heard and for action to be taken in this

City Council. I speak to you now on quite a

different subject than I did in the past, but

throughout we've all been inspired by the words of

George Washington, which are etched on the building

over at 60 Center Street, "The true Administration of

Justice is the firmest pillar of good government."

And I believe that will all my heart, and I believe

that the people of Staten Island are entitled to the

true administration of justice and the overall

numbers that I speak to are not large. For us, they

are very large. They represent a very marked step

forward for the people of Staten Island, and I urge you to look favorably upon our request. Thank you.

CHAIRPERSON GIBSON: Thank you very much, DA McMahon, and now we'll have our Special Narcotics Prosecutor, Ms. Bridget Brennan. Thank you for being here. Welcome.

MICHAEL MCMAHON: Thank you very much. Excuse me. Good afternoon, everyone. Pardon me. Thank you for your support during the year. Our funding was increased last year. We received a generous baseline funding increase, which will go to support our anti-violence efforts, our anti-heroin efforts, and general support for the office, and since I have no specific additional requests for funding, my testimony will be brief. I see everybody lightening up with that. Big smiles. I do want to thank you very much for your leadership, for your collaboration and for your support. They're the hallmarks of this Chair, Chair Gibson, and the members of this committee, and I thank you very much for all of that. I'm going to talk to you very briefly on two of the threats that I think are very substantial right now. One is one that we've heard about, and I won't spend a lot of time on it,



because the other DA's have described it, and that is the threat of the violent street gangs. We're focusing on that. We're focusing on those violent street gangs that are also involved in narcotics trafficking, because what we have seen time and time again is a very close nexus between the drug trafficking and the violence. One of the things that we've noted in terms of the regional movement of drugs from New York City to outside the City is there is often a trafficking in guns coming back down, and there is often a trafficking in money that has been used to purchase guns, and that is one of the big threats that we face. Addressing gang violence has been a top law enforcement priority for this Administration and we have worked hand in hand with the NYPD in successful cases against violent gangs who are using drugs to finance their violent activity and the firepower they thrive on. We focused our prosecution efforts on identified individuals who drive violence in neighborhoods throughout the city, and we've racked up a 70 percent indictment rate on these targets, and we make sure that every one of those targets that we indict receives appropriate punishment, and they are supported by every resource

at our disposal. We've done all that, and we will continue to do all that, and will continue to make sure that they receive appropriate punishment, but I look forward to directing this same laser focus on heroin trafficking in our city. We are in the midst of an opioid epidemic in the number of accidental overdose deaths. Those accidental overdose deaths now exceed homicides in this city by about a two to one margin. In 2014 the last year for which we have reliable overdose statistics there were 797 overdose deaths, about 800 overdose deaths compared to 328 homicides in 2014 and 350 in 2015. Heroin accounts for more than 50 percent of those deaths and addictive pain killers about 30 percent, and as you have heard, the neighborhoods most affected are in Staten Island, but they're also in the South Bronx and East Harlem. The opioid epidemic is a cross-cutting epidemic and it affects every neighborhood in our city. Make no mistake about it, right now addiction is a top public safety issue and overdose is the leading cause of preventable death. Compare it to traffic accidents. In 2014, traffic deaths accounted for 269 deaths and 242 in 2015, and rightfully they are the focus of a major citywide

effort to reduce the number of traffic deaths, but as you can see, the number of overdose deaths exceeds the number of traffic deaths and homicides combined. We can and must do better. Law enforcement must be an equal partner with public health in the anti-drug efforts. Law enforcement's greatest contribution to this effort is reducing the supply of available narcotics drugs in the street, and I recommend to you that you take a look at my testimony. You will see we have been making huge strides in this direction. We again last year seized more heroin than we have ever seized before since we started recording our numbers and we had the largest single heroin seizure recorded by the DEA last year in New York City. But with all this we are still seeing overdose deaths continue, and we are seeing a pattern of heroin distribution in this city the likes of which we really haven't seen before. Heroin continues to flood into our city and narcotics traffickers have set up lethal factory-like operations to package millions of doses of heroin for distribution in our city, our state and our region, and just two days ago in my office working with the DEA and the Drug Enforcement Taskforce, raided two separate million

glassine [sp?] begging [sic] operations in the Bronx.

One was on Kruger Avenue and the other on Seilwin

[sp?] Avenue. One had already filled 20,000 packets

with heroin and in the other, the workers were in the

process of dumping about three pounds of heroin down

the toilet when the investigators raided the

operation. Intelligence around the city indicated

that immediately the price for heroin went up after

those two mills closed, and that's good news. To the

extent we can keep heroin supplies low, to the extent

it become more expensive, there will be fewer people

initiating their use and there will be fewer addicts

and ultimately fewer overdose deaths. We look

forward to working with the NYPD Narcotics Division

on their reorganization as an opportunity to assess

how we can more effectively collaborate to take

heroin and addictive pills off our street, how we can

tailor our efforts to address the individual problem

areas in the city and how we can develop more

creative approaches to this problem, and I also want

to alert the City Council to something that we have

noted and I've had continuing discussions with the

Health Department about this. We have seen

increasing amounts of Fentanyl in our city, Fentanyl

being marketed as heroin. Fentanyl is highly potent opioid synthetic opioid which is so potent that it can be absorbed through the skin. It is far more potent than heroin, and we have seen it being sold to people who are purporting to be heroin distributors. It is being sold as China White. It is being mixed in with heroin throughout the city. We've seized it mixed in with heroin in the Bronx and in Brooklyn, and we've also seen glycines [sic] which purport to be heroin but are filled with fentanyl. We've been conferring with the Health Department about this. They're aware of what we've been seeing. Unfortunately I think the medical examiner has not always had adequate funds to be able to assess whether an overdose death is due to heroin or fentanyl. And so we're working very closely to see if some of the uptick in overdose deaths might be due to fentanyl. But I'd like to remind the City Council and everybody here that there's no single knockout punch that is going to get rid of this epidemic. We can't bring in a cure-all drug or a magic treatment pill and erase the problem of addiction. It will be a long, slow, difficult journey with setbacks along the way. However, we have learned that the solution

requires close collaboration. It requires two equal components, public health and law enforcement, and with the Council's support I look forward to turning this around. Thank you very much.

CHAIRPERSON GIBSON: Thank you very much, Ms. Brennan, and thank you all for being here. Each of you has obviously given us a very, very detailed perspective of your office's needs, some of the challenges you face, and I think I can collectively say the bottom line is we all need more money, right? So I appreciate all of the information, the testimony that we have and certainly working in partnership over the next several months as we craft a budget for the City of New York. You have my commitment to make sure that we will continue to have conversations as well as making sure that the full Council really understands the needs of all of our prosecutors. So, I want to acknowledge the presence of several more colleagues that joined us, Council Member Ritchie Torres, Council Member David Greenfield, Council Member Chaim Deutsch, Council Member Ydanis Rodriguez was here, Council Member Rafael Espinal, and Council Member Margaret Chin was here also. So, I'm going to ask just several quick questions and then open it up

1 to my colleagues who will probably ask questions as  
2 well to all of you and to specific District Attorneys  
3 obviously. We are always fighting for our specific  
4 counties. So, I first want to start with DA Vance.  
5 There was an announcement over a week ago that  
6 related to summons and a new initiative your office  
7 joined with the NYPD, MOCJ as well as OCA to look at  
8 low-level nonviolent offenses like public consumption  
9 of alcohol, taking up two seats on a subway, other  
10 transit offenses, as well as open container. What  
11 I'd like to know is if you could discuss with the  
12 Committee the impact of this new arrest policy that's  
13 starting in the borough of Manhattan. If you could  
14 give us a little bit of insight into how long your  
15 office has been working with the relevant agencies on  
16 this, and then I'd like to hear from some of the  
17 District Attorney as it relates to your thoughts on  
18 this process of this new item to reduce summons and  
19 turn them to Summons Court instead of Criminal Court.  
20 Okay? Yes?

22 CY VANCE: Good afternoon and thank you.

23 CHAIRPERSON GIBSON: Oh, make sure your  
24 mic is on.

25 CY VANCE: Thank you, Chairwoman.

CHAIRPERSON GIBSON: Thank you.

CY VANCE: This is an area that we have been working on for well in excess of a year. I can't tell you exactly when it started, but it's some time ago, and we've been working with the PD really even under the prior administration of Commissioner Kelly on working with the PD to for example come in line with not charging marijuana offenses as crimes at low-level amounts. Finally, after I spoke in Albany on that five years ago, but finally the NYPD came around on that issue, and on this question of summons practices, and again, it was a several year process. Let me describe what the prior practice was, Madam Chairwoman, and what the new practice will be with the NYPD, two principle areas. Under prior practice, police officers did not have options when they were dealing with individuals who were--who the police officers saw committed a low-level violation and had an outstanding warrant, whether it was a violation warrant or others. In that circumstance, the old role was that if this individual was observed by the police officers committing a violation and the kinds of violations we're talking here are begging in the subway, drinking alcohol in public, occupying



multiple seats from the transit facility, feet on the seats, riding or passing between cars, drinking alcohol in the MTA facility. These cases actually added up to around 10,000 instances a year, and those instances where there was a prior--where there was a warrant, the police officers were obligated to arrest the individual and that individual would then have to be processed through the Criminal Court system, taking 24 hours or more to get into the arraignment court. The District Attorney's Office would have to review and draft criminal complaints and the police officers would have to dedicate their resources and their time because they were obligated by practice to make these arrests. Secondly, if the individual was observed by the police officer in committing one of these violations and that individual could not product identification, that individual would also have to be arrested, and that process again was precipitated a devotion of police resources, court resources, District Attorney resources. That was what happened before Monday and this is the program going forward, Madam Chairwoman. The police officer when confronted with an individual who has committed a violation and the officer determines that that

1 individuals has another--has an open warrant for a  
2 summons let's say. What the police officer can do is  
3 the police officer will write a summons for the  
4 offense that the police officer observed, but rather  
5 than arresting the individual and processing the  
6 individual through 24 hours or more of court time,  
7 the police officer will take the individuals down to  
8 the Criminal Court to the Arraignment Judge in an  
9 expedited fashion, and the judge in that way will be  
10 able to have the old warrant in front of him or her  
11 as well as the new summons and be able to adjudicate  
12 those minor cases right there on the spot, and that  
13 will enable the judge to determine whatever penalty  
14 is appropriate, but it is--one of the things that is  
15 important to me and I think important probably to  
16 everybody is that we use our criminal justice  
17 services and resources wisely, and respectfully it  
18 was my opinion that police officers arresting  
19 individuals for these outstanding summons warrants  
20 and having them processed through central booking was  
21 not an appropriate dedication of time for my  
22 assistants. The Commissioner obviously agreed from  
23 the police perspective. The Office of Court  
24 Administration agreed from the court perspective.  
25

1 So, that is difference number one. Difference number  
2 two is if the police officer observes and individual  
3 committing a violation and does not--is not able to  
4 access or get on the spot identification of who the  
5 person is, the police officers now have the  
6 discretion to make every effort to try to identify  
7 the individual rather than simply making the arrest,  
8 and if by reaching out to the parents or other family  
9 members that individual can be identified, then the  
10 police officer will have the ability simply to write  
11 a summons and have that summons be returnable on a  
12 going--a date in the future. So, Madam Chairwoman,  
13 that's the--that is the--there are some variations  
14 which I'd be happy to go through and speak with you  
15 about if the person has a misdemeanor warrant or a  
16 felony warrant or an out of city warrant, the bottom  
17 line is focusing on about 10,000 cases a year, we  
18 believe we will be able to better utilize police  
19 prosecution and court resources to treat the  
20 individuals who are--who have been committed--who  
21 committed the violation more fairly and to avoid in  
22 those instances being arrested and processed through  
23 the Criminal Court system and the hours sometimes up  
24  
25

to 24 hours that will take, and that's the gist of it.

CHAIRPERSON GIBSON: Right. Right. So, I thank you for that explanation, and yes, I would certainly love to talk and meet with you on a more intimate basis to talk more detail. In concept and theory, I think many of us at the City Council support the idea of individuals who are accused of low-level nonviolent offenses simply not being arrested and thrown in jail, reducing the court burden on Criminal Court and looking at alternatives and providing still the accountability and the fact that there is a penalty and punishment for a certain level of crime. I guess my concern is is that I'm not sure of the detail of a lot of the conversations as well as the involvement and inclusion of other District Attorneys that probably want to have this in their boroughs as well, but what I struggle with is this is a pilot that we are starting in the borough of Manhattan, and residents in my borough are asking me is it a separate system that we are setting up that says behavior in one borough is accepted as in going to another court as compared to other boroughs and why not my borough. That's the number one

question I get, and what I'd also like to know is average 10,000 cases that are now going to summons court. We talk until we're blue in the face around the challenges faced in Summons Court. MOCJ is doing a lot of revised work around addressing summons. So what I'm not sure of is the extent of the evaluation itself, how we're going to realize savings, the burden on Summons Court to absorb more cases, and what OCA's response is to having a potential 10,000 more cases in Summons Court.

CY VANCE: Chairwoman, the additional burden on the Summons Court with these cases, I think that these cases were--the fundamental saving affected here is in less incarceration time, less police time, less prosecution time.

CHAIRPERSON GIBSON: Right.

CY VANCE: Ten thousand cases, it's really--it is--it's actually that those cases would be more likely to be resolved now at the arraignment part in Manhattan for example--

CHAIRPERSON GIBSON: [interposing] Right.

CY VANCE: as opposed to then being adjourned into a summons part. When the police officer involved in witness infraction learned that

the individual had a summons warrant, they would now go straight to Manhattan arraignment part, and that case could be adjudicated there in front of that judge. So, yes, I'm sure there are going to be summons cases, more summons cases that ultimately do end up in the summons part, but the goal of this is to try to focus on resolution of these cases without having to adjourn them to the summons part, but at the arraignment part.

CHAIRPERSON GIBSON: Okay.

CY VANCE: That's the goal in Manhattan.

CHAIRPERSON GIBSON: Okay.

CY VANCE: In terms of my other--my colleagues here, I will--each of us as law enforcement agency heads makes operational decisions that reflect our assessment of how to best utilize resources in our individual boroughs. DA Thompson a year ago or so made a very principle decision that he was going to handle marijuana cases in a way that he felt supported his view of fairness and use of resources. That was a policy which I think has worked. I think it's probably worked very well for Ken, but in my case, I wanted to wait until I had the Police Department on board on the issue of whether or

not to charge individuals because I felt that for Manhattan it was going to be better to have the police and the prosecutors working in concert. But in many ways and over--in many different areas we're all doing different things that reflect our budgets, our priorities, our neighborhoods, our constituents. This is one such thing. I have been for a long time a vocal advocate on trying to find better ways to handle low-level offenses than the traditional processing through the criminal justice system, and I think it will be something to be observed whether what we do with the NYPD in Manhattan will be good enough, as I hope it will be, such that other DA's may wish to do the same thing. But I don't think I should--obviously I can't require them to do it, and I also can't not do it because one of them doesn't want to do it if I believe in Manhattan this is the best use of my resources, operational resources. We are independently elected--

CHAIRPERSON GIBSON: Right, okay.

CY VANCE: and we have--and so that's what I think drives us.

CHAIRPERSON GIBSON: I appreciate that.  
What is--DA Thompson, I'll get to you, one second.

What's the evaluation period that you are going to look at working in concert with OCA to determine if the numbers are really going down as we want? Is there a time defined?

CY VANCE: I don't believe we have set a specific date, but in most of these areas we believe that if we have about a year's worth of data we'll have an understanding whether it's going in the direction we thought or not going in the direction we thought.

CHAIRPERSON GIBSON: Okay, thank you. DA Thompson, did you want to add about--you've been talking a lot about Summons Court and the reforms that are necessary. So you I remember talked about the decriminalizing low-level possession of marijuana in November a couple of years ago, and I do know that there were about a thousand cases that were brought to your office from the Police Department, none of which you prosecuted. So, what I'd like to know is stemming from that where do you see this summons conversation happening and what would you do as the DA of Brooklyn?

KEN THOMPSON: Well, I think it's first important to clarify what happened with the marijuana



policy that I created in 2014. It was different than the process that happened in Manhattan, and what I mean by that is CY is absolutely right. Each of us, we're independently elected. We have to do what's in the best interest of our borough. However, the other night it was March, but we got an October surprise, the rest of the DA's in the City. We learned about this important new policy shift by reading the press release. There was no advance notice to any of us about this. Now, this new policy also involves the subway system. The last time I checked, the subway system stretches from Coney Island all the way up to the Bronx, and so it's important for us to know something like this because we have been bombarded by questions about what's going to happen in our borough. Now with the marijuana policy, we drafted it in April. We sent it over the Police Commissioner in April, and we had discussions for months before we implemented it. The New York Times wrote a big story about it in April. So, everyone knew that this was coming to Brooklyn. So, I think that there's a distinction between what happened the other night and what happened back in 2014, and so we do have an obligation to do what's' in the best interest of our

borough, but we have one Police Department, and I don't understand why none of us knew about this before we read about it in the news. So, hers' the deal with the Summons Court. The problem with the Summons Court, and I've said this repeatedly, our Summons Court is broken. It issues warrants for the arrest of someone who does not come to court for any reason. Your mother could die the night before, and if you don't show up in court it doesn't matter, a warrant will be issued. Your child could be sick and you can't make it to court, it doesn't matter. A warrant will be issued. You could not get off from work without losing your job to attend court, it doesn't matter. A warrant will be issued. And so what I think we need to do is it's time for the City to take meaningful steps to correct this situation so that everyday New Yorkers are not facing unnecessary arrests because of the 1.1 million warrants, and what we need to do is we need to change the face of the summons now. There's no need to waste any more time. The face of the summons should state clearly that if you do not show up, a warrant will be issued for your arrest. We should also implement a notification system to let people know that they have an upcoming

1 court appearance before we issue a warrant to have  
2 them taken in handcuffs. We should also give people  
3 a range of options and not impose one date on them to  
4 show up in court, and if they don't a warrant is  
5 going to be issued for them, and we need to make sure  
6 that the summons on the face of it notes the race of  
7 the person who gets the ticket. And so when is this  
8 going to happen? The time for it to happen is now.

9  
10 DARCEL CLARK: Councilwoman, Gibson--

11 CHAIRPERSON GIBSON: [interposing] And I  
12 have a copy of the new C Summons that I got from  
13 MOCJ, so I'll share that with you, and including race  
14 and ethnicity, contact information, a description of  
15 the incident are priorities that we fought to get in  
16 this new form, and I know it's one major step, but  
17 there's a long road of progress that needs to be made  
18 with Summons Court. So, I'll make sure I share this  
19 with you.

20 DARCEL CLARK: Can I add something to  
21 that? I agree with DA Thompson that there's a time--  
22 time is now to reform the summons part. I guess I  
23 come from a different perspective having sat as a  
24 judge for 16 years in this city, 13 of which as a  
25 trial judge, and I served a lot of time in that

summons part. It's absolutely correct. We need to do something to reform it. As far as your question as to what happens in the other boroughs since this new initiative was announced in Manhattan, I could tell you that in the Bronx people weren't getting arrested for those types of offenses. They were getting summonses for that. So, we stopped that a long time ago in the Bronx. I think I guess it was something different. Perhaps people were still being arrested in Manhattan for that. I know in 1999 when I took the bench and I served in the summons part in Manhattan, those cases were coming in. When I sat in arraignments those people were getting online arrests, but that has not been the case in the Bronx for a very long time.

CY VANCE: Madam Chairwoman in--

CHAIRPERSON GIBSON: [interposing] Yes.

CY VANCE: following up on the Bronx DA's point, great idea, glad you did it. I didn't know about it.

DARCEL CLARK: It wasn't me.

CY VANCE: And I--

DARCEL CLARK: [interposing] I just been here two months.

CHAIRPERSON GIBSON: It's okay. You can take credit for it.

CY VANCE: And so I, you know, I just think it's safe to say that each of us in making policy decisions sometimes others of us are surprised by what's done. I, you know, I think that that--we worked openly with the PD, openly with the OCA, not hiding it from anybody, and so I feel we handled this operational initiative just like we should as agency head, and if others disagree, I regret that, but I hope that we'll find a way to perhaps move forward with better policies on handling summonses with warrants than we had in years past, and that's the goal I'm looking at.

CHAIRPERSON GIBSON: Okay. Judge Brown, did you want to--

RICHARD BROWN: [interposing] No.

KEN THOMPSON: I want to make it clear that we're not in no way suggesting that Cy did anything wrong. He did what's right for Manhattan, but we deal with--

CHAIRPERSON GIBSON: [interposing] Right.

KEN THOMPSON: city officials on criminal justice issues all the time. We have meetings. We

CHAIRPERSON GIBSON: Judge Brown?

CHAIRPERSON GIBSON: Yep, I have a copy  
of it, 1977, wow.

RICHARD BROWN: And as I say I have a copy of it.

CHAIRPERSON GIBSON: Okay, I have a copy of it. Thank you.

RICHARD BROWN: Things have not changed very much.

CHAIRPERSON GIBSON: Yes, that's unacceptable 30 years later.

DARCEL CLARK: Forty.

CHAIRPERSON GIBSON: Almost 40 years.

So, before I get to our Minority Leader I just want to say in terms of collaboration I certainly appreciate all of your remarks, and I will say, you know, the Council has a major role in a lot of the conversations around policy, and you know, we have this legislative package that was introduced by our Speaker, the Criminal Justice Reform Act of 2016, and it's looking at low-level nonviolent offenses, the five infractions, public urination, open container, violation of park rules, excessive noise and littering. I mean, and we're looking at adding a civil option because right now they're all criminal options, and you know, using our offices to allow them more discretion in handling these low-level

1 offenses. So, I think there are multiple  
2 conversations that are happening. You know, what I  
3 don't like is being, you know, feeling like I'm  
4 blindsided and I don't know what's going on, and so I  
5 appreciate the sentiments that all of you have  
6 raised, and I just offer my support to work with you  
7 on a lot of the conversations that are happening  
8 every day with the Police Department, with MOCJ.  
9 There's a lot of things that are percolating and we  
10 want to make sure as Council that we are involved in  
11 this because there are a lot of ideas that we could  
12 share and provide, and in certainly the legislative  
13 aspect of it, too, looking beyond this  
14 Administration, making sure we can put things in  
15 Local Law, all the great programs that are working,  
16 the diversion, the intervention programs that have  
17 been so successful. We like the idea of legislative  
18 priorities because for us it assures and reaffirms  
19 our commitment to making sure that there's a criminal  
20 justice system that is more fair, that is more just  
21 for all people, recognizing a lot of the brokenness  
22 we've had in the system, low-level offenses,  
23 targeting low income communities and people of color.  
24 young men and women of color every day are facing  
25



these infractions as we speak, and so we know we have a lot of work to do, but I want to make sure you understand that the City Council can and will be your partner in all the work that you do. Yes?

KEN THOMPSON: Chairwoman Gibson, in order for there to be fairness in Brooklyn, we need to have a Summons Court in Brooklyn. Why do the people of Brooklyn have to be forced to come to 346 Broadway to adjudicate their summonses?

CHAIRPERSON GIBSON: That is a question that I will be asking for MOCJ--

KEN THOMPSON: [interposing] The only borough--

CHAIRPERSON GIBSON: [interposing] this afternoon.

KEN THOMPSON: in the whole city, our people have to travel all the way to Manhattan.

CHAIRPERSON GIBSON: I agree. And we've talked about that. Well, let me get to our Minority Leader and also acknowledge we've been joined by Council Member Jumaane Williams, and now we'll have our Minority Leader Council Member Steve Matteo.

COUNCIL MEMBER MATTEO: Thank you, Madam Chair, and thank you all for being here. You know,

just a quick comment on the program. Well, obviously it's no surprise that I do not agree with the program. I do understand the talk of communication and we on both sides of the aisle can understand that communication is key on any, so you know, we're with you in terms of making sure that we have a better communication on both sides of the aisle, and that's coming from the Republican leader who is obviously against the program, but I respect your testimony. I just want to talk to our newly elected Staten Island District Attorney, welcome him back. He was in the Council for a very long time. Had a chance to work with him as a Chief of Staff for then Council Member Otto. So, District Attorney McMahon, welcome, and you laid out the problems that we have on Staten Island very succinctly, and I appreciate that, and to that point the borough delegation has already supported your request and we brought it to the attention of Madam Chair and the Speaker and how important it is. So, you know, while you explained the problems can you tell me, you know, how difficult--obviously we have domestic violence increased, drug problem, not having a Special Narcotics Unit, Domestic Violence Unit, and if we're

going to solve these huge problems on Staten Island, you know, how--we can't do this without the resources. SO, can you explain the specific handicaps that we're having right now and that fact that, you know, as much as this council has picking up the 250,000 for TAS [sic], the fact that it's not baseline I say it every year is absolutely the wrong message that TAS should without a doubt be baselined and the three million is much needed. So, if you could just expand on that, DA McMahon, I'd appreciate that.

MICHAEL MCMAHON: Sure, well I appreciate that very much, Mr. Leader. It's great to see you again, and as I said, it's great to be back here and see all my colleagues. But I think, you know, fundamentally to look at the historical context in which this has sort of happened in Staten Island, this problem, and again to--let me underscore it. I'm not trying to say I want to take resources from my colleagues. I'm just saying to add a little more into the budget for Staten Island. When I say a little bit more I talk of an overall number of three million dollars in context of a criminal justice budget of 300 plus million dollars, right? It's not

that much, but for us it would be a 30-plus percent increase, and it would be so critical. But where we fall short in the office now and the impact that is felt, if you will, if you talk about in the narcotics unit. Up until recently, those cases are all being handled in a unit that does Supreme Courts. So, a Supreme Court Unit that does all types of cases, gun cases, robbery cases, murder cases obviously, and as you know, as I said we've had eight compared to--in eight weeks compared to 16 all of last year, and you don't have the dedicated people who understand the issue as well as they should, and what you want to do in narcotics is you not only want to prosecute the dealers and cut off the supply as Special Prosecutor Brennan said, but we also want to develop strategies for prevention and we also want to help connect people into treatment, and so I submit that that takes a very specialized knowledge, a very specialized training, and to be focused on those cases and by being focused on those cases you could have a better result in prosecuting the criminals and fostering prevention and treatment. It also means that your caseloads are not so high within a unit that you don't have time to think for a minute and to

think long term goals and strategies because you're always scrambling putting out a fire here and putting a fire out there. It also means having a moment to develop the crime strategies and to work with the Investigations Unit and the crime strategies people to figure out who really are the drug dealers and who are the people that are trafficking the drugs to Staten Island. As you know, we started the Overdose Response Initiative which will allow us to go to families who have suffered an overdose death and try to get--capture the phone, capture the information that will allow us to prosecute and follow the chain of the drug dealing. That takes time. That means that ADA has to leave the office and go meet with the family. We need a community advocate because it's voluntary on the family's part. We need a community advocate to go with them to sort of bridge and, you know, to try to work with the family to understand what our goals are, and that takes time. And so you need the people in the unit to do that. The same is true with domestic violence cases and that Special Victims Unit that we have. If you have 200 misdemeanor cases you don't have time to think about the victims. You're thinking about the next day's

calendar and how to proceed on cases and how to organize your plea strategies, and so by having more people in that unit, to have victims' advocates in that unit, to have people who can deal better with the victims. Staten Island right now in the criminal part of the new court building just as an example of how bad things are in a way, you have a hallway where the folks from Safe Horizons, which by the way in my testimony I pointed out that they need a baseline as well, they do some victim support, but you have a hallway where the victims who are going to see Safe Horizons where the police officers who are waiting to be interviewed to fill out the complaints in the complaint room and defendants who are coming to pick up their property or pay restitution are all sitting in the same hallway, and we don't have victim advocates to sit out there to sort of protect the victims and take them away from that. It's chaos and it's mayhem, and when you have chaos and mayhem you're just dealing with the immediate urgent matter and not dealing with the longer term strategy, because ultimately I think our goal, my goal every day is to prosecute criminals, but also to prevent

crime, and you can't prevent crime when your prosecutors don't have time to think.

COUNCIL MEMBER MATTEO: Thank you, Mr. DA, and you know, the national spotlight is on Staten Island when it comes to drug problems, and you know, we obviously have a opioid problem, a drug problem, and I implore my colleagues to understand that, that we on Staten Island are doing everything we can, you know, on a bipartisan effort to stem the tide, but we can't do it without the resources, and you have our word from the borough delegation that we will make this priority. I implore my colleagues to join us and as part of a member of the budget negotiating team I will do as much as we can to get you the resources we need. So, I thank you for that and I thank you for your partnership, and there's just another point I want to make in terms of Narcan training. Senator Landza and Assemblyman Cusick and I we have Narcan training, free Narcan training that we go to the schools at night and we've had great participation, and I know your office has been a great partner in that. So, a two part question I would like to know. One, how many Narcan saves have we had in the last year, and what are we doing to those who OD, you

1 know, get live-saving Narcan, and then are we  
2 following up? What is the program sort of to help us  
3 get those people the help that they need in terms of,  
4 you know, they obviously had an OD, you know, and how  
5 are we following up and what can we do to help and  
6 prevent a future episode?

8 MICHAEL MCMAHON: Thanks, Councilman,  
9 that's an excellent question. So, the Narcan or the  
10 naloxone spray that is given to those who find  
11 themselves in the throes of an overdose can turn it  
12 around in matter of seconds and it saves lives. So,  
13 in the last year the NYPD, all the officers on Staten  
14 Island have begun to carry the Narcan spray and that  
15 was through the help of you in the Council, and I  
16 know Senator Lanza and my predecessor as the District  
17 Attorney as well, and since that has come into effect  
18 NYPD says there's been about 60 saves according to  
19 Chief Delatorre. So that means, by the way, that the  
20 numbers that we're looking at and this crisis we're  
21 talking about, there'd be 60 more deaths that would  
22 be there if it had not been for that Narcan. So, I  
23 know that everyone is trying to get it out more and  
24 trying to get the word out about it more. The young  
25 lady who overdosed, eight month pregnant young lady,



1 there was Narcan in the room next to her, you know,  
2 found near her body. So, just--it's there. It's  
3 getting out there. I don't know if she thought--I  
4 don't know. I just say it as something. I still find  
5 that case so incredible and such a sort of a  
6 benchmark for us all to understand how desperate  
7 people are when they are in addiction and how tragic  
8 this whole thing is. We just started the initiative  
9 to go to the families who have a loved one who dies  
10 from an overdose. We're in discussion with the NYPD  
11 to see how we can follow up on the Narcan, naloxone,  
12 applications as well. Again, it is a matter of  
13 resources. You know, the narcotics unit on Staten  
14 Island, the assigned detectives, the modules that we  
15 have are half of what they were four years ago. So,  
16 the NYPD has a man and woman power issue. The DA's  
17 office has a man and woman power issue, but we are  
18 trying to accomplish that, but I guarantee you that  
19 if we can get the staffing I will do everything I can  
20 to follow up not only on every overdose, but also  
21 every naloxone application to A., try to help the  
22 folks because there are repeat cases, by the way. I  
23 think the numbers are around 60, but there are about  
24 eight or nine repeats where people have to have it  
25

more than once. So, we would like to do outreach, and that's something that an advocate in our office could do very well because we would have the info. We'd have to deal with privacy issues, but we could make it happen, but we just need the people power to get it down.

COUNCIL MEMBER MATTEO: Thank you, DA McMahon and I appreciate your efforts in your early term, and you know, five OD's in the last two weeks I think says it all. So I implore you Madam Chair to sit with us, discuss this, and we need the resources on Staten Island. There's no question. It's a bipartisan effort, and I look forward to those discussions, and to the rest of the DA's, thank you all for being here and for your testimony.

CHAIRPERSON GIBSON: Thank you very much, and I'm happy to come to Staten Island to meet with you guys, absolutely.

MICHAEL MCMAHON: I very much appreciate it. We'd welcome you with open arms. Thank you, Madam Chairwoman.

CHAIRPERSON GIBSON: Thank you. Thank you very much. Thank you, Minority Leader Matteo. Next we'll have Council Member Rory Lancman.

COUNCIL MEMBER LANCMAN: Good afternoon everyone. It's great to have all of you here because you get an opportunity to see each of you, all the five District Attorneys, are independently elected officials. You have different visions, philosophies, agendas for how your office runs, and obviously each of you are making very, very important contributions to the City based on your view of what your jurisdiction needs, but there are going to be differences, obviously, but this issue of how we grapple with how low-level quality of life offenses are handled, I won't even concede the term prosecuted--are handled is something that really cries out for a unified city response, and the frustrations that some of the District Attorneys felt with the announcement related to the project, the pilot in Manhattan, is something that the City Council felt as well, and I think DA Thompson is correct--I don't want to put words into your mouth or get you in trouble, but identifying the culprit as it were. It's not the individual District Attorney's Office. This city has one elected Mayor, one Administration, and as we try to navigate through these difficult criminal justice issues with each of

you of course having your own discretion and independence it really would be helpful if we had an overarching guiding philosophy and approach rather than, you know, what we feel sometimes in the City Council is both piecemeal, and as I said when that plan was announced in some ways a little bit oversold not by your office, Mr. Vance, but by the City. There'll be another time when we talk about what the difference is between taking someone in directly to an arraignment or putting them through central booking. I don't know how one is an arrest and I don't know, one is just a ride, but we definitely need to look at how we are policing these low-level quality of life offenses. Two years ago, my committee had a hearing, is Broken Windows breaking our Summons Court? And to hear DA Thompson use almost that exact same language tells me that a lot of us are on the same page, but we need the Mayoral Administration, we need the Police Commissioner to really interact with the Council, with the District Attorney's offices in a unified way. That's my commercial on that. Let me focus a little bit in this first round of questioning, and I don't know if we'll get to a second round, on my own parochial

1 interest, and that is being an advocate for my  
2 borough and for the outstanding work that Judge Brown  
3 is doing and has done. Again, each of you have your  
4 own priorities. I know in Queens I remember meeting,  
5 I think it was last year with the Mayor's Office of  
6 Criminal Justice who will be testifying later about  
7 the very, very serious crisis that exists with the  
8 availability of space, how your office is spread all  
9 over Queens Boulevard and Kew Gardens there, the  
10 desire to potentially use the old Queens House of  
11 Detention as an office. While we have been  
12 successful at least it seems in getting the City to  
13 do a study of how best to accommodate your space  
14 needs, I do understand that you need a couple million  
15 dollars more in rent from the City and it sounds very  
16 mundane compared to the big cosmic stuff we're  
17 talking about, but you know, you got to pay the rent.  
18 So, could you just very briefly explain for the  
19 Council so everybody understands it the serious space  
20 constraints that you're living under and how the City  
21 isn't even giving you enough money to meet the band  
22 aids that have been put in place to try to deal with  
23 those problems?  
24  
25

RICHARD BROWN: Can you and I change places?

COUNCIL MEMBER LANCMAN: Be very careful Judge Brown. There are a lot of bloggers right behind you.

RICHARD BROWN: You hit the nail on the head. You know, in so many occasions I'm frustrated. When I dug out this memorandum I was supervising judges at Brooklyn Criminal Court in 1977 and I wrote about the summons part, and I said that number one, they should decriminalize the part, get rid of 346 Broadway except for Manhattan, and as a matter of fact I called for decriminalization of many of those offenses, and that's what you need [sic], the Administrative Tribunal to handle these cases, but you know, you deal with what you can possibly accomplish based upon the existing situation, and that's what we've been doing. And I'd like to think that we've got the confidence of constituents and the respect of our law enforcement colleagues, and we'll do what we have to do to work with the Council and work with all of our law enforcement partners in making certain that the people of Queens County gets justice. That's our goal at all times.

COUNCIL MEMBER LANCMAN: Being from Queens

I've had more of an opportunity to be exposed to the work of your office, to actually sit in some of the parts with Judge Serita and the Human Trafficking part and Judge Zaes [sp?] and, you know, how your assistants are trying to navigate the system in a way that's fair to people and the commitment to alternative justice is something that's very, very real. I know the bell rang. Do I have one more question, Madam Chairwoman, yeah? Okay, quickly. One of the other things that the Mayor announced with great fanfare, and I--many of the DA's were there and I had the opportunity to be there--was the Gun Court Pilot Program that I think is in Brooklyn. Maybe it's in Manhattan. I don't think it's come to Queens yet, but it's more than just Gun Court, it's an anti-gun violence initiative, and I know you've expressed a concern that I think it's 850,000 dollars that the City is going to make available to your office potentially, but that it's not baselined, meaning it can't be relied on year-in, year-out. And just could you just describe for us the difficulty that your office has in planning and using that money in a

strategic way if you don't know that it's going to be available next year and the year after that?

RICHARD BROWN: Well, that basically is the problem. You can't go ahead and throw money at it this year and not know that you can have that money available to you baselined into the future. So we've been working with MOCJ having our conversations with them and hopefully we'll be able to resolve it, but without baselining I don't see how the problem really get itself going.

COUNCIL MEMBER LANCMAN: Alright, and we're not looking for your offices to do one-shots on this issue. We wanted you to have sustainable long-term programs and strategies.

RICHARD BROWN: That's correct.

COUNCIL MEMBER LANCMAN: Thank you very much.

CHAIRPERSON GIBSON: Thank you very much, Council Member Lancman. Next we'll have Council Member Vincent Gentile.

COUNCIL MEMBER GENTILE: Thank you, Madam Chair, and welcome to all our DA's, especially our new DA's. This is I think a first that before me I have a former employer and a former colleague sitting



1 at the table there. So, welcome. You know, we've  
2 heard a lot of testimony today, and I think in every  
3 paragraph of all the testimony, every paragraph there  
4 was some type of challenge that you were talking  
5 about that you're trying to meet, and it really  
6 strikes me in a very good way that every one of you  
7 has a very positive outlook on what can be done given  
8 the resources that you need, and it's just comforting  
9 to know that each of your cases you have a lot of  
10 challenges, and we thank you for taking on these in  
11 such a positive, positive way. So having said that  
12 and my time's limited so let me start with my home  
13 borough and DA Thompson. DA Thompson you mentioned  
14 in your testimony that the average arrest time to  
15 arraignment has now gone below 20 hours in Brooklyn,  
16 which is really a great accomplishment. What if any  
17 resources do you need to dedicate to get that even  
18 lower? Because I think you mentioned you want to  
19 even try to get that lower.

21 KEN THOMPSON: Well, we work very closely  
22 with the court system. We have strengthened our  
23 intake section, ECAP [sic], to make sure that when we  
24 get the first notice that someone is in custody on  
25 their way to central booking that we spring into

1 action. We're also working very closely with Judge  
2 Yavinsky in terms of a computerized tracking system  
3 of these cases to make sure people are not just  
4 languishing in central booking. So what we need, our  
5 primary need that I'm here to ask for is we need a  
6 warehouse to deal with all of the cases that we're  
7 tripping over in the office. We need our fair share.  
8 It is unacceptable that we have to go all the way to  
9 Queens to get our files from DORIS, and they can't  
10 even find them half the time. So, we are going to  
11 continue to drive down the arrest to arraignment time  
12 based on the resources and the determination that we  
13 have, but we need a warehouse as soon as possible in  
14 order to continue to do justice.

16 COUNCIL MEMBER GENTILE: Your office like  
17 every other office faces 30/30 [sic] time and  
18 certainly with judges and their caseloads, they don't  
19 want to hear that you don't have a file or you can't  
20 locate a file. I mean, that's not acceptable to a  
21 court. I know DA Clark, you would agree with that,  
22 right? So, I understand that need and it's a real  
23 need. It may not sound like a real need, but it  
24 really is. Have you considered or do you have any  
25 resources to digitize the files?

KEN THOMPSON: No, we don't really have a lot of money.

COUNCIL MEMBER GENTILE: Yeah, okay.

KEN THOMPSON: But what we do is we send people to Queens. We have like a SWAT team that runs to Queens to get the files, because DORIS can't give it to us. So we send our own people there to rummage through and get the files so we can comply with directives from judges who expect us to have those files.

COUNCIL MEMBER GENTILE: Right, right, okay. Let me move over because my time is running. Let me just move over to Staten Island, my neighboring borough, and certainly DA McMahon it's great to see you, and you know, I think I'm the last standing member of this body that has served with you when you were a City Councilman. So it's good to see you back. How do you feel being on that side of the table instead of--

MICHAEL MCMAHON: [interposing] Other than you just made me feel old, that it--I have a lot of respect for the City Council and I think it's an incredible body and a lot of work can be done and is done here. So, it feels great, and I just want to

point out for the record that Staten Island is not your neighboring borough, it's your adopted home.

COUNCIL MEMBER GENTILE: It is the adopted home, yes. I said I lived in Brooklyn, worked in Queens, and ran for office in Staten Island, so yes. So that's great, and it's good and we're all--you know, and I must say that you also represented us in Brooklyn when you were in the Congress, and so we're very, very proud of you and looking forward to working with you as the new DA.

MICHAEL MCMAHON: Thank you, Councilman, thank you very much.

COUNCIL MEMBER GENTILE: Let me just ask you a question. Your head count you said now is 45 Assistant DA's, right, and you have asked for an additional 2.9 million dollars in PS money to increase that. What would that allow you to do in terms of personnel?

MICHAEL MCMAHON: It would increase the ADA head count to just a little south of 60. So it would be somewhere I think between 12 and 14--

COUNCIL MEMBER GENTILE: [interposing]  
Additional--

MICHAEL MCMAHON: additional.

COUNCIL MEMBER GENTILE: ADA's. And--

MICHAEL MCMAHON: [interposing] And then also we have a Supreme Court Bureau that has eight ADA's, one paralegal and no secretary.

COUNCIL MEMBER GENTILE: Wow.

MICHAEL MCMAHON: So it would allow--you know, we need help in the support staff as well.

COUNCIL MEMBER GENTILE: Right, right. So, with the increase in caseload that you indicated in the burgeoning violent crime increase and domestic violence increase, everything, are you increasing, having increasing concerns about trial readiness and defendant detention times that you're facing?

MICHAEL MCMAHON: We are, but on two fronts. So, part of the problem is that--we have a couple of challenges we face. The Supervising Judge in Criminal Court now insists that we have two ADA's in the courtroom for any trial or hearing. So that's something that's a longer story, so I have to deal with that, and the problem we face also is as mentioned by my colleagues, we now have three Criminal Court Judges, but we only have the support staff, the court officers and the clerks to run two at a time. So although we just got the third

1 Criminal Court Judge, so although we're geared up to  
2 handle three parts at once and hopefully can have,  
3 you know, two trials going at once or a hearing trial  
4 and have an upfront part, the courts can't do that  
5 yet, and actually the same is true with Supreme Court  
6 criminal term. There are four judges but only two  
7 trial parts can run at a time because there's not  
8 enough court personnel to do it. So, it's going to  
9 be a challenge when they are up and running that we  
10 wouldn't have--right now we can cover with the way it  
11 is now, but if the court was running on all  
12 cylinders, we could not cover all the parts. So we  
13 would have a problem in being ready and trial  
14 readiness and problems with the 30/30 as you  
15 mentioned.

17 COUNCIL MEMBER GENTILE: And 180/80 [sic]

18 I guess.

19 MICHAEL MCMAHON: And 180/80. And we  
20 have an extra problem on Staten Island so that we  
21 only have the resources to have the Grand Jury in  
22 operation three days a week, and so we went into a  
23 situation like we had a four day court weekend  
24 recently, and you're looking at the 180/80 calendar  
25 and realizing you're making arrest I think it was on

1 Tuesday that had to be presented by Wednesday or we  
2 were going to lose it because of the holiday on  
3 Friday and the holiday on Monday. So, yeah, it's a  
4 big problem and it's, as I say, it's sort of  
5 organized chaos, but it's because we don't have the  
6 resources to do to function fully like we need to do  
7 for a community of 500,000 people with the crime  
8 rates we now have.  
9

10 COUNCIL MEMBER GENTILE: Madam Chair, I do  
11 have other questions, but I'll come back if you'll  
12 allow me that. You'll try, okay.

13 CHAIRPERSON GIBSON: I'll try. Thank you,  
14 Council Member Gentile. Next we'll have Council  
15 Member Chaim Deutsch.

16 COUNCIL MEMBER DEUTSCH: Thank you, Madam  
17 Chair. First of all, good afternoon everyone.  
18 Firstly I want to thank my District Attorney from  
19 Brooklyn, District Attorney Thompson for always being  
20 very accessible, having people out, and almost all  
21 the meetings that I go to people speaking different  
22 languages that fit my district, especially the very  
23 high population of Russian speakers, and I see  
24 representatives in almost all the meetings, and I  
25 want to thank you for that, and I wanted to touch

upon something that I have not mentioned, I have not heard maybe because I walked out to my other hearing, but identity theft and phone scams in particular that target senior citizens. So, seniors their whole lives they work sometimes double jobs, and then in one phone call they could lose everything, all their--the whole account, the whole bank account. So, there's a few issues here. Number one is that the subpoena on every precinct, every local precinct is inundated with cases and they don't have enough personnel to deal with identity theft and phone scans. So, and in addition to that, that when a subpoena is issued sometimes it takes months before you can get back. So the arrest rate becomes a lot lower because even if it's a simple easy cut case of someone that scams who is local, not from someone from a different state, but by the time the subpoena comes back, whether it's a bank that you need access to video footage, it could take months just to get that particular video footage. So, my question is, is that as a Council what can we do as a Council and what is the District Attorney's offices doing as a whole to see what we can do to advocate form our federal and state elected officials as well to make



sure that when a subpoena is issued we should get that access because we all know when it's a banking issue and banks make billions of dollars and this the loss for one individual is just minimum, and even overall millions of dollars in losses, basically it's a business loss for them and they take the loss. So, they take their sweet time. Many--sometimes the victim gets reimbursed from the banks, but there's many other scams, for example, the fake grandchild scam, or consumer scams or the IRS scam where you lose basically your whole livelihood, everything you saved up for your whole life. So what can we do and what are the District Attorneys doing as a whole to get to the bottom of this, because otherwise by working on these cases which is--which can be usually unsolved, it's a waste of manpower. So, at the end of the day we have to come up with some type of plan to make these things take less time with we could possibly make arrests on these identity thefts and phone scams opposed to just having someone in the office saying that we have someone or our local precincts working this, and I--you know, I don't know the numbers. I will find out next week from--when the Police Department is here to see how many arrests

1                                   they actually make of and out of how many cases they  
2                                   get, they receive. So, I also want to see an  
3                                   expansion for those cases in the District Attorney's  
4                                   office on these things because the local precincts  
5                                   don't have the personnel to deal with so many cases  
6                                   coming in. So, that's my question for five DA's and  
7                                   one prosecutor.

9                                   KEN THOMPSON: Well, let me just say  
10                                  this. In Brooklyn, Council Member, what we are doing  
11                                  to deal with this is to educate our seniors in a  
12                                  material way about these various scams. I also have a  
13                                  DA Action Center that's staffed with employees to  
14                                  take all types of calls so we can do investigations.  
15                                  I was in your district yesterday at a senior center  
16                                  where Russian was the predominant language to educate  
17                                  the seniors there to not fall for these IRS scams or  
18                                  when they are called and are told that the NYPD is  
19                                  seeking to raise money from them. So, we have a  
20                                  comprehensive approach in Brooklyn to protect our  
21                                  seniors from all types of con-artists, and we  
22                                  aggressively go after these scam artists. And so we  
23                                  deal with the banks when we issue subpoenas by  
24                                  badgering them to give us the information we need.  
25                                  But the more important thing is to try to prevent

people from becoming victims in the first place, and that's what we're doing in Brooklyn.

COUNCIL MEMBER DEUTSCH: Thank you. I really want to commend you, District Attorney. I have a piece of legislation co-sponsored by the Speaker and one of my colleagues, Rafael Espinal, that Consumer Affairs would be mandated to do outreach to people 60 and over as well as the caregivers on these phone scams because I agree with you 1000 percent on that.

CY VANCE: Council Member, if I can add on to District Attorney Thompson's response. First of all, I completely agree that prevention is the model that is probably going to help us most in fighting cybercrime and identity theft and particularly with various communities, but our laws as a state need to be updated. The definitions that we are required to use in our statutes under New York law are out of date. These statutes sometimes were written 30 years ago, and we are now dealing with digital information and movement of digital information that wasn't really even--didn't exist when many of these statutes were written. So, with you permission, I'll send you a report that the

District Attorney Association State of New York issued when I was his Chair about two years ago which lays out in this whole area, not just where we think the law needs to change in the areas of identity theft and cybercrime, but also the statutory language that we recommend being used, and my hope is that when you see it and you share it with other members of the Council, you'll understand that the voice of this City Council should be in Albany saying our citizens, our residents are getting killed on scams and identity theft and cybercrime, but the District Attorney's offices are often now--don't have the resources either monetarily or the laws to best protect the public.

COUNCIL MEMBER DEUTSCH: So I definitely would like to work with you on a resolution to the State and get our State Legislators to look into that and to see if they could change those statutes. Thank you.

CHAIRPERSON GIBSON: Thank you very much, Council Member Deutsch. Anyone else? Okay.

COUNCIL MEMBER DEUTSCH: Well, I think--

CHAIRPERSON GIBSON: DA Clark, yes?

DARCEL CLARK: Yeah, I wanted to--yes. In the Bronx we have a Director of Elder Abuse Services that works along with our Crime Victims Assistance Unit as well as our Community Affairs Unit, and we go out and educate the elders on the problems and the scams that are out there. They go to senior centers, community centers and alike to pass on that information. At the same time, in our borough, the detective borough, borough wide, the Chief of the detectives has developed something called kind of like a Sliver Alert where because the precinct squads are so inundated with these types of calls and scams that he has deployed them to my District Attorney Squad. We work in conjunction with the borough. So, my squad as more time to work on such cases because they don't have the case load that the detective squads have. So they are working on those cases as well in conjunction with the Crime Victims Assistance Unit and the Community Affairs.

MICHAEL MCMAHON: And if I could, Madam Chairwoman--

CHAIRPERSON GIBSON: [interposing] Sure.

MICHAEL MCMAHON: just to commend you, Councilman Deutsch, because it's a very important

question, and you know, not to sound a little bit like a broken record, but all the resources and teams that my colleagues mentioned, you know, the community advocate, someone to do financial crimes, unfortunately we don't have that in Staten Island, but police officers are getting inundated with these cases and they do refer them to us. So, I just want to tell you that it sounds like across the City this is a problem that's growing, and then the scam phone calls, everyone's gotten a call from the IRS, right? I'm sure you've gotten the calls in your office. We've gotten them too. So, I just want to, you know, sort of echo the fact that it is a very important issue and one that we look forward to looking to working with you on resolving.

CHAIRPERSON GIBSON: Thank you very much.

I do have two more colleagues that have additional questions, but I wanted to get to DA Vance on the asset forfeiture. First, to thank you. The incredible amount of investments that are coming to the city, 446 million dollars, a lot of it training and technology. The NYPD officers are now equipped with new smart phones and tablets. The Housing Authority is getting about 100 million dollars for

1 security enhancements. So, I appreciate your  
2 leadership in that, and I wanted to find out once the  
3 asset forfeiture dollars come to your office, are you  
4 involved with MOCJ and the other stakeholders as it  
5 relates to how the money is dispersed? Any  
6 regulations or requirements behind the money?  
7 Because while I know many of the funds, much of the  
8 funds are one-shots, it doesn't take care of  
9 operations in terms of cameras, but is your office  
10 still involved with MOCJ and the Housing Authority as  
11 it relates to a lot of the forfeiture dollars that  
12 are coming to those entities?

14 CY VANCE: Yes, we are. In the specific  
15 grants that you identified to the NYPD, to NYCHA, to  
16 the mental health initiative, we are--our agreements  
17 with the city agencies are such that we are in  
18 constant contact with them in making sure that we  
19 meet benchmarks that we both set for ourselves so  
20 that we make forward progress and that the money is--  
21 we're aware the money is being utilized and utilized  
22 well. We stay in close touch with the Comptroller's  
23 Office of the City and make sure that the funds that  
24 we maintain are kept in accounts that are invisible

to the City and transparent. I can't remember Council Member what else you asked.

CHAIRPERSON GIBSON: No, not just in terms of once the money is dispersed--

CY VANCE: [interposing] Oh, MOCJ.

CHAIRPERSON GIBSON: Oh, MOCJ as well.

CY VANCE: Yeah, I--we work very well with MOCJ, and the MOCJ Chief, Ms. Glazer, is very much working with us to align priorities for these forfeiture dollars in a joint way wherever we can. By joining I mean she taking the approach of the City.

CHAIRPERSON GIBSON: Right.

CY VANCE: And us finding ways that these dollars benefit not just our county but the City as a whole.

CHAIRPERSON GIBSON: Okay. And I also wanted to ask you, DA Thompson, about Clean Slate, about Begin Again. DA Clark, you talked about instituting it as well. I project we'll have a new name for the Bronx. DA McMahon, I believe your office talked about it as well. So, I wanted to find out--



MICHAEL MCMAHON: if I could just say  
Madam--

CHAIRPERSON GIBSON: Sure.

MICHAEL MCMAHON: Just dickering with my  
colleagues over the dates that OCA will give us. So,  
as soon as they give us a date, we'll do it.

CHAIRPERSON GIBSON: Oh, okay,  
absolutely, sure. I wanted to find out since your  
both your offices have already instituted the  
programs, DA Vance, you have one coming again on the  
Lower East Side, has your office and how monitors the  
actual savings that we realize? So, obviously we  
love these types of programs allowing individuals.  
I've sent some of my residents to your events as  
well. How do we recognize the savings in terms of  
court reduction and the reduced burden on the courts  
as well as cops doing more work around violent crime  
and violent individuals?

KEN THOMPSON: Well, we've just started  
this initiative. We've held about three Begin  
Against.

CHAIRPERSON GIBSON: Uh-hm.

KEN THOMPSON: So we're going to have to  
look at way to measure dollars that we save, but I

think, Councilwoman, it's important to look at how we are protecting our police officers by having these Begin Agains, because our police officers, when they approach someone who knows that they are--that they have a warrant may resist or flee. So, we should not want to put our police officers in unnecessary peril, first. Secondly, with the Begin Agains that we've held in Brooklyn, over 2,000 people have come from all over the City, and we vacated so many warrants, warrants for the arrest of people who engaged in littering, and I as the DA stand at each Begin Again from the day it--from the moment it starts until it's over and greet each person who comes to the Begin Again to thank them, because they are coming halfway and we're meeting them, because as I said, we have responsibility here because we have a broken summons court system, and when they go through the process and they come out and that burden is lifted off of their shoulder and they go come and they're telling family members that the DA's Office came to a church or a synagogue or a mosque and helped me, and now they can move on with their lives, I think that we can only have a stronger relationship between law enforcement and the community. So I agree how much

we save in dollars matters, but I also think that we have to look at the fact that we have 1.1 million open warrants.

CHAIRPERSON GIBSON: Right.

KEN THOMPSON: And so there's so many people who are living in fear and face the prospect of sudden and unecess--and without any notice being arrested, being put in handcuffs and taken to central booking and put in a cell with people who might have committed rapes or engaged in shootings on our streets. We deserve better in New York City.

CHAIRPERSON GIBSON: DA Vance?

CY VANCE: I'm not sure how we can define economic savings, but I'm interested to get your views on how we might measure that, but I--my view is that number one, these are individuals who are now probably more likely to seek employment because they're no longer scared about having an open warrant. So I'm sure that's a benefit, but I think the biggest benefit is to take people who may be on the margins because they have felt isolated and scared and to bring them back, to give them a measure of self-respect and confidence in their future, and

that's--I don't know what dollar price you put on that, but it may be priceless.

CHAIRPERSON GIBSON: Okay. Thank you very much. I appreciate it, and I agree. Sometimes when you save someone's life and you give them a second opportunity, a second chance at a future, that's not always defined by a dollar figure, but I do recognize that with an overburdened Criminal Court system, an overburdened Summons Court system recognizing that we have to reduce those cases, absolutely there are ways we can measure that. Allowing officers to be protected further and allowing them to really go after the bad apples, the small population of repeat and violent offenders, recidivists, is also something that we're very supportive of. So, I appreciate all of your leadership in that and certainly working to have more of those Begin Again, Clean Slate, Safe Surrender, the original name when we had them originally, just to continue to have that. Let me get to Council Member Gentile and then Council Member Lancman.

COUNCIL MEMBER GENTILE: Thank you again, Madam Chair. Let me just continue with the Queens District Attorney, because I just had a question

about the perineal space problem that you have, and certainly I think maybe it's about time we start taking over some of the airports for you if nothing else works, right? I was curious, and I don't know maybe in your remarks, I don't recall, whether or not the vacant Queens House of Detention is still something that you're looking at?

RICHARD BROWN: It certainly is part of that which I'd like to leave as my legacy. Every night when I go home from the office there are about two dozen cars, and that's the whole operation, is there in the building. We have about nine or ten floors that are totally unused. It's been that way since 2002.

COUNCIL MEMBER GENTILE: Since 2002?

RICHARD BROWN: Yeah.

COUNCIL MEMBER GENTILE: And so--

RICHARD BROWN: [interposing] Virtually, yeah. As a matter of fact, this morning when we left to come here, they were bringing in the trucks to do apparently the television movie operation.

COUNCIL MEMBER GENTILE: Oh, at--

RICHARD BROWN: [interposing] That's what the building is being used for.

COUNCIL MEMBER GENTILE: And that's what they're doing--

RICHARD BROWN: [interposing] Yeah.

COUNCIL MEMBER GENTILE: this morning? That's great when you need the space. Well, certainly, and that's still part of Department of Corrections that building?

RICHARD BROWN: That's correct.

COUNCIL MEMBER GENTILE: Okay.

RICHARD BROWN: But it's virtually vacant.

COUNCIL MEMBER GENTILE: Okay. And again, I think that's something that all of us should be working hard to see happen and realized, because that's valuable space that you can certainly use. So, we'll be in your corner on that one again this year.

RICHARD BROWN: Particularly since I have some forfeiture funds that are available to be used for that purpose.

COUNCIL MEMBER GENTILE: Okay, so you do have forfeiture funds for that, okay.

RICHARD BROWN: Yeah.

COUNCIL MEMBER GENTILE: That's good to know, great. Okay.

RICHARD BROWN: And you know where, I mean, having spent the time as an assistant in Queens--

COUNCIL MEMBER GENTILE: [interposing]  
Yes.

RICHARD BROWN: you know where the buildings is?

COUNCIL MEMBER GENTILE: yes, I know exactly where the--

RICHARD BROWN: It abuts to my offices.

COUNCIL MEMBER GENTILE: And I know what it's like to deal with the space problems in Queens too. So, I think having sat in the Jamaica offices for many years, what that was like and that was an adventure. Every single day was an adventure. So, I appreciate that, but we'll talk some more about the forfeiture funds and what we can do with that, okay?

RICHARD BROWN: Yeah.

COUNCIL MEMBER GENTILE: I just want to ask DA McMahon again. Obviously you have a lot of Sandy victims on Staten Island and many of them have been targets of insurance fraud, and when I ask your predecessor about this last year, he didn't have any plans or any course of action to help those Sandy

victims who are really victims of insurance fraud when they file their claims. Can you comment on that and what you might be looking at?

MICHAEL MCMAHON: Sure. Again, it's an issue of resources, but one of the things that we have planned is to establish a construction fraud payroll and wage fraud unit similar to the model that's in Manhattan. We have one ADA who works on that a little bit and also does a thing called CARP, which is crimes against revenue, and but his time is limited because he's paid for with a grant, but we are trying to expand that. We are in discussions with the Department of Investigations to see if we can partner with them to go after some of these cases. We've also spoken with the State Inspector General. So I'm actually looking for partners to help us go after some of those Sandy cases until and if we can establish within our office our own expertise to do these cases as well. Right now something like that again would fall into the Supreme Court Bureau, and so ADA's who are preparing murder cases are also being asked to investigate cases like that which, you know, require long term investigation, a lot of records, subpoenas and the



COUNCIL MEMBER GENTILE: Well, that's good news for the Sandy victims on Staten Island, that's for sure. Let me just finish up by saying that I think your idea for Community Partnership Unit is extremely important, and I think this council should really make that part of its--of this budget--

COUNCIL MEMBER GENTILE: Say it again, right? Because I really do think, I think that the reaction to the Eric Garner situation would have been a lot different had there been a Community Partnership Unit in effect at that time.

MICHAEL MCMAHON: No, thank you very much, and it's true for establishing--to building bridges, right, which is part of the mission that we have to emulate what my colleagues are doing and that's very important, and then in specific areas as well. If you think about the drugs, if you think about the domestic violence, all those things are

needed and we need to communicate better with the public whom we swear to protect.

COUNCIL MEMBER GENTILE: Good work. Thank you, Madam Chair.

CHAIRPERSON GIBSON: Thank you very much. Council Member Lancman?

COUNCIL MEMBER LANCMAN: Yeah, I mean, I want to thank Councilman Gentile for reminding us again of the absurdity of having the Queens House of Detention sit there almost completely unused, literally adjacent to the District Attorney's conference room. Judge, I don't know if you use the line today, if I didn't hear it, but it's a good one. You know, you can break through the wall of the Queens House of Detention and find themselves right in your conference room there, and the fact that that is still, that building is still standing virtually unused is a monument to short sidedness here in the City of New York, and now, you know, other people are coming up with potentially more grandiose ideas about how to use that building when the answer is sitting there right in our face. I just didn't want to let also the afternoon pass without thanking Judge Clark. I'm thanking you, pay attention. Thanking Judge

Clark for following through on the Rikers reforms that we had talked about.

DARCEL CLARK: Yes.

COUNCIL MEMBER LANCMAN: Council Member Gibson and Crowley--

DARCEL CLARK: [interposing] Yes.

COUNCIL MEMBER LANCMAN: and I had met with you when you were running. So impressed with your knowledge of the criminal justice system and your commitment to reform you are delivering, and that means a lot and we really appreciate it.

DARCEL CLARK: Thank you. All I need is the money now.

[laughter]

COUNCIL MEMBER LANCMAN: Your first hearing and you're already a pro, congratulations.

CHAIRPERSON GIBSON: Well, that's a great way to close the panel. All we need is the money. Thank you all. Just as we just wrap up, I certainly first, I said to my staff, I need three hours with the prosecutors because you just do such an array of work and it's really necessary for us to understand, and you know, the reason why we are here this afternoon is to hear from each of you about your

office's needs, some of the challenges you face with storage and office space, a lack of Criminal Court space, and courtroom staff, and it's important for us as we have conversations within the Council. So, I want to thank each and every one of you for being here and certainly your partnership, your commitment is important. I too want to join my colleague DA Clark in recognizing you and your leadership coming into office. I know you mentioned to us that you've been in office for several weeks now and you have felt every single day because you have really not just introduce yourself to the residents as our District Attorney, but you have made it a point to attend Community Board meetings, precinct council meetings, your community engagement unit. We really appreciate it. Obviously, the long term conversation around Rikers Island is a profound one, but for the day to day operations of Rikers Island, reducing the violence on the island and really having a dedicated unit on the island is important, and I'm thankful that you recognize that, and in your testimony looking at all of the different options, the Conviction Integrity Unit, the vertical integration and prosecution, Rikers Island dealing with Immigrant

Affairs, which I'm very happy about, the Domestic Violence Unit. There's a lot of things that I know that you are embarking on, and we appreciate your presence here today. You may be new to us as a DA, but certainly you're not new to this political game, and so I appreciate your support, and DA McMahon, thank you very much. Sadly, the Bronx and Staten Island share an unfortunate distinction of having the highest number of cases of prescription drug use and abuse and overdoses, and what I didn't realize until Ms. Brennan brought it to my attention was that there are more deaths based on overdoses than there are to gun violence, and for me that's a real statement that I didn't realize. And so I pledge to work with you, both of our boroughs working together on a lot of innovative ideas around how we can reduce prescription drug use and abuse. I'm very proud to be a part of the taskforce that was formed on opioid use and making sure that we can really look at greater efforts at collaboration. DA Thompson, thank you very much for the work you're doing. I appreciate it with Fast Track, with the expansion of your Crime Strategies Unit, the Conviction Integrity Unit, and all of the cases that you have successfully been able

1 to get. Eighteen individuals who now have a second  
2 chance is very profound, and I appreciate the work  
3 you're doing as well as with Project Redirect and  
4 Begin Again and all of the other efforts, and the  
5 urgent, urgent need for space. I hear you. I hear  
6 all of you. So, thank you very much, DA Thompson and  
7 DA Vance, thank you for your support and the work  
8 you're doing with Clean Slate with the Crime  
9 Strategies Unit, the asset forfeiture dollars that we  
10 benefit from as a city. I appreciate your leadership  
11 and working with you and your staff as well. DA  
12 Brown, thank you so much. I know Queens is starving  
13 for space. We've heard you loud and clear, and we  
14 are committed to working with you and your staff to  
15 make sure that we can address a lot of those issues.  
16 I also want to mention to Ms. Brennan the K2, the  
17 synthetic cannabinoid eruption that we had across the  
18 city, particularly in the Bronx. I want to thank you  
19 for your commitment and being a part of a lot of  
20 conversations that we've had around reducing the  
21 unfortunate usage of K2, Scooby Snacks and all the  
22 other names that it's associated with. For me, it  
23 matters. We're talking about residents. We're  
24 talking about lives, children and families that are  
25

1 impacts. So, I thank all of you for your work, and  
2 each of you has outlined your budget requests. I've  
3 memorized them just so you know so I know what each  
4 office is looking for and certainly am committed to  
5 working with you over the next several weeks so that  
6 we can get your offices, the staff, and the support  
7 and the money that you so desperately need. So,  
8 thank you once again for being here this afternoon.  
9 We look forward to working with you and your teams.  
10 Thank you very much.

12 [break]

13 CHAIRPERSON GIBSON: Good afternoon,  
14 ladies and gentleman, and welcome again to the  
15 Committee on Public Safety's Fiscal Year 2017  
16 Preliminary Budget Hearing. I am Council Member  
17 Vanessa Gibson, Chair of the Committee on Public  
18 Safety. Earlier this afternoon we heard from the  
19 District Attorneys and our Special Narcotics  
20 Prosecutor, and now we will hear from the Civilian  
21 Complaint Review Board followed by the Mayor's Office  
22 of Criminal Justice. Just as a reminder, when we  
23 conclude with the Mayor's Office of Criminal Justice  
24 we will hear from members of the public. If there is  
25 anyone here that would like to testify, please sign

up at the front to your right with our Sergeant at Arms so you will be called upon at the appropriate time. I'd also like to recognize that we have with us on the Committee. Council Member Rory Lancman is with us, and we may be joined by other members of the Public Safety Committee. The FY 2017 Preliminary Budget for the CCRB totals 16.5 million dollars which is an increase of 1.5 million dollars or less than 10 percent compared to adoption. The total headcount increases by six, which brings their budgeted headcount to 186. The Fiscal 2017 Preliminary Budget also includes three new needs, but does not reflect all of the CCRB's budget priorities. I hope to learn this afternoon about more of the new needs of CCRB and what other priorities the organization has that are not reflected in the Administration's plan. I'm very delighted that with us we have the Executive Director of the CCRB, Ms. Mina Malik is here as well as her staff who she will introduce, and for the sake of hearing want to have my staff administer the oath of office, but first I thank you for being patient. Sorry it took us a little longer than expected with our prosecutors, but we thank you for being here. Thank you for your patience, and we will begin with



the oath of office followed by your testimony. Thank you again, and welcome.

COMMITTEE COUNSEL: Do you affirm to tell the truth, the whole truth and nothing but the truth in your testimony before this committee and to respond honestly to Council Member questions?

MINA MALIK: I do.

COMMITTEE COUNSEL: Thank you.

CHAIRPERSON GIBSON: Thank you very much. You may begin. Thank you.

MINA MALIK: Thank you. Chair Gibson, Members of the Public Safety Committee, my name is Mina Malik and I am the Executive Director of the Civilian Complaint Review Board. With me are members of my Executive Senior Staff. To my right is Jonathan Darche, Chief Prosecutor, as well as Brian Connell, Deputy Executive Director of Administration. To my left is Thomas Kim, Chief of Investigations, as well as Doctor Robia Charles who is the Deputy Executive Director of Policy and Strategic Initiatives. I want to thank the Council as well as Chair Gibson for having us here today and for my testimony. In my testimony I will describe our mandate, our fiscal situation after the Preliminary

Budget and the significant historic accomplishments that the CCRB has made in only two years of the Administration and within the past year of my tenure as Executive Director. When I last appeared before the Committee and the Council in March of 2015 I had recently been appointed by the Board to transform an inefficient, mismanaged and dysfunctional agency that had not lived up to the reputation it deserved. I was charged with restructuring the agency programmatically and administratively in order that it effectively and justly serves the civilians and officers involved in complaints of police misconduct. It was a time when the CCRB was in flux and disarray and was undergoing a significant transformation that proved to be a pivotal juncture in the agency of this 20--in the history of this 23-year-old agency. I will also report on the agency's achievements since my appointment as Executive Director and since the last time I presented before you in the Council. We will be available to answer any questions you may have at the conclusion of my testimony. The mandate of the CCRB is to investigate, mediate, make findings, recommend disciplinary actions, and prosecute complaints of police misconduct made by members of

the public against sworn members of the New York City Police Department. Our jurisdiction covers allegations involving use of force, abuse of authority, discourtesy and use of offensive language. When the Board determines misconduct has occurred, it may recommend various levels of discipline, including instructions, formalized training, command discipline, or most seriously, suspension and termination. If the Board recommends charges, the CCRB's Administrative Prosecution headed by Chief Prosecutor Jonathan Darche prosecutes these cases before the NYPD Deputy Commissioner of Trials. For all other disciplinary recommendations, the Department Advocates Office handles the case. In all cases, the Police Commissioner makes the ultimate determination regarding discipline. As Chair Gibson indicated, for the upcoming Fiscal Year which begins in June of 2016, the CCRB has a preliminary budget of 16.5 million dollars, 13.2 million for personnel services and 3.4 million for other than personnel services. This total reflects an increase of 1.2 million dollars above this year's adopted 2016 budget. This additional funding was provided in this past January 2017 financial plan to support the

agency's initiatives which promote staff retention, achieve operational efficiencies through an expansion of our video capability and develop policy initiative through the use of new statistical software. Funding was also provided for additional prosecutors to allow the APU to keep pace with the increased rate at which cases are being processed and substantiated by the Investigations Division as well as to oversee certain cases in the Investigations Division from the outset and provide legal analysis on cases which may ultimately be prosecuted. During the first year of this Administration, the agency was granted 1.7 million dollars and we have used this funding to achieve many of the significant gains that I will outline later in my testimony. The additional 1.2 million dollars recently allocated will be used to expand on the progress we have made in the first year by providing even more efficient and more effective services to both officers and civilians alike. Despite the historic gains in efficiency and productivity that we have made, we have much more to achieve and accomplish. Our aim is to improve the performance of the agency even further and make it the premier model of the nation. The authorized

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headcount for Fiscal Year 2017 is 186 positions, 114 positions in Investigations, five positions in mediation, 24 positions in the APU, six positions in Policy, six positions in Outreach, three positions in Training, and 28 positions in Administration. This includes 19 new positions which the Administration funded during the past two budget cycles from Fiscal Year 2015 to the current Fiscal Year 2016, five positions for outreach, six positions for the APU, three positions for Training, two positions for Policy, and three positions for Administration. The agency had demonstrated that the additional funding in the first year of the Administration has vastly improved productivity and therefore was well worth the investment of city funds. We anticipate the same results for the funding recently added in the January 2017 plan. Funding for the policy unit has increased the unit staffing to six positions. This funding and the staffing has led to the development of more expansive and analytical reports such as our recently publicized and first substantive report of 2016 entitled, Crossing the Threshold, an Evaluation of Civilian Complaints of Improper Entries and Searches by the NYPD from January 2010 to October 2015. There

are several more reports forthcoming this year on various important issues related to police misconduct. The Policy Unit will publish more comprehensive semi-annual and annual reports as well as provide more detailed documentation of the agency's progress, such as the highlights in our monthly statistical report and our Executive Director's reports. These and other reports in proposed resolutions by the Board are based on the data used by the policy unit, and they are distributed and discussed at our monthly public Board meetings. These discussions also show that the agency has become more transparent than ever. Policy matters continue to be discussed publicly and are no longer reserved for the private executive sessions of the board. The Unit also introduced the use of new software, which has number one, helped track data internally on all CCRB squads and units for upper level management, number two, provided each investigative squad manager with a comprehensive dashboard to monitor progress, and three, allowed the creation of the new interactive complaints maps which is on our website. The unit has also embarked on an open data initiative to make CCRB data more

accessible to the public. Finally, other policy initiatives include the development of an automated internal performance tracking system for the very first time in this agency's history. With respect to the outreach unit, funding for the unit has increased the unit's staffing from one person a year ago to six staff members. It includes a Director and five Outreach Coordinators, one for each borough. Already, there has been gains in public awareness of the agency's services throughout the five boroughs. Citizens are becoming more informed about police misconduct, the guidelines which govern police/civilian interaction and the steps they can take if they feel they have been a victim of police misconduct. The public is also informed about applying a de-escalation approach to police encounters in order to promote a better understanding between officers and civilians. We have already achieved historic numbers of outreach presentations, particularly in the past several months. The Outreach Unit which conducted a high of 27 presentations in the past--in the unit in 2015 has consistently since October of 2015 surpassed that mark, reaching highs of 54 presentations in January

of 2016 and 76 presentations in February 2016. The unit has scheduled 93 presentations for March of 2016 thus far. The highest number of presentations conducted annually was 311 in calendar year 2014. At the projected monthly average for January and February of 2016, the Outreach Unit conceivably could double, more than double that number of presentations by year end. The Outreach Unit conducted 272 presentations last year in 2015 and it is quite possible that after just four months of this year alone the unit may surpass last year's annual total. Outreach has also targeted a more diversified audience than in the past, realizing that certain communities in New York City were marginalized and in need of services we have made concerted efforts to focus and present more to LGBTQ members, probationers, homeless service organizations, NYCHA residents, associations and Community Boards. In fact, last autumn the agency hosted its first luncheon forum for the LGBT community entitled, "Let's Talk it Out: Working together to improve LGBTQ Police Encounters." The forum included members of the public and various representatives from over 14 organizations and proved to open the lines of



1 communication with those communities who have been  
2 historically disenfranchised and excluded. Given  
3 that the onus is also on the officers to promote a  
4 safe interaction with civilians, we have done  
5 presentations where officers are also present. We  
6 have conducted presentations at precinct council  
7 meetings, which take place within the precincts and  
8 in the presence of officers. The agency is presently  
9 arranging presentations at precinct roll calls to  
10 directly inform and remind officers of their duty and  
11 responsibility during encounters with the public and  
12 to ensure officers that investigations and  
13 prosecutions within our agency will be conducted  
14 fairly, thoroughly and objectively. The CCRB is very  
15 appreciative of the Speaker's Office and the Council  
16 for collaborating with the CCRB on the Community  
17 Partners Initiative, CPI, which is a partnership that  
18 allows the CCRB to hold special evening office hours  
19 in six participating Council Members' district  
20 offices across the five boroughs to accommodate  
21 individuals who do not have access to the CCRB's main  
22 office during regular office hours. Participating  
23 Council Members include Speaker Melissa Mark-  
24 Viverito, Council Member Vanessa Gibson, Council

Member Donovan Richards, Council Member Debbie Rose, Council Member Carlos Menchaca, and Council Member Robert Cornegy. I thank them whole heartedly for their support. With respect to the Investigations Division and our Administrative Prosecution Unit, funding was provided to address attrition by allowing promotions, and this has helped to somewhat stave off the adverse impacts of our attrition rate. Staff retention has historically been difficult for the CCRB due to an attrition rate ranging between 25 percent and 30 percent per year. In the past, the old team structure exacerbated the already adverse impact of the attrition rate because there were six teams with supervisory positions which rarely experience staff turnover, thus virtually eliminating promotional opportunities for line investigators. The new squad structure which created 16 squads, a field evidence collection team and a successful intake unit has created promotional opportunities for deserving staff to hire managerial level positions. The CCRB has lost investigators through attrition at a time when investigators had become most productive. Past experience showed that within 18 months of employment investigators would leave the agency for

higher paying investigative positions. Unlike other investigative agencies, the CCRB is mandated to complete investigations, provide dispositions and serve charges on a subject officer within an 18 month statute of limitation. The CCRB's investigators have relatively high caseloads at times and handle complex cases which involve detailed legal analysis. We anticipate that this funding and the promotional opportunities will allow the CCRB to curve its attrition rate in time and help stem the tide of losing seasoned, experienced investigators every year. With funding added for a dedicated director of recruitment and hiring, the agency can achieve its goal of attracting a diverse and skilled applicant pool for various positions within the agency. Previously we had not achieved the diversity that is reflective of our city among the agency's investigative staff, and this has been a great subject of concern. The agency will be able to centralize the responsibility for recruitment by having the director take charge of many of the responsibilities associated with recruitment tasks which are currently shared amongst the human resources staff. Having a director solely dedicated

to recruitment will allow us to attend more job fairs, develop relationships with College Placement Officers and law schools, and initiate meetings with minority student associations in order to bring more diversity among our candidate pool and those selected for employment at the agency. Since the start of my tenure as Executive Director my priority was to complete the conversion of the Investigation Unit from the team structure to the squad structure while improving the quality and the efficiency of our investigations. Many of the statistical indicators which follow here clearly demonstrate the achievement of these goals. When comparing the period before and after my appointment as Executive Director, several key statistics have shown remarkable improvement and have demonstrated that the agency is being led towards sustained improvement in the investigative process. The processing time for investigations has vastly improved. The average number of days to investigate a case for cases opened at any time was 173 days for cases closed in February 2015 compared to 93 days for cases closed in February 2016. That reflects a 46 percent decrease. For cases closed at any point in the year in 2014, the average number of

days to investigate a case took 277 days, whereas the average number of days to investigate a case took 180 days for cases closed at any point in 2015, a 35 percent decrease. The average number of days to investigate a substantiated case for cases opened at any time was 179 days for cases closed in February of 2015 compared to 106 days for cases closed in February of 2016. That reflects a 41 percent decrease. The average time to complete a substantiated investigation has also decreased by 39 percent, and as a result, the proportion of substantiated cases in which the statute of limitations expired decreased from 2.2 percent in 2014 to less than one percent in 2015. Furthermore, the CCRB substantiated 17 percent of cases in 2014 compared to 24 percent of cases in 2015 which reflects a 41 percent increase resulting in more officers being disciplined for police misconduct. Comparing other benchmarks also shows increased productivity. The average time to complete a civilian interview fell from 30 days for cases closed in February 2014 to 11 days for cases closed in 2015 and remains low at 11 days for cases closed in February 2016. The Board itself has improved its

timeliness for reviewing cases and rendering a disposition with the time required for Board review decreasing from 23 days in 2014 to 22 days in 2015. In the fourth quarter of 2014 panels took an average of 24 days to review a case. However, in the fourth quarter of 2015, Board panels took an average of 16 days to review a case. The statistics above demonstrate achievements in the investigative process; however, there have been notable achievements in the administrative sector of the agency as well. This includes the following accomplishments: Implementation of mass candidates screenings for interviews which has lowered the vacancy rate in the Investigations Division, implementation of a four week long CCRB Training Academy, which is a competency based training academy and includes job shadowing, restructuring of the Intake Unit by combining oversight of the Field Evidence Collection Team and the Intake Team which now includes a dispatch protocol that immediately sends investigators to the scene of an incident to collect video evidence and interview complainants and witnesses shortly after a complaint is filed, revision of the investigative closing reports so that

videos and audios are now embedded in the closing reports for easy access to video and audio files by panel members and reviews, thereby expediting case review by the board and at panel meetings, introduction of new software for the purpose of data visualization and internal productivity tracking, enhancement of the intake form to include optional questions on gender identity and sexual orientation, translation of our walk-in forms into several languages, implementation of a system of benchmarks to increase the speed of processing cases, implementation of a new procedure to allow incarcerated witnesses and out of state witnesses to testify via video conference in departmental trials, and finally, implementation of a process whereby we conduct departmental trial proceedings at our office located at 100 Church Street when witnesses are physically unable to be present and must testify via video conference. Despite all of the achievements outlined here, we recognize that we are still on the journey towards improving the agency's delivery of service to the public and officers. The aim is also to make the CCRB more renowned as a viable, fair, trusted, efficient, and effective entity in which

both officers and civilians can have confidence. As Executive Director, I plan to achieve this goal by continuing to make efforts to further improve all functions of the agency. Earlier in my testimony I provided an in-depth account of the significant benefits the agency has obtained with the funding previously allocated. We have proven that the agency has the capacity and the leadership to bring about change and improvements as we originally outlined when funding is provided. Going forward, the agency will focus addressing two of the major obstacles that it has faced historically. Number one, the lack of awareness and recognition, and number two, public accessibility. The public cannot utilize our services if they are not made aware of the agency's function and given sufficient access to it. Often the public is not cognizant of the agency as a whole, its role and its services, and number two, the access they have to the agencies, specifically our downtown office location. With respect to the first obstacle, the agency and its mission must be made well known to the general public so that civilians can seek its services when needed. Very often, the CCRB's outreach coordinators report that the majority of the



audiences they address were not aware of the CCRB prior to the presentation. This presents a problem in that a civilian who is frustrated with police misconduct may take matters into her own hands and possibly confront or combat a police officer because the civilian is not aware that she can take appropriate steps to address the matter by filing a misconduct complaints against the officer with our agency. Awareness and recognition of this very important agency must and will improve with our future outreach efforts. The CCRB was recently funded for five outreach coordinators and it is playing a significant role in addressing this obstacle by increasing and improving outreach events to make the public more aware of the agency and its services. Our outreach unit also focuses on police officer in an effort to improve police community relations. We want officers to be aware that we are informing the community about proper police procedure regarding stop and frisk and general police community interaction. Therefore, we are making arrangements to conduct presentations at precinct roll calls and we are expanding our efforts at precinct council meetings. The second obstacle, agency accessibility,

stems from the fact that the CCRB has only one office location which is in lower Manhattan. The location and its hours of operation have been major deterrents to civilians who wish to file complaints and follow through with the process. Although there are several means of transportation to the CCRB's office, it is very time consuming for complainants traveling from the outer boroughs. Further, it is a cost and inconvenience to civilians as they may have to take off time from work or school or find childcare in order to appear for intake or interviews at the agency as part of our process. As mentioned earlier, we are providing staff at Council Members' district offices during the evening hours to receive complaints and conduct interviews in order to overcome this obstacle. We will assess the participation at the existing site and work with the Speaker's Office and Council Members to determine the extent to which we may expand this initiative to include other district officers. We appreciate the cooperation of the Speaker's Office and the City Council Members. Over the past year, the Board, my staff and I have worked tirelessly and we will continue to work vigorously to improve the agency and

1 achieve the goals I have stated in my testimony. We  
2 are determined to improve further and meet the  
3 objective in fulfilling this agency's mission to  
4 provide quality, impartial and thorough  
5 investigations into police misconduct for the  
6 citizens of New York City. We appreciate the Mayor's  
7 Office and the Council for your commitment to us in  
8 ensuring that the Board has all the resources needed  
9 for the future success of the agency, and I thank you  
10 for your time and consideration. We are very  
11 grateful for your continued support, and my staff and  
12 I are here to answer any questions that you may have.

14 CHAIRPERSON GIBSON: Thank you very much,  
15 Ms. Malik, to you and your team. Since you were here  
16 last year, CCRB has made significant strides. So, I  
17 first commend you under your leadership working with  
18 your team just expediting a lot of the investigations  
19 and reducing the time that complainants have to wait  
20 before being called in. the community outreach I'm  
21 very happy to hear about. Many residents in the outer  
22 boroughs that may have a complaint simply traveling  
23 to 90 Church Street isn't always as desirable as we  
24 want it to be. So, I appreciate the effort that CCRB  
25 has really undertaken to look at how we can not

1 necessarily promote CCRB, but to make it a more  
2 viable entity for all New Yorkers to see what CCRB  
3 does. I've said to you privately and I'll say it  
4 publicly that I have seen your staff at precinct  
5 council meetings each month talking about the agency  
6 and really giving New Yorkers a greater understanding  
7 of what the CCRB does. So, I do appreciate that, and  
8 I have just several questions. Your testimony really  
9 provided a lot of input for us to understand where  
10 the needs are and some of the challenges you continue  
11 to face, and then my colleague, Council Member  
12 Lancman, has several questions as well. So, I wanted  
13 to understand this year in the budget you are looking  
14 at a request for the complaint tracking system to be  
15 redesigned. So can you tell me what the system looks  
16 like now and what you're hoping to gain from getting  
17 funding to restructure it so that there could be, I'm  
18 assuming, a better system to coordinate, track and  
19 understand some of the cases that are coming in. Is  
20 that your project? Okay, because you look--you got  
21 excited.

23 BRIAN CONNELL: I'll take this one.

24 Thank you, Council Member Gibson. We do have an  
25 antiquated system that's been in place for quite some

time, and it needs to be upgraded and updated. So we're working with the Budget Office to assess what's needed and determine the funding that's required for that, but it's something that definitely is on our priority.

CHAIRPERSON GIBSON: So, in addition to the actual--we're talking about a database. I'm assuming you will also need a certain level of staff to monitor to maintain it. So, within I believe it's one million dollars right now, what would that one million dollars involve besides the redesign of the database? Are we looking at clerical, administrative staff, what would be the total picture?

BRIAN CAMPBELL: We're looking to transfer the data to a more popular software that allows us to get programming, programmers that are available to maintain and support that--the new system that we would like to have in place.

CHAIRPERSON GIBSON: Okay. And we had talked just a week ago about a lot of the policy papers that are coming out of CCRB and the effort that CCRB wants to undertake to look at more media communications and hiring someone that can really focus on not just getting the information out, but

1                   for me, it's great to share the information with the  
2                   public on some of the challenges that you're finding  
3                   in some of the cases that you're dealing with, but  
4                   also I look at it as a way to undertake best  
5                   practices and learning lessons, right, looking at  
6                   potential policies that can be derived from a lot of  
7                   the papers that you are providing to the public. So,  
8                   is that still a conversation we're having on--I think  
9                   it's Director of Public Information and  
10                  Communications. I like to create titles. Does that  
11                  sound like what you're looking to do?

12                   BRIAN CONNELL: I think much of what you  
13                   have mentioned is being encompassed in the unit right  
14                   now, and we have provided--

15                   CHAIRPERSON GIBSON: [interposing] Right.

16                   BRIAN CONNELL: We have explained our  
17                   Policy Unit and the Mayor has provided funding for  
18                   that. So within our existing budget we are moving  
19                   forward with those improvements and policy  
20                   initiatives as well.

21                   CHAIRPERSON GIBSON: So what does your  
22                   Communications Office look like now? Is there a  
23                   staff, a team? Is it one person?  
24  
25

MINA MALIK: Currently it consists of one person, the Press Secretary.

CHAIRPERSON GIBSON: Okay. So that's the unit that we're looking to expand on, right?

BRIAN CONNELL: We would like to consider that, yes.

CHAIRPERSON GIBSON: Okay, got it. I wanted to ask about the community outreach itself and what has been the feedback? You have a team of is it five or six?

BRIAN CONNELL: We have a team of five--

CHAIRPERSON GIBSON: [interposing] Five.

BRIAN CONNELL: Outreach Coordinators.

CHAIRPERSON GIBSON: Right.

BRIAN CONNELL: One per borough. The last two were filled just this week, the Director of Outreach and Public Outreach and Community Engagement, and our last [sic] Community Coordinator--

CHAIRPERSON GIBSON: [interposing] Okay.

BRIAN CONNELL: and we would like to assign that person to Staten Island and have each person be the focal point for the agency to the community--

CHAIRPERSON GIBSON: [interposing] Right.

BRIAN CONNELL: in each borough.

CHAIRPERSON GIBSON: So, with the staff now, what has been the feedback that your outreach unit is getting from New Yorkers about CCRB? Are you getting any suggestions on greater efforts to enhance CCRB, more informational, meet and greets, social media, technology? What are some of the feedback that you're getting from members of the public about the Outreach Unit?

BRIAN CONNELL: The feedback has been very positive. As the Executive Director mentioned, we had our forum for the LGBTQ community and that was very well received, and as a result of that it actually spurred additional invitations to do outreach events at their organizations themselves. So, that seems to be growing quite a bit, and we are tracking in our database the number of events that we are conducting at each of the different organizations. So, for LGBTQ, we would track how many presentations we've done each year and how that grows each month.

CHAIRPERSON GIBSON: Okay. So, the Outreach Unit you testified Ms. Malik that you have



conducted 27 presentations prior to the expansion of the unit, and then you are surpassing your mark reaching highs of 54 presentations in January, 76 in February, and now you have 93 scheduled for March?

MINA MALIK: That's correct.

CHAIRPERSON GIBSON: Okay. So with this projected growth that's happening each and every month, are you going to be looking for an expansion of the outreach units? I imagine the five individuals do a great job traveling across the City of New York, but as you continue to grow, do you find that there could be a potential need for additional staff down the line?

BRIAN CONNELL: We're going to assess that as we go forward.

CHAIRPERSON GIBSON: Okay.

BRIAN CONNELL: We just hired the last Outreach Coordinator and we've also hired the Director. So we really want to see how that develops and push the unit to its capacity, and once we've recognized that assess what the additional needs would be.

CHAIRPERSON GIBSON: Okay. And then I can imagine, and you and I talked about it that with the

1 LGBT community that you have been reaching out and  
2 having that forum deriving a lot of the issues and  
3 concerns within the community that are important for  
4 you. I would also urge you to--also obviously the  
5 immigrant community as well and those that could be  
6 undocumented for many different reasons that don't  
7 really, you know, they're not really forthcoming  
8 about some of their issues that they struggle with.  
9 I also know that there could be something down the  
10 line with the homeless community as well where there  
11 are issues obviously with the police. So, just  
12 putting all of that together, do you think that there  
13 will be more policy papers, working papers coming  
14 down the line that will have a targeted approach to  
15 how you're working within some of these communities  
16 like LGBTQ or the immigrant community? Do you think  
17 that that's something that will happen down the line?

19 MINA MALIK: We do have several  
20 forthcoming reports, Chair Gibson, regarding very  
21 important issues in the area of police misconduct in  
22 some of the communities that you just mentioned. In  
23 fact, Doctor Charles can assess and speak about those  
24 particular reports that will be forthcoming. One of  
25 them is--does have to do with the LGBTQ community.

CHAIRPERSON GIBSON: Okay.

ROBIA CHARLES: Right, and so that paper actually does include a section particularly related to LGBTQ youth and the homeless population as well, because that's obviously a specific area of interest for that community, which is important for us. Some of the other papers we're looking at this year include juvenile victims within our CCRB complaints within the past year, interference by officers of recordings, audio and video, looking at the past five years' worth of data for CCRB. We just put out a report on search entries about two weeks ago now. That's our first and largest report for the year. We hope to issue the next one on Tasers, and that coincides with the NYPD expanding Taser policy for 2016, and then we hope to round out the year again with another large report looking at the impact and effectiveness of penalties on police misconduct, and that's both a nationwide study looking a few international cases as well and focusing specifically on New York City.

CHAIRPERSON GIBSON: Okay. You had also mentioned too that there--I don't know if you're getting the cases, but in terms of women and violence

1  
2 against women possibly by officers, was that  
3 something that had come to your attention?

4 ROBIA CHARLES: Yes. So, we do not  
5 currently have a report coming down the pipeline that  
6 focuses on that particular issue, but it is something  
7 that we discussed internally in the policy unit and  
8 may, you know, discuss in the future in terms of  
9 looking at a report and the data we have on that  
10 issue.

11 CHAIRPERSON GIBSON: Okay. And with all  
12 the reports I think it's important obviously to get  
13 the report out to the public, but also to look at  
14 some long term solutions, policies that, you know,  
15 obviously we could work on with the NYPD to not only  
16 reduce the number of cases and complaints that may  
17 come, but to also look at how we can operate better  
18 as a city. You know, obviously the Taser conversation  
19 some of the challenges within the LGBTQ community  
20 that you talked about, so I think these are great  
21 ways. One of the things that I don't think many New  
22 Yorkers understand is that within some of the cases  
23 that you have to your office, the substantiated cases  
24 and some of the recommendations of CCRB to the Police  
25 Department--obviously we talk about accountability,

we talk about making sure that there's a penalty for bad behavior. I don't think many New Yorkers understand that some of those recommendations, while the obvious extreme is suspension and jail, right, possibly for an officer, but there are some minor penalties like vacation time and sick time and other things that are taken away from officers who are found liable for some of these cases, that really doesn't get to the public. So, within the forthcoming report when you talk about sanctions and penalties, is that what you're going to be looking at?

ROBIA CHARLES: Yes, that's part of what we'll be discussing is the scale of penalties that exist within New York City and the final report we're putting out at the end of this year. In addition to that, you know, our statistical monthly report which comes out online and is publicly available to everyone specifically lists the number of officers that were given particular penalties, formalized training instruction, you know, loss of a particular type of vacation days every month, but yes, the report will focus a little bit to explain what those

differences are and what the impacts of those different types of penalties are.

CHAIRPERSON GIBSON: Okay. So, I just have one final question. I wanted to get the promotional path for investigators, and I know the Preliminary Budget adds about 200,000 dollars to the budget to create a promotional path for investigators going from level one to level two, which is great, but I think we obviously recognize that there's an even greater challenge with the entry-level salary of a level one investigator at 38,223 dollars, and Ms. Malik, you alluded in your testimony that when you attract and recruit investigators at level one you're finding that many of them don't stay to even get promoted to level two, right, because of the low salary that they're starting with. I know you talked about losing them to other agencies, law enforcement agencies. So is that something that CCRB has been making a priority, and is there anything the Council can do to really make sure that level one investigators and the position is much more attractive? We have college graduates coming out of college with debt higher than the starting salary of a level one investigator, right? So when you're

1                   talking about making it attractive and recruiting,  
2                   you know, key New Yorkers, the skill, the talent we  
3                   need, I think that's something you struggle with.  
4                   So, is there something the Council can do, and are  
5                   you having any conversations with the union, you  
6                   know, leadership that represents the level one  
7                   investigators?  
8

9                   MINA MALIK: So, it is a huge issue. I  
10                  mean, I was a criminal investigator myself at the  
11                  D.C. Public Defender Service, Chair Gibson, and back  
12                  then, you know, I was only making 27,000 dollars a  
13                  year, and here in New York City in 2016 I find it  
14                  very, very difficult to believe that a college  
15                  graduate can survive on a salary of 38,000 dollars.  
16                  This is something that we have been talking about as  
17                  well as Chair Emory [sp?] has been talking about  
18                  since he became Chair, and from the very first day  
19                  when I started in this agency and realized that that  
20                  was the salary for a level one investigator. It's  
21                  something that needs to be raised. It's a salary  
22                  that needs to be set higher that will be comparable  
23                  to the other city agencies that have investigators.  
24                  We have been in conversations with the union, but  
25                  clearly it's not an easy path and a quick path to

1 navigate, but that is something that we have been  
2 looking at.

3  
4 CHAIRPERSON GIBSON: Okay. And you know,  
5 I've said before, but whatever we can do to support  
6 your priorities and your efforts, we absolutely want  
7 to do that. We want to make sure that, you know, all  
8 entry-level investigators that are working in the  
9 City of New York, obviously there should be parody.  
10 I just think it's a huge, you know, disincentive to  
11 promote a position at that low amount and then really  
12 expect not only to bring the applicants in, but to  
13 keep them. To keep them I think is much more  
14 important. It's great we have a promotional path  
15 from level one to level two, but what happens when  
16 the individuals don't stay to even get to level two?  
17 Because I know there's a time frame by which they  
18 would be eligible. So, whatever the Council can do,  
19 certainly you have my support and my commitment.

20 MINA MALIK: Thank you so much.

21 CHAIRPERSON GIBSON: Thank you. Council  
22 Member Lancman?

23 COUNCIL MEMBER LANCMAN: Good afternoon  
24 everyone. So, first let me thank the CCRB for coming  
25 out to the 24<sup>th</sup> Council District. There was a



meeting last year in Jamaica in my district that was very well attended both by board members and the public and we really appreciate it very, very much, and your successes in driving the numbers in the right direction are really admirable and appreciated. When people feel that their complaints are not being handled expeditiously, they get the sense that it's not worth filing a complaint with the CCRB, and it is just in everyone's interest for the cases to move quickly, responsibly, but still quickly, and from my vantage point, all of you, the whole team have really turned around this agency, and it's something that is an integral part of reforming the criminal justice system, police/community relations, etcetera. I wanted to ask about the reports that you do. I'm particularly interested in the chokehold that you had done. I'm the sponsor of the chokehold bill here in the City Council. I don't know if you're prepared to tell me today what the latest information on allegations of use of chokehold and substantiations of those complaints. I was remiss in not alerting to bring that information with you, but if you have it, wow, that's an extra gold star. If not, maybe we can follow up.

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MINA MALIK: We do have it.

ROBIA CHARLES: I can answer that question.

COUNCIL MEMBER LANCMAN: Perfect.

ROBIA CHARLES: So, the chokehold report was issued in 2014 that was before I came which was September 2015, but I know the data quite well. The number of complaints that involve a chokehold allegation has decreased and that's from 234 in 2014 to 161 in 2015.

COUNCIL MEMBER LANCMAN: Just to be clear.

ROBIA CHARLES: Yes.

COUNCIL MEMBER LANCMAN: It's on calendar year 2015?

ROBIA CHARLES: Correct.

COUNCIL MEMBER LANCMAN: And what was the number?

ROBIA CHARLES: In calendar year, correct. So 2014 is 234; 2015 is 161. The number of complaints in which there's a chokehold allegation has decreased. In contrast, the number of substantiations has increased.

COUNCIL MEMBER LANCMAN: In absolute terms or as a percentage of?

ROBIA CHARLES: In numbers. So, the number of substantiated chokehold allegations has increased from 54 in 2014 to 85 in 2015, and part of that is due to better, faster investigations, increased cooperation, more video evidence. So, there's a lot of our internal processes over time, in particular in the last year and a half that have been a lot better with regard to our investigations and substantiating cases.

COUNCIL MEMBER LANCMAN: Now, one of the things I liked about the new CCRB and particularly your outspoken chairman is your willingness to draw some conclusions and help guide policy makers towards a better place. So, do you have any conclusions or reasons for the--at the minimum, the persistent use of chokeholds in the Police Department and potentially controlling for these other factors that you mentioned, the increase use of chokeholds in the Police Department despite the fact that we know that for decades now the chokehold has been banned as a matter of police policy?

ROBIA CHARLES: Well, so our data shows a decrease in the number of complaints that have a chokehold allegation.

COUNCIL MEMBER LANCMAN: But an increase in the number of actual substantiated chokeholds?

ROBIA CHARLES: That is correct.

COUNCIL MEMBER LANCMAN: So, I don't want to put words into your mouth and I don't want to mischaracterize the issue, because it's a very, very important issue and one that is very, very important to the public perception, let's put it that way. According the CCRB there have been more chokeholds in 2015 that actually happened than actually happened in 2014. Is that a fair characterization or am I misunderstanding?

THOMAS KIM: I think better way to understand that is number of allegations have decreased, and because of our investigative procedures are much better with our new process training and evidence collection that we're able to substantiate more cases.

COUNCIL MEMBER LANCMAN: Are you confident that the increased substantiation in chokeholds is a result of better, different

investigative procedures as opposed to there are simply more chokeholds?

THOMAS KIM: I think just looking at the number of complaints coming in and decrease in complaints and substantiate [sic] going up in other factors as well. I am very confident that is the case.

COUNCIL MEMBER LANCMAN: What is the case, because I don't want to misunderstand?

THOMAS KIM: For example, inclusion of more videos into our evidence and evaluation of our evidence associated with that.

COUNCIL MEMBER LANCMAN: So it's the CCRB's position that there are not more chokeholds occurring, but that the CCRB is doing a better job of investigating those chokehold complaints that are coming in, and that is what accounts for the higher substantiation number.

THOMAS KIM: That is correct. We are more certain in determining those cases.

COUNCIL MEMBER LANCMAN: Got it. Okay. With that said, let's leave out the fact that there, or the debate or conversation, about whether there's more or less actual chokeholds between 2014 and 2015,

except for the sake of argument, your analysis and conclusion that there are more chokeholds, but we're just doing a better job of investigating the complaints. Do you have any conclusions or any judgments that you've drawn as to why there are still a, I will call, a substantial number of chokeholds occurring despite the fact that the procedure has been banned for decades, and ever since Eric Garner's death I cannot believe that there is a police officer in the City of New York who doesn't know that this is a prohibited technique? What in your view accounts for the persistence of the use of chokeholds in the Police Department? If you formed one as an agency.

MINA MALIK: I think that question is better left for Police Commissioner Bratton since he is the head of the New York City Police Department and has in effect a rule in place that bans chokeholds.

COUNCIL MEMBER LANCMAN: Okay, I appreciate that. The--do you have any information on the punishment that's been metered [sic] out for those substantiated chokeholds? Have those cases gotten to that level yet?

MINA MALIK: We don't have the information on hand. Obviously we do possess that information and can get it to you at a later date.

COUNCIL MEMBER LANCMAN: Yeah, and again, it's my fault to not alerting to my interest in that particular thing. So, if you can get that to me we'd like to follow up and get that from you. My last question and it's of a piece to what I've been asking about chokeholds and its continued use. I see that the CCRB in your testimony you're going out and doing a lot of outreach. You're doing it to police officers as well. You're going to roll calls in the precincts. Does the CCRB have any role in training at the Academy? Are you part of police officer's, you know, initial Police Academy training?

BRIAN CONNELL: We're not directly involved in training at the Police Academy. However, we have attended LGBTQ Advisory Panel at the police officer--at the NYPD and we're trying to see what opportunities there might be for us to introduce one of our own training tool as part of that process, but at the moment we're not involved in the process.

COUNCIL MEMBER LANCMAN: Okay. And my last question, which I know the answer to but I feel

obliged to ask it, and I asked it of the Commissioner of DOI yesterday because I serve on that committee, is what is the level of cooperation and collaboration and therefore lack of duplication of limited resources between the CCRB, the Federal Monitor in the Stop and Frisk cases, the City Department of Investigations, the Special IG for the Police Department, and we have a lot of eyeballs looking at the Police Department and its operations and justifiably so in my view, but can you just assure me that you all are cooperating or at least not tripping over one another in that the limited resources that each of you has is being used as efficiently as possible relative to what other folks are working on?

MINA MALIK: So, I don't know what Commissioner Peter's responded to you yesterday.

COUNCIL MEMBER LANCMAN: He said the CCRB is the worst.

[laughter]

MINA MALIK: I have to say that there is a level of cooperation. There is definitely a level of cooperation with the federal monitor, and there is a level of cooperation with OIG NYPD under Commissioner Peters. So, there are a lot of eyes on



1 this issue of police misconduct, and the NYPD is a  
2 very big agency. It has 38,000 officers in it, and  
3 we try and collaborate as much as possible to the  
4 extent that we can without stepping on each other's  
5 toes, and we've collaborated on data sharing and  
6 we've collaborated in conversations. We've had  
7 meetings together, and I think that is something that  
8 we can do even more going forward.

10 COUNCIL MEMBER LANCMAN: Well that's good  
11 to hear. I know you all have limited resources. CCRB  
12 has a day job other than issuing reports and we want  
13 to make sure that everybody plays well together and  
14 as effectively as possible, but I think the CCRB's  
15 doing a terrific job and you should all be commended.  
16 Thank you very much.

17 MINA MALIK: Thank you.

18 CHAIRPERSON GIBSON: Thank you very much,  
19 Council Member Lancman. So, just as I conclude I  
20 simply want to again thank you and commend you for  
21 the work you're doing, and when you talk about  
22 collaboration I certainly encourage you, while I  
23 wouldn't tell you to step on toes, get as close as  
24 you can. The NYPD is doing an exorbitant amount of  
25 work around training, around de-escalation, around

the mental health diversion, around early warning systems for potential problem officers, and to the extent that you are aware of what's going on before any of these cases come to your office it's really important because we're looking at an ever-changing department, diversity, I mean, training and technology. There's a lot of moving pieces that are coming together and I appreciate the work that you're doing with them working with them not just on the cases that you get, but just on better collaborations. I mean, I think we strive to do that here at the Council to be a part of the conversations, the dialogue around not just budget time, but around legislative policy and ideas, and all the great work that you're doing expediting cases, doing outreach to the boroughs, making sure that people know what CCRB does, really putting it in a different light is important. It's effective and so we want to continue to support you in those efforts. So, I thank you for the work you're doing and look forward to working with you on some of the forthcoming reports that are coming out. How we can best help you is to really continue to collaborate. So, thank you, Ms. Malik. Thank you to the team for

1 being here, and certainly I urge you to please,  
2 please, please help us so we can help you get a  
3 higher salary for our level one investigators. If we  
4 are to be a competitive city and a competitive CCRB,  
5 we have to offer more than 38,000 dollars. Let's at  
6 least try to meet college graduates at the level of  
7 their college debt. We can start there, but I really  
8 do--when we're looking at our young talent in the  
9 city we want to make sure that we attract the best  
10 and the brightest, but we also have to make sure that  
11 they're paid enough so they can live in our city.  
12 So, thank you once again for being here and I look  
13 forward to working with you.

14  
15 MINA MALIK: Thank you.

16 [break]

17 CHAIRPERSON GIBSON: Good afternoon,  
18 ladies and gentleman. Welcome back to the Public  
19 Safety Committee's Fiscal Year 2017 Preliminary  
20 Budget Hearing. I once again am Vanessa Gibson, Chair  
21 of the Committee on Public Safety, and earlier this  
22 afternoon we heard from our New York City's  
23 prosecutors, our five District Attorneys and our  
24 Special Narcotics Prosecutor, and then we heard from  
25 the Civilian Complaint Review Board, and now we will

1 hear testimony from the Mayor's Office of Criminal  
2 Justice, and before we proceed I'd like to  
3 acknowledge the members of the committee who are  
4 here, Council Members Rory Lancman and Jumaane  
5 Williams. Thank you for joining us and staying. The  
6 Mayor's Office of Criminal Justice, also called MOCJ,  
7 plays a critical role in the coordination of many of  
8 our city's agencies involved in criminal justice and  
9 public safety. Although their budget is supported by  
10 the Mayor's Office their work provides critical  
11 resources, programs, oversight, and policy direction  
12 for criminal justice in our city. This afternoon I  
13 hope to learn more about the current initiatives,  
14 partnerships recently announced by the Administration  
15 and MOCJ and what role the office will play in  
16 overseeing many of those initiatives. I thank you  
17 very much for being here. We have Elizabeth Glazer,  
18 our Director of the Mayor's Office of Criminal  
19 Justice, Jean-Claude LeBec, the Director of Budget  
20 and Operations for MOCJ, as well as Alex Crohn, our  
21 General Counsel for MOCJ, and I know we have staff in  
22 the audience. Thank you so much for being here, and  
23 with that, Ms. Glazer, we're going to administer the  
24 Oath of Office and then get to your testimony, but I  
25

thank you for your patience. We're a little behind schedule, but thank you for being here this afternoon and thank you for all the work your office does. Welcome.

ELIZABETH GLAZER: Thank you.

COMMITTEE COUNSEL: Do you affirm to tell the truth, the whole truth and nothing but the truth in your testimony before this committee and to respond honestly to Council Member questions?

ELIZABETH GLAZER: Yes, I do.

CHAIRPERSON GIBSON: Okay. Thank you very much. You may begin.

ELIZABETH GLAZER: Thank you. Good afternoon, Chair Gibson and Council Members Williams and Lancman. I'm Elizabeth Glazer and I'm the Director of the Mayor's Office of Criminal Justice, and thanks for the opportunity to testify here today. As you noted, I'm joined by my colleagues Jean-Claude LeBec and Alex Crohn, as well as members of my office's senior leadership who direct the initiatives that we're going to be discussing today. The Mayor's Office of Criminal Justice advises the Mayor on public safety strategy, and together with partners inside and outside of government develops and

implements policies aimed at reducing crime, reducing unnecessary incarceration, promoting fairness, and building strong and safe neighborhoods. New York's experience over the last two decades stands in stark contrast to the rest of the country. It's a continuing demonstration that we have had more safety with less enforcement and that there may be room to move further in that direction in the days to come. Since 1993 major crime has dropped 76 percent and our use of jail has dropped by almost half, even as prison populations in the rest of the country were rising. In New York City, crime drops have driven the reduction in the State prison system as well resulting in the closure of 11 State prisons. Low-level enforcement in the City has also reduced dramatically. The number of summonses for example issued citywide has dropped 38 percent since 2012. So, as we consider how to best invest public resources to promote safety, our city's experience, I believe, shows us that we can have both more safety and less jail. A look at comparable European cities suggests that it may be possible to have even safer neighborhoods while still deploying [sic] at a lighter criminal justice touch. To drive towards the

balancing point between safety and the lightest possible criminal justice touch, my office is pursuing an array of initiatives that can be grouped under three strategies. The first is making sure that our system is guided by risk principles. When risk is the guiding principle, jail beds are used by people who pose a risk to public safety and those who are not dangerous wait for trial at home and law enforcement resources are concentrated on the few individuals driving crime. The goal is to improve the justice system's accuracy by ensuring we can separate the few individuals who should be detained from the many who should not and that we intervene appropriately with programming that reduces offending. Over the last year we've moved closer to a risk-driven system in many ways. The first is bail reform. Currently, New York is one of only two states that prohibits judges from considering public safety risks when setting bail. With a few narrow exceptions, judges are limited to considering risk of flight when making bail determinations, and the Mayor has called for this to change in state law. The city's already working in other ways to improve our system now and on the ground. Last week marked the

citywide roll out of supervised release, a program that allows judges to release eligible defendants to providers who then supervise them in the community while they wait for trial. Eligibility determinations are made using a new validated risk assessment tool and the program is designed to use the least restrictive means to ensure that people return to court. In last week alone, 40 individuals who otherwise would have been held at Rikers or instead placed on supervised release. Combined we project that the various bail reform projects including the bail fund that the Council has supported and those already underway in New York City will safely reduce the City's average daily jail population by 295 people. The second way in which we're moving towards a more risk-driven system is Project Fast Track, an initiative the Mayor's Office announced last month in partnership with the state courts, the NYPD, the City's five District Attorneys and others to institutionalize a system wide focus on the limited number of people driving gun violence. This initiative balances safety and fairness focusing on the few high-risk individuals in concentrating building the strongest cases against those people.



These cases are then assigned to a special court part where they will be resolved within six months. This will ensure a prompter evaluation of the strength of the case so that unnecessary detention time is avoided and sentences for the highest risk individuals can be imposed swiftly. If this approach reduces the amount of time these cases take to within six months, we will also reduce our jail population by approximately 98 people. Another strategy my office is pursuing is working with representatives from all parts of the criminal justice system to implement system changes that improve fairness and efficiency. A key example of this work is reforming the summons process so that individuals can more easily understand when and where they need to appear in court and that we expand options for people to do so. Work done together with our partners at NYPD and the state courts will soon result in the citywide roll out of a series of changes that we believe will reduce the number of warrants issued for summonses. These changes include a redesigned summons form, a text message reminder system before court dates, later court hours to accommodate work schedules, flexible court appearance dates and a website that

allows individuals to access complete information and translations of their summonses. These changes are targeted towards reducing the high failure to appear rate in summons court which can lead to the court issuing warrants that can lead to unnecessary arrests. Another example of working across the criminal justice system is Justice Reboot, an initiative launched by the Mayor and former Chief Judge Littman [sp?] last April. Judges, prosecutors, defense lawyers, witnesses, correctional officers, juries and grand juries, and citizens all have a role in determining how quickly or not a case will move. Few of these entities answer to the same boss. In convening a system wide working group monthly, Justice Reboot has succeeded in reducing the backlog that existed when we first announced it. Our initial goal was to resolve 50 percent of these 1,400 target cases, all of which were pending in Supreme Court and involved detained defendants and to resolve them within six months. We met that goal within four months, and while in reaching this immediate goal is promising, new cases continue to age into the backlog that has been pending for more than a year, and our current work with our partners in the courts, the

District Attorney's office, the defenders offices, and Mayoral agencies and others focus on addressing these systemic problems and improving case processing times in an enduring way. The final strategy I'd like to discuss today is ensuring not only that the system is fair, but that New Yorkers see it as fair and legitimate. This trust is the foundation of criminal justice system. It means people will call 911, appear as witnesses, serve as jurors and grand jurors if they believe that they are being treated fairly and that the system itself is fair. Public engagement is a foundational public safety strategy. To foster this trust we are pursuing the imminent launch of neighborhood CompStat which brings residents of 15 public housing developments together with city agencies to identify together key public safety issues and to work hand in hand in developing solutions based on their combined expertise. NeighborhoodStat [sic] will work alongside the other components of the Mayor's Action Plan for Neighborhood Safety, targeted law enforcement, physical improvements, and expanded opportunities for work and play. This combination of strategies led in the first year of the program to felonies being five

percent lower than they otherwise would have been.

As we continue to drive down both crime and the use of jail in New York City, my offices priorities will continue to be focused on solving these difficult system challenges, allowing New York City both to continue to be the safest big city in the country and to reduce unnecessary incarceration even further.

Thank you very much for the opportunity to testify.

I'd be happy to answer any questions.

CHAIRPERSON GIBSON: Thank you very much, Ms. Glazer. I appreciate your presence, your testimony. Certainly MOCJ is not only spearheading but certainly an integral partner in a lot of the work that's going on across the city. So, I have lots of questions, but I will tailor them to just a few key points and then ask my colleagues to join in and provide some of their questions as well. But I first wanted to ask, and simply because there was a recent announcement by MOCJ, the Mayor, Police Commissioner Bratton and the District Attorney of Manhattan that looked at this new arrest policy around criminal summons in the borough of Manhattan. A little surprised to see and hear about it through a press release. Not understanding a lot of the

intimate details and the work that appears to have been going on for quite some time between the stakeholders. So, I wanted to understand MOCJ's involvement. What are we looking at in terms of reducing the burden on criminal court, but looking at an average of 10,000 additional cases going to summons court and burdening an already overburdened system, and where you see the future of this going? Obviously, starting in one borough is certainly not an approach that I would have suggested that we take. I have residents in the Bronx asking lots of questions about their borough, and rightfully so, but I know we have to start somewhere. So, I appreciate the work that you've been doing with DA Vance, but I really want to understand a little bit more about it and how it came about, and obviously the Council not really being involved is certainly concerning to me. So, what has MOCJ been doing around this, and what are we looking at with summons and where do you see this initiative pilot going?

ELIZABETH GLAZER: So, luckily there are only about 35 questions there, so I will try to take them--

CHAIRPERSON GIBSON: [interposing] But just on one issue.

ELIZABETH GLAZER: So, first, I think you're exactly right. This could have been done a lot more smoothly from a press and council relations point of view, and so let me just fall on my sword on that. I think part of the reason for it actually is a substantive reason which is, you know, every day we work with our partners in different agencies, mayoral and others, about what we sort of see as really very operational day-to-day issues. So, when we look at kind of a broader world of summons reform, you know, we think we've had an incredibly productive relationship and what we view as like really big system change which is lightening the touch as far as summons issuance goes, moving from Criminal Court to Civil Court. That's, you know, 200,000 cases in the package, you know, that we're working on together on the legislation. So that sort of feels to me like big system change. The pilot that I think, you know, DA Vance has been working on for a long time in his office sort of thinking through how Criminal Court in his borough works feels to me more like an operations change, and there will be some movement of some cases

1 from Criminal Court to Summons Court. I think that  
2 even if you take his high number, you know, the  
3 10,000 versus the 200,000 we have a net gain there,  
4 but really I sort of see it more as almost kind of  
5 front of the line service for when you have somebody  
6 who's being issued a summons and it turns out that  
7 they have an open warrant as well or they don't have  
8 ID, and that permits under the sort of new protocol,  
9 that permits that person to go immediately to have  
10 both of those things resolved in a way that it hasn't  
11 been before, and I think a version of this has  
12 actually being going on in the Bronx for quite a  
13 while. So, I think--you know, I totally take your  
14 point about, you know, why one borough rather than  
15 another. Sometimes it's because of the interest  
16 that, you know, some system players have. I think  
17 we'll see how it works. You know, there's obviously a  
18 big court component to it too that needs to be  
19 organized, and you know, the court system is going to  
20 want to see our works [sic] as well.

22 CHAIRPERSON GIBSON: Right. So, and that  
23 brings me to my next question. What is it that we  
24 are looking to do with the cases that--whether it's  
25 10,000 or another number, but the fact is is that

there will be more cases going to Summons Court, and so I'm very concerned about that, because I know that MOCJ is doing a lot around summons, the form itself, the texting campaign, you know, making it easier for individuals to even answer a summons in the first place. So my concern is where is, you know, OCA? Are they involved, and MOCJ? What are we going to do with the cases that are going to Summons Court? DA Brown produced a letter to us earlier of an article he wrote in 1977 about how Summons Court was a disaster, and not much has changed almost 40 years later. DA Thompson talked about any initiative, any pilot that we entertain, we have to look at reforming Summons Court. You know, I think in theory and concept we all support the efforts DA Vance and as well as DA Clark has been doing in the Bronx under her predecessor, but I'm simply, you know, very concerned about looking at the court system. So, nothing is really changing other than the court you go to answer some of these low-level nonviolent infractions, but in terms of the future, where are we going to see some serious changes in Summons Court that we need if we're seeing more cases going to that part?



ELIZABETH GLAZER: Yeah, so I think you're exactly right that this has to be a part, but only a part of wholesale, you know, reform. I think we're seeing already a declination in the number of summonses that are being issued. So we went from I think 359,000 last year to, you know, south of 300,000 this year. It's been part of a steady decline. That decline by itself which is a little bit sort of the lightening of enforcement is being accompanied by sort of some of the first things that are now being rolled out, which are these new forms as well as all the other reforms that you mentioned that go along with the new form that we think will change the very high level of warrants. So, I think there's a lot of work going on, you know, and then obviously the Council package of bills with further, you know, move the needle. So, I think there's a lot of work going around, going on right now including the movement of Summons Court to much better quarters we think, sort of two new quarters in municipal building. So, there are many, many different component parts. I don't think that's the end of the story. I think we have to continue to keep our eye on it and continue to sort of find ways to both reduce

the number, make the experience better, ensure that it's serving the function that it has to.

CHAIRPERSON GIBSON: Okay, I appreciate that and that's a fair statement, and I know that there is a lot of work that needs to be done. Three forty six Broadway, we had talked a little bit about that. Brooklyn residents should not have to go to Manhattan to answer a summons. Are we going to have further conversation around 346 Broadway? Are we going to have a location in the borough of Brooklyn where the residents can go there? We're talking about individuals and we're encouraging them to go to summons part. I think it's a huge, you know, disincentive to have Brooklyn residents going to 346. Do you agree?

ELIZABETH GLAZER: So, I think that that's certainly an issue, and you know, we've gone back and forth right over the years--

CHAIRPERSON GIBSON: [interposing] Yes, you have.

ELIZABETH GLAZER: historically.

CHAIRPERSON GIBSON: Right.

ELIZABETH GLAZER: I think we are going to see some very big changes in the course of the next

year as we shift to OATH. So that's going to I think have--right? So, I think that's going to have a very significant effect. I totally take the point of, you know, Brooklyn residents being able to go to a Brooklyn Court. You know, and obviously we have Red Hook, but that's, you know, a more modest sort of court for summonses, and it's certainly something we can look at, but right now we have a lot of these sort of moving parts.

CHAIRPERSON GIBSON: Right.

ELIZABETH GLAZER: And I think we might want to see how it rolls out.

CHAIRPERSON GIBSON: Okay. And then I would also add, I mean OATH is obviously in Manhattan as well. So, I still think the question becomes, you know, there have to be services in that borough--

ELIZABETH GLAZER: [interposing] Yep.

CHAIRPERSON GIBSON: if we're asking residents to respond to a summons so they don't get a warrant for their arrest. So, it's the same question that will come.

ELIZABETH GLAZER: Yep. No, a very fair point.

CHAIRPERSON GIBSON: Okay. The new summons form, has that been released and where are we with that in some of the other components that your office talked about?

ELIZABETH GLAZER: Yep.

CHAIRPERSON GIBSON: The summons form itself now including race, ethnicity, telephone number, are we--where are we with any of that conversation?

ELIZABETH GLAZER: Would you like to--

CHAIRPERSON GIBSON: [interposing] Do we have an update?

ALEX CROHN: Yep.

ELIZABETH GLAZER: Yes, very much.

CHAIRPERSON GIBSON: Okay, great.

ALEX CROHN: So, all the officers have been trained on the new form and it's actually being rolled out as we speak. It's being rolled out precinct by precinct sort of just operationally. As people are using up the old form new ones are appearing. So, they should be hitting the street in those precincts now. The reminders are also starting right now. So, for the folks that are getting the new form and providing phone numbers, they'll be

getting text message reminders to come to court and a pilot of late hours and flexible appearance dates is also happening now. So, individuals in that area, it's Manhattan north, are getting an additional piece of paper that tells them about those expanded options. So, we're very happy that, you know, after all this time it's fully rolling out.

CHAIRPERSON GIBSON: Okay. And race and ethnicity is included.

ALEX CROHN: That's correct.

CHAIRPERSON GIBSON: Alright. Okay, great. Thank you for that. I know that was a long journey, but I appreciate it. So a step in the right direction of looking at the long term viability and sustainability of summons part. I wanted to go quickly into MAP, the neighborhood--the Mayor's Action Plan for Neighborhood Safety and where we are with looking at the 15 NYCHA developments, the partner agencies that you work with. Looking at the numbers, I think it's a fair statement to say that overall we're in our third year, right? Second? Going into the third year?

ELIZABETH GLAZER: Second, yeah.

CHAIRPERSON GIBSON: Okay. Overall, crime has gone down overall in the 15 development, but there are some developments that struggle that have either remained flat or some that have seen an increase in major crime. So, I'd like to know what strategies we have around addressing that, because there's been a lot of talk within the council around expanding beyond the 15, but I think before we have that conversation obviously we want to make sure that best practices and best tools are successful to be replicated and expanded on. So, a lot of us have talked about neighborhood crime outside of the 15, a neighboring NYCHA development next door, across the street where there's crime that spills in and out of that particular development. So, coupled with all of that, are we developing any strategies on how we can get crime down in some of those developments where crime has remained flat or has increased?

ELIZABETH GLAZER: Yeah, so it's a great question and it is the question. You know, the purpose of the initiative was to take really the toughest places where we'd seen crime and to try and get those numbers down. So we were pleased to see the reductions that we did and are concerned, you

1 know, that it does not in every single development.  
2 Those are things that we have daily, weekly focus  
3 with the Police Department on, obviously just as a  
4 matter of, you know, their daily operations. They're  
5 focused on where there are crime hot spots and where  
6 there are spikes. We think that there are two things  
7 that are starting now that will additionally kind of  
8 sharpen our focus and ensure that we're deploying the  
9 rights kind of resources whether it's more police  
10 detention or more physical improvement or more jobs  
11 or other things and that is the Neighborhood CompStat  
12 that I referred to in my testimony, which is going to  
13 be a very targeted focus with the development, the  
14 residents who live there and all the city agencies on  
15 the specific and obviously the Police Department, the  
16 specific things that are driving crime. I think the  
17 second piece that will help us here is the point that  
18 you've made here which is one, you know we always  
19 look at the developments not just as the development  
20 itself, but the development in the surrounding  
21 neighborhood, but there are many places in the city  
22 where we have neighboring developments and there's a  
23 lot of interaction between the two or three, and  
24 that's something which we're starting to look at much  
25

more intensively with the Police Department, and also beginning to think about how we look at developments outside of the 15 MAP developments, because crime shifts and changes, and so while we want to sort of be true to the investments and commitments that we've made to the 15. We now are talking to the Police Department about how we think about looking at developments in a more rapid way that are experiencing the crime spike.

CHAIRPERSON GIBSON: Right. As you have the Neighborhood Stat and the Action Labs, I think you and I talked before about this, engaging the neighborhood resident leaders, the NYCHA leaders that live in the developments are going to be your best and most useful tool, the residents there that understand every day what residents in NYCHA go through. So, I preface the conversation around two major topics, the community centers at NYCHA and how we can maximize on those, and then quality of life, right? So things as basic as lighting, internal and external, how that can make such a tremendous difference for a residence. So, as you're having the conversations with resident leaders, certainly know that they are going to give you an earful, because



1 these are things they deal with and face each and  
2 every day, the intercom, the key fob, the cameras,  
3 the security enhancements. I mean, all of that is  
4 public safety and that's what we certainly want to do  
5 to assure residents that we are not only prioritizing  
6 their safety, but we're investing in developments.  
7 For the residents that live in a lot of the  
8 developments, they don't travel outside of their  
9 neighborhood. I've said that before. So, if we use  
10 the community centers as an outlet of opportunity, I  
11 think it would, you know, maximize the priority and  
12 give attention to something that has not been given  
13 attention before. So, I know with summer all out and  
14 all the programs we have, the daycare centers, the  
15 community center extension hours, I mean all of that  
16 is great. My colleague is probably going to talk  
17 about our efforts to increase summer youth and the  
18 number of slots we give our young people and offering  
19 every young person a job and an all year-round youth  
20 employment program expansion. I mean, all of these  
21 things are very critical, and for families in our  
22 districts, they make such an amazing difference, and  
23 so I encourage you with Neighborhood Stat and Action  
24 Labs to make sure that the feedback you get is  
25

1 something that we really can address. I don't want to  
2 go out and hear them, but then we do nothing to  
3 address exactly what they're talking about. Does  
4 that make sense?

5  
6 ELIZABETH GLAZER: Yeah, I think that is a  
7 critical point, and I have both Amy Sananman and  
8 Renita Francois who lead our NYCHA effort who have  
9 been deeply involved in the sort of development of  
10 the community center programs in engaging residents,  
11 and I know either of them would be happy to, you  
12 know, give you a quick tips of the ways if you're  
13 interested.

14 CHAIRPERSON GIBSON: Okay, sure. I wanted  
15 to ask about the behavioral taskforce, because MOCJ  
16 is an important part of the conversation with police  
17 officers being trained now on crisis intervention,  
18 the CIT training and looking at diversion centers  
19 where individuals could possibly go to a diversion  
20 center instead of going to Rikers Island. Do you  
21 have an update for us on where we are with some of  
22 those conversations? I know the diversion center we  
23 were looking at East Harlem. Has there been any  
24 change in some of the conversations we've had? I  
25 know some officers have been trained. We're not

where we need to be at 5,000, but I know that that's something that's constantly evolving.

ELIZABETH GLAZER: Yeah. So, we've trained almost 2,000 officers so far. We still have to get to the 5,500 mark, and we anticipate that that will happen by the end of the year, and this training is being integrated into the Academy curriculum. So, ultimately we anticipate that every officer will go through this training, but certainly by the end of 2016, those 5,500 will be trained. The diversion centers are still a key part of this. The siting of the diversion centers has been more challenging than I think we anticipated. I think the kind of silver lining here is that we anticipate that we will have a diversion center opened by the fall of this year, but it has also expanded and accelerated the way in which we're thinking about diversion beds or drop-off--it's really not diversion. It's really drop-off beds, because this is even pre-arrest. And so we would like to be experimenting with a couple of different ways of thinking about the drop-off centers. One is the bricks and mortar that we're still committed to, and we anticipate by the fall of this year, but the other is to begin looking at other programs and to

1                   see whether or not in a more flexible way we could be  
2                   adding beds and adding services so that we have more  
3                   places throughout the city as the core of trained  
4                   officers grows. So that's a very important piece for  
5                   us and something that we're very focused on right  
6                   now.  
7

8                   CHAIRPERSON GIBSON: Okay. So, is all of  
9                   that happening simultaneously or you're waiting for  
10                  the Manhattan location to open?

11                 ELIZABETH GLAZER: Simultaneously.

12                 CHAIRPERSON GIBSON: Simultaneous.

13                 ELIZABETH GLAZER: Because we think we  
14                 have to have more options than just one and we don't  
15                 want to just wait for one location to open.

16                 CHAIRPERSON GIBSON: Okay, that makes  
17                 sense. The Anti-Gun Violence Program, our AGV that  
18                 we are very supportive of, and the catchment areas, I  
19                 know recently we at the Council learned some of the  
20                 concerns about the potential loss of private funding  
21                 for Robert Wood Johnson and some of the other sites  
22                 at the Cure Violence sites. So, I wanted to find out  
23                 if there is a plan or how the Council can be helpful  
24                 to address some of those concerns. Obviously, very  
25                 ambitious 17 areas, and of course we always want to

1 expand because it's such a great program, but  
2 obviously we want to take care of the original that  
3 we have. So, is there any thought behind addressing  
4 some of the fiscal issues, and what can the Council  
5 do to support?  
6

7 ELIZABETH GLAZER: Yeah, so we definitely  
8 have our eye on those three sites and don't want them  
9 to fall off a revenue cliff, and I think that that  
10 has to be part of our ongoing discussions between us  
11 and the Council to figure out how we're going to  
12 ensure that they continue the good work they're  
13 doing.

14 CHAIRPERSON GIBSON: Okay. So to be  
15 continued.

16 ELIZABETH GLAZER: Yes.

17 CHAIRPERSON GIBSON: We'll make it a wish  
18 list. Before I get to my colleagues, I just wanted  
19 to ask quickly about school climate reform. MOCJ is  
20 a very big part of the Mayor's School Leadership  
21 Climate Team, and I wanted to find out about number  
22 one, the recommendations that are coming out of the  
23 committee and even beyond the existing time frame.  
24 Are we looking to expand and keep it going, right?  
25 So, school leadership, the Climate Reform, the

1 pipeline to prison, looking at de-escalation for  
2 safety officers in our schools obviously factors in  
3 which we identify schools that need metal detectors  
4 or request them, those that may no longer need them  
5 anymore, I mean, all of that coupled with restorative  
6 justice is something you've been very involved in.  
7 So, is there an update you could provide for us where  
8 we are with the School Leadership Climate Team, and  
9 will we see a long term committee?

11 ELIZABETH GLAZER: Yeah. So, I think  
12 we're--we think that work has been very vibrant and  
13 very important and has really achieved a lot. Dana  
14 Kaplan who is the Co-Chair of the School Leadership  
15 Team and member of my office is here today, and maybe  
16 Dana would you want to just give a quick update on  
17 where you guys are?

18 CHAIRPERSON GIBSON: Sorry, I think I  
19 have to swear you in, too. Just being consistent.

20 DANA KAPLAN: Absolutely.

21 COMMITTEE COUNSEL: Do you affirm to tell  
22 the truth, the whole truth and nothing but the truth  
23 in your testimony before this committee and to  
24 respond honestly to Council Member questions?

25 DANA KAPLAN: I do.

CHAIRPERSON GIBSON: And can you just state your name for the record?

DANA KAPLAN: Dana Kaplan, and as Liz said, I'm the Co-Chair of the Mayor's Leadership Team on School Climate and Discipline alongside the Chief of Staff for the DOE. And just a quick update as to where things stand. We have our final leadership team meeting on March 14<sup>th</sup>, and at that point the final recommendations will be adopted and disseminated to the public. We'll of course be briefing the council on those, you know, probably shortly thereafter. Everyone recognizes that this is a long term commitment, and so there is both intentionality around having some continued engagement with the Leadership Team leaders, Leadership Team members in terms of sharing the data, updating them on the implementation and progress and maintaining them in some type of advisory capacity moving forward, and also, you know, there's a commitment from the city and to investing in what it takes to actually implement the types of programs that have just been begun. So, both in terms of evaluating some of the pilot initiatives, thinking through what scaling up would look like. As you may

1 know, there's been commitment of about 47 million  
2 dollars announced towards a whole range of  
3 initiatives that have been driven by some of these  
4 recommendations and the roll out of that will be  
5 significant. And then as it relates specifically to  
6 the recommendation from the first phase that there  
7 would be a policy adopted on what the appropriate way  
8 would be to remove or add scanners to schools. That  
9 is something that DOE and NYPD have been finalizing,  
10 and it will be released in the spring, and we've been  
11 working with some stakeholders to talk about how we  
12 will do public forums on that, particularly for  
13 schools that might be impacted. So, we will be  
14 releasing that engagement with the public and  
15 communicating that to the Council as well.

17 CHAIRPERSON GIBSON: Oh, okay, great. It  
18 sounds amazing, and I appreciate the chance to get  
19 briefed, and I don't want to find out about this  
20 through a press release. No, no press release?  
21 We've had conference calls which would be great, and  
22 I hope that within the recommendations--I mean, there  
23 are school districts that have had a historical  
24 number of students that faced summons, arrests and  
25 suspensions. The majority, obviously the



disproportionate impact on young men of color. So, I hope with a lot of the restorative justice work we're looking at ways at which we can continue to drive those numbers down, right? So I've had success in the Bronx in District Nine. We've reduced the suspensions by over 50 percent, but it wasn't without a lot of work, and the reason we were successful because we had everyone together that shared the same goals that young people as young as five shouldn't be arrested for insubordination and that's what was happening across our system. So, I appreciate the work. I see, you know, the fact that my parents and some of my other advocates are really a part of this because their voices are very important and also youth. Including the young people who are affected is the best way to get, you know, some of the results we see. So, I look forward to the briefing and to seeing what the official recommendations are so that we as a council can continue to be supportive.

DANA KAPLAN: Great, thank you. And, I, you know, I think we're all heartened that we've seen such significant reductions in suspension numbers, improvements in crime, reduction in summonses in the schools, and we very much acknowledge that there are,

you know, some schools in which we need to continue to partner and work with all of the stakeholders there and ensure that that reduction is something that sustains--

CHAIRPERSON GIBSON: [interposing] Right.

DANA KAPLAN: and throughout the school system.

CHAIRPERSON GIBSON: Okay, great. Thank you. So, I will come back to the panel, but I want to turn to Council Member Rory Lancman followed by Council Member Jumaane Williams.

COUNCIL MEMBER LANCMAN: Good afternoon, everyone.

ELIZABETH GLAZER: How are you?

COUNCIL MEMBER LANCMAN: I'm good. It's good to see you. It's always a pleasure to work with you and your folks. I just want to say that at the outset. There's some ground that I want to cover and framing it in the way that you've framed it your testimony probably makes the most sense. So, let's just go through it, and some of it I'll say I just want to touch on superficially because my committee may be interested in doing some more work. But you talk about the strategy of moving toward a risk-

1 driven system and the various permutations. The  
2 first thing you talked about is bail reform. You  
3 know, as we know my committee we had a hearing last  
4 June. Judge Lippman came out with some very  
5 interesting reforms and then your office set up the  
6 bail lab. Just broadly speaking because we may want  
7 to do a follow up of our own in June. How are things  
8 going? What are the bail--what are we seeing out of  
9 the bail lab? Any interesting information that you  
10 might want to share with us?

12 ELIZABETH GLAZER: Yeah. So, a bunch of  
13 things.

14 ALEX CROHN: So, one of the big things  
15 we've been working on was partnering with the Center  
16 for Court Innovation and obstacles to paying bail,  
17 just very simple obstacles that were really brought  
18 to light, you know, in the bail hearing that you  
19 held, and then we did sort of a further deeper dive  
20 convening at a defense bar or and actual inmates  
21 themselves, their experienced families, things like  
22 that, and we think there's some pretty great fixes  
23 that could be done. Still kind of working through  
24 those things, because with everything it turns out--  
25 you know, you unravel the complexities beneath what

1 sound like a relatively easy fix, but we think  
2 there's a lot to be done to just make the process  
3 simpler and avoiding unnecessary trips to Rikers, you  
4 know, when people really can be in and out within the  
5 span of a week, and that may be avoidable or at least  
6 shortened. So that's really a big output of the bail  
7 out that we're very excited about.

8 ELIZABETH GLAZER: And just the reason  
9 why it's so important, for those who get released on  
10 bail, over three-quarters of them get released within  
11 the first week. It's what one might call meaningless  
12 jail. There's--

13 COUNCIL MEMBER LANCMAN: [interposing]  
14 Clearly these aren't people who either pose a threat  
15 to society or are a flight risk.

16 ELIZABETH GLAZER: Right. This is really  
17 just functional problem that they weren't able to  
18 post the bail in time or there were other issues.  
19 So, we think that will be a very fruitful area to try  
20 to fix.

21 COUNCIL MEMBER LANCMAN: Let me ask you  
22 about Fast Track, the gun--

23 ELIZABETH GLAZER: [interposing] Yeah.  
24  
25

COUNCIL MEMBER LANCMAN: It's called the Gun Court, but it's a lot more than that.

ELIZABETH GLAZER: Yeah.

COUNCIL MEMBER LANCMAN: I didn't have an oppor--I did not have an opportunity to ask Ken Thompson when he was here. We were focused on other things, but is that up and running?

ELIZABETH GLAZER: It's up and running. It's been up and running for about a month. Both the significant focus that the PD is putting on whole array of issues around gun violence, so both just simple gun possession cases, but also gun trafficking, violent gangs, so really sort of amalgamating their resources and focus and working with the DA's in that. And then the court itself which is right now just in Brooklyn and we'll see how it goes, but that seems to be--you know, its focus is really to kind of have swifter, fairer justice. So, we're only a month in. We'll see how the timeline works in everything else, but I think it's an opportunity to, you know, enhance the cases, figure out if they're going or not. If they're not going to go we should know that early. If they are going to go we should make them--

COUNCIL MEMBER LANCMAN: [interposing]

Right. Is the plan to wait a period of time to be able to assess the success in Brooklyn and then talk about rolling it out in to other--

ELIZABETH GLAZER: [interposing] Correct.

COUNCIL MEMBER LANCMAN: boroughs?

Because I know some of the other District Attorneys were--there were varying degrees of enthusiasm for the concept.

ELIZABETH GLAZER: Exactly, and I think it is going to be borough specific, and we'll see, you know, what kind of difference it makes. So, you know, I would say in the next six to nine months we'll have a better sense of kind of how it works and what kinds of problems it addresses best.

COUNCIL MEMBER LANCMAN: The next category of reforms you labeled system changes to improve fairness, and the first thing that you talk about is reforming the summons process which is something that we were also very, very interested in and had done a hearing, and I think it was in April of last year when the Administration rolled out a series of reforms to the operation of Summons Court, and we're thinking about maybe doing a hearing in

ELIZABETH GLAZER: We love those hearings.  
Keep them coming.

ELIZABETH GLAZER: Yeah. Do you want to--

ALEX CROHN: [interposing] Yeah, so as of last week literally they are all in effect. You know, things like training, it happened quite some time ago. So, training on defense attorneys and Administrative Law Judges on things like collateral consequences, so those were well received, and from what we heard in the courts had a very big effect on the quality of defense there and sort of the quality of legal representation. As we mentioned before, things like the form and the reminders were--are finally starting to trickle out, you know, precinct by precinct starting last week. And then of course, you know, there's all the work we're doing with the Council on the OATH relocation, and so we're hopeful and very optimistic that a lot of the reforms we were able to put in place in the criminal system will be

1 fully transferrable to the civil system. So, it's a  
2 great time to be learning lessons and to see what  
3 works and what's really going to have a big effect on  
4 people.

5  
6 COUNCIL MEMBER LANCMAN: Good. You know,  
7 last week, the next thing that you mentioned in your  
8 testimony is Justice Reboot. Last week we had a  
9 hearing on speedy trial in the Criminal Court.

10 ELIZABETH GLAZER: Yep.

11 COUNCIL MEMBER LANCMAN: I know that  
12 Justice Reboot, which was also rolled out last April  
13 was focused on the felony cases, and you described in  
14 your testimony that the really significant progress  
15 that you've made. Last week your folks let out that  
16 the Justice Reboot model or concept is going to be  
17 applied to the Criminal Court and not just on, you  
18 know, let's identify the hundred worst or a  
19 thousandth worst cases, but systematically looking at  
20 things like we hope, the allocation of judicial  
21 resources, maybe some discovery issues, maybe some  
22 readiness games [sic] issues that could be addressed.  
23 So, we would like to meet with you, your staff,  
24 staff, staff, and figure out where that is, but that  
25 was really good news to hear because the Criminal



1 Court really does deserve as I'm sure you agree and  
2 obviously you do agree because you're engaging on it,  
3 a systematic comprehensive look at how we can deal  
4 with that speedy trial crisis, but it is there.

5 ELIZABETH GLAZER: Yeah, I think, you  
6 know, the good news here is that everyone agrees, all  
7 the system players. You know, I think it's a matter  
8 of deep concern for the DA's, for the Defense Bar and  
9 for the courts, and so we're very hopeful that this  
10 kind of model that we've been--that has seemed to be  
11 a very successful problem solving model in the  
12 Supreme Court will bear some speedy fruit in Criminal  
13 Court also.

14 COUNCIL MEMBER LANCMAN: But I do want to  
15 highlight and I did last week, it does seem a little  
16 different. Like Justice Reboot for the felony cases  
17 was--let's identify the ones that are over a year and  
18 let's solve those cases.

19 ELIZABETH GLAZER: Yeah.

20 COUNCIL MEMBER LANCMAN: And I don't know  
21 if you have discovered systematic flaws that have  
22 produced that backlog which you also want to attack  
23 in a systematic way. The Criminal Court look is more  
24 systematic, I think.

ELIZABETH GLAZER: Yeah.

COUNCIL MEMBER LANCMAN: And not just,  
"Okay, we've got these number of folks who have been  
waiting 400 days plus for a trial. How do we get  
them their trials?" Like, how do we solve this  
systematic problem?

ELIZABETH GLAZER: Yeah, no, I think  
that's right.

COUNCIL MEMBER LANCMAN: Yeah. Lastly--  
well, two things. One is I have to ask being from  
Queens and we had that meeting in the Borough  
President's Office about the Queens House of  
Detention--

ELIZABETH GLAZER: [interposing] Yep.

COUNCIL MEMBER LANCMAN: One of the things  
that resulted from that was that there was going to  
be some study of how best to use the space that's  
available to require new space--

ELIZABETH GLAZER: [interposing] Yep.

COUNCIL MEMBER LANCMAN: for the moment  
agreeing to disagree on whether or not you should  
give the Queens House of Detention to the DA's  
Office, which I think you should, but putting that  
aside, where are we on that study?

ELIZABETH GLAZER: Really good progress on that, and Jean-Claude, you want to--

JEAN-CLAUDE LEBEC: [interposing] Sure. So we just finished going back and forth with the Queens Da on a number of edits. We're meeting next week with OCA because it's going to affect the Criminal Court in Queens and the space there next week, and then we're aiming for some kind of three to six month turnaround on the study once we launch it, which will hopefully be early April.

COUNCIL MEMBER LANCMAN: Good. Launching the study in April.

JEAN-CLAUDE LEBEC: That's right.

COUNCIL MEMBER LANCMAN: Approximate. Okay. Good. That's really important. Lastly, as I mentioned to you earlier, you know, the Speaker I thought laid out a fantastic vision of community justice in her State of the City Address. It's something that we're all committed to in the Council as you know and certainly the Administration. I don't have to tell you that Manhattan has two community courts. Brooklyn has one with another on the way. We would love to look at something in Queens and the Rockaways. Council Member Donovan

Richards and I are committed this year to making that a priority and our good friends at the center for Court Innovation have come up with a proposal for a process starting with a series, a mix of criminal justice type programs and then seeing where it goes and maybe one day having a community court. I don't want to put you on the spot because you haven't had the opportunity to look at the CCI's proposal yet and we haven't met, but broadly speaking what do you think?

ELIZABETH GLAZER: So broadly speaking I think these courts have been really interesting and promising, and I look forward to reading the proposal and having a conversation with you about it.

COUNCIL MEMBER LANCMAN: Terrific. Thanks so much for your testimony and for your cooperation and collaboration on all of these issues. Really do appreciate it. Thank you, Madam Chairwoman.

CHAIRPERSON GIBSON: Thank you, Council Member. I appreciate it. Council Member Jumaane Williams?

COUNCIL MEMBER WILLIAMS: Thank you. I didn't hear you, sorry. Thank you, Director, for

1 your testimony. I always love working with you and  
2 your office and the way you think about this stuff.  
3 Just two quick comments. One, I do want to just  
4 align myself with the Chair about some of the  
5 frustration about hearing about some of the summons  
6 changes through the press release. I wasn't--I  
7 didn't get to ask questions to the DA and the  
8 Administration, but it's kind of tough when the  
9 Council's getting beat up on some of this stuff for  
10 then the Administration to move forward some of the  
11 very things we've been talking about. So, you don't  
12 need to repeat what you said, I just wanted to add my  
13 voice to that. Also, I have some concerns. This  
14 again, this is more of a comment, not to talk about  
15 it, but I just want to make sure I'm following how  
16 the gun courts are done.

18 ELIZABETH GLAZER: Yeah.

19 COUNCIL MEMBER WILLIAMS: Make sure people  
20 aren't unduly getting caught up and usually sometimes  
21 the same people get caught up in the system in the  
22 wrong way, and we definitely need law enforcement.  
23 Sometimes we focus too much on it that there can be  
24 backlash. The Office of Neighborhood Strategies in  
25 California had a different approach that I think was

1 very helpful, so I'm not against it, but I think it  
2 needs to be operated in a way that doesn't continue  
3 historical prejudices without actually solving the  
4 problem. But a couple of questions. One, with the  
5 CompStat 2.0, which I actually--some of my friends  
6 are opposed to it, but I actually think it's really  
7 good. For a long time have been trying to find a way  
8 for people to share data so that people can send more  
9 resources to the same places the officers [sic] are  
10 going. Is there--is that happening? Are those  
11 conversations going on with other than the police  
12 looking at that data and figuring out how you can  
13 quickly send information--send resources there based  
14 on information?

16 ELIZABETH GLAZER: Resources meaning  
17 like--

18 COUNCIL MEMBER WILLIAMS: [interposing]  
19 Other agencies.

20 ELIZABETH GLAZER: programming and things  
21 like that?

22 COUNCIL MEMBER WILLIAMS: Say again?

23 ELIZABETH GLAZER: Meaning--

24 COUNCIL MEMBER WILLIAMS: [interposing]  
25 Other agencies, so other--whether it's we need to

ELIZABETH GLAZER: So, we look at it, and it really is sort of the foundation of a lot that we do, and we think that there are a bunch of different systems coming together, and I don't know--I think a lot of work that you're doing, maybe you want to just describe--there are a bunch of overlapping like layers of information that help us figure out where resources already are and where we're targeting resources. And so Eric maybe has the most current kind of live example of how that's working.

ERIC CUMBERBATCH: Yes. So in terms of maps and tracking data, we have two versions that we use with advocates and then we have another map that we use with our city agencies partners. With advocates we have what we call a Shoot and Incident Data Map. We use this primarily with our Cure Violence Partners, and we look at shootings very

close to real time, and we plot them on a private map. This private map gives our advocates the opportunity to respond to shootings in crisis but also look at historical trends of shootings so that they could be proactive in their approaches. The second map that we have is more so a community engagement tool where we align resources. So, we have several city agencies and Mayoral offices that come around the table on a bi-monthly basis and we look at what are the resources that each of us have at our disposal, where are we placing these resources and items across the city, and then layer on shooting incident data and other violent crimes data to make sure that we're strategically looking at the right places for intervention.

COUNCIL MEMBER WILLIAMS: That's--I'm glad to hear that. That sounds excellent. Been pushing for that for quite some time. Prior Administration didn't fully get it. So I'm glad that there's movement on that now. The same question--so one, so is it--CompStat 2.0, is it helpful? Is it help provide more data or did you already have that?

ERIC CUMBERBATCH: So, I think it's helpful overall in engaging the general public. So,



1 beyond the advocacy groups there's individuals and  
2 communities that also can have a response or, you  
3 know, contribute to this reduction in violence  
4 approach. So, just making data available helps  
5 everybody. In terms of the maps that we use, it's  
6 helpful, but we get shooting incident data almost in  
7 real time. So, it's--you know, I don't want to draw  
8 a comparison of is our map better or lesser, but our  
9 map is very effective for the advocates that we have,  
10 and we make it available, readily available.

12 COUNCIL MEMBER WILLIAMS: The one down  
13 side of the map could be that it becomes a place for  
14 people to look at to judge a neighborhood and say I  
15 don't want to live there or this neighborhood is bad.  
16 So, I don't know if you've thought about that, and  
17 any response to push back on that negative?

18 ERIC CUMBERBATCH: So, we look at it as  
19 healing zones more so that these are areas that need  
20 to be addressed in a different fashion. So, we look  
21 at it as an opportunity for alignment with CBO's,  
22 city agencies and residents to collectively come  
23 together and make a change.

24 COUNCIL MEMBER WILLIAMS: I like the term  
25 "healing zones." In the same vein I know there's

1                   been a lot of discussion on the Office of Gun  
2                   Violence Prevention. Council Member Laurie Cumbo has  
3                   a bill and she's the lead sponsor. Myself and the  
4                   Chair are co-sponsors. Can you just give a brief  
5                   update on where we are with that and if you've had  
6                   any thought about how much funding you would need?  
7

8                   ELIZABETH GLAZER: Yes and no, the  
9                   answers to the two parts of the question. So, I  
10                  think we're very close to, you know, finishing our  
11                  conversation with the Council and figuring out, you  
12                  know, what those numbers might look like and, you  
13                  know, hope to be back to you very, very soon.

14                 COUNCIL MEMBER WILLIAMS: Alright, we'd  
15                  love to obviously get it done in this budget.

16                 ELIZABETH GLAZER: Yep.

17                 COUNCIL MEMBER WILLIAMS: We want to make  
18                  sure there's adequately staffed and funding line, so  
19                  it'd be very good if we can get that sooner than  
20                  later. And I know that the Chair asked, but I'm  
21                  sorry I missed it, with the Crisis Management System,  
22                  are you asking for additional funds? How much are  
23                  those additional funds? And I know we have to play  
24                  catch-up now. Do you think there's an ability to  
25                  push for more funds to even expand further?

ERIC CUMBERBATCH: So, without discussing expansion, I would look at what the deficit is first, and then I would defer to our Budget Director Jean-Claude.

JEAN-CLAUDE LEBEC: Sure. So we know that the deficit from private funding is about 4.1 million dollars, and I think we need to work very closely with the Council staff over the next budget cycle to figure out how to make sure that those community-based organizations can maintain their operations. So we will put a plan together with your team very shortly.

COUNCIL MEMBER WILLIAMS: So you need 4.1 just to catch up?

JEAN-CLAUDE LEBEC: To backfill all the private money.

COUNCIL MEMBER WILLIAMS: Alright. We get a lot of Council Members requesting this service, which I think it's great. I know there's also inherent issues with just getting people who can do the work properly, but that aside, I know funding is also an issue, and I know we're--just to say on the record, we actually just--MOCJ actually just looks at the data and goals. If we're able to expand it'll be

expanded based on the data, and there's some colleagues who I know have problems, and every one gunshot the whole community suffers, but it really does from my understanding and my experience we just go where the data says we should go. So, I just wanted to make sure we put that on the record, because I know we're getting a lot of asks. And the last one, probably a give-me question, but we are-- many people in the Council, the Speaker mentioned in her State of the City, the Youth Chair Mathieu Eugene has made a priority, the Black, Latino and Asian Caucus has a made a priority, the Progressive Caucus has made a priority, it's a priority for many of us getting universal youth jobs in the summer and doubling Council Member Julissa Ferreras' initiative of all year-round. We do know from all the studies that the best, one of the best ways to deal with violence is to get a job. Is that something that you support, will help push for? I know you're probably limited in what you can say and how hard you can push, but I'd just like to hear your comments what I'm hoping will be a priority for the entire Council as we move forward.

ELIZABETH GLAZER: We think work is critical, and it's something that we're working on very hard to figure out how to expand and fund, and so we'd be--we obviously are very interested in working with the Council on this.

COUNCIL MEMBER WILLIAMS: Also, every time I speak to an agency now I ask if they have Summer Youth and/or all year-round. I usually have four to six in the summer. I think I have two or three now. So, I'd like to know if you do, and if you don't, would you think about taking on increasing because I know we're looking for partners to help increase?

ERIC CUMBERBATCH: So, we currently employ 25 young people through Anti-Gun Violence--

COUNCIL MEMBER WILLIAMS: [interposing]  
Yes.

ERIC CUMBERBATCH: Employment Program. They're part of our Peer Leadership Committee. They are ambassadors and advocates against gun violence and they tour the city really spreading a positive and healthy message.

COUNCIL MEMBER WILLIAMS: Excellent.  
Thank you very much and thank you, Madam Chair.

CHAIRPERSON GIBSON: Thank you very much, Council Member, and thank you, Eric, for the work you talked about, and just for the record I know that the last time we met I really want MOCJ to give a presentation to the City Council so that we can look at the database you described working with the Crisis Management System and the Cure Violence Neighborhoods. It is an incredible operation when you look on a map and you actually see where all of the shootings are. So, just in my individual case, I didn't realize, but Eric knows, that in my catchment area in the Bronx most of my shootings have been outside of my Cure Violence location. So, for me, it's about, you know, how can I intervene and look at some creative approaches working with my provider to really deal with some of that neighborhood stuff that's kind of permeated in an area that's not the catchment area. So for many Council Members that database is important and I'm sure that many of them would want to see it, but Council Member Williams, it's a good--it's awesome. Sure.

COUNCIL MEMBER WILLIAMS: Sorry, thank you. Just on that note, I think--thank you for bringing that up because I think it's also important

1                   that the Office of Gun Violence Prevention will also  
2                   help colleagues who don't have the Crisis Management  
3                   System whether we can expand it because there are  
4                   absolutely other creative ideas that we can do to  
5                   bring resources to the community. So, I think it's  
6                   just--I just wanted to pump up how important that  
7                   office is in helping coordinate some of those. Thank  
8                   you.

10                  CHAIRPERSON GIBSON: So I'll go further  
11                  and pump the office up a little more. I wanted to ask  
12                  if you could give us a little bit of an update in  
13                  terms of the anti-gun violence work that's being done  
14                  and looking at services post shooting like trauma and  
15                  some of the services for not just the family impacted  
16                  but also for the friends and just the entire  
17                  neighborhood. You talked about trauma kits which I  
18                  think could be really helpful, and I also am also  
19                  going to talk about my trauma mobile unit which I  
20                  think would be great, but so do you have an update  
21                  for us on where we are with the trauma kits and the  
22                  implementation and the roll out?

23                  ELIZABETH GLAZER: Sure. So, Eric and  
24                  his team have been working pretty hard on this.

25                  CHAIRPERSON GIBSON: Okay.

ELIZABETH GLAZER: Do you want to come back?

CHAIRPERSON GIBSON: Eric, come on back up. You might as well stay. It's okay.

ELIZABETH GLAZER: Just stay.

CHAIRPERSON GIBSON: You might as well just stay.

ERIC CUMBERBATCH: So, in terms of the Trauma Response Kit, we've been building out with advocates across the city what we've internally called the Public Safety Took Kit. It's really a tool kit of best practices, strategies that can really be employed by everyday citizens, and it's about prevention, intervention and trauma services, so things you can do to be proactive when, you know, we know that there's the chance for violent crimes, things we can do after a violent crime, but then also that key moment when individuals need trauma services, how to best bring families to trauma services and how to bring that into community and make it accessible at large. So we feel like that we've built this tool kit and now we're at the point of exploring ways on how to best disseminate it, whether that's through an app, whether it's through a



link from our website, whether it's through pamphlets. So, that's the stage that we're in now, but we feel like we have a pretty strong tool.

CHAIRPERSON GIBSON: What about all of the above? I mean, you described some great outlets. Does that also include--for many of us the shootings we deal with unfortunately, the immediate response is usually the police presence, the heightened foot patrol and the sky tower that we get, but also the fact in our communities a lot of it is about retaliation, and so the immediate, you know, danger that victim's families as well as friends are in is immense. So, with the trauma kit, does that also include efforts to, as much as we can, to prevent that expected retaliation that we know sometimes happens?

ERIC CUMBERBATCH: Absolutely. So, not only does the tool kit allow individuals to be linked to programs and services that are already advocates in combatting gun violence and that are trained to deal with those individuals, but it also walks the common person through what next steps can look like and give them resources, put actual addresses, phone

numbers, web links in front of them so that they're supported and can have the proper response.

CHAIRPERSON GIBSON: Okay, great. You guys are doing great work. I appreciate the follow-up and a lot of the conversation we're having and everything you're undertaking. Certainly for a lot of our families it gives them an opportunity to deal with something so traumatic as a shooting and the after effects, how it, you know, takes a toll on a neighborhood and on a community and looking at community centers and what I call safe havens as our outlet, and obviously looking at the--unfortunately, the percolation of the crews that continue to just come in our neighborhoods and really addressing a lot of that on the early, the earlier end as much as we can. Unfortunately, individuals that are in these crews are younger and younger, and so we always have to be ahead of the curve and really like get a handle on this before it percolates. I wanted to ask a quick question. Okay, so I'm done with AGV. I don't have any more questions on anti-gun violence.

ERIC CUMBERBATCH: Thank you.

CHAIRPERSON GIBSON: I wanted to ask about similar to what Rory Lancman talked about, Liz,

1 and this is a pressing issue with our District  
2 Attorneys. We were with them for almost three hours,  
3 and the needs that they have at a local level on  
4 space, on courtroom space, courtroom staff,  
5 documentation, retention and storage are immense. So  
6 I wanted to find out--each of the District Attorney's  
7 has submitted a request based on their needs, PS,  
8 OTPS needs, some of the new units, they're looking to  
9 create some expansion on existing units. I certainly,  
10 you know, obviously plug in the Bronx District  
11 Attorney and your thoughts on what she's looking to  
12 do with Rikers Island and the Prosecution Unit that  
13 she wants to create, and the Staten Island District  
14 Attorney and how he's fighting against a heroin and  
15 the prescription drug use and overuse. So with all  
16 of the requests coming in from each of the DA's, are  
17 you hearing them in terms of what their priorities  
18 and their real needs are and what types of support is  
19 your office giving them so that we can at least honor  
20 some of the requests they have this year?

22 ELIZABETH GLAZER: Yeah, so this is a  
23 process that we work really closely with the DA's and  
24 with OMB, obviously, on this. We've sat down with  
25 both of the new District Attorneys and talked through

CHAIRPERSON GIBSON: Okay. I appreciate that, and you know, certainly I--they all make valid points. You know, Staten Island has been severely underfunded for years, and he's looking to make a lot of leeway in terms of staffing, coordination, even down to the database so that he can track the number of cases that his ADA's has. It is, you know, something that sounds so simple, but yet he's the only DA that doesn't have it.

CHAIRPERSON GIBSON: And obviously, you know, the Bronx and Rikers Island and what we have to do with that, the conversation with OCA around getting a judge and a courtroom on Rikers Island and reducing the cases and the backlog. I mean, all of that is very important. So what we've asked each of the DA's to do is prioritize based on what their immediate needs are, but I certainly hope that you

consider all of their requests. Brooklyn DA has a lot that he's undergoing right now, and Queens, you know they're starving for space.

ELIZABETH GLAZER: Yep.

CHAIRPERSON GIBSON: Crying very loudly. And you know, as well as our Special Narcotics Prosecutor, which I know she's doing a lot of work with the heroin and the trafficking of drugs.

ELIZABETH GLAZER: Yep.

CHAIRPERSON GIBSON: Okay, great. I wanted to ask about the anti-violence, the innovation challenge. Didn't get a chance to ask the DA's, but I do know with the 10 million dollar competitive grant that you're asking the DA's to submit an RFP. There was a counter proposal that the DA's--I think they collaboratively worked together and submitted to you. So, I wanted to know are you considering that and will there be a revision to what you're looking for in the grant or will there be, you know, any changes in how this money will be dispersed over the course of two years?

ELIZABETH GLAZER: Yeah, so we've worked quite closely with the DA's, and I--[off mic] and we've sent them back a response. So, much of the

1 many of their concerns, I think we were able to work  
2 out and that was fine. I think the nub of it is, I  
3 think, you know, we believe pretty strongly in having  
4 some kind of transparency about how District  
5 Attorneys are doing, and we're interested in that for  
6 a whole bunch of reasons, but partly because it helps  
7 us to understand how better to deploy our own  
8 resources, police and others, and where the system  
9 issues are, and I think that was sort of, you know,  
10 the nub of many of the things and I think that we're  
11 going to--we've worked through to what seems like a  
12 very good conclusion.  
13

14 CHAIRPERSON GIBSON: So, I know there'll  
15 be more to come on that, right?

16 ELIZABETH GLAZER: Absolutely.

17 CHAIRPERSON GIBSON: More to come, okay.  
18 With the--some of the asset forfeiture dollars that  
19 came out of the District Attorney of Manhattan there  
20 was--there is talk about this database where we're  
21 looking at an integration of all of the alternative  
22 to incarceration, alternative to detention providers  
23 and that's being put together. I know his office is  
24 working on that. So, do you have an update? Do you  
25

1                                    have a timeline on when that would be rolled out, and  
2                                    is your office spearheading this database?

3                                    ELIZABETH GLAZER: Yes.

4                                    CHAIRPERSON GIBSON: Okay.

5                                    ELIZABETH GLAZER: And so there are  
6                                    actually kind of two pieces to it.

7                                    CHAIRPERSON GIBSON: Okay.

8                                    ELIZABETH GLAZER: One is an effort and it  
9                                    goes to what I think Councilman Williams was sort of  
10                                   referring to, to some degree. So we are currently in  
11                                   the process of not being every investment that the  
12                                   City has in services that serve a criminally justice  
13                                   involved population. So we've never been able to  
14                                   look across agency lines and see, for example, the  
15                                   different services that Eric coordinates across many  
16                                   agencies, and this is something that judges need and  
17                                   DA's need and defense lawyers need and we need to  
18                                   understand what we have enough of and what we don't,  
19                                   where we're using slots and where we're not, and so  
20                                   that's something that's operating right now and that  
21                                   we're collecting and we'll put together in a database  
22                                   that will then feed into the database on the ATI  
23                                   ATD's, and do you want to give a little update on  
24                                   where map [sic] use is and what it is?  
25

JEAN-CLAUDE LEBEC: Sure. So we're just finalizing the proposals with the vendors and we're looking for the completion of the database to be done by the end of the calendar year. We have a full time line and schedule overview of the project we can share with you as soon as we get back to the office. The database essentially consolidates all of the information from alternative to detention and incarceration providers. So we've got updated case information in real time.

ELIZABETH GLAZER: And so among other things what it would do is tell a judge or a provider or a defense lawyer there are actually slots available in this drug treatment program or this mental health program is totally filled up. It will also permit us to see how programs are doing and how they're performing. So, depending on sort of where you are in the system you can have different levels of access to the information to help you either operationally or from our end to figure out where to invest in other services.

CHAIRPERSON GIBSON: Okay. That sounds good. I appreciate that. I think it's a great tool,



especially for judges and others in the industry to look at programs almost like a resource guide--

ELIZABETH GLAZER: [interposing] Yeah.

CHAIRPERSON GIBSON: to determine how you can send someone to an alternative program as compared to costly incarceration that may not be necessary.

ELIZABETH GLAZER: Yep.

CHAIRPERSON GIBSON: So, the Supervised Release Program that you talked about, you said that just in the last week there were 40 individuals who would have otherwise been detained on bail were instead placed in a supervised release. Do you know, do you have a projected amount of how many people you think will be served in this program and over a given time?

ELIZABETH GLAZER: So we expanded it to 3,300 spaces. We anticipate that that's more than 3,300 people because one space over a course of a year may be filled by, you know, somebody who's only there for four months or somebody who's there for six months. So maybe something like twice that number will be served.

CHAIRPERSON GIBSON: So you're saying close to over 6,000 people potentially? Is that--

ELIZABETH GLAZER: I'm being corrected by my numbers guy who actually knows how to add.

JEAN-CLAUDE LEBEC: So it's essentially at any given time you can have a little over about 3,100 people in the program.

CHAIRPERSON GIBSON: Okay.

ELIZABETH GLAZER: But over the course of a year--[off mic]. We'll get back to you on the actual number once we do our math.

CHAIRPERSON GIBSON: Okay, okay, no problem.

ELIZABETH GLAZER: But there are 3,300 slots that are funded and then we'll get back to you on the other number.

CHAIRPERSON GIBSON: Okay. I wanted to ask about the State Office of Indigent Defense Funding and the Know Your Rights Campaign. I'm a huge, huge fan of campaigns that educate and empower individuals with knowing and understanding their rights. So, the budget called for about 127,000 dollars to be used to launch a citywide campaign with the goal of ensuring that, you know, many residents

1 in the immigrant community are aware of their rights  
2 related to potential involvement in the criminal  
3 justice system. So I wanted to find out if there is  
4 an update on that, and are we looking at a brochure?  
5 Are we looking at PSA's? I mean, what type of  
6 campaign? Obviously, the immigrant community we have  
7 to have and provide language access, so is--what are  
8 we looking for in terms of this campaign?

10 ALEX CROHN: So we're very excited about  
11 that campaign, and we've contracted with an  
12 organization called Reboot which does a lot of sort  
13 of innovative messaging to lots of different  
14 communities, and they've done some really great work.  
15 So right now they're in the sort of diagnostic stage  
16 of figuring out where are the underserved  
17 communities, where are people not aware of their  
18 rights and potential collateral consequences of a  
19 criminal conviction? So we've been working very  
20 closely with them and we'd love to sit down with the  
21 Council and talk a little bit about what they see,  
22 maybe some of the needs are where some communities  
23 are maybe underserved or unaware of what their rights  
24 are.

CHAIRPERSON GIBSON: Any conversations with some of the providers in the civil legal world because many of their clients could potentially be recipients of understanding a lot of the Know Your Rights work?

ALEX CROHN: It's a really good point. You know, our go-to is always to the criminal defense providers, but I think that's a great point and that's certainly some outreach that we can do.

CHAIRPERSON GIBSON: Okay, great, great, great. And then the asset forfeiture dollars also included--I wanted to talk about besides the Juvenile Justice database, the Child Trauma Response Team, CTRT--we love acronyms. There is a little over 400,000 dollars contracted with Safe Horizon to focus on early intervention to children potentially exposed to DV. I also understand that this contract looks at social workers that would be in the two-three precinct in East Harlem. So I wanted to find out any updates on that. Obviously, DV is all across the City. We fund an exorbitant amount of dollars in DOVE funding giving to many, many providers. So we always want to continue to do more to drive victims out of the dark into the light to get them the

services that they need. So, is this something that beyond the two-three we're looking at expanding, and where are we with the operation of this particular project?

ELIZABETH GLAZER: So we're really excited about it. This is a program that started actually as the Yale Child Study Center and has been used with incredible effects and jurisdictions, you know, in a number of places. [off mic]

JEAN-CLAUDE LEBEC: Just in terms of an operational update. So Safe Horizon is the provider. It's a demonstration project for about three years. Funding is a little bit over a million dollars over the course of that term, and they just finished hiring up their staff and are starting to take their first clients.

CHAIRPERSON GIBSON: Okay. So is there-- besides asset forfeiture dollars, is there money coming from another source in this particular contract?

JEAN-CLAUDE LEBEC: No, the reason why you might be seeing a different dollar--

CHAIRPERSON GIBSON: [interposing] Yeah, my numbers are off.

JEAN-CLAUDE LEBEC: I think it's just because of the way the dollars fall between fiscal years, but I can show you that breakout, so yeah.

CHAIRPERSON GIBSON: Oh, okay. Okay, definitely I'd like to see that. Okay.

JEAN-CLAUDE LEBEC: Sure.

CHAIRPERSON GIBSON: Okay, just wanted to make sure. Okay. And then I just wanted to ask a very quick question about the State Regional Immigration Centers and your involvement. MOCJ is doing a lot of work with that just in terms of the contract you have with the Immigrant Defense Project to develop and implement this particular center to really look at improving quality of services under Article 18B providing immigration legal assistance and training to overall mandated representation of many non-citizen clients. So, some of us have immigration services. I have weekly in my office and we have waiting lists now because there are just so many residents that are looking at obviously not just citizenship, but just the immigrant community and some of the challenges they're facing. So, is there an update you have for us on that?

ALEX CROHN: Yeah. So, funding immigrant legal defense has always been sort of a big priority of our office.

CHAIRPERSON GIBSON: Okay.

ALEX CROHN: And we're particularly excited about this because it's a way of centralizing a lot of those efforts. So, it actually--IDPS started taking their first not clients, but sort of first work right now. So the 18B's are getting a sort of a centralized place to get advisals [sic] and get legal help on collateral consequences which can be complex in which, you know, not every lawyer is well aware of. So, we think that's really great. You know, we continue to fund the institutional providers on this as well. So, there's sort of a lot of money going towards these efforts and very excited about the regional center.

CHAIRPERSON GIBSON: I'm equally as excited. Family Justice Centers, are we-- where are we with Staten Island's Family Justice Center? Before I have my next meeting with DA McMahon, I just want an update.

JEAN-CLAUDE LEBEC: Sure. So we--DDC's currently finalizing all the renovations to the

center now. We anticipate it to be complete and by April 2016, next month, by the end of next month.

CHAIRPERSON GIBSON: Next month April 2016? Really?

JEAN-CLAUDE LEBEC: Yes.

CHAIRPERSON GIBSON: No hitches?

JEAN-CLAUDE LEBEC: Not yet.

CHAIRPERSON GIBSON: Not yet, oh no. Please, I don't want to have anyone call me from Staten Island. We are the-- Staten Island's the only borough that doesn't have one.

JEAN-CLAUDE LEBEC: Yeah, and we are--

ELIZABETH GLAZER: [interposing] Coming soon.

JEAN-CLAUDE LEBEC: trying to get it done as soon as possible.

CHAIRPERSON GIBSON: Okay. Okay, great. Alright. If I hear anyone or anyone calls me I'll send them to you or I'll tell them April. I just hope they believe me. Okay.

JEAN-CLAUDE LEBEC: Feel free to send them to us.

CHAIRPERSON GIBSON: Okay. So with all of that that we just talked about, are there any other



1 initiatives or any other partnerships that are coming  
2 down the pipeline besides the Office to End Gun  
3 Violence, the Anti-Gun Violence work, the Cure  
4 Violence, the Neighborhood Map, the Reboot, Project  
5 Fast Track? There's a lot that you're doing with  
6 immigrant defense, the Family Justice Centers. Is  
7 there anything that we should know that we don't  
8 know?

10 ELIZABETH GLAZER: I think we'd like to  
11 execute now and we'll certainly be sure to be  
12 briefing the Council if there's anything else that's  
13 coming up.

14 CHAIRPERSON GIBSON: Okay, okay. Well,  
15 great. I thank you so much for being here and all of  
16 the work you're doing. All of the partnerships are a  
17 tremendous asset to the City, and again, as Chair of  
18 the Committee I would be remised if I did not just  
19 really put a final plug and emphasis on the District  
20 Attorneys and some of their needs for the sake of  
21 their offices bursting at the seams. Queens has not  
22 held a criminal trial yet and we're already in March.  
23 So, I want to make sure if there's anything we can do  
24 at the Council to help with those conversations with  
25 OCA, we're happy to do. Their budget process moves

much faster than ours. The Assembly is scheduled to vote on their One House [sic] next week, so I'm having my own conversations with Speaker Heastie and others to make sure that this is something that pay attention to. We need OCA on board because we simply just cannot do it without their support. So, I just want to just urge you again in your conversations with all the DA's as best as we can to really hear them on their priorities and some of the work that they really need so that they can operate much more efficiently. Thank you again for being here. Look forward to working with you. Thank you.

ELIZABETH GLAZER: Great, we do too.

Thank you.

CHAIRPERSON GIBSON: Now we will hear from members of the public, and I thank each and every one of you for being here. I thank you for your patience. It's been a long day, but a lot of productivity, a lot of very, very fruitful conversations. Our last panel for the afternoon is Viviana Gordon and Sharese Crouther from the Center for Court Innovation, Michael Polenbergs from Safe Horizon, and Fernando Martinez from the Osborne Association and the ATI Re-entry Coalition.

Everyone's still here. Thank you. I'm batting 100 for 100. Okay, Viviana and Sharese you're here. Michael's here and Fernando is here. Thank you all for joining us. Ladies, we'll start with you. You may begin.

VIVIANA GORDON: Thank you and good afternoon Chairperson Gibson. My name is Viviana Gordon. I'm the Deputy Director at the Red Hook Community Justice Center. I'm here with my colleague Sharese Crouther who is the Coordinator of Strategic Partnerships. Thank you for the opportunity to speak today. I'm here today to urge the Public Safety Committee to support continued funding for the Center for Court Innovation and its efforts to improve public safety, promote and expand the use of community-based alternatives to incarceration, divert young people out of the justice system, improve services for crime victims and increase equal access to justice for vulnerable New Yorkers. Through its innovative programming across New York City, the Center for Court Innovation brings local residents and criminal justice stakeholders together to respond to local problems. Projects like the Red Hook Community Justice Center and Bronx Community

Solutions have been documented to improve public safety and reduce the unnecessary use of incarceration for low-level offenders, particularly for those who might otherwise have been held in jail simply because they could not afford bail. The use of pre-trial detention for a non-felony defendant has enormous costs both in dollars and cents, tax payer money that supports Rikers Island and other correctional facilities, and in the impact on the lives of detainees and their families. In its first year, Brooklyn Justice Initiatives which was the City's first supervised release program to serve misdemeanor-level defendants cost approximately 389,000 dollars to operate and served 221 people, a cost per client of just over 1,700 dollars. In comparison, jail costs in New York City are estimated at more than 200,000 dollars per inmate per year. Just last week, the center expanded its supervised release program to the Bronx and Staten Island and expanded its reach throughout Brooklyn. Since it launched last year, Project Reset has kept nearly 100 16 and 17 year olds out of jail for low-level crimes, allowing them to avoid the lasting collateral consequences of criminal record while still holding

them accountable. With an average completion rate of 92 percent, Project Reset has already been embraced by NYPD and other justice system players as this new approach to enforcement. To continue the center's core community justice operations and provide support for initiatives focused on victim services and equal access to justice, the center is seeking the City Council's support in the amount of one million dollars for Fiscal Year 2017. The Independent Budget Office estimates that in 2017 in addition to funding already budgeted, more than 100 million will be needed to shelter families and single adults in New York City. Every year, tens of thousands of tenants, most of them families with children appear in Housing Court without legal representation. In an effort to prevent homelessness, Poverty Justice Solutions engages recent law school graduates in two-year fellowships with the New York City Civil Legal--with New York City's civil legal service providers to serve nearly 4,000 people a year. With Council support, the Center for Court Innovation would expand the program to help thousands more low income New Yorkers remain in their homes. Women and transgender individuals who are victims of commercial sexual

1 exploitation and trafficking too often find  
2 themselves in the criminal justice system labeled as  
3 defendants. Fear, shame and distrust of the justice  
4 system prevent many of these victims from seeking  
5 help. The center has piloted a host of innovative  
6 programs that treat New Yorkers trapped in this cycle  
7 as victims rather than perpetrators. With Council  
8 support, the Center would expand these services  
9 across the City and pilot new initiatives in  
10 underserved communities. In closing, the Center for  
11 Court Innovation looks forward to continued work with  
12 New York City Council to improve public safety and  
13 victim services and create new alternatives to  
14 incarceration and an even fairer more accessible  
15 justice system for all New Yorkers. We respectfully  
16 urge you to continue to support our work and thank  
17 you again for the opportunity to speak. We'd be more  
18 than happy to answer any questions you may have.  
19 Thank you.

21 CHAIRPERSON GIBSON: Thank you very much.  
22 Thank you. Fernando, Michael, don't all jump at  
23 once. Your mic's not on.

24 FERNANDO MARTINEZ: Thank you, Madam  
25 Chair. My name is Fernando Martinez. I am the

Fulton Project Director at the Osborne Association, and I'm here today to testify on behalf of the ATI Re-entry Coalition which is comprised of the following 10 New York City-based nonprofit service organizations: Center for Alternative Sentencing and Employment Services, also known as Cases, Center for Community Alternatives, Center for Employment Opportunities or CEO, EACA/TASC, the Fortune Society, the Greenberger [sp?] Center for Social Justice and Criminal Justice, Legal Action Center, the Osborne Association, Urban Youth Alliance International, also known as Bronx Connect, and the Women's Prison Association. Thank you, Committee Chair Vanessa Gibson, Speaker Melissa Mark-Viverito and the entire New York City Council for the opportunity to testify today about the impact of the Council's Alternative to Incarceration Initiative funding on the coalition citywide Services for New Yorkers involved in each stage of the criminal justice continuum from initial detention, court hearings to incarceration to re-entry into the community. We are deeply appreciative of the ATI initiative funding allocated to the ten current members of the ATI Re-entry Coalition in FY 2016 which totaled 4.3 million dollars and included a

75,000 dollar increase in funding for three of the organizations that were a member of the coalition FY 2016 budget adoption, and 182,000 in new funding for two organizations that we are pleased to announce have recently joined the coalition, the Greenberger Center Social and Criminal Justice Inc. and Urban Youth Alliance International. The City Council has been a key partner throughout the coalitions 20-plus year history providing critical funding that enables the coalition to meet its mission to reduce crime, strengthen families and bring hope and opportunity to New York City's most troubled communities by providing a full spectrum of services for individuals involved in the criminal justice system. Thanks to the Council's annual support, members of the coalition have been working together for over two decades to provide direct services for populations in need, advocate for policy and legislative changes at the city and state, and increasingly to serve as a resource for new, growing and developing ATI re-entry service providers throughout New York City. This ongoing work in the criminal justice system has resulted in the coalition developing a deep collective understanding of the city's history of



criminal justice reform and current justice system and has demonstrated the coalition's capacity to consistently maintain a strong track record of providing successful, trusted, cost-effective services. As a result, the members of the coalition have become relied upon resources for judges, District Attorneys, as well as the clients served by the coalition's programs. In the upcoming year, the coalition anticipates the Council's funding will be all the more critical. The council's funding allows the coalition to reach populations that otherwise would not be served due to geographic, demographic and/or programmatic constraints of non-council resources including agency contracts for several of our members. In addition, the Council support allows the coalition members to be responsive to the City's evolving criminal justice landscape. The Coalition applauds the Committee Chair, the Speaker and all of the members of the Council for prioritizing reform to the criminal justice system as well as for bringing up to the forefront discussion of the feasibility of closing Rikers Island. These efforts together with the increase in the numbers of formerly incarcerated individuals returning home to New York City from

state prison will make the need for the ATI Re-entry Coalition services and programs even greater in the upcoming fiscal year. Therefore, the 10 members of the ATI Re-entry Coalition are seeking one million dollar increase from the New York City Council in FY 2017 which would be divided equally among the member organizations. The coalition's total FY 2017 ATI program initiative request of 5.3 million dollars will assist the coalition in responding quickly to the anticipated increased demand for their programs in the upcoming year while also providing critical ongoing support for ATI Re-entry services that touch every council district. The coalition strongly feels that our services for women, men and youth play a critical role in achieving the criminal justice reform objectives supported by this committee and the Speaker. Without the Council's support we will not be able to hold onto the gains we've made in recent years, and we will not have the opportunity to leverage our collective experience to fully meet the demand for our services throughout the five boroughs. Thank you for this opportunity to submit this testimony today. We are grateful for the Council's continued support of the ATI Re-entry Coalition and

we look forward to the continuing to work closely together to ensure the communities have access to the critical programs.

CHAIRPERSON GIBSON: Thank you. Michael?

MICHAEL POLENBERG: Thank you, Chairwoman Gibson, for the opportunity to testify. My name is Michael Polenberg. I'm the Vice President of Government Affairs for Safe Horizon, the nation's leading victim assistance organization. I'll speak briefly about the council initiatives funded through the Mayor's Office of Criminal Justice and also touch briefly on the Child Trauma Response Team since you asked questions about that. With support from the City Council, Safe Horizon responded to over 8,000 child victims, siblings and caregivers in FY 15 at our Child Advocacy Centers in Queens, Brooklyn, the Bronx as of the beginning of 2015, Manhattan, and Staten Island. These centers offer child victims and their families the help they need in one location. The CAC model significantly reduces the number of times children must disclose details of their abuse which greatly helps to prevent the re-traumatization of the child during each retelling of the violence that took place. We're grateful for our partnership

to our onsite partnerships with ACs, the Police Department, the Law Department, the hospitals we contract with, and of course the District Attorney's offices from each of the five boroughs. Working collaboratively we accomplish our individual and collective goals with much greater care and efficiency. I was at our Staten Island CAC yesterday and was reminded not only of this great partnership but also the great need for resources in Staten Island. I'll echo what DA McMahon said. Just an example, the Child Abuse Squad in the Staten Island CAC shares detectives with the Brooklyn--with Brooklyn. It would be nice if Staten Island had resources greater--greater resources to meet the need. We are asking for a restoration of the Council funding for the Child Advocacy Centers from the FY 16 level of 748,000 dollars. The DOVE initiative has been around since 2006. We've administered the initiative on behalf of the Council since then. In FY 16 it's helping nearly 70 nonprofit and law enforcement organizations respond to domestic violence through legal services, case management, crisis intervention, education, outreach, and training. We hope very much that this integrated can

1 be fully restored in FY 17 and we're grateful that  
2 over the last couple of years the initiative has  
3 grown. So, thank you for your leadership on that.  
4 Finally, just a brief word about the Child Trauma  
5 Response Team. I was grateful that you asked a  
6 question to Ms. Glazer about it. It's a wonderful  
7 model to not only respond to the victim of domestic  
8 violence in all of the ways that we know how to do,  
9 whether it's Safe Horizon or other organizations, but  
10 to specifically recognize that there are children who  
11 witnessed or may have witnessed something and how  
12 best to respond to those children, how best to  
13 respond to the trauma that they are enduring having  
14 seen something or seen something repeatedly. So  
15 we're very excited to get this program going. We're  
16 grateful to the Manhattan District Attorney's Office  
17 for the forfeiture funding which helped support it  
18 and for the partnership of the Mayor's Office of  
19 Criminal Justice, and as we have more to share, we'd  
20 love to come back and share more with you.

21  
22 CHAIRPERSON GIBSON: Thank you very much.  
23 I appreciate it, and Michael, just piggy backing on  
24 what you described, and I certainly can't wait for  
25 the program to come to the Bronx. I accept that we

1 have to start somewhere and so I'm hoping with the  
2 two-three within East Harlem that once you look at  
3 some of the challenges and obviously the success that  
4 you achieve that certainly that could be replicated  
5 borough by borough and get us to citywide. I mean,  
6 domestic violence is everywhere, and I think our  
7 priority has been obviously looking at the domestic  
8 incident reports, the DIR's, but then also we have a  
9 lot of undocumented and unreported cases that  
10 sometimes we don't know about. So, you know, any  
11 approach is great to start somewhere but obviously we  
12 always want citywide.

14 MICHAEL POLENBERG: Absolutely. I'm  
15 right there with you.

16 CHAIRPERSON GIBSON: Got you. Thank you.  
17 So I just have a question for each of you. Fernando,  
18 I appreciate the support. You know that I am one of  
19 your biggest fans of the ATI Re-entry Coalition, and  
20 what I appreciate, not only have you--have two new  
21 members, one of which I know very well, Bronx  
22 Connect, but the collaboration between all of the  
23 organizations is really paramount because you don't  
24 work in a silo. You recognize that each organization  
25 provides some component to serving a young person or

1 a family, allowing them a second chance and an  
2 opportunity to be a success, I say that a lot, and  
3 not a statistic because that's unfortunately what  
4 happens a lot with individuals that are in and out of  
5 the criminal justice system. So, what I'd like to  
6 know is with the million dollar request where you  
7 have seen the greatest need within your organization?  
8 Serving more people, where have the greatest  
9 challenges been? Is it on an operational level? Is  
10 it a staffing level? Is it a capacity level to  
11 really support your efforts at asking for an increase  
12 in your budget this year?

14 FERNANDO MARTINEZ: Thank you, Madam  
15 Chair. That's a very good question. I think it's all  
16 of the above. There is an increased demand. The  
17 population that we serve has increased significantly.  
18 Our last census that we have accounted for FY 14  
19 showed that as a coalition, and that's when we were  
20 only an eight member coalition in FY 14, we served  
21 over 20,000 people coming through our program, over  
22 20,000. And early numbers that we project for FY  
23 15, we haven't done all the tallies yet, we seen an  
24 increase of about 1,000. So there's an increased  
25 demand which places a burden on the human resources

1 component of each of the organizations in terms of  
2 being able to serve those numbers. So, I would say  
3 it's all of the above, you know, the demand that's  
4 out there, the staffing, and also finding the--you  
5 know, once they come through our programs, the  
6 alternative to incarceration programs whether it's  
7 educational training, workforce development, it's  
8 finding two critical components to make sure that  
9 there's not a high level of recidivism, and that's  
10 housing and employment. And some of our coalition  
11 members have housing, some of them have employment.  
12 We work off each other's strengths. Osborne is on  
13 the verge of providing housing in addition to some of  
14 the other services they'll provide, but housing and  
15 employment are critical factors that we feel is one  
16 of our--or two of our biggest challenges, because  
17 even though the Mayor and City Council adopted a law  
18 that you can't discriminate against someone's  
19 criminal history, there's still an issue when it  
20 comes to finding an affordable-- I mean, a job that  
21 pays a decent wage for those that have been involved  
22 in the criminal justice system.

24 CHAIRPERSON GIBSON: Alright. And I  
25 think in light of the different conversation we're



1                   having as an Administration three years in where  
2                   we're looking at alternative approaches, we're saying  
3                   that we can't always focus on detention, there has to  
4                   be an effort to focus on prevention, right? And so  
5                   with any efforts, bail reform and a lot of the  
6                   undertaking that MOCJ is a part of really means that  
7                   you get more clients, right?

9                   FERNANDO MARTINEZ: Right.

10                  CHAIRPERSON GIBSON: I mean overall. I  
11                  was a part--I'm a huge fan of Bronx Community  
12                  Solutions. Maria Almonte [sp?] is a good friend of  
13                  mine. I was proud to join with them in celebrating  
14                  10 years. I remember when they started. I'm not  
15                  telling my age, but you know, Bronx Community  
16                  Solutions is one of those providers that really makes  
17                  a difference, and I call them when I need help,  
18                  quality of life issues. I mean, they're always  
19                  there, and so I appreciate that, and you know,  
20                  obviously asking organizations to take on more  
21                  clients means that we have to give you the support  
22                  that is needed because if we don't give you the  
23                  support these are individuals that will be swept back  
24                  into the criminal justice system, and you know,  
25                  unfortunately may be detained, right? And so I get

1 that, and I want to make sure, you know, as you're  
2 having conversations with my colleagues over the next  
3 several weeks really, you know, drive home that  
4 message that this about, you know, fairness and  
5 equity. This is about public safety. This is about  
6 really looking at alternatives where young people who  
7 are being accused of low-level nonviolent offenses  
8 don't belong in jail. I mean, that's the bottom  
9 line. We can't afford to put them in jail and they  
10 don't belong there to begin with, right? I think  
11 that's the message that, you know, we keep saying  
12 over and over again because it's the truth, right?

14 VIVIANA GORDON: Thank you so much for  
15 your support of our work in the Bronx and citywide.

16 CHAIRPERSON GIBSON: Absolutely. No  
17 problem. Yeah, I think you guys are doing great, and  
18 I will do my very best as the Chair of the Committee  
19 to support you, the ATI Coalition, CCI and the great  
20 work you do, Safe Horizon. I have one final question  
21 for Safe Horizon. The Police Department last year  
22 launched and RFP for victims services to support the  
23 Domestic Violence Unit which worked very closely with  
24 them. I do know in our PSA's we have staff. I don't  
25 know if Safe Horizon. It may be Sanctuary staff.

MICHAEL POLENBERG: Sanctuary.

CHAIRPERSON GIBSON: Okay, it is. It's Sanctuary Staff, but is Safe Horizon a part of the RFP process to administer the services for the DV Unit?

MICHAEL POLENBERG: We did respond to that RFP.

CHAIRPERSON GIBSON: Okay.

MICHAEL POLENBERG: It is both domestic violence and general crime, so it's beyond just domestic violence, and you're right, Sanctuary for Families will continue to do their important role in the PSA's.

CHAIRPERSON GIBSON: Oh, okay. So you're saying like--well, I don't want to say regular victims advocate. I don't know what--

MICHAEL POLENBERG: [interposing] Just other crimes.

CHAIRPERSON GIBSON: Non-DV victim services, okay. So there's been no decision made yet on the RFP?

MICHAEL POLENBERG: Not that I know of.

CHAIRPERSON GIBSON: Oh, okay. Well, I, just you know, I thank you for the work. I hope that

Safe Horizon would apply. I worked very closely with all of my DV offices. We don't have enough offices in the Domestic Violence Unit, but that's another conversation, but I appreciate that. And certainly the Child Advocacy Centers, very proud of the work. Finally the Bronx has a CAC center. We didn't have one compared to the other boroughs, but now we do. Sad that we have to have one, but very necessary to really address children who are unfortunately victims of child abuse and neglect. So, how is the Bronx CAC doing?

MICHAEL POLENBERG: It's doing well.

CHAIRPERSON GIBSON: You're doing good?

MICHAEL POLENBERG: The police are fully-

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CHAIRPERSON GIBSON: [interposing] Okay.

MICHAEL POLENBERG: Whole squad is there now. I think when you were last there they were still moving in.

CHAIRPERSON GIBSON: Yes, they were.

MICHAEL POLENBERG: PD is there and we're lucky to have DA Clark come visit a few weeks ago, and I think she was impressed with what she saw and

really got a chance to see the benefit of having all the programs working together on site.

CHAIRPERSON GIBSON: Great. Thank you. Okay, thank you all very much for coming today.

MICHAEL POLENBERG: Thank you.

CHAIRPERSON GIBSON: we look forward to working with you and thank you so much for all the work you do in our city. Thank you.

FERNANDO MARTINEZ: Thank you for your support.

CHAIRPERSON GIBSON: Ladies and gentleman, thank you so much to everyone who came out, all of those viewers who are watching the City Council channel. Thank you to the Public Safety team and the staff. Thank you to the Sergeant at Arms. This Preliminary Budget Hearing of the Committee on Public Safety is hereby adjourned, and before I bang the gavel, I want to remind everyone that we will have a subsequent hearing on Monday, March 21<sup>st</sup> at 1:00 p.m. here in the Council Chambers with the NYPD. Once again, thank you all for being here. This hearing is hereby adjourned.

[gavel]

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COMMITTEE ON PUBLIC SAFETY

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 19, 2016