

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND
CRIMINAL JUSTICE SERVICES

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March 10, 2016
Start: 10:06 a.m.
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HELD AT: Council Chambers - City Hall

B E F O R E: Elizabeth S. Crowley
Chairperson

COUNCIL MEMBERS:

Mathieu Eugene
Fernando Cabrera
Rory I. Lancman
Paul A. Vallone
Corey D. Johnson
Vanessa Gibson

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

Daniel Nigro
FDNY Commissioner

James Leonard
Chief of Fire Department

Robert Sweeney
Chief of Staff at Fire Department

Laura Kavanagh
Deputy Commissioner for Government Affairs and
Special Programs

Stephen Rush
Assistant Commissioner for Budget and Finance at
FDNY

Ana Bermúdez
Department of Probation Commissioner

Gineen Gray
Deputy Commissioner of Juvenile Operations at
Department of Probation

Sharun Goodwin
Deputy Commissioner at Department of Probation

Wayne McKenzie
General Counsel at Department of Probation

Michael Forte
Deputy Commissioner of Administration at
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A P P E A R A N C E S (CONTINUED)

Joseph Ponte
Department of Corrections Commissioner

Frank Doka
Deputy Commissioner at DOC

Martin Murphy
Chief at Department of Corrections

Dina Simon
First Deputy Commissioner at DOC

Winette Saunders
Deputy Commissioner at DOC

Cynthia Brann
Deputy Commissioner of Quality Assurance and
Integrity Office at DOC

Joseph Esposito
Commissioner of Office of Emergency Management

Tanya Krupat
Osborne Association

Sally Sanchez
Center for Court Innovation

Josefina Sanfeliu
Latinas Against FDNY Cuts

Constance Lesso [sp?]
Latinas Against FDNY Cuts

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2 CHAIRPERSON CROWLEY: Good morning. My
3 name is Elizabeth Crowley and I am the Chair of the
4 Fire and Criminal Justice Services Committee. Today,
5 the Committee will conduct a hearing on the Fiscal
6 2017 Preliminary Budget and Fiscal Year 2016
7 Preliminary Mayor's Management Report for the Fire
8 Department, the Department of Probation, Department
9 of Correction, and the Office of Emergency
10 Management. After we hear testimony from the
11 agencies in that order I just mentioned, the
12 Committee will hear testimony from the public. If
13 you would like to speak before the Committee, please
14 make sure that you fill out the attendance card and
15 hand it in to the Sergeant at Arms. I'd like to
16 recognize my colleague who has joined me today,
17 Council Member Rory Lancman. Just over two weeks
18 ago, this Committee held a hearing on emergency
19 response times. At the hearing, the Fire Department
20 and the Committee agreed that it takes too long for
21 both ambulance and fire engines to respond to life
22 threatening medical emergencies. Response times have
23 increased from year to year as well as call volume
24 which has also grown substantially from one year to
25 the next. It is apparent that the Department's

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2 resources are stretched too thin. In 2015, EMS units
3 responded to over 1.6 million calls, and fire units
4 responded to more than 580,000 emergencies. Both
5 Fire and EMS have experienced significant increases
6 in the number of responses to life-threatening
7 medical emergencies. Response times can be reduced
8 by improving technology which includes shortening the
9 call processes sing time and by adding additional
10 resources, which include ambulance and fire
11 apparatus. The Committee would like to know what the
12 Department plans are with respects to each of these
13 initiative. I look forward to hearing updates from
14 the Department on these topics and any other
15 budgetary items or management items that the
16 Department would like to address. I'd like to
17 welcome Commissioner Nigro and his staff for being
18 here today, and before we hear from you,
19 Commissioner, I have to ask you--I have to administer
20 an oath. So, I have to ask you if you affirm and as
21 well as any of your colleagues from the Fire
22 Department who are here to speak, if you could raise
23 your right hand and affirm as follow: Do you affirm
24 to tell the truth, the whole truth, and nothing but
25 the truth in your testimony before the Committee and

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2 toe respond honestly to Council Member questions?

3 Okay, Commissioner, you can begin once you're ready.

4 COMMISSIONER NIGRO: Good morning,
5 Chairwoman Crowley and the other Council Members.
6 Thank you for the opportunity to speak with you today
7 about the Preliminary Budget for Fiscal Year 2017 for
8 FDNY. I am joined this morning by Chief of
9 Department James Leonard, Chief of Staff Robert
10 Sweeney, Deputy Commissioner for Government Affairs
11 and Special Programs, Laura Kavanagh, and Assistant
12 Commissioner for Budget and Finance Stephen Rush. I
13 am pleased to report that 2015 which marks the 150th
14 anniversary of the New York City Fire Department was
15 one of the safest years in the history of the
16 Department. We experienced a 17 percent decline in
17 fire deaths from the previous year. The 59 fire
18 deaths that occurred in 2015 represent the second
19 lowest number of deaths since accurate record-keeping
20 began in 1916. This makes 10 straight years with
21 fewer than 100 annual fire deaths. This achievement
22 came despite the fact that the Department responded
23 to a record number of emergencies. We measure
24 success in lives saved, and we are very proud of the
25 men and women of the Department who achieved this

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2 elevated level of safety. The Mayor's Preliminary
3 Budget for Fiscal Year 2017 includes unprecedented
4 levels of funding for the Fire Department. Unlike
5 under former Administrations, for the third year in a
6 row we are not here to discuss the impending closure
7 of any fire companies. On the other hand, we are here
8 to discuss the historic levels of funding for the
9 Department and in particular unprecedented levels of
10 funding for EMS. With the support of the Mayor and
11 the City Council, we fully intend to maintain and
12 improve our service to the people of New York even as
13 we are called upon to respond to an ever-growing
14 number of emergencies. 2015 was the busiest year in
15 the history of the New York City Fire Department.
16 The Fire Department responded to a record number of
17 emergencies, more than 1.7 million incidents. This
18 was an increase of more than six percent over the
19 previous year. Fire units responded to 581,982 fire
20 and medical incidents in calendar year 2015, a 12
21 percent increase over the previous year. The number
22 of incidents of structural fires increased by 3.3
23 percent and serious fires which require a full first
24 alarm assignment or greater increased by 1.6 percent.
25 The greatest increase in fire unit incidents was

2 medical emergency responses which surged at a rate of
3 almost 17 percent higher than the previous year. EMS
4 units responded to 1,435,315 calls, an increase of
5 more than six percent. The number of life-
6 threatening Segment I-III calls rose by 17 percent to
7 566,000. Each of these figures represent the highest
8 number of calls that we've ever received in a year,
9 continuing an upward trend over the last several
10 years. FDNY's community outreach and fire safety
11 education efforts reached more than 740,000 New
12 Yorkers at nearly 3,900 events throughout the city.
13 In June, for the first time in recorded history, New
14 York City did not have a single fire death over the
15 course of an entire month. One of the worst
16 tragedies in years took place on March 21st, 2015
17 when seven children died in a home-fire on Bedford
18 Avenue in Midwood. In the aftermath of this grievous
19 event, the Department spearheaded a two-year smoke
20 alarm give-away and installation program. In 2015,
21 more than 80 percent of fire deaths took place in
22 homes and apartments without working smoke alarms.
23 By partnering with the Mayor, the City Council, the
24 American Red Cross, the FDNY Foundation, and smoke
25 alarm manufacturer Kidde, we expect this effort to

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2 provide 100,000 smoke and carbon monoxide alarms

3 completely free of charge to New Yorkers in at-risk

4 communities. These alarms will save lives and the

5 educational outreach will pay exponential dividends.

6 I'm proud to note that we have already handed out

7 approximately 24,000 alarms. Last summer we held an

8 open house and a series of a dozen community events.

9 Collectively, the programs were attended by more than

10 50,000 people, giving us a chance to teach fire

11 safety and CPR as well as an opportunity to recruit

12 potential new members. We intend to continue events

13 and outreach in diverse areas of the city helping us

14 develop meaningful connections with surrounding

15 communities. Our CPR program continued to grow in

16 2015. We trained more than 17,000 New Yorkers

17 including more than 4,000 high school students. In

18 2015 we graduated three new classes of EMT's and

19 paramedics, further enhancing our highly trained

20 professional workforce. We also graduated two new

21 probationary firefighter classes. These were two of

22 the most diverse classes in history and each class

23 increased the Department's number of female

24 firefighters, a priority of my Administration. In

25 late 2015, we christened our new fire boat, the

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2 William M. Feehan. This impressive 66-foot, 90,000

3 pound, jet-propelled fire boat has the ability to

4 pump more than 8,000 gallons of water per minute

5 adding to our already formidable marine unit fleet.

6 It was named in honor of Bill Feehan, a native New

7 Yorker who held every uniform rank in the department

8 before perishing in the line of duty on 9/11. With

9 every response, the fire boat honors his legacy. The

10 Mayor's Preliminary Budget for 2017 continues the

11 Administration's trend of providing unprecedented

12 support to the Department. It includes 6.8 million

13 dollars for EMS initiatives. This funding will

14 enable us to staff three ambulances in the borough of

15 Queens that were previously covered by voluntary

16 hospitals. One area of our focus is response time in

17 Queens, and this funding will also allow us to place

18 two new dedicated ambulance, a total of six tours on

19 Rikers Island, which will not only improve service to

20 the island, but will additionally have a positive

21 effect on response times in western Queens. This

22 budget will also allow us to fund EMS pilot programs

23 in the Bronx. Through innovation we have conceived

24 and will be rolling out later this spring our Fly Car

25 Pilot Program and our Tactical Response Team Pilot

2 Program. In our Fly Car Program, we will redeploy
3 paramedics from advance life support for ALS
4 ambulances to EMS non-transporting condition cars.
5 This arrangement will include the efficiency of
6 having one transport capable vehicle, a basic life
7 support of BLS ambulance and one non-transport
8 vehicle, a Fly Car, to provide the same level of care
9 that under the current system would require two
10 ambulances. The Fly Car Pilot Program will increase
11 ALS availability and is therefore expected to reduce
12 response time to life-threatening calls in the pilot
13 area. The Tactical Response Pilot Program will
14 involve adding five additional BLS ambulances, a
15 total of 10 tours in the Bronx. We will organize and
16 deploy these 10 tours, which are eight hours each, as
17 tactical response groups. These ambulances will be
18 deployed in neighborhoods that are experiencing the
19 heaviest call volume. We are constantly striving to
20 improve, and we continue to execute innovative
21 strategies in order to create a smarter more
22 effective EMS and ultimately to save more lives in
23 our communities. We will be implementing a state-of-
24 the-art equal employment office electronic management
25 system. Using this comprehensive database we will be

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2 able to create virtual case files, tracking
3 employment and EEO data and following the progress
4 and outcome of each investigation. This updated
5 system will enable us to collect and retain data for
6 every step of an EEO case from inception to end.

7 Through data analysis the Department will be able to
8 proactively identify EEO trends and develop
9 preventative measures to eliminate discrimination and
10 create a healthier more welcoming on-the-job

11 environment for all of our members and staff. These
12 improvements in EEO will be critical as we begin our
13 firefighter recruitment campaign in advance of the

14 2017 open competitive firefighter exam. The campaign
15 is laser-focused on the objective of making the Fire
16 Department reflect the City of New York, and we know

17 that in order to do so, we will need to continue and
18 strengthen our efforts to increase racial diversity,
19 gender diversity and the principles of respect and
20 inclusion in all ranks of the units of the

21 Department. Expenditures in recruitment efforts in
22 fiscal year 2016 will totally approximately 13
23 million dollars. The recruitment office has

24 developed new recruitment strategies and adapted

25 grassroots community organizing approaches to reach

2 candidates in under-represented communities. The
3 office sends a cadre of trained recruiters and
4 uniformed firefighters into communities to talk with
5 prospective candidates about the Department, the
6 Civil Service Exam and the hiring process. We make a
7 point to include some of our newest firefighters in
8 the process drawing from a diverse group that is
9 close in age to potential recruits and has the
10 ability to relay their experience recently going
11 through the testing and hiring process. The
12 recruitment office works hand in hand with the
13 Community Affairs Unit, partnering with the myriad of
14 nonprofit groups and community-based organizations to
15 reach under-represented communities of potential
16 recruits. A sample of organizations that they have
17 worked with recently includes the New York Urban
18 League, YMCA, Make the Road New York, the LGBTQ
19 Center, the Dominican Women's Development Center, 100
20 Black Men, Non-traditional Employment for Women,
21 Center for Family Life, and Sunset Park and many
22 more. As in all areas of the Department, the
23 recruitment office embraces technology and innovation
24 to improve results. One recent upgrade was the
25 addition of the automated recruitment communication

2 system which provides recruiters with a sophisticated
3 communications process and seamless integration of
4 data. Recruiters are outfitted with tablets and
5 smart phones which allow for faster and more accurate
6 uploading of candidate information. Prospective
7 recruits will receive FDNY messages tailored to their
8 specific interests and background. The campaign will
9 utilize traditional means of communication such as
10 print, radio, television, and online outlets and
11 phone banking, but those efforts will be enhanced by
12 broad multilayered promotions via non-traditional
13 media outlets and a wide variety of social media
14 platforms. Of course the job of recruiting is not
15 over once a candidate expresses interest or even
16 signs up for the exam. The Department is dedicated
17 to continued engagement with interested potential
18 recruits, and we have a strategy to mitigate
19 candidate attrition. This strategy includes fitness
20 training such as our CPAT Training Program and our
21 Fitness Awareness Program to prepare candidates for
22 the physical portions of the process. We also
23 provide a Firefighter Candidate Mentorship Program.
24 As of December 2015 this program included 624 mentors
25 and 33 senior mentors, approximately 4,700

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2 firefighter candidates have participated in the
3 mentorship program. The men and women of the FDNY
4 embrace our ongoing commitment to provide exceptional
5 service to all New Yorkers in every area of the city,
6 as well as to the millions of visitors who come to
7 the city every year. We thank the Committee and the
8 entire City Council for its ongoing support for our
9 mission. My colleagues and I would be happy to
10 answer your questions at this time.

11 CHAIRPERSON CROWLEY: Good morning,
12 Commissioner. Again, thank you for your testimony.
13 I'm going to have a series of questions. Before I
14 start my questions, I'd like to acknowledge that
15 we've been joined by Council Member Vanessa Gibson of
16 the Bronx and soon you'll hear from both her and
17 Council Member Lancman with questions. But first,
18 you know, I have a lot of appreciation for your
19 Department and I know that our firefighter and our
20 EMT's and paramedics are working harder than ever
21 before, but I also, I take issue with comments like
22 the "Mayor's giving more money than ever before,"
23 because in any budget year there's more money going
24 to every agency for the most part, certainly in this
25 de Blasio Administration, and when you ask New

2 Yorkers what they care about is whether they're safe.

3 And in your testimony you talked about how there are

4 fewer fire fatalities, and while that's great and one

5 year to the next it's hard to predict just how many,

6 and I compliment you on your fire education efforts

7 and the partnership that we're doing to install more

8 smoke alarms, but this is also Mayor's Management

9 Report Hearing, and I'm looking at cardiac arrest

10 incidents, Segment I. That's the most serious

11 emergency call that you receive, because in just the

12 first four months of this fiscal year, you're up

13 significantly than the first four months of fiscal

14 year 15, and in fiscal year 15 you had 8,804 of these

15 cardiac arrest calls, and this year you had 11,379.

16 And then in your vital statistics that you provide

17 through the Mayor's Management Report you call about-

18 -then you say how many were revived, so how many

19 lives the Department has saved, and in fiscal year 15

20 that was 28 percent, and in this fiscal year it's

21 down to 23 percent. So, the difference of five

22 percent is nearly 130 lives that could have possibly

23 been saved had our ambulance or fire engine gotten to

24 them as quickly as they did in the previous fiscal

25 year, because there's no denying it. The numbers

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2 don't lie. Response times are up. Your call volume
3 is up. You're not getting there as quickly as you
4 were in the year prior, and now we're not reviving
5 those in need as much as we were the previous year.
6 To me, it has to only be answered by the need for
7 more resources.

8 COMMISSIONER NIGRO: Well, I-- as you
9 said, the numbers don't lie, but sometimes they can
10 be difficult to interpret. So, in this particular
11 case, the number of cardiac arrests does not indicate
12 the--it indicates the number of calls that were
13 initially determined to be cardiac arrest, not the
14 number that turned out to be cardiac arrest. The
15 percentage figure of 23 percent or 28 or 25 works off
16 of a lower number, which are the calls that actually
17 are cardiac arrest.

18 CHAIRPERSON CROWLEY: Okay.

19 COMMISSIONER NIGRO: So, the fact that it
20 went--

21 CHAIRPERSON CROWLEY: [interposing] I--

22 COMMISSIONER NIGRO: from 28 to 23, we're
23 looking--I know that's a four-month period. We had
24 25 percent, 25 percent, 25 percent you'll see in
25 other years, 28 in the four months that you're

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2 comparing it to and now 23. So, I don't think it's a
3 long enough stretch to be that, you know--of course
4 we're concerned with it, but to be measured
5 accurately, yet it's not a full year's worth of data.
6 And absolutely the times are up. That doesn't lie.
7 The call volume is up significantly. That doesn't
8 like. So we're looking for ways to get there--

9 CHAIRPERSON CROWLEY: [interposing] But
10 this--sorry, to interrupt.

11 COMMISSIONER NIGRO: faster, absolutely.

12 CHAIRPERSON CROWLEY: Commissioner, we
13 base the budgetary needs on the Mayor's Management
14 Report, and that five percent may not look like a
15 large increase, but it certainly is. It's--of 23
16 percent, five percent is nearly 25 percent. So, and
17 that's nearly 25 percent fewer people being revived
18 who are in cardiac arrest than the year prior. The
19 question remains, and it was something that I asked
20 your Chief of Department at the previous hearing is
21 how long should New Yorkers wait when they're in
22 cardiac arrest, and every single response unit
23 whether it's your fire apparatus or your EMS
24 apparatus, they're not getting there quickly enough.
25 You had a doctor who works for the Department who

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2 said that you only have really under five minutes,
3 six minutes maybe, and our Department is taking over
4 nine minutes for our ambulances to get there.

5 COMMISSIONER NIGRO: Absolutely, and we're
6 adding resources to address this. Of course our CPR
7 program that I mentioned, people in any case of
8 cardiac arrest and as our doctor stated, bystander
9 CPR is very important in this. Witness cardiac
10 arrest, bystander CPR, because the time starts, and
11 the Doctor said six minutes is an ideal time. We're
12 not getting there in six minutes, absolutely not. We
13 are adding resources, and we do recognize that we
14 need to get to the scene faster.

15 CHAIRPERSON CROWLEY: Commissioner, when
16 the City Department of Planning works with the City
17 Council to rezone areas and to upzone as we're doing
18 most of the City of New York, you often hear about
19 the need for more seats in schools when these
20 buildings are built and occupied, but I never hear
21 the Department of City Planning talking about
22 building another firehouse or another EMS station.
23 Do you have conversations with the Mayor about the
24 need in certain areas like Long Island City or the
25 West Side of Manhattan or now what we're planning and

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2 working on is East New York. These areas have had
3 upwards of 10,000 or more people living in them, not
4 to mention the number of people working and commuting
5 to get to and from, but there's no talk that I've
6 heard about increasing a fire apparatus or emergency
7 services in those areas.

8 COMMISSIONER NIGRO: I think we're on the
9 same page here absolutely, and I think for quite some
10 time and as I sated, the Department was fighting
11 closing units. The city sold of property that
12 previously held fire units. We absolutely will need
13 new facilities for EMS. Just last week our
14 Department--

15 CHAIRPERSON CROWLEY: [interposing] Sorry,
16 Commissioner, will you need them for fire as well?

17 COMMISSIONER NIGRO: Just last week our
18 operations folks in conjunction with our BTDS force
19 produced a document that I shared with the Deputy
20 Mayor looking ahead, looking ahead in this city and
21 the needs of this department, and absolutely if the
22 city continues to grow as it has over the last 10 or
23 15 years, that need becomes more and more evident
24 each year, and the Department intends to bring its
25

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2 needs to the City Council, to the City, to the Mayor,
3 for new facilities.

4 CHAIRPERSON CROWLEY: In your testimony
5 you stated that the Department is getting more money
6 and that you put on more tours, but weren't the tours
7 that you put on in last fiscal year, this current
8 fiscal year that we're in, the majority of those
9 tours were just covering the ending of private
10 ambulance tours and not necessarily tours to bring
11 down the response times? What was the percentage of
12 tours put on that were covering other tours that were
13 existing that went out of business versus new tours
14 altogether?

15 COMMISSIONER NIGRO: Well, every one of
16 the 45 tours that were funded in the last budget were
17 additional tours. Now, with the 81 tours that
18 TransCare vacated part of those tours are being
19 covered right now by FDNY units on overtime. Part
20 are being covered by additional tours supplied by the
21 voluntary hospitals. In addition, FDNY is
22 supplementing in the Bronx using what we call Rapid
23 Response Vehicles, which are smaller vehicles staffed
24 by CFR trained firefighters. So, none of the tours
25 that we said were budgeted to be additional are being

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2 used to cover tours vacated by the privates. The
3 nine tours that I mentioned going forward in Queens
4 are all being used to cover tours that were vacated
5 by voluntary hospitals out there in Queens.

6 CHAIRPERSON CROWLEY: And in your
7 testimony you mentioned these Fly Cars. Can you tell
8 me who is in them and how much--how many of them the
9 Department is planning on putting into operation?

10 COMMISSIONER NIGRO: Sure. A Fly Car is
11 a--right now our EMS officers that are conditions
12 cars supervising the field, they will be joined by a
13 paramedic. So, these officers are paramedics.
14 They'll be joined by a paramedic partner in that
15 vehicle. We're going to use 10 of them in the Bronx.
16 We're going to then take the 10 ambulances,
17 additional 10 BLS ambulances to provide transport
18 because the Fly Cars do not transport. So they will
19 be able to get to the scene, provide ALS care to
20 critical cases and then the transport will be
21 provided by the other units. Now, this pilot in the
22 Bronx we believe it will be successful. We believe
23 it will cut response time there by 20 seconds, and if
24 it does, we will expand it to every borough similarly

25

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2 and provide Fly Cars in each borough backed up by
3 transport BLS ambulances.

4 CHAIRPERSON CROWLEY: Now, why does the
5 Department believe that one of these Fly Cars can get
6 to an emergency quicker than an ambulance?

7 COMMISSIONER NIGRO: Well, it's an
8 additional. It's an additional unit.

9 CHAIRPERSON CROWLEY: But what--but an
10 ambulance you can bill for, but you can't bill for
11 one of these cars?

12 COMMISSIONER NIGRO: Well, we bill for
13 the transport. So, the ALS arrives--there are many
14 jobs now that two ambulances arrive, ALS and BLS. We
15 can only bill for the one that transports. We don't
16 bill for the two separately. So--

17 CHAIRPERSON CROWLEY: [interposing] Right,
18 right, but then that other ambulance that you don't
19 bill for is still in service providing the need.

20 COMMISSIONER NIGRO: They will go back in
21 service as will the Fly Car--

22 CHAIRPERSON CROWLEY: [interposing] But
23 the Fly Car can't--to me, it's hard to comprehend the
24 fiscal--like, why? I just don't understand why you
25

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2 would do a Fly Car as opposed to just putting 10
3 ambulance tours?

4 COMMISSIONER NIGRO: Because it's half.
5 You only have to supply half the staffing, because
6 the officer and the vehicle are already there.
7 They're already in the street--

8 CHAIRPERSON CROWLEY: [interposing] Isn't
9 it two?

10 COMMISSIONER NIGRO: now.

11 CHAIRPERSON CROWLEY: Isn't it an officer
12 and a paramedic in a Fly Car or is it just one person
13 in a Fly Car?

14 COMMISSIONER NIGRO: It will be an officer
15 and a paramedic that was previously in an ALS
16 ambulance.

17 CHAIRPERSON CROWLEY: Right.

18 COMMISSIONER NIGRO: So, let's say today's
19 tour, nine o'clock in the morning I'm staffing these
20 10 cars. The 10 officers we already had in the
21 field, they were already in the vehicle already being
22 paid. We add 10 paramedics that could only have
23 staffed five ALS ambulances. It's a net gain of five
24 on the ALS side and no loss on the transport because
25 we're backing the Fly Car's BLS transports.

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2 CHAIRPERSON CROWLEY: I don't know. I'm
3 suspect of it because first, if I'm in need of an
4 ambulance, I want to be transported as quickly as
5 possible, and I want an ambulance to get to me as
6 quickly as possible, not one of these Fly trans--
7 whatever type of car it is. So, I just don't think
8 it's fiscally responsible when you're looking at a
9 budget, and especially when you look at the EMS
10 budget, so much of your budget is recovered by
11 billing. Do you know what the percentage is? Do you
12 know how much money the Department recovers versus
13 what it spends on running its EMS?

14 COMMISSIONER NIGRO: I'll defer to Steve
15 Rush. Certainly we're not making money on it.

16 STEPHEN RUSH: Good morning. We project
17 for this fiscal year we'll recover 171 million
18 dollars.

19 CHAIRPERSON CROWLEY: And how much will
20 it cost to run your ambulance, just the ambulance
21 tours?

22 STEPHEN RUSH: Just the--well--

23 CHAIRPERSON CROWLEY: [interposing] Yeah,
24 just the ambulance.
25

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2 STEPHEN RUSH: When we look at it, the
3 incremental cost, you can look at it a lot of
4 different ways, but the entire cost of our EMS is
5 about 445 million dollars.

6 CHAIRPERSON CROWLEY: What is it for
7 personnel?

8 STEPHEN RUSH: I don't have the exact
9 number, but I can give you a breakdown.

10 CHAIRPERSON CROWLEY: I bet it's less than
11 171. I'll find those numbers.

12 STEPHEN RUSH: The salaries and fringe?

13 CHAIRPERSON CROWLEY: Yes.

14 STEPHEN RUSH: Oh, no, it wouldn't be.

15 CHAIRPERSON CROWLEY: Yes. I'll get back
16 to that. In the meantime, I'm going to call on
17 Council Member Rory Lancman for questions.

18 COUNCIL MEMBER LANCMAN: Thank you very
19 much. Good morning everyone. I just have one
20 question. I mean, a lot of the information that
21 you've given is very important, but some of it is
22 ground that we've covered recently, but and I have
23 availed myself of the Department's fire alarm give-
24 away program a couple times in my community and we
25 like that very much. You mentioned in your

2 testimony, and it's been widely reported, the
3 increase in the number of structural fires in New
4 York City. As you describe it, this has been--2015
5 was the busiest year on record, and so I see in the
6 Management Report that there has been also an
7 increase in the response time, end-to-end average
8 response times to structural fires. It went from
9 four minutes and 46 seconds in fiscal year 15 to four
10 minutes and 58 seconds in fiscal year 16, which is
11 going in the wrong direction. So I know we've talked
12 a lot about at this hearing and at a previous hearing
13 EMS responses, but can you just talk about response
14 times as it just relates to fighting fires?

15 COMMISSIONER NIGRO: I think response time
16 of course part of it--it partially relates to
17 availability of units. So when we look at structural
18 fire response time, if the structural fires went up
19 3.3 percent and the response time went up slightly
20 more than 3.3 percent, it's because the other calls
21 that bring our fire units out of service went up
22 considerably more. So, last year's increase in
23 alarms for our fire units was the highest in 50
24 years. There is no other year in the past 50 years
25 that I looked at where our units running increased

2 that much, our medical responses, our responses to
3 emergencies like gas leaks, water leaks, etcetera.
4 That pulls companies out of service, and it slightly
5 increased. I think our units are doing a tremendous
6 job in keeping up with the volume of calls and still
7 getting there in a timely fashion that we have not
8 seen an increase, a large increase in the number of
9 fires extending beyond the original fire building.
10 We are seeing--we saw a decrease in fire deaths. So,
11 we are concerned with the response time which is why
12 we're doing this study on fire. Do we have adequate
13 resources, and if not, where should they be? And it
14 certainly always something the Department has high on
15 its list along with fire deaths and loss of property.

16 COUNCIL MEMBER LANCMAN: So it's your
17 sense that the increase in the response times for
18 fires is driven in a significant way by the increased
19 volume in the other things that the Fire Department
20 has to respond to, and maybe that will be addressed
21 by your plans for dealing with those other increases,
22 particularly as it relates to EMS issues?

23 COMMISSIONER NIGRO: Absolutely, and some
24 of the things we're looking at, I said, mentioned
25 before something called an RRV. We've used them in

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2 times of storms. They've been highly successful to
3 respond to certain types of calls that don't require
4 as a structural fire does, many fire apparatus and
5 many more people. So we're exploring that idea in
6 this coming year to supplement our fire apparatus.
7 We already have the vehicles in place to use this
8 model to bring down response time also.

9 COUNCIL MEMBER LANCMAN: And lastly on
10 the same topic, I see that we're talking about the
11 end-to-end average response time, which as I
12 understand the clock starts running when the person
13 dials 911 or the call reaches the operator, but the
14 average response time to structural fires, which is
15 FDNY dispatch in travel time only has stayed the
16 same, four minutes and 10 seconds in both 15 and 16.
17 It's another topic that we've canvases exhaustively
18 over the years is the 911 dispatch. It seems like
19 part of the increase or all of the increase is
20 attributable to that hand-off. Is there something in
21 particular that we should be focused on there?

22 COMMISSIONER NIGRO: Well, certainly
23 that's very accurate that you said that, some of the
24 increase or the majority of the increase is in the
25 processing time before our units start out. So, I

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2 think we are looking very closely at the way in which
3 the calls are handled as they come in and how can
4 that time be reduced. We do have what we think, an
5 idea that we think will bring that down in a
6 different way that first question is asked by the 911
7 call taker, and hopefully moving forward this year
8 changes can take place that shrink that time before
9 our units start out. We certainly can't make it up
10 on the traffic clogged roads of our city. So, any
11 way we could make up time before our units hit the
12 road is quite important to us.

13 COUNCIL MEMBER LANCMAN: Alright. Well,
14 thanks very much. You know, that's the--the 911
15 process just in the two years that I've been in the
16 City Council we've had almost more hearings than I
17 can remember or the issue has come up in more
18 hearings that I can remember and it predates even
19 those two years. So, hopefully we'll make some
20 progress on that this year.

21 COMMISSIONER NIGRO: We hope so.

22 COUNCIL MEMBER LANCMAN: Thank you.

23 CHAIRPERSON CROWLEY: Just a follow-up on
24 Council Member Lancman's question, 911 call-taking.
25 There was the process by which the 911 caller would

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2 take information before transferring the call. It's

3 still happening that I would like to--the

4 Administration said they were going to change it, and

5 they said they were going to change it over a year

6 ago. They still haven't changed it. I would like to

7 know whether you still support the Administration

8 changing the order of questions and the length at

9 which time a 911 caller takes information before your

10 fire dispatcher or your EMD, Emergency Medical

11 Dispatcher, receives the call. Where do you stand on

12 this?

13 COMMISSIONER NIGRO: I certainly support a

14 change, and I'm optimistic that that change will take

15 place soon.

16 CHAIRPERSON CROWLEY: Don't you think a

17 year plus time--it's been over a year. The

18 Department sat in the same chair, I believe--

19 COMMISSIONER NIGRO: [interposing] It's

20 longer than I would have hoped for.

21 CHAIRPERSON CROWLEY: So, it's hard to

22 know how much time is lost in the process.

23 COMMISSIONER NIGRO: We believe some time

24 is lost, yes.

25

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2 CHAIRPERSON CROWLEY: You can't put your
3 finger on just how much.

4 COMMISSIONER NIGRO: Not exactly, but we
5 think there will be some saving in time, which is
6 very important to us as our call volume is ever
7 larger.

8 CHAIRPERSON CROWLEY: Right, and that's
9 just one simple thing in saying where your emergency
10 is. It's what's your emergency, right? That one
11 question when the call is taken, "What's your
12 emergency?" Then at that point when they know it's a
13 fire emergency, they'll immediately conference in the
14 dispatcher, right?

15 COMMISSIONER NIGRO: I believe that
16 system would work better, yes.

17 CHAIRPERSON CROWLEY: Right. So, just one
18 simple change of question ordering that could save a
19 lot of time.

20 COMMISSIONER NIGRO: We think it could
21 save. We don't know how much, but we do think it
22 would save time and any amount of time that it saves
23 is important to this department.

24

25

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2 CHAIRPERSON CROWLEY: Agreed, agreed. So
3 I'm going to recognize Council Member Gibson for
4 questions.

5 COUNCIL MEMBER GIBSON: Thank you very
6 much, Chair Crowley. Good morning, Commissioner. To
7 you and your team, thank you for your presence.
8 Thank you for your testimony. I just had a couple of
9 questions, but first, I certainly wanted to start out
10 by commending you and the Fire Department. Truly we
11 know that we face many challenges, but I applaud your
12 everyday commitment to save New Yorkers. I personally
13 have been able to work with the Recruitment Unit, the
14 Community Affairs Unit, Government Affairs. We have
15 hosted several Get Alarmed events in my district in
16 the Bronx where we've been able to provide free, at
17 no cost smoke alarms and carbon monoxide detectors to
18 many of the residents in my district working with
19 FDNY, American Red Cross, the New York Yankees to
20 name a few. So I really appreciate that for me and
21 my district as someone who represents the High Bridge
22 community where several years ago we had the horrific
23 fire in High Bridge where we lost 10 residents of a
24 family from Mali in Africa, and it was extremely
25 devastating. So I think from that tragedy I learned

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2 a valuable lesson in how education plays a major role
3 in preventing fires. So, I appreciate the work that
4 you and your team are really doing. I wanted to ask
5 a question about the TransCare and the bankruptcy
6 issue unfortunately that we faced, and the fact that
7 TransCare operated 27 ambulances, predominantly in
8 Manhattan and the Bronx, and one of our hospitals
9 that I represent, Bronx Lebanon, had six ambulances
10 through TransCare. So I know that you announced
11 along with the Administration that there is a
12 contingency plan, a short term and long term. So, I
13 really wanted to understand a little bit more what
14 we're doing and the immediate need to identify how we
15 can not only look at replacing those ambulances, but
16 obviously in the long term are we looking at another
17 contract? Are we going to as Chair Crowley talked
18 about, relying on private companies with private
19 workers and less municipal staff? Could you just
20 expand a little bit on what that means for us in the
21 Bronx and Manhattan and how we're going to continue
22 to provide services?

23 COMMISSIONER NIGRO: Sure, that is a very
24 important issue right now. We recognize it as such.
25 The Department's obligation is to provide emergency

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2 medical service to New York City citizens no matter
3 what happens. So, 81 tours, 27 ambulances were lost
4 overnight when TransCare went out of business. It's
5 a dangerous situation that so many ambulances were
6 provided by one company that--

7 COUNCIL MEMBER GIBSON: [interposing]

8 Right.

9 COMMISSIONER NIGRO: obviously was on
10 shaky financial ground. The Department was not
11 caught certainly unaware of the issue, and we did
12 have a plan ready. So, through additional tours
13 provided by the Department and by voluntary hospitals
14 we've been covering it. In the future, who will cover
15 these tours in seven hospitals? We're in
16 discussions now with City Hall with the Greater New
17 York Hospital to see how we can ensure that something
18 like this doesn't happen in the future. Department
19 stands ready should we need to to provide coverage
20 for all of these tours, and we will, but what the
21 final outcome will be has not yet been decided.

22 COUNCIL MEMBER GIBSON: Okay, and in the
23 conversations you're having with the Administration
24 certainly looking at opportunities where during this
25 budget process we could have a conversation about how

2 much increased workforce that we will be talking
3 about. Certainly, I don't want us to embark on
4 further contracts where we run the risk of having
5 these companies fold and go bankrupt. I think, you
6 know, 81 tours is a lot, six/seven different
7 hospitals. Montefiore being the largest hospital,
8 very concerning to me for the fact that, you know, my
9 residents are asking a lot of questions about what
10 this means for reducing response times and making
11 sure that the quality of services provided by the
12 Fire Department remains consistent.

13 COMMISSIONER NIGRO: Certainly we have
14 the same concerns, and the Department has already
15 begun staffing up and planning to increase the size
16 of our EMT classes moving forward in order to have
17 adequate personnel should the need be there again.

18 COUNCIL MEMBER GIBSON: Okay. I wanted
19 to ask a question about PSAC II [sic], right? We
20 talk a lot about PSAC II. I know that we are looking
21 to open PSAC II, I believe this spring, and I've been
22 working with the union representatives of the 911
23 call takers as well as the Administration, and the
24 Police Department. Is there a plan with PSAC II
25 since it's the city's back-up to the 911 call system?

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2 Is FD and EMS going to have a presence on PSAC II, or
3 are you going to remain at headquarters?

4 COMMISSIONER NIGRO: Want to take that,
5 Bob? Bob Sweeney has been working on this project
6 very closely. We will be at PSAC II, by the way.

7 COUNCIL MEMBER GIBSON: Okay, okay.

8 ROBERT SWEENEY: The answer to that
9 question is yes, the Department will have EMD's and
10 firefighter dispatches. We're going to have three
11 boroughs up in the Bronx facility. It's not going to
12 be strictly a back-up 911 center. It's going to run
13 at the same current time as the current 911 system.

14 COUNCIL MEMBER GIBSON: Okay. So, and
15 that's slated for is it June?

16 ROBERT SWEENEY: June I think is the
17 slated opening. The Police Department's going to
18 move in first. The Fire Department moving in on a
19 later date. We're working on a new CAD system for
20 the fire system that'll interface with the police
21 system hopefully by the end of next year, and we'll
22 move our personnel in there by I think slated for
23 late fall if everything goes well with the
24 construction.

25

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2 COUNCIL MEMBER GIBSON: Okay, great.

3 Commissioner, can you just expand a little bit on the
4 Rikers Island tours and your relationship with Health
5 and Hospitals obviously doing a lot of the healthcare
6 services on the island? What exactly would the
7 Rikers Island tour mean for the services for
8 individuals that are on the island?

9 COMMISSIONER NIGRO: Well, I think it
10 provides benefits in two ways. First of all, it
11 provides a better benefit to those who work and are
12 incarcerated at Rikers Island by having an ALS and
13 BLS ambulance fully staffed there at all times.
14 Secondly, what service to Rikers Island was doing to
15 western Queens was constantly pulling our resources
16 from the streets of western Queens to transport from
17 Rikers Island, and these calls took much longer than
18 the average ambulance response would take. So we were
19 losing our tours quite regularly in our transports of
20 people from Rikers Island generally going to
21 Elmhurst. I know it was a concern last time I was
22 here of the council about what was happening at
23 Elmhurst Hospital at that ER. This will relieve
24 that, and it will relieve the stress on our normally
25 stationed ambulances in the western Queens.

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2 COUNCIL MEMBER GIBSON: Okay, so how many
3 transports would that mean? And I imagine with this
4 announcement you'll have a lot of happy residents in
5 western Queens, right?

6 COMMISSIONER NIGRO: I would hope so. I'm
7 not sure of the number transports, but we could
8 certainly provide that, how many we transport every
9 day. Ten a day I'm told. That's a considerable
10 number.

11 COUNCIL MEMBER GIBSON: Wow.

12 COMMISSIONER NIGRO: And those
13 previously, you know, ambulances that would service
14 those neighborhoods in Queens were pulled away 10
15 times a day to transport folks from Rikers. So, it's
16 a very important step forward.

17 COUNCIL MEMBER GIBSON: Okay. So, with
18 this funding in the Preliminary Budget you have--is
19 this enough to sustain you at 10 per day or what
20 happens if it increases? So, what can we do in this
21 budget to assure our residents in Queens that there
22 will not be an impact on services?

23 COMMISSIONER NIGRO: Well, we're hoping
24 that it doesn't increase. I think plans are certainly
25 not to have more people incarcerated on Rikers--

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2 COUNCIL MEMBER GIBSON: [interposing] But
3 less, right?

4 COMMISSIONER NIGRO: going forward. One
5 would hope not, and should the number stay
6 consistent, and we believe it will, this is adequate.
7 If it's not, I suppose we'll have to ask for another
8 ambulance out there on Rikers Island.

9 COUNCIL MEMBER GIBSON: Okay. Thank you
10 very much, Commissioner, I appreciate it.

11 COMMISSIONER NIGRO: My pleasure.

12 COUNCIL MEMBER GIBSON: And thank you,
13 Chair Crowley for your leadership.

14 CHAIRPERSON CROWLEY: Thank you. Thank
15 you, Council Member Vanessa Gibson. Ironically, the
16 population is going down on Rikers but the need for
17 ambulance is going up. So, even if the population
18 goes down, we may need more ambulances, which is a
19 shame. And I wanted to provide information from a
20 previous question I had asked about what is recovered
21 from an EMS tour billing and the number was 171, and
22 so in adding up all the salaries including the
23 wasteful overtime spending which is 34, almost 36
24 million dollars that happened in 2015, that's just
25 EMS alone, the Department spends 230 million on

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2 salaries for EMT's, paramedics or the EMS response.

3 It nearly washes out in terms of cost what you

4 recover. So, if you didn't spend all that money on

5 overtime, you would be nearing 200,000 in recovery--

6 sorry, 200 million and you're recovering 171 million.

7 So, the City's difference there is only about 15

8 percent. The vast majority of the cost to employ

9 these emergency medical service professionals is

10 covered from billing, which is important to make note

11 of, because as response times are increasing, it

12 certainly does not seem as if the Department is

13 hiring enough EMT's, certainly when you have a

14 situation such as TransCare and you overnight need to

15 staff 81 new tours. Which brings me to the questions

16 of how many more EMT's are you going to be--will you

17 be training in this fiscal year 2016 in comparison to

18 2015, and how many are you looking at training the

19 next fiscal year? So, just in terms of 15, 16, 17

20 trained EMT's to be putting out there on these new

21 tours.

22 STEPHEN RUSH: Two points first off on

23 react to the revenue, you can't hire personnel

24 without fringe benefits being paid. You have to

25 include that in, and you can't run personnel without

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2 ambulances. So, you have to look at the full cost of
3 EMS. You just can't make that comparison like that.
4 But beyond that, this year we started--we are looking
5 to increase the current class if we can in April to
6 180. We've been running classes of 120 consistently
7 four classes a year. We're looking to move that
8 number up to 180, and then going forward, assuming
9 the TransCare issue is going to be mainly on FDNY,
10 classes of 180 throughout fiscal year 17. In
11 addition we're studying the idea of adding an EMT
12 trainee program to recruit non-EMT's and that we
13 would train to become EMT's. So, we're looking at a
14 number of objectives to improve and increase the
15 number of EMT's coming into the Department.

16 CHAIRPERSON CROWLEY: Last year, you
17 trained 480 EMT's in your academy. This year that
18 will grow by 340, because you're going to have 60
19 more in each class, and you project the same thing to
20 happen in the next--

21 STEPHEN RUSH: [interposing] This fiscal
22 year--just starting this April now to increase the
23 class.

24 CHAIRPERSON CROWLEY: So half of it will
25 have been the smaller class--

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2 STEPHEN RUSH: [interposing] And the next-
3 -but going into the next fiscal year, if we're able
4 to achieve 180 per class, you're looking at 720
5 hires.

6 CHAIRPERSON CROWLEY: Seven hundred and
7 20 a year, which is a sizable fraction of the current
8 workforce you have.

9 STEPHEN RUSH: Well, we're also
10 anticipating the Promotional Exam for firefighter
11 coming up.

12 CHAIRPERSON CROWLEY: How many and how
13 frequently--how frequently do you have Promotional
14 Exam, and how many are you moving from EMT's and EMS
15 to firefighting?

16 COMMISSIONER NIGRO: Well, the exam is
17 held every four years.

18 CHAIRPERSON CROWLEY: Not that exam, the
19 promotional one.

20 COMMISSIONER NIGRO: The Promotional
21 Exam.

22 CHAIRPERSON CROWLEY: Oh, it's only once
23 every four years?

24 COMMISSIONER NIGRO: Once every four.
25 It's held--last time it was held at the same time as

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2 the Open Competitive. This time it will be held a
3 year before.

4 CHAIRPERSON CROWLEY: And that's this
5 year?

6 COMMISSIONER NIGRO: Because they get
7 hired first. It'll be held at the end of this year,
8 December of 2016. The last time we held a test we
9 had 400 people that moved from EMS to fire. We would
10 anticipate certainly at least that amount next time
11 around.

12 CHAIRPERSON CROWLEY: And in order to take
13 the Promotional Exam, you have to be an EMT working
14 at that time.

15 COMMISSIONER NIGRO: Correct, and you need
16 two years of service in EMS before you can move to
17 fire.

18 CHAIRPERSON CROWLEY: Why do so many of
19 your EMT's want to move to the firefighting? Isn't
20 that--it's a different job.

21 COMMISSIONER NIGRO: Well, either they
22 would rather be firefighters, that that career is
23 more interesting to them, or they're drawn to it
24 because it pays a higher wage, but I don't--

25

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2 CHAIRPERSON CROWLEY: [interposing]

3 Substantially, not--

4 COMMISSIONER NIGRO: [interposing] I think
5 each person has their own reason.

6 CHAIRPERSON CROWLEY: Right, but EMS has
7 not had a new contract in six years, right?

8 COMMISSIONER NIGRO: They're getting
9 close, I understand, but it's been a while.

10 CHAIRPERSON CROWLEY: And they don't have
11 the same type of promotional opportunities such as
12 the firefighter?

13 COMMISSIONER NIGRO: They have promotional
14 opportunities but only one of which is through an
15 exam, the Lieutenant's Exam from paramedic to
16 Lieutenant, and going forward from there it's a
17 different process.

18 CHAIRPERSON CROWLEY: Do you think that
19 if you were to have more promotional exams that were
20 protected with civil service titles that you would
21 have a better retention rate, and is it something you
22 would support?

23 COMMISSIONER NIGRO: Well, the retention
24 rate is better than it was, and if we took away the
25 promotion to firefighter it probably would be closer

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2 to the retention rate for fire. I would certainly
3 welcome conversation with the unions and anyone else
4 about changing the way we promote. I'm open to
5 discussion, that's for sure.

6 CHAIRPERSON CROWLEY: What about your EMS
7 Academy? With so many more EMT's being trained, are
8 you in need of more capital resources for the
9 academy? How do you compare the academy versus the
10 Randall Island Firefighting Academy?

11 COMMISSIONER NIGRO: Well, we're--we are
12 in need of more space there. We just this week had
13 an agreement with the United States Army to get an
14 additional building there on Fort Totten, and we are
15 in talks with OMB right now on a very ambitious
16 capital expansion program at Fort Totten in order to
17 expand our ability to train people faster and better,
18 and we'd like to make that facility better each year
19 than it was the year before.

20 CHAIRPERSON CROWLEY: What about
21 protective gear for your EMS personnel?

22 COMMISSIONER NIGRO: Well, they do have
23 it. Specifically?

24 CHAIRPERSON CROWLEY: Life protection
25 vests? Bullet-proof vests?

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2 COMMISSIONER NIGRO: Vests, well, I think
3 again I would discuss that with their
4 representatives. They last received vests many years
5 ago. I don't think many people use the vests, but we
6 can have that discussion with their representatives
7 at any time.

8 CHAIRPERSON CROWLEY: I saw that the
9 Department held an emergency simulation in the subway
10 a few months ago, an active shooter type, and you
11 would have to--would you have to send EMS personnel
12 into something similar?

13 COMMISSIONER NIGRO: Not on the initial
14 stages, but certainly eventually, yes.

15 CHAIRPERSON CROWLEY: And so would--

16 COMMISSIONER NIGRO: [interposing] Not
17 while it's an active shooter event, no.

18 CHAIRPERSON CROWLEY: Right, right. Have
19 you had situations where protective vests have saved
20 an EMT?

21 COMMISSIONER NIGRO: Well, my
22 recollection, this goes back a very long time, that I
23 think under the Giuliani Administration when the
24 vests were first given out had to do with a 1998, I
25 thought it had to do with a stabbing. I don't recall

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2 any events. Someone can tell me that if anyone was
3 wearing a vest and it saved them. I'm not aware of
4 it. The--as a side of this, we have instituted
5 rescue taskforces to work with the Police Specialized
6 Units in these cases, and we are going to outfit them
7 with ballistic protection, which is at a higher level
8 than the vest that you're talking about.

9 CHAIRPERSON CROWLEY: I'd like to
10 recognize Council Member Rory Lancman for questions
11 and note that he'll be followed up with questions
12 from Council Member Paul Vallone who joined us
13 recently.

14 COMMISSIONER NIGRO: Sure.

15 COUNCIL MEMBER LANCMAN: Commissioner, I
16 just want to follow up on the TransCare issue, which
17 as I understand it had the Department scrambling to
18 pick up the tours that were lost, and I feel that
19 somebody should ask the big question, I guess that
20 will be me, of whether or not the Department should
21 be relying on these private operators and whether or
22 not those relationships should be phased out and the
23 Department should take responsibility for doing what
24 it does better than any other department or private
25 organization in the world, and that is respond to

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2 these calls. Why do we still need these private
3 relationships, and why don't we just spend that
4 resources on growing the Department and giving it
5 responsibility for doing what your folks do, you
6 know, better than anyone else?

7 COMMISSIONER NIGRO: Well, I thank you for
8 that support, and I think those exact discussions are
9 right now going on between our department and City
10 Hall as to moving forward how do we avoid this
11 situation. What should be our plan moving forward
12 for emergency medical care in this city? It's a very
13 serious discussion and it's ongoing, and I agree with
14 everything that you say that it's not something that
15 we should take lightly or say, "Well, this won't
16 happen again," because we don't know that. So the
17 Department is gearing up and it's why one reason
18 we're ever-trying to increase our class size and
19 maybe bring in EMS trainees to staff up and be ready
20 for these contingents, and we'll see what the
21 landscape looks like as we move forward. It could be
22 ever-changing.

23 COUNCIL MEMBER LANCMAN: Well, I'm glad to
24 hear that the Department is looking at that and the
25

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2 City is looking at that. From my perspective, that
3 seems the best solution for everybody down the road.

4 COMMISSIONER NIGRO: Thank you.

5 COUNCIL MEMBER LANCMAN: Thanks very much.

6 CHAIRPERSON CROWLEY: Council Member
7 Vallone?

8 COUNCIL MEMBER VALLONE: Thank you, Madam
9 Chair. Good morning, Commissioner, and welcome to
10 those on the top balcony. So, I--you just threw
11 something in there that got me very excited because
12 it came up at Chair Crowley's last hearing where we
13 had conversations about Fort Totten, and that's my
14 home district so I'm always very excited and/or
15 concerned about what we're doing there and what we
16 can do to make those facilities better. Also, with
17 the handcuffs that we have there with the historical
18 buildings and the leases in place, it's a difficult
19 place to navigate, but I'm always there trying to
20 champion upgrades to the facilities for making sure
21 our men and women have the best training facilities
22 there. So, you mentioned some talks with OMB for
23 future plans there. Could you elaborate that for us?

24 COMMISSIONER NIGRO: Well, sure. As you
25 say, there are a lot of limitations at Fort Totten.

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2 We've worked well within those limitations of
3 historic buildings and other tenants, etcetera, but
4 there is space there that we could expand into. It
5 will take some money to upgrade it to where they need
6 to be. We do have a plan that we think is workable
7 that will increase our ability to train substantially
8 at Fort Totten. Our firefighters train in CFR. Our
9 EMT's all did their training out there, our
10 paramedics. We need more classroom space. It's
11 obvious we need more space for our driver training.
12 That's obvious to us. So we're very hopeful that
13 these talks going forward will give us the capital in
14 order to expand on Fort Totten.

15 COUNCIL MEMBER VALLONE: Is there anything
16 on a short term goal that we might be able to--

17 COMMISSIONER NIGRO: [interposing] Short
18 term, we, as I said, we've gotten a building from the
19 army that they're allowing us to use now that will
20 allow us to train more people right now. It will not
21 need much work on our part. Long term, it's a little
22 bit different, but that's the short term issue.

23 COUNCIL MEMBER VALLONE: Well, I know you
24 made in your budget here allocation for an extra 150
25 recruits. So, that's all good news. You know,

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2 recently when the tour was pulled from Fort Totten,
3 we had quite a push back from the community since
4 we're housing the training facilities we shouldn't be
5 losing the tours, but I found that that has come
6 back.

7 COMMISSIONER NIGRO: Yes.

8 COUNCIL MEMBER VALLONE: And I think
9 that's making these allocations a critical to address
10 the tours. We appreciate that. Also, within the
11 training facility that you have now, the staff was
12 kind enough to take us through, but even the programs
13 that are being used are, as I said at the last
14 hearing, I think my son's Xbox video game has got a
15 video console than what's going on in there. As
16 they're in the simulator ambulance, the program there
17 is very outdated. Can we make some short term
18 commitments to get the best programming in these guys
19 before they hit the streets?

20 COMMISSIONER NIGRO: I'm told that's in--
21 the upgrade is in the process of being done on the
22 driving simulators. Is that correct? I believe so. I
23 believe that an upgrade is taking place now on those
24 simulators, but I can check.

25

2 COUNCIL MEMBER VALLONE: That would be
3 great, because the facility itself is there. You've
4 got the ambulance, but I think if we can get them an
5 upgrade on the program that would be a big help on
6 before they hit the streets here in the City. Last
7 year I tried to make some allocations for some of the
8 firehouses for some capital upgrades, and then it
9 just turned out to be too daunting for any individual
10 Council Member to really make some capital upgrades
11 whether it's to the kitchens, to the sleeping
12 quarters. Is there any plans in this budget for
13 firehouse renovations or structural upgrades, because
14 I couldn't quite see what's going on?

15 COMMISSIONER NIGRO: in the last budget,
16 capital budget we did add 15 million dollars per year
17 capital funding for renovations fire houses and EMS
18 facilities. So, there has been funding added, and we
19 continue to seek additional funding as necessary
20 based on cost over-runs.

21 COUNCIL MEMBER VALLONE: Are you happy
22 with the current, or are we going to fight for more
23 funding for our fire houses?

24

25

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2 COMMISSIONER NIGRO: We always in the
3 discussion with OMB about funding levels on
4 facilities given the age of our infrastructure.

5 COUNCIL MEMBER VALLONE: How are the
6 allocations made on which fire houses are tackled
7 first for capital expenses?

8 COMMISSIONER NIGRO: The facilities' unit
9 makes those judgments. They have a whole risk model
10 on the--and it's really based on the age of the
11 firehouses and the infrastructure within the
12 firehouses. Some of--it's component work that may be
13 looked at, electrical work, obviously, new bathrooms,
14 kitchens, apparatus, floors, and roofing. So they
15 have a whole priority and they have a risk base for
16 each facility, and that's reviewed by with OMB, and
17 we're fairly successful in getting funding for
18 facilities.

19 COUNCIL MEMBER VALLONE: Do you know
20 where you are borough by borough on percentages of
21 houses that have been repaired or upgraded and how
22 many are left to be done?

23 COMMISSIONER NIGRO: WE need to get that
24 stats to you.

25

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2 COUNCIL MEMBER VALLONE: Yeah, I think
3 that would be helpful, because we want to be able to
4 go to bat for you guys and get that funding to do
5 that, and we also may want to--I know even the
6 Borough President last year tried to help out and
7 match us with some funding, but the numbers were just
8 too high. I think if we could individually help and
9 the Council help go to bat, I think that would be a
10 big help for the guys. When we go into the
11 firehouses, the first thing they ask us is for some
12 upgrades. I'd like to be able to do that. That'd be
13 a good thing, especially as some of the engines that
14 we're using out there are a little bit--that's the
15 last question I wanted to ask is how does that work
16 on the replacements? Is it a 10 year lifespan of
17 our--the engines that are being used?

18 COMMISSIONER NIGRO: Fire apparatus is
19 replaced 10 years, 364 days. So, right now every
20 fire apparatus in New York City is newer than that.
21 We're required to replace them within that span.

22 COUNCIL MEMBER VALLONE: So, that's not
23 an issue, everyone is within the--

24 COMMISSIONER NIGRO: [interposing] It's
25 not an issue now, no.

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2 COUNCIL MEMBER VALLONE: That's good.

3 Thank you very much, Commissioner. I look forward to
4 working with you over at Fort Totten and getting
5 updates.

6 COMMISSIONER NIGRO: Great, thank you.

7 COUNCIL MEMBER VALLONE: Thank you.

8 CHAIRPERSON CROWLEY: Commissioner, what
9 is the average turnaround time at hospitals when the
10 transport is complete and the patient is ready to be
11 seen by the ER?

12 COMMISSIONER NIGRO: I think right now
13 it's about 34 minutes.

14 CHAIRPERSON CROWLEY: No, not really. On
15 everyone it's that long?

16 COMMISSIONER NIGRO: Average.

17 CHAIRPERSON CROWLEY: It is?

18 COMMISSIONER NIGRO: Yeah.

19 CHAIRPERSON CROWLEY: Is there a way to
20 reduce that? That's a lot of time.

21 COMMISSIONER NIGRO: Yeah, I think one
22 thing we're going to try right now is again as a
23 pilot, we're going to try putting an officer in a
24 couple of these ER's where they're particularly
25 difficult turnaround times. You know, our members

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2 can't leave the patient. We can't leave until the
3 hospital takes possession of the patient. Some of
4 this is beyond the Fire Department's control or
5 anyone else's. It's in the hospitals control. So--

6 CHAIRPERSON CROWLEY: [interposing] Well,
7 I like that idea.

8 COMMISSIONER NIGRO: it has been growing.
9 It has been an issue for us.

10 CHAIRPERSON CROWLEY: Have you had
11 officers at any hospital waiting for the patients to
12 come in?

13 COMMISSIONER NIGRO: WE did it. We did it
14 years ago, we tried that, and for a different reason
15 though they weren't taking possession of the
16 patients. We're going to try a different format.
17 One of the things here, as the volume grows as it
18 has, so it not only affects our transports, it
19 affects our emergency rooms. Over the past 20 years
20 we've had hospital closings. We have fewer emergency
21 rooms. They are more crowded than ever before. It's
22 quite an issue, and we're going to try to work with
23 the hospitals to get their assistance to allow us to
24 get our units back in service quicker.

25

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2 CHAIRPERSON CROWLEY: Do you have enough
3 officers to do that? How many hospitals, how many
4 emergency rooms are you thinking?

5 COMMISSIONER NIGRO: We have enough
6 officers to start it.

7 CHAIRPERSON CROWLEY: Sorry?

8 COMMISSIONER NIGRO: We have enough
9 officers to start it as a pilot. We would not have--

10 CHAIRPERSON CROWLEY: [interposing] And
11 how large would--

12 COMMISSIONER NIGRO: enough officers to
13 staff all emergency rooms fulltime, no.

14 CHAIRPERSON CROWLEY: No, no, no. I
15 understand that. How--what size would the pilot be?

16 COMMISSIONER NIGRO: I don't think we've
17 determined that, how many we will try.

18 CHAIRPERSON CROWLEY: What is the staffing
19 ratio for EMS officer to EMT that's not officer or
20 paramedic?

21 COMMISSIONER NIGRO: Well, we have--
22 there's almost 4,000 people in EMS right now, 550 of
23 which are officers. So, I think it's--this ratio's
24 about 6.5 to one.

25

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2 CHAIRPERSON CROWLEY: Do you know what
3 response times are both for fire and medical
4 emergencies for your divisions? We understand and we
5 see the numbers for citywide and borough-wide, but do
6 you know--and how many divisions of the city do you
7 have, and do you know the response times for
8 divisions?

9 COMMISSIONER NIGRO: Excuse me, do we
10 have response times broken down by division?

11 CHAIRPERSON CROWLEY: Keep that data?

12 COMMISSIONER NIGRO: I've not seen it,
13 but I think we have it. I don't have it here. We
14 can get it. They tell me we do keep it by division.

15 CHAIRPERSON CROWLEY: I would like to get
16 a copy of that because I believe that when you look
17 at the smaller areas and you go into the divisions,
18 you'll see which areas may have the ability to give
19 resources to other divisions whereby the response
20 time could be about equal in each division would
21 have--

22 COMMISSIONER NIGRO: [interposing] Sure.

23 CHAIRPERSON CROWLEY: without expanding
24 the resources, just deploying them so it's fair. I'd
25 like to talk about your recruitment efforts. You

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2 have a test next year for firefighting, and do you
3 have a goal to make sure a certain percentage or
4 minority is certain percentage or women, and can you
5 have that goal before you stop and close the test?

6 Can, you know--

7 COMMISSIONER NIGRO: [interposing] Can we
8 meet that goal, was that--

9 CHAIRPERSON CROWLEY: [interposing] No,
10 no, no. I know that there was a diversity lawsuit. I
11 don't know all the details of it, but I know that
12 you're recruiting through a new test. Test is next
13 year.

14 COMMISSIONER NIGRO: 2017, correct.

15 CHAIRPERSON CROWLEY: Is that--where in
16 2017, when?

17 COMMISSIONER NIGRO: Late in the year.

18 CHAIRPERSON CROWLEY: Okay. So, from now
19 until some point next year you'll be recruiting
20 people to register to take the test?

21 COMMISSIONER NIGRO: Correct.

22 CHAIRPERSON CROWLEY: Do you have
23 diversity goals with that recruitment?

24 COMMISSIONER NIGRO: Laura?

25 LAURA KAVANAGH: We do.

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2 CHAIRPERSON CROWLEY: What are they?

3 LAURA KAVANAGH: By demographic or by
4 gender or both?

5 CHAIRPERSON CROWLEY: Sorry, I didn't
6 hear you.

7 LAURA KAVANAGH: By demographic or by
8 gender or by both?

9 CHAIRPERSON CROWLEY: By both.

10 LAURA KAVANAGH: So it's about 10 percent
11 for women. For African-American it's about 25
12 percent. For Hispanics about 25 percent, and about
13 10 percent for other groups.

14 CHAIRPERSON CROWLEY: And how many women
15 do we have in the Department now?

16 LAURA KAVANAGH: Forty-nine.

17 CHAIRPERSON CROWLEY: Forty-nine as
18 firefighters? And do you know the diversity of the
19 entire Department in terms of racial diversity?

20 LAURA KAVANAGH: Overall?

21 CHAIRPERSON CROWLEY: Not including your
22 EMS.

23 LAURA KAVANAGH: It's about 15 percent
24 minority.
25

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2 CHAIRPERSON CROWLEY: No, no, no. Your
3 firefighting is 50 percent?

4 LAURA KAVANAGH: Fifteen.

5 CHAIRPERSON CROWLEY: Oh, 15. And what is
6 the status of the women's bathrooms in the
7 firehouses?

8 LAURA KAVANAGH: I'm going to defer to
9 Commissioner Sweeney.

10 ROBERT SWEENEY: Currently we have about
11 40 facilities on fireside that do not have individual
12 female facilities. We are projected by the end of
13 this calendar year to have all those facilities
14 completed.

15 CHAIRPERSON CROWLEY: Are there rules in
16 the house? There are different [sic] firehouses that
17 female firefighters should not go into the male
18 firefighter's bathrooms and vice versa?

19 COMMISSIONER NIGRO: There are. Those
20 rules are in effect, and they are just as you stated.
21 Female facilities are for females only, period.
22 Males' facilities are for men only.

23 CHAIRPERSON CROWLEY: So, when a female
24 needs to use the female bathroom facilities, would
25

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2 she have to walk through a male's changing room to
3 get there in any of these bathrooms?

4 COMMISSIONER NIGRO: I believe we still
5 have some places where she would have to walk through
6 a male locker room, and in those firehouses the male
7 firefighters are directed to change--not to change in
8 that room, but to change in the male bathroom.

9 CHAIRPERSON CROWLEY: And what happens if
10 there's a complaint about a firefighter not following
11 those rules?

12 COMMISSIONER NIGRO: Well, it'd be two
13 ways to make complaints. An EEO complaint, it goes
14 through our EEO process. It could also be a
15 disciplinary issue like we recently had in Brooklyn
16 in which it was found that men were being allowed to
17 use the female facility, and in that case the
18 officers of that house were disciplined for that, a
19 violation of our rules.

20 CHAIRPERSON CROWLEY: So the--

21 COMMISSIONER NIGRO: [interposing] We do
22 take that very seriously, and any complaint that
23 comes to myself, Chief Leonard or anyone else in the
24 Department is thoroughly investigated.

25

2 CHAIRPERSON CROWLEY: So, ultimately if
3 something goes--if there's a complaint in a
4 particular firehouse, the fire officers will be
5 punished unless you can find who else, who the
6 particular firefighter is that's--

7 COMMISSIONER NIGRO: [interposing] Well,
8 the officer has a responsibility to ensure that the
9 rules are being followed. The individual firefighter
10 has a responsibility not to break the rule, and the
11 Chief Officer has a responsibility to oversee the
12 area in which that Chief is responsible. So there
13 can be more than one person held responsible in these
14 cases.

15 CHAIRPERSON CROWLEY: Okay. When--I'm
16 going to go into a different area. Back to just
17 improving EMS because I'm getting to a point where I
18 just want to make sure I cover all the questions that
19 I had. I was actually very surprised to learn that
20 you had a 32 minute turnaround in the hospital. I
21 have had complaints from the Union, from your rank
22 and file EMT's and paramedics saying that when they
23 get there they lose a lot of time at the hospital
24 because NYCWiN, our, you know our bandwidth for
25 transmitting information via the internet, is just

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2 not large enough and that these documents that they
3 keep on a tablet are not able to be transferred
4 because of this problem. Are you familiar with that
5 problem?

6 COMMISSIONER NIGRO: I am familiar with
7 it, yes, and NYCWiN has been somewhat of a problem.
8 It contributes to the turnaround time issue, although
9 we've had turnaround time issues in the 20 years that
10 I've had knowledge of EMS unrelated completely to
11 this issue, it's just related more to the hospital
12 issues. Right now we are in the process of looking
13 at switching those tablets possibly to another type
14 of tablet like an iPad and a commercial carrier such
15 as Verizon which would eliminate the issues we have
16 with NYCWiN.

17 CHAIRPERSON CROWLEY: So you're working
18 on it. It should be resolved.

19 COMMISSIONER NIGRO: We are actively
20 working on that, because we realize that has been a
21 problem.

22 CHAIRPERSON CROWLEY: And your technology
23 and dispatch, I've heard that because of the grid
24 system and your CAD operations that sometimes you
25 have cases where you'd like to dispatch a certain

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2 ambulance that's closer, but the system which is
3 computerized is not allowed to be changed by it and
4 emergency medical dispatch, and that could save time
5 if that was changed. Have you heard the same, and
6 are the--

7 COMMISSIONER NIGRO: [interposing] Yeah,
8 well the system is designed to pick the closest
9 appropriate ambulance, whether it's ALS or BLS and
10 then find that ambulance that sits in what they call
11 an "atom" closest to the address of the call. At
12 times because the atom is not as accurate, it kind of
13 centers the unit, the computer picks the unit based
14 on the center of the atom. It's not completely
15 accurate. The new CAD system that is in the design
16 right now will be more accurate in selecting the
17 location exactly of the ambulance. So, right now the
18 system uses the center of the atom, not the exact
19 location of the ambulance.

20 CHAIRPERSON CROWLEY: Right. And so
21 you're working on improving that. When do you
22 believe that'll be complete?

23 COMMISSIONER NIGRO: I believe the CAD
24 system roll out for fire is scheduled for fall of
25

2 this year, and the CAD system for EMS, spring of
3 2017.

4 CHAIRPERSON CROWLEY: So, just back to
5 span of control and ratio, the figures I get are
6 different from when talking to the EMT's and
7 paramedics in the field. They say that the ratio is
8 really closer to twice what you're saying, that
9 instead of it's one to six or one to seven, it's one
10 to 14. You addressed some of the need in the
11 previous fiscal budget because in the prior years it
12 was closer to one to 20. It gets very confusing when
13 you look at the number of FDNY ambulances versus
14 voluntary. So when you say these are the number of
15 officers we have to civilians, you might not be
16 counting the voluntaries. Why is there such a
17 drastic difference that I'm hearing from those in the
18 fields in terms of ratio to supervisor?

19 COMMISSIONER NIGRO: I don't know where
20 those in the field are getting their numbers from,
21 but our numbers indicate it's 6.5, and we had this
22 discussion last time about span of control is
23 important at the scene of an operation. When you're
24 at the scene of a MCI, a multiple casualty incident,
25 we believe our span of control is excellent.

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2 Administratively span of control becomes less of an
3 issue. You're not managing people in an emergency
4 situation. It's apples and oranges. So, we think
5 our system of management at the scenes of operations,
6 we have a very appropriate span of control.

7 CHAIRPERSON CROWLEY: So how many
8 emergencies do you--does your department respond to
9 every year?

10 COMMISSIONER NIGRO: Emergencies every
11 year, I think are 1.7 million emergencies.

12 CHAIRPERSON CROWLEY: So they're all
13 emergencies. Does the individual person may feel
14 it's an emergency, and they're--

15 COMMISSIONER NIGRO: [interposing] Well,
16 they're not all emergencies that require the
17 supervision of an EMS officer.

18 CHAIRPERSON CROWLEY: Right, but any
19 time--

20 COMMISSIONER NIGRO: [interposing] Every
21 ambulance call, that's--

22 CHAIRPERSON CROWLEY: [interposing] But
23 any time there's a fire emergency you have a fire
24 officer on it.

25 COMMISSIONER NIGRO: Yes, we do.

2 CHAIRPERSON CROWLEY: Alright. But the
3 only time that I can point to in recent years where
4 you had a massive emergency and EMS was not planned
5 and well-managed, I mean, look it wasn't under your
6 leadership, but it was Super Storm Sandy, and I
7 believe that that really exacerbated the faults that
8 you have within your EMS arm, and while there's been
9 some work to fix it, I can't rest assured knowing
10 that if we had another super storm like that that you
11 have enough officers to handle a situation such as
12 what we had with Super Storm Sandy in the EMS side of
13 your operations.

14 COMMISSIONER NIGRO: Since Super Storm
15 Sandy we've certainly changed the management of EMS
16 drastically, and we believe we can handle such
17 emergencies with what we have. We're always willing
18 to talk, you know, and we're in negotiations now with
19 the EMS officers' union in those discussions.

20 CHAIRPERSON CROWLEY: But you're going to
21 need more especially if this pilot plan saves
22 resources and time, you're probably going to need
23 more.

24 COMMISSIONER NIGRO: I certainly think as
25 we're hiring, as you can see we're hiring more EMT's,

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2 we will be promoting more paramedics to officers
3 also. The number of officers will increase as the
4 numbers of--

5 CHAIRPERSON CROWLEY: [interposing] And
6 does this negotiated with your contract within the--

7 COMMISSIONER NIGRO: [interposing] I'm
8 sure that's part of the discussions going on, but
9 what will be the ultimate outcome, I don't know.

10 CHAIRPERSON CROWLEY: We didn't talk about
11 the EMS tactical response. Under that title, I'm not
12 exactly sure how that differs from your fast Fly
13 Cars.

14 COMMISSIONER NIGRO: That's two different
15 things. We have the Fly Cars which are 10 units with
16 an officer, a paramedic officer and a paramedic, and
17 a Tactical Response Unit going up in the Bronx later
18 this spring. We'll have five ambulances not at a
19 specific location, with the ability for us to move
20 them to areas that are showing immediate needs. We
21 believe again this will shave some response time off
22 in the Bronx, and as it does we will look to expand
23 this to the other four boroughs. It's 10 additional
24 tours, five ambulances, 10 tours.

25

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2 CHAIRPERSON CROWLEY: Do you track the
3 number of minority and women-owned businesses that do
4 work with the Fire Department in your contracts?

5 COMMISSIONER NIGRO: We do very
6 carefully, right Steve?

7 STEPHEN RUSH: Yes, we do.

8 CHAIRPERSON CROWLEY: What is the
9 percentage?

10 STEPHEN RUSH: Okay, I just got to pull
11 up my document here. It breaks out into different
12 categories under the Local Law, and essentially on
13 their goods under 20,000 dollars where we do not have
14 to do competitive bids, we're at approximately 42
15 percent of our spending is in that area. Now, for
16 items that are competitively bid it varies based on
17 services or good. I think we're at--in the 20 percent
18 range on--but it's all--that's all competition, and
19 we have to go with the lowest bid in those
20 circumstances. We're trying to figure out different
21 ways to award more bidding in noncompetitive
22 circumstances. The PPB rules have just upped the
23 construction budget for procurement to 35,000
24 dollars, and we intend to work with the facilities to

25

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2 do a lot of smaller awards, hopefully to MWBE's to
3 also increase our participation.

4 CHAIRPERSON CROWLEY: Thank you. That's
5 better numbers than most departments have, so I
6 compliment you on that. I would like to talk to you
7 about smoke detectors. We had the initiative last
8 year. It seems like it's pretty successful.

9 Commissioner, can you update me on where we are with
10 how many have been distributed and whether we should
11 renew this program for the next fiscal year?

12 COMMISSIONER NIGRO: Sure. So far, we've
13 distributed about 25,000. I think 13,000 of which
14 have been installed by the Red Cross volunteers. Red
15 Cross intends to increase their volunteer force and
16 move forward with that project. So we think it's
17 extremely valuable to the citizens. We intend to do
18 50,000 a year for two years, 5,000 fire safety
19 events, fire safety education events, and just the
20 other day we had a family out in Queens, five people
21 pulled out of a home in the early morning overcome, a
22 couple of them overcome by CO. They all came very
23 close to dying, and they had just moved into the
24 home. They did not have a smoke alarm or a carbon
25 monoxide detector in a beautiful home in eastern

2 Queens. It could have been a very sad tragedy, and it
3 just pointed again to the importance of these alarms
4 for everyone.

5 CHAIRPERSON CROWLEY: And the types of
6 alarms are different than the alarms that you've
7 given out in previous years?

8 COMMISSIONER NIGRO: I think, yeah. I
9 think we're giving out now they're 10 years, sealed
10 batter, combination smoke and CO alarms. And they're
11 photoelectric alarms.

12 CHAIRPERSON CROWLEY: Are they superior
13 to the other types of alarms you've given out?

14 COMMISSIONER NIGRO: We believe so.

15 CHAIRPERSON CROWLEY: Good. You don't do
16 vital statistics like you once did on your website,
17 or am I just not finding it? Something like this
18 that you did in 2014?

19 COMMISSIONER NIGRO: I know we just
20 changed our website last week. We updated it. That
21 page is no longer on there?

22 CHAIRPERSON CROWLEY: The vital statistic
23 page, I couldn't find it for 2015.

24 COMMISSIONER NIGRO: I'll check into
25 that.

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2 CHAIRPERSON CROWLEY: And, you know,
3 we're coming to an end here, so I thank you for your
4 patience, but I just want to highlight that in
5 looking at calendar year 2014 and calendar year 15
6 citywide responses, every single category has
7 increased from the average response time to
8 structural fires to the average response time to
9 life-threatening medical emergencies by ambulance
10 units. And I believe and know that working together
11 we could do better.

12 COMMISSIONER NIGRO: Thanks.

13 CHAIRPERSON CROWLEY: I understand the
14 Department's busier than ever before, but in terms of
15 meeting the demands of New Yorkers, new New Yorkers,
16 people who come here to work and do business or just
17 to visit. The only way we could provide better
18 service is to bring down the response times.

19 COMMISSIONER NIGRO: Yes, and I agree,
20 and I think our members are doing like you say an
21 extraordinary job keeping up with this unprecedented
22 increase in workload.

23 CHAIRPERSON CROWLEY: I agree. Your
24 members are working harder than ever before, and
25 we're spending a lot of money on overtime, too. And

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2 I think that over the next couple of weeks we have
3 time to put together a budget that will improve
4 services and reduce response times. Thank you so much
5 for being here.

6 COMMISSIONER NIGRO: Thank you.

7 CHAIRPERSON CROWLEY: Thank you for the
8 work you do and your department. Next up we're going
9 to hear from the Department of Probation.

10 [break]

11 CHAIRPERSON CROWLEY: Good morning. My
12 name's Elizabeth Crowley. I'm chairing this
13 Committee on Fire and Criminal Justice. We're going
14 to resume now, and shortly we'll hear from the
15 Department of Probation. I want to thank Commissioner
16 Bermúdez for being here, for the work that she's
17 doing on behalf of the City. Recently I had an
18 opportunity to visit an event put on by the
19 Department of Probation for the NeON Program, which
20 concentrates heavily in the arts, involvement that
21 you had with Carnegie Hall. I was very impressed,
22 and especially speaking with the young people
23 involved with the program how it really transforms
24 their life. So, you know, this hearing is mainly
25 about fiscal year 2017's Preliminary Budget and also

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2 about 2016's Mayor's Management Report, and before we
3 can hear from you, Commissioner and anybody on your
4 team, we must swear you in, and so if you could
5 affirm--if you--one second. If you raise your--you
6 need to raise your right hand. It's up to you. Do
7 you affirm to tell the truth, the whole truth and
8 nothing but the truth in your testimony before the
9 Committee and to respond honestly to Council Member's
10 questions?

11 COMMISSIONER BERMUDEZ: Yes, I do.

12 CHAIRPERSON CROWLEY: Thank you.

13 COMMISSIONER BERMUDEZ: Great. Good
14 morning, Chair Crowley and members of the Fire and
15 Criminal Justice Services Committee. I am Ana
16 Bermúdez, Commissioner of the New York City
17 Department of Probation. I'm joined today by my
18 cabinet, Deputy Commissioners Sharun Goodwin, Gineen
19 Grey and Michael Forte, and General Counsel Wayne
20 McKenzie. Thank you for the opportunity to testify
21 about the important work of the Department of
22 Probation and its Preliminary Fiscal Year 2017
23 Budget. I also want to thank you for your continued
24 interest in our work and because it's work that we've
25 also been able to share with you a couple times this

2 year in person, and we greatly appreciate it. Before
3 I get into the budget numbers, though, I want to
4 frame Probations Unique position in the Criminal and
5 Juvenile Justice Systems which is that we're in the
6 middle, we sit in the middle of the continuum of
7 agencies that promote public safety. It is the one
8 entity in the justice system that uniquely and
9 necessarily plays multiple roles. We link the
10 system's many diverse stakeholders from law
11 enforcement to service providers. I think we can all
12 agree that police officers are not social workers,
13 and as well they shouldn't be, right? And that
14 community-based organizations primarily offer
15 supports and services but not necessarily system
16 accountability measures. So to be really
17 comprehensive, right, and smart on crime we need to
18 effectively leverage both as a system, risk
19 management and community support, because that is the
20 most effective way to create the individual behavior
21 change that's needed to get out and stay out of the
22 justice system, and that is a critical role of this
23 Department, to help reduce crime through an
24 intentional and carefully calibrated balance of
25 structure and support. So at Probation, here's how we

2 strike that balance. On the structure side we hold
3 people accountable through monitoring them at an
4 intensity level that is proportional to their risk
5 level and consistently require them to account for
6 the decisions they make no matter how small. On the
7 support side, we ensure access to services and what
8 we call off-ramps out of the system. This balanced
9 approach reinforces the expectation that people on
10 probation are capable of the behavior change
11 necessary to address the factors that brought them to
12 us in the first place as they work towards creating
13 what we call "their new now," and to use probation as
14 a stage of opportunity. Last year, the Department
15 provided intake investigation and supervision
16 services for more than 50,000 cases and directly
17 supervised 29,412 adults and 3,082 juveniles. To put
18 this in context, that's about three times the City's
19 current jail population. This makes us one of the
20 largest alternatives to incarceration entities in the
21 nation providing direct accountability from a
22 government agency that largely relies on the
23 professional qualifications, expertise, invested
24 legal authority of some 700 sworn badge carrying
25 peace officers. This uniquely positions us to

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2 utilize the balanced approach I just spoke about
3 which ensures public safety through behavior change.
4 For fiscal year 2017 the Department of Probation has
5 a Preliminary Budget of 96.6 million dollars as
6 compared to our fiscal year 2016 adopted budget of
7 95.5 million dollars. The Preliminary Budget
8 proposes an increase of one million dollars including
9 behavioral health and other needs critical to
10 probation operations at 646,000 dollars, recognition
11 of federal grant funding at 358,000 dollars, and
12 collective bargaining at 147,000 dollars. When
13 compared to our current budget of 99.5 million
14 dollars, the fiscal year 17 Preliminary Budget of
15 96.6 million dollars is 2.9 million dollars or three
16 percent less, which is primarily attributable to
17 intercity funding that is historically added to our
18 budget post adoption. Of the 96.6 million dollars
19 allocated to our Preliminary Budget, 75 percent or
20 72.1 million dollars is allocated to personnel
21 services, and 25 percent or 24.5 million dollars is
22 allocated to other than personnel services, 75.3
23 million dollars are city tax levy funds, 14.6 million
24 dollars are state funds, 6.3 million dollars are
25 intercity funds, and 358,000 dollars as I said before

2 are federal grant funds. State funding which at one
3 point reimbursed nearly 50 percent of local probation
4 costs, but now provides less than 14 percent of our
5 operating costs is expected to remain flat at the
6 2011 funding level. Our budget priorities continue
7 to reflect critical investments in sustaining and
8 expanding our unique continuum of structured
9 accountability and support including our new Young
10 Adult Supervision Model, which is intended to improve
11 the overall outcomes, not just the criminal justice
12 ones, for people on probation ages 16 to 24.

13 Currently, this high-risk age group represents a
14 third of our "adult" supervision population, because
15 as you know we're still at 16 for the age of criminal
16 responsibility, and this group is growing. Yet, it
17 disproportionately accounts for two-thirds of our re-
18 arrest. Given the research on brain development, we
19 know that young people act impulsively, tend to be in
20 harm's way and struggle with decision-making when it
21 comes to managing conflict. Chair Crowley, you
22 witnessed this yourself when you visited our Justice
23 Plus Program and heard about the kinds of issues the
24 young people face on a daily and hourly basis
25 sometimes in terms of making better decisions,

2 managing conflict peacefully and avoiding violence,
3 even at a McDonalds as that young man recalled.

4 Addressing those issues requires a certain level of
5 practice and expertise. So the Department, with the
6 help of a federal grant has created specialized units
7 comprised of new hires and veteran probation officers
8 who applied and were carefully screened for these
9 positions. These officers bonded through an

10 unprecedented six months of intensive and extensive
11 training to provide them with new and additional
12 tools to effectively engage on the issues of

13 violence, peer relations and decision-making. This
14 training necessarily included among many other
15 evidence-based practices, the principles of positive
16 youth development and cognitive behavior approaches.

17 I personally spent a significant amount of time in
18 the training room helping staff learn how to develop
19 case plans with our clients using the case plans as
20 living documents and supervision sessions and really
21 drilling down on client engagement strategies. But
22 why is this all important, so important? Because we
23 know from research that programs with a theory of
24 practice have been found to be three to five times
25 more effective than programs that don't have it, and

2 we need to be more effective with this group. Our
3 new Young Adult Supervision Model launched in January
4 1st, and up through last month, 318 young people have
5 been assigned to these new probation teams. Those
6 young people are completing the engagement and
7 assessment phase right now which focuses on the use
8 of probation as a stage of opportunity and making a
9 commitment to non-violence as well as selecting goals
10 to focus on for achievement, and that commitment is
11 critical because this group is also the commitment to
12 non-violence because this group is also
13 disproportionately impacted by violence. To protect
14 those on probation and their communities from harm,
15 we rely on the mix of accountability and support
16 measures probation has at its disposal. Last year,
17 our specialized unit of tactical support officers
18 known as the Intel Unit conducted over 1,000 field
19 enforcement actions including probation retakes,
20 actions on warrants, and responding to gang and
21 domestic violence incidents. We are also an integral
22 part of the cease fire initiative in Brooklyn, a
23 partnership among the New York City Police
24 Department, the District Attorney's Office and
25 community leaders, another accountability and law

2 enforcement driven approach to preventing violence.

3 In terms of support, the Department also began a

4 facilitated group intervention using a video called

5 Voices from Within, which is a video presentation

6 featuring inmates at Sing Sing Prison urging gang-

7 involved youth to step back and create a new now for

8 themselves. A mantra we have adopted here on

9 probation and part of the folder that people get when

10 they get to probation to keep their--keep it

11 together, as we say, and put all their papers in

12 there and all their achievements in there as well.

13 And the biggest support of all, mentoring, was part

14 of the Daily News cover story on gang violence last

15 December, which highlighted the impact of our Arches

16 Transformative Mentoring Program and profiled mentor

17 Dedric "Beloved" Hammond. Beloved spent 15 years in

18 a crew and eight years in prison before managing to

19 leave that life behind. Beloved is what we call a

20 credible messenger, because to quote one of mentors,

21 "Real sees real." In essence, we rely on credible

22 messages, messengers like Beloved because his words,

23 the choices he made and the consequences of those

24 choices resonate with our hardest to reach young

25 people. Probation is also working to create new

2 opportunities to assist these young adults in making
3 better daily choices, building basic life skills and
4 enhancing their employability. With New York City
5 Service, we launched Young Adult Success Core, which
6 matches participants with stipended [sic] internship
7 positions at service locations selected by community
8 stakeholders. This represents a three million dollar
9 investment of asset forfeiture funds not reflected in
10 our budget and put towards our city's most vulnerable
11 young adults. When asked about her experience
12 assisting in a community health center, one Success
13 Core participant remarked, "Who wouldn't want to help
14 their community?" that young woman who had
15 previously been disconnected from school and viewed
16 as a problem is now aiming for her high school
17 equivalency diploma and has a job offer from her
18 internship location where she's proven to be such an
19 asset, and that is exactly what I hope to achieve
20 with as many young people on probation as possible
21 through the use of accountability and support, for
22 them to realize themselves as assets, to make good
23 choices, and to thrive. At Probation as you may
24 know, as you know, we also work extensively with
25 younger teens, and in doing so have identified three

2 principle areas of focus critical to helping them
3 stay out of trouble. Known as Need Domains they are,
4 and they will not surprise you, improved decision-
5 making, peer relations and improved use of leisure
6 and out of school time. To teach improved decision-
7 making and positive peer relations, all of our
8 juvenile officers have now been trained in
9 interactive journaling, a cognitive based
10 intervention tool that helps young people confront
11 the issues that led to their involvement with the
12 system. For tackling leisure and out of school time,
13 we have partnered with the Department of Youth and
14 Community Development to provide dedicated summer
15 youth employment opportunities for young people on
16 probation and to be part of the year-round initiative
17 that they're creating as well. Research shows that
18 participating in summer youth employment reduces the
19 likelihood of future incarceration by up to 54
20 percent, and the new soft skills acquired from a job
21 may play an important role in helping these young
22 participants avoid dangerous and even deadly
23 situations. Another program in the probation
24 continuum is CARES, Culture, Arts, Recreation, and
25 Education Services, a six-week program that runs

2 year-round and introduces youth to a wide variety and
3 array of activities that expand their horizons and
4 keep them occupied in pro-social activities during
5 out of school time. In addition to working more
6 effectively with our young people while on probation,
7 we are increasingly focusing on their transition off
8 probation as well. We don't want them graduating, if
9 you will, into the older system, right? And too many
10 do. So we would like to connect more of our young
11 people to culturally competent mentors who would work
12 with the young individuals and their families for
13 about a year after they complete probation and help
14 them ensure that their transition off probation is a
15 smooth and permanent one. And I want to thank
16 Council Member Cabrera for your recognition of an
17 interest in expanding mentoring opportunities for
18 justice involved youth. As you have heard throughout
19 my testimony, probation does not and cannot do its
20 work alone. In order to promote community safety,
21 intergovernmental coordination as well as
22 public/private partnerships are critical to our
23 ability to provide needed supports. One of the best
24 examples of this is our Neighborhood Opportunity
25 Network Model. The NeON's provide our clients with

2 structure. They are first and foremost local
3 probation supervision sites, but they're also a place
4 of support where we provide resources and services
5 like the issuance of over 7,000 municipal ID's in
6 partnership with IDNYC, 2,000 probation and other
7 community members. A relatively new support service
8 comes from our NeON Nutrition Kitchens operated in
9 partnership with the Mayor's Fund to Advance New York
10 City and the Food Bank of New York. In addition to
11 providing food to those on probation and other
12 community members, the NeON Nutrition Kitchens offer
13 cooking classes, healthy recipes, enrollment in SNAP
14 benefits, and even tax preparation assistance. Since
15 our first kitchen opened last July we've provided
16 food to almost 21,000 people citywide, and just last
17 month, our Staten Island NeON received the Borough
18 Excellence Award for its Nutrition Kitchen at the
19 Food Bank's annual Hunger and Poverty Conference.
20 After food, one of the most critical needs for
21 anyone's success is employment. Yet, having a
22 criminal conviction no matter how minor can be a
23 barrier to job opportunities. Both the New York City
24 Council and the Administration recognize and have
25 taken steps to mitigate these structural barriers

through last year's passage of the Fair Chance Act.

At Probation we continue to assist our clients and

community members in attaining gainful employment

through our Certificate of Relief from Disabilities,

which is also known as a COR Drive. As part of our

first COR event at our South Bronx NeON we partnered

with the Chief Administrative Judge, Robert E.

Torres, and we had--and the judges actually signed

115 Certificates of Relief. We also had employers on

hand for the event's job and resource fair. Your

colleague, who I saw earlier this morning, Council

Member Vanessa Gibson attended the drive and has

already reached out to the Department to assist with

COR's for other constituents. On April 21st, we're

bringing the COR drive to Brooklyn and have partnered

with Chief Administrative Judge Matthew D'Emic who

wants to surpass his colleagues in the Bronx, not

surprisingly, and after that, Chair Crowley, Council

Member Lancman, we plan to hold a drive in Queens.

So we will be in touch with y'all and your Queens

colleagues, other Queens's colleagues on that.

Finally, a signature initiative that truly

exemplifies that power of public/private partnerships

is what you experienced earlier this year, Chair

2 Crowley, NeON Arts. This innovative collaboration
3 between probation, Carnegie Hall and local arts
4 organizations was named by American City and County
5 Magazine a 2015 Crown Community. With 44 projects
6 and over 7,000 New Yorkers having participated across
7 the City, this program has helped people strengthen
8 their connections to education and employment while
9 developing a new sense of self-worth. Chair Crowley,
10 you heard from one of our NeON Arts participants,
11 Tahara [sp?], at our event with First Lady Chirlane
12 McCray. Tahara was an active participant in our free
13 verse program and persevered to take the high school
14 equivalency exam five times before finally passing.
15 She was chosen as class speaker for our Bronx HSE
16 Graduation last June and moved the audience to tears
17 as she accepted her hard-earned certificate in front
18 of her husband and young children. She is now
19 finding ways to give back to her community through
20 other NeON-based activities while attending college,
21 even publishing a poetry book which we have here in
22 case anybody wants to take a look. She's a shining
23 example of what the right mix of structure and
24 support can do. It can transform a life, the life of
25 a family, and ultimately, a community. Thank you for

2 the opportunity to testify about the critical work

3 and very significant accomplishments of this

4 Department. But there is still more to be done.

5 Mentors particularly for our youngest clients provide

6 a critical off-ramp out of the justice system, one

7 that I would like to expand. Increasing NeON Arts is

8 another, so that more clients and other community

9 members have access to arts and culture in their

10 neighborhoods, and more importantly to show that

11 these communities are more than just their worst

12 statistics. As you've heard, probation is singular

13 in our role of providing community-based

14 accountability and support for those who would

15 otherwise be incarcerated. Our expert team of sworn,

16 badge carrying, and as necessary, armed peace

17 officers many of whom also have extensive social work

18 experience creates the vehicle to drive individual

19 behavior change and protect public safety. In the

20 context of the ever-increasing role for community

21 supervision and as we collectively re-examine the

22 role and utilization of incarceration within our

23 justice system, the Department of Probation continues

24 to be an important part of the solution. Thank you

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2 again for your time, and I am pleased to answer any
3 questions that you may have.

4 CHAIRPERSON CROWLEY: Thank you,
5 Commissioner, for your thorough testimony. I don't
6 have many questions. I'm going to be a little rushed
7 because unfortunately we're behind schedule. I'm just
8 going to go over the Mayor's Management Report
9 indicators and just ask you for brief explanation.
10 When you look at new enrollees in an alternative to
11 placement programs or alternative to incarceration
12 placement, ATI's, it's in a fiscal year--from fiscal
13 year 15 to fiscal year 16 it's gone down
14 significantly. In just looking at the first four
15 months it went from 80 to 49. Can you tell me why
16 there's been such a decrease in the placement of new
17 enrollees in these programs?

18 COMMISSIONER BERMUDEZ: So, something to
19 keep in mind that these are new enrollees, right? So,
20 some of the 80 that you see even from the four month,
21 the year before, some of them might still even be in
22 the programs. These programs are six to nine months,
23 sometimes six to 12 months, right? So, utilization
24 is still very high, and we have seen a parallel
25 decrease in young people going into close to home

2 facilities which is the intended function of these
3 ATP's. So in terms of when we looked at the numbers,
4 they were still being well-utilized and placements
5 were still being driven down. So, we believe that
6 the system is still working adequately, but having
7 said that, we are always calibrating and seeing where
8 there's a need. You know, we are looking at
9 potentially extended more capacity in our AIM
10 program, for example. That's a mentoring program.
11 So, that's an ongoing process, and these statistics
12 allow us to manage that process well.

13 CHAIRPERSON CROWLEY: The Department's
14 spending is in line to be less than the previous
15 year.

16 COMMISSIONER BERMUDEZ: The budget you
17 mean?

18 CHAIRPERSON CROWLEY: Yes.

19 COMMISSIONER BERMUDEZ: The--not
20 necessarily once we have the add-on's post adoption.
21 Then that will bring it up to at least the same level
22 if not slightly more. Yeah, there's going to be
23 more, yes.

24 CHAIRPERSON CROWLEY: And then there's
25 some other indicators that call attention to the re-

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2 arrest rates seem to be going up as well as that not
3 only for the juveniles, but also from the adults.

4 COMMISSIONER BERMUDEZ: Right. So, we're
5 always looking at these statistics, although we have
6 to be very careful about what we take as their
7 meaning, okay? So, in terms of the adults, let me
8 say that we looked at the statistics. We ascertained
9 that a lot of it is driven by, no surprise, the 16 to
10 24 year olds. That's why we created this new unit,
11 these new units. And so we expect that to go down or
12 reduce. Now, the thing with the four months is that
13 it captures a snapshot in time, and those numbers
14 tend to be very susceptible to various system
15 practices that can affect it. So, what we do is look
16 at that, again, to see where it's coming from, but
17 what we look at in addition is the arrest citywide as
18 a percentage of the NYPD arrest report to make sure
19 that that's not going up, right? And when you look
20 at the four-month juvenile, the slight increase--and
21 these numbers are really small by the way in terms of
22 actual kids. The percentage of the overall arrest is
23 still the same, right? That has not gone up.

24 CHAIRPERSON CROWLEY: Now, you have in
25 the budget funding to acquire machines or the ability

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2 to test for K2. How prevalent is it, and you know,
3 pretty much how are you finding your probationers are
4 abusing--some are abusing this type of drug?

5 COMMISSIONER BERMUDEZ: Yeah, we have not
6 seen an epidemic of this at all. We are using--we
7 are adding the test to try to get a handle on it,
8 because we actually have not seen this in our
9 clients. The usage and when the reports started
10 coming in, the users were skewing older, and that's
11 not something that--again, we haven't seen the use
12 manifested in our population, but we're still going
13 to test for it.

14 CHAIRPERSON CROWLEY: Are you seeing or
15 feeling that it's difficult to place clients into
16 programs that could address their mental health
17 needs?

18 COMMISSIONER BERMUDEZ: Sometimes, yes,
19 and that is why we have built a Behavioral Health
20 Unit to help us with that and to be able to set the
21 stage both internally with assistance with Probation
22 Officers and then externally to form the liaisons and
23 connections with providers so that we can serve the
24 needs of our clients best.

25

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2 CHAIRPERSON CROWLEY: I'd like to
3 recognize that we've been joined by Council Member
4 Cabrera and Council Member Eugene, and I know we have
5 questions from Council Member-- Council Member Gibson
6 has questions.

7 COUNCIL MEMBER GIBSON: Thank you. I
8 didn't know I was first. Thank you. Thank you,
9 Chair Crowley, and good afternoon, Commissioner to
10 you and your team, and thank you so much. I just
11 quickly went through your testimony and I appreciate
12 the recognition of the work we're doing with the
13 South Bronx NeON, an incredible credible program, and
14 I certainly encourage you as you're traveling, you're
15 going to Brooklyn and Queens, Manhattan and Staten
16 Island, you can always return to the Bronx. It's
17 okay.

18 COMMISSIONER BERMUDEZ: Yes.

19 COUNCIL MEMBER GIBSON: The Certificates
20 of Relief for me is really an important part of the
21 work that DOP does in giving individuals a second
22 chance at a future, and I guess the event we held
23 where Judge Oliver signed off on over 100, I think I
24 was more surprised to see women there asking for
25 COR's than I expected, but I think, you know,

2 obviously it highlights for us in the City the
3 magnitude of how these programs really interface with
4 everyday residents and how it really makes a
5 difference. So, I appreciate it, the South Bronx
6 NeON, the kitchen and the work we're doing with the
7 food pantry really, really, really makes a
8 difference. So, I want to commend you and your team
9 for doing that, and I look forward to continued work,
10 and you can always call upon me to make sure that we
11 can partner. What I also liked is that in addition
12 to the COR's we're also looking at job fairs, because
13 many individuals coming home from prison have no
14 outlet in terms of reintegrating back into society.
15 We know the best way to do that besides housing is a
16 job, right? So, I thank you for that and your
17 collaborating with a lot of community partners is
18 really phenomenal. So I look forward to more of
19 that, and certainly working with the ATI re-entry
20 coalition, Bronx Community Solutions and all of our
21 partners. We really will continue to make a
22 difference. I wanted to ask very quickly about the
23 drug treatment services that our probation provides.
24 We have seen across the city, and this week I had our
25 Public Safety Hearing, and the Special Narcotics

2 Prosecutor Ms. Bridget Brennan who does a lot of
3 those cases has seen obviously there's a major
4 increase in the number of opioid related deaths and
5 just heroin usage throughout predominantly Staten
6 Island, the Bronx, East Harlem. So, I wanted to
7 find out--looking at some of the numbers obviously
8 there has been an increase in the number of overdoses
9 and predominantly in minority as well as non-minority
10 communities. So, I wanted to find out if your agency
11 is assessing the needs of the individuals that are
12 receiving this type of treatment, and are there any
13 updates to the actual level of services that they are
14 getting relative to the targeted need that is the
15 most in need right now, obviously since we're in a
16 crisis?

17 COMMISSIONER BERMUDEZ: So, I'm going to
18 knock on wood on this one, too. We have not seen
19 that pattern in our clients in terms of overdoses or
20 increases in the use of opioids. Having said that,
21 though, we do have a very strong network of providers
22 that we interface with. That is one of the strongest
23 areas in our practice, in fact. Our Behavioral
24 Health Unit as you heard me say before is also there
25 to assess and let us know actually whether we're

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2 seeing that pattern is actually being then noted or
3 recorded, and we're also, one of the things we're
4 going to start in the next couple of months is that
5 in our pre-sentence investigations we are going to
6 administer a brief behavioral health screen and also
7 a substance use screen as well, and this will have a
8 great impact in the system overall because not
9 everybody that we do a PSI on ends up on probation.
10 So, this will be information that will be made
11 available then to Department of Corrections, other
12 folks, you know, DOC's, if somebody gets prison time,
13 other ATI's, the courts, the DA's, the Defense
14 Counsel, right, about any warning signs that need to
15 be looked at further. So we're very excited about
16 this piece that's going to roll out in the next
17 couple of months.

18 COUNCIL MEMBER GIBSON: Okay, great. So,
19 it would be helpful for us if you could share that
20 information with us at the Council so that, you know,
21 obviously within our offices we can ensure that our
22 staff is aware in the event that we get any
23 constituents to come to the office. I mean, it's
24 just helpful--

25

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2 COMMISSIONER BERMUDEZ: [interposing]
3 Absolutely.

4 COUNCIL MEMBER GIBSON: to understand what
5 your agency is doing and, you know, continue with
6 that collaboration.

7 COMMISSIONER BERMUDEZ: Absolutely.

8 COUNCIL MEMBER GIBSON: Alright? Makes
9 sense?

10 COMMISSIONER BERMUDEZ: Yes.

11 COUNCIL MEMBER GIBSON: I also wanted to
12 ask about the adult re-arrest rates.

13 COMMISSIONER BERMUDEZ: Yes.

14 COUNCIL MEMBER GIBSON: I do know that
15 there ws, I believe, an increase, and I wanted to
16 find out if there's any strategies that we are using
17 that's going to target the population to obviously
18 lower the re-arrest rates and make sure that there is
19 an aggressive approach to make sure that individuals
20 are not re-offenders.

21 COMMISSIONER BERMUDEZ: So, our most
22 aggressive approach on that is our 16 to 24-year-old
23 practice model. We are specializing in that group.
24 That group is over-represented, even though there are
25 only a third of our client population, they are

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2 represented much more than that in re-arrest. So,
3 basically we're starting from the beginning. We're
4 doing a phased intervention essentially where the
5 first 30 business days that we interact with them is
6 all about engagement and assessment so that we can
7 calibrate the supervision level to the right risk
8 level, and then from there we have all sorts--we have
9 group interventions. We have our mentoring program,
10 etcetera. So, we are expecting all of these numbers
11 to be driven down.

12 COUNCIL MEMBER GIBSON: Okay. How is your
13 partnership with the Brooklyn DA and the community
14 partners on Operation Cease Fire?

15 COMMISSIONER BERMUDEZ: We are--

16 COUNCIL MEMBER GIBSON: [interposing]
17 Because right now I believe it's only in Brooklyn.

18 COMMISSIONER BERMUDEZ: Correct.

19 COUNCIL MEMBER GIBSON: I think Brooklyn
20 north, and I know NYPD is obviously looking at
21 potential expansion. So, I'm not familiar with
22 everything going on with cease fires. So what's your
23 involvement and how has that been going?

24 COMMISSIONER BERMUDEZ: We're an integral
25 part of cease fire, and we have--we've been from the

2 beginning, and we are getting very good results
3 actually with the group that is being--I hate using
4 the word, but it's what it is, the targeted, you
5 know, for the intervention. Our re-arrests are
6 almost non-existent among that group in fact.

7 COUNCIL MEMBER GIBSON: Okay.

8 COMMISSIONER BERMUDEZ: And we're
9 participating in the potential roll out, and actually
10 Bronx I believe is the intended next borough.

11 COUNCIL MEMBER GIBSON: Okay. And then my
12 final question is, you talked about the Voices from
13 Within, and I believe there is a similar approach
14 that MOCJ is undertaking as well looking at former
15 gang members who are incarcerated, and their voices
16 from prison--

17 COMMISSIONER BERMUDEZ: [interposing] Yes,
18 it's--

19 COUNCIL MEMBER GIBSON: [interposing]
20 talking to you.

21 COMMISSIONER BERMUDEZ: It's all part--
22 its' the same thing.

23 COUNCIL MEMBER GIBSON: Oh, okay.

24 COMMISSIONER BERMUDEZ: We all started it
25 together, basically.

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2 COUNCIL MEMBER GIBSON: OH, and we're all
3 taking credit for it, right?

4 COMMISSIONER BERMUDEZ: Yeah, okay.
5 Because well, the--so what's interesting is that we--
6 because we were trying to figure out what is the best
7 use of it, right? And it applies differently, and
8 you will see the Department of Corrections I believe
9 they'll do a preview. They're using it too.

10 COUNCIL MEMBER GIBSON: Okay.

11 COMMISSIONER BERMUDEZ: So, we're all
12 trying to figure out how can we best deliver that
13 message of drop the gun, right? And what we have
14 found in the Bronx, in fact, in the Bronx NeON we
15 have one of the most effective ones. It's a two-
16 parter. We first have everybody with certain
17 characteristics of when they come in in terms of the
18 charge they come in with and histories, etcetera, and
19 they go through a group. It's a facilitated
20 conversation from the video, but then the next day,
21 the next session, victims, survivors of gun violence
22 come in--who are credible messengers in that
23 community--come in and speak to the young people who
24 are part of this group, and we have seen at
25 turnaround, you know, certainly spoken turnaround at

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2 this point. You know, it takes a little time to get
3 the behavior behind it, but we see young people start
4 to really think about what they're doing.

5 COUNCIL MEMBER GIBSON: Okay, great. I
6 thank you so much for your work and certainly I want
7 to thank you for your partnership with the Anti-Gun
8 Violence, Cure Violence Model and the work you're
9 doing with Lead by Example, Reverse the Trend, and
10 Antonio Hendrickson [sp?], and all my folks in the
11 Bronx, Bronx Connect. Thank you. DOP is a big part
12 of the Cure Violence Model. The Violence Interrupt
13 is a credible messenger, and I know at times many of
14 them feel like they don't get the credit they
15 deserve, but they are really intervening and saving a
16 lot of young people. So, thank you.

17 COMMISSIONER BERMUDEZ: So, can I just
18 give a shout-out to Antonio, because what I--

19 COUNCIL MEMBER GIBSON: [interposing]
20 Sure.

21 COMMISSIONER BERMUDEZ: just said, the
22 most effective one we have it's his. He came up with
23 that dual piece. He brought in the credible
24 messengers who are survivors of violence who can
25

2 really speak to the young people. So we're thrilled
3 with our partnership.

4 COUNCIL MEMBER GIBSON: Thank you so much.
5 Thank you, Chair Crowley.

6 CHAIRPERSON CROWLEY: Thank you. Last
7 question we have is from Council Member Cabrera.

8 COUNCIL MEMBER CABRERA: Thank you, Madam
9 Chair, and I'll be parsimonious with my time. I know
10 we--you asked for to be short, because I know we are
11 running late. So, first of all, Commissioner, I want
12 to thank you and your amazing, literally amazing
13 team, your comprehensive plan that you have in
14 affecting the lives of people that have gone through
15 so many things, and usually the population you're
16 dealing with have gone through a tremendous amount of
17 trauma, and just to see the turnaround that we see,
18 and especially when it comes to young people where my
19 heart is really at. I wanted to commend you, Deputy
20 Commissioner, and the staff that works for you. So,
21 thank you again, and thank you for the recognition of
22 the work that we're doing with the mentoring piece. I
23 was curious to know if you happen to know that as a
24 result of those conversations that we had, the pilot
25 program that I got started in my district, just found

2 out recently that ACS applied for a federal grant.

3 They got three million dollars to be able to do some

4 mentoring work. Have you had an opportunity to

5 connect with Commissioner Carrion [sp?] to talk about

6 that and how would that be implemented?

7 COMMISSIONER BERMUDEZ: So we have

8 through Deputy Commissioner Gray and Deputy

9 Commissioner Franco at ACS they co-chair the Juvenile

10 Justice Advisory Committee, and so I am sure they

11 will be discussing it to make sure that there's a

12 sharing of the mentoring, you know, happening. But

13 no, we don't have anything formal right now with

14 them.

15 COUNCIL MEMBER CABRERA: Okay, well I'm

16 real excited about it. I mean, out of a little seed-

17 -

18 COMMISSIONER BERMUDEZ: [interposing]

19 That's great.

20 COUNCIL MEMBER CABRERA: it's amazing how

21 we were able to get new monies, and it's not coming

22 from the City, and that's always a fantastic thing to

23 be able to close the back door to--especially working

24 with the young people, and you mentioned it's 54

25 percent of those who go to summer youth employment

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2 are not incarcerated again? I'm curious to see if
3 you have any numbers for those who work year-round.

4 COMMISSIONER BERMUDEZ: Well, that, the
5 year-round piece has not been put into place. So, I
6 think we will get those numbers as we--as that
7 initiative rolls out.

8 COUNCIL MEMBER CABRERA: But do you
9 happen to have any data for any young people who
10 happen to be working that somehow they are connected
11 to a job, or are we just basically going to wait
12 until we get the program going, the year-round
13 program?

14 COMMISSIONER BERMUDEZ: Yeah, I think we
15 need to do that because for the younger kids, this is
16 tailored for the younger crowd. There hasn't been
17 that kind of study before, I don't think.

18 COUNCIL MEMBER CABRERA: Okay.

19 COMMISSIONER BERMUDEZ: I don't have
20 those numbers.

21 COUNCIL MEMBER CABRERA: Thank you so
22 much. I really don't have question. I'm usually
23 drilling and drilling, drilling, because I'll be
24 honest with you, you're doing such a great job that
25

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2 it just, you know, all I have is high praises. Thank
3 you so much.

4 COMMISSIONER BERMUDEZ: Thank you.

5 COUNCIL MEMBER CABRERA: Thank you so
6 much, Madam Chair.

7 CHAIRPERSON CROWLEY: I couldn't agree
8 more with Council Member Cabrera. Commissioner, I
9 want to thank you and your team for being here today
10 to testify. I look forward to our Executive Budget
11 Hearing, and this concludes the probation portion of
12 the Fire and Criminal Justice Services Committee.
13 Next up is Department of Correction, which will
14 happen momentarily once Commissioner Ponte arrives in
15 the Chambers.

16 [break]

17 CHAIRPERSON CROWLEY: Good afternoon.
18 Now, we will hear from the Department of Corrections.
19 We will review fiscal year 2017's budget and also the
20 Mayor's Management report for 2016. In 2017, the
21 Preliminary Budget totals 1.3 billion, an 85 million
22 dollar increase from last year, which will support an
23 increase in personnel, both uniform and civilian. In
24 addition, the DOC's capital budget includes 1.8
25 billion dollars in spending, which is roughly the

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2 same amount from last year, which roughly hasn't been
3 spent much. I'm concerned that though the budget
4 includes personnel nowhere in the capital plan. Is
5 there a plan for an adequate training facility? The
6 current training facility is substandard and pales in
7 comparison to other uniformed agencies like FDNY and
8 NYPD, cannot provide the level of professionalism
9 that is expected of our Correction Officers and new
10 recruits. In the 14-point plan agenda of reform, the
11 Administration identified improved training as a core
12 tenant in changing the culture of violence on Rikers
13 Island. I'm very concerned that this new initiative
14 will fall short without the proper training and the
15 proper academy. Additionally, I am interested in
16 finding out why the vital statistics in terms of
17 fights and infractions continue to increase and the
18 level of danger and violence on Rikers Island is
19 nearing record high levels despite increased budget
20 and increased oversight. I thank Commissioner Ponte
21 and our Correction Officers and staff on Rikers
22 Island and throughout our correction facilities for
23 the work that they do. I'm looking forward to hearing
24 from the Commissioner, and before we begin,
25 Commissioner, I do have to swear you to affirm the

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2 truth as well as anybody who will be testifying
3 today. You could raise your hand and repeat after
4 me. Do you affirm to tell the whole truth, nothing
5 but the truth in your testimony and in asking
6 question--and in answering questions posed to you by
7 the Council Members? Thank you. Commissioner, once
8 you're ready, please begin your testimony.

9 COMMISSIONER PONTE: Good morning,
10 Chairperson Crowley and members of the Fire and
11 Criminal Justice Services Committee. I want to thank
12 the Council for their support over the past years,
13 both in funding of staff and initiatives that we've
14 taken on as the Department of Corrections. Our goals
15 continue to be the same. We need to develop a safe
16 environment for both our staff and inmates. Much has
17 been done in the past year, yet there is so much that
18 there's left to do. As you mentioned, a 14-plan that
19 was developed late in 2014 we continue to work very
20 diligently every day to move that agenda forward. It
21 was an agenda that was built on the needs of the
22 agency. So, it's focused on improving the security
23 and policies, upgrades, the infrastructure of our
24 facilities, upgrade the systems, buildings, and
25 change the culture of the organization. Reforms have

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2 already had dramatic impact, especially on special
3 populations. We've done great work with our mentally
4 ill inmates, our adolescent population, and now our
5 focus is on our young adults. We've already rolled
6 out department-wide changes. We've improved
7 recruiting and we talked about improved recruiting.
8 We had no recruitment system prior to 2014. Now, we
9 have staff fulltime involved in recruiting the next
10 generation of officers and civilian staff to come
11 board in the agency. Our performance evaluation
12 system existed only on paper in 2014. We now have a
13 system that evaluates the performance of our
14 employees during their probationary performance. We
15 use data to target hotspots to really find the issues
16 that are going on in our jails similar to CompStat.
17 We call it the TEAMS [sic], but really to focus on
18 real solutions to some of the increases in violence
19 in some of our facilities. We created a new
20 classification and housing system. So not only
21 putting high custody inmates in the right place, but
22 the proper mixes of inmates in our housing units.
23 We've expanded camera coverage, 100 percent coverage
24 at RNDC, as everyone's aware was the focus of the DOJ
25 investigation in 2012 and 2013. It now has 100

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2 percent coverage, and also in our young adult
3 facility, TMDC, all housing areas now have camera
4 coverage. We today monitor 2,700 more inmates within
5 increased camera coverage. This has been a great
6 tool for us in criminal prosecutions of inmate
7 criminal behavior, but also a great tool for us to
8 use in our staff performance. It allows us to
9 critique performance and give good feedback on how to
10 improve. The Nunez Settlement, Nunez DOJ Settlement
11 where in a lot of the 14-point plan is aligned with
12 that. We have good collaboration with our federal
13 monitors. We meet frequently. I think we have a good
14 plan going forward. We are focused first on
15 redesigning the Use of Force policy, which is
16 complete, but then putting forth training for all of
17 our new staff and then retraining all of our current
18 staff. We've already implemented key provisions of
19 the Use of Force policy, reporting, tracking,
20 facility by facility monitoring, also develop
21 components of an early warning system. We doubled
22 the size of our ID or Internal Affairs Unit and our
23 Trials Division which prosecutes staff for
24 misconduct. Our Investigative Team, we have
25 Investigative Teams in five facilities today, GRBC,

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2 AMKC, RNDC, RMSC, and GMDC. So, these are fulltime
3 investigative teams that work multi-hours, multi-
4 shift to ensure the integrity of the facility and its
5 operation. We've also increased our in-service
6 training for DOJ compliance. We've established
7 crisis intervention training, conflict resolution,
8 defensive tactics, direct supervision, and safe
9 crisis management for adolescents and young adults,
10 and as you've stated, the challenges for all of that
11 is insignificant size of our facilities to carry
12 these missions out. We've added, I believe the
13 Chairperson is aware, we've added trailers on Rikers
14 Island to help us, trailers we've received from DOE.
15 We have those trailers. They'll be coming on board
16 very shortly, but it does not solve the challenges of
17 inadequate space to do the training that we require.
18 The other challenge that's already been mentioned is
19 overtime, overtime which has been used in place of
20 adequate staffing over the years. We've been at a
21 deficit even though we've doubled the size of our
22 recruitment and hiring. We continue to run a deficit
23 and the more demands we put on as result of Nunez or
24 other initiatives, this creates a deeper valley for
25 us to dig ourselves, a deeper hole for us to dig

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2 ourselves out of. Again, despite the challenges, you
3 know, new officers are critical. We rely way too
4 long on overtime. Our ratios, high ratios to staff
5 inmates, which is good for safety. It is also
6 problematic in numbers and over time. We've
7 increased the Applicant Investigation Division by
8 substantial number, and we've raised the vetting
9 standards to be appropriate for the entry-level
10 coming into the organization. So, recruitment is
11 more than double. So we now have 600 and plus
12 officers in training today. We have a class we
13 believe we'll start in June that'll have more than
14 600 officers in that class. Again, with all that
15 effort we're not making much headway with the demands
16 we're putting on the workforce. We're creating a
17 young adult facility at GMDC. We're using the things
18 we learned at RNDC and how to manage younger
19 population. We're in the process to be--we're in the
20 position to begin the first Department in the country
21 that will eliminate punitive seg [sic] for this age
22 group. We went way beyond the requirements at Nunez.
23 Nunez was focused on 16, 17 and 18 year olds. We put
24 together 18 to 21 year olds as a focused population
25 and we have programs in place, facility, staff

2 training, and all the pieces that we need to take
3 this population down the same path as we've taken
4 adolescent population, usually different ways and
5 different approaches to manage both problematic and
6 difficult population. We developed positive behavior
7 as incentives using additional programming,
8 vocational training, enhanced visits, and recreation
9 all as a consequence and incentive to improve the
10 behavior of inmates in our custody. We also apply
11 these behavior incentives through whole housing
12 areas. So, it's not just the individual inmates, but
13 they have housing areas working together to earn some
14 of the privileges. It's also a population that we
15 know factually that while at 10 percent of our total
16 inmate population, they represent 30 percent of our
17 violent infractions. So we understand that this
18 population, one, is already proven that they're
19 difficult to deal with, but we believe the programs
20 we have in place will be appropriate for the level of
21 violence and the oversight required. Punitive
22 segregation is an area we've made substantial
23 progress in. When I started we had--we were in a
24 position where we had about 600 inmates on punitive
25 segregation status. Many of those inmates owed

2 thousands of days. Many inmates were in population
3 not in punitive seg, also owing thousands of days.

4 SO, the system itself fundamentally didn't work, and
5 long term punitive segregation as we understand was
6 not a good alternative to good inmate management.

7 We've reduced the backlog. We reduced the amount of
8 time inmates spend in punitive seg, and punitive
9 segregation overall, our use of punitive seg has been

10 reduced by 70 percent in our facilities overall by
11 limiting the maximum time inmates can spend and

12 limiting the number of times an inmate can spend in
13 seg, in punitive seg over a six month period. We've

14 eliminated historical owe time and reduced the

15 backlog by 40 percent. We also introduced at the

16 same time a lower level of punitive segregation where
17 the lock down only occurs for seven hours of the day

18 for those inmates who are found guilty of

19 infractions, less severe infractions. We've also

20 worked real hard on programming. Our programming in

21 jails typically across the country was willfully

22 [sic] to do no harm to offenders when they come into

23 our custody. Now, in corrections across the country,

24 we believe there are good evidenced-based programming

25 that will actually change the lives of individuals

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2 and release them from custody in better shape than
3 when they came in. Major components of our model is
4 across the Department. Our goal is to offer five
5 hours of programming across the board for all
6 inmates. We've already achieved that substantially
7 in our adolescent population by extending the school
8 day. We've opened program houses by identifying
9 inmates with similar needs, housing them together and
10 programming them on the issues that they needed help
11 on. We've hired fulltime program coordinators in our
12 adolescent and young adult units who work fulltime on
13 programs in those areas. In our adult population
14 we're developing program options for re-entry,
15 substance abuse, behavioral health and veterans
16 programs just to identify and respond to the needs of
17 the inmates in our care. We're also, for our female
18 population, developing gender-specific program to
19 identify the needs of approximately 600-plus females
20 who house on Rikers Island. PREA has been another
21 subject of conversation for us, and just for
22 identification, this law was passed in 2003. It
23 became effective in August of 2012. In 2013, the New
24 York City Department of Corrections petitioned for a
25 grant so we could do an assessment which was

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2 conducted by the MOSS Group, and we now have in place
3 a contract with the MOSS Group and a grant to bring
4 us PREA compliant in several of our facilities. So,
5 taking a small number of facilities at a time, bring
6 them in compliance, and then move onto the others.

7 So, I think we've gone a long ways to begin that
8 process, and for the most part ahead of most large
9 jail systems in the country. As everyone's aware,
10 we've shifted from the Corizen [sic] Contract to
11 which is now H&H. It used to be HHC. Working I
12 think much better in partnership to provide quality
13 healthcare to the offenders in our custody,
14 developing joint programs, are working on
15 alternatives to punitive seg. I think we're getting
16 much better outcomes and definitely much better
17 problem solving as we work together on issues. We've
18 already made great progress in our CAPS and PACE
19 Units. You know, our CAPS units would house
20 approximately 50 inmates. The incidents in those
21 units are down substantially from other units that
22 house MO inmates. Our PACE Units that have opened
23 since January have even more success. Only ten uses
24 of force, all of them C which is the minor type of
25 use of force where there's no injury in comparison to

2 other populations that we house. We train staff on
3 crisis intervention teams. So we have teams designed
4 in AMKC and OPCC that are emergency responders. So,
5 the clinical staff or clinical mental health person
6 and an officer are trained as a team to de-escalate
7 situations. Since January in AMKC and OBCC there
8 have been 90 incidents that have resulted in de-
9 escalation and no use of force. Those programs do
10 keep our staff and inmates safe. Again, on H&H we've
11 made good progress. I see that going forward to be a
12 great partnership. Fiscal plan concerns, as you know
13 specifically our facilities are old. There has not
14 been over time sufficient funds to keep up the fiscal
15 plan. We've now devoted money and time to make those
16 improvements. I think we've come a long ways, but
17 we're operating at a very significant deficit. One
18 example, GMGC, the locking system which is an
19 electronic locking system has been completely broken
20 for 15 years. So, those systems were being done
21 manually. The locking systems themselves were no
22 working electronically. So, we now have plans.
23 Those systems are being brought on line. Again, we
24 believe all the components of the plan that we put
25 together--

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2 CHAIRPERSON CROWLEY: [interposing] Sorry,
3 Commissioner, your testimony is very long, and you're
4 not necessarily reading from it, which is fine. We
5 actually prefer that. I mean, we're just--
6 unfortunately, it's my fault, but we're behind
7 schedule here and we only have the room for a certain
8 amount of hours. So I'm going to ask if you
9 summarize your testimony, because I know that not
10 just myself, but my colleagues are eager to ask some
11 questions.

12 COMMISSIONER PONTE: Okay, so it's just
13 officer safety. We talked about officer safety and
14 all the components of the plan on staff, inmates,
15 inmate and staff safety, investing in our staff as
16 you pointed out, training, giving them the training
17 tools and the space has really been the challenge for
18 the organization. Having appropriate consequences
19 for inmate misbehavior--I think probably the last
20 thing I'd probably want to point out is the new DA in
21 the Bronx that was really commitment to bringing her
22 resources to Rikers Island to help us respond to the
23 criminal activities that's occurring in our jails.
24 So, again, I think we'll end it there and open up to
25

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2 any questions. Frank Doka can talk about the budget
3 specific if that's okay or if you have questions, no?

4 CHAIRPERSON CROWLEY: I'd rather get to
5 the questions. We'll have budget questions. We have
6 copy of your testimony we're going to submit for the
7 record. If there's anything else that we should
8 submit that is written down, please make sure it's
9 given to the Sergeant at Arms. I'm going to
10 recognize Council Member Lancman for some questions.

11 COUNCIL MEMBER LANCMAN: Thank you, Madam
12 Chairwoman, and I appreciate your moving this along
13 as well as giving me the opportunity to ask a couple
14 quick questions because I do have another engagement.
15 Good afternoon, Commissioner, and your whole team. I
16 know the Chair's going to cover very thoroughly as
17 she does the use of force issues, the issue of prison
18 violence. There have been some positive blips, but
19 the overall trend from the year before was not good.
20 Very interested in the what seems to be an increase
21 in the mental health, the number of inmates who had a
22 mental health diagnosis from 40 percent to 42 percent
23 if I'm getting that right.

24 COMMISSIONER PONTE: That's right, yes.

25

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2 COUNCIL MEMBER LANCMAN: But not to abuse
3 the indulgence the Chair is giving me in letting me
4 go first, I will keep it quick. I'm particularly
5 interested in District Attorney Darcel Clark's
6 reforms. We were all very, very concerned. The Chair
7 led a conversation with DA Clark or incoming DA Clark
8 before she was sworn in, and now she has what I think
9 is a very aggressive and sensible approach to dealing
10 with the issue of inmate violence in particular at
11 Rikers, which many of us feel got--did not get the
12 attention it deserved last summer. There was a New
13 York Times story, the latest New York Times story
14 about the Bronx District Attorney's Office not
15 prosecuting cases that were brought to the office of
16 inmate violence on other inmates and guards. So, I
17 would like to know or be assured that the Department
18 of Corrections is committed to working with DA Clark
19 in particular her plan to have a permanent presence,
20 fixed, you know, presence on the island, an office, a
21 satellite office on the island. Your willingness at
22 least on your end to make sure that there is space if
23 the Office of Court Administration is able to put a
24 judge on Rikers Island, and all the support that
25 she's going to need to make the cases that need to be

2 made. I need to know that you're, you know, you're
3 all in on this.

4 COMMISSIONER PONTE: So, we've already
5 identified space. We've had a pretty substantial
6 meeting with the DA and her staff. She's also
7 forming her team, so some of her staff haven't been
8 identified. We've committed and the City Hall is
9 committed to work with the DA in anything she needs.
10 So we have the space identified. We're modifying the
11 space. She's looked at it. Her team's looked at it.
12 She told us what they would need. We've also
13 identified people from our team that will be assigned
14 to the DA to work with them on island, anything they
15 need in the way of investigations, working with their
16 staff fulltime. So, it really is--there is nothing
17 that Darcel Clark has asked for that we've said no
18 to. So we have fully committed to her agenda.

19 COUNCIL MEMBER LANCMAN: And is there any
20 part of her plan that you have any concerns with that
21 we should know about now?

22 COMMISSIONER PONTE: I don't. I mean,
23 obviously she's the DA and it's--you know, she
24 prosecutes criminal activity, both staff and inmate.
25 So part of her role, what's always has been the Bronx

2 role is to look at staff misconduct also. So we're
3 committed to both. I don't have any concerns on her
4 plan, no.

5 COUNCIL MEMBER LANCMAN: Terrific.

6 Alright. Thank you very much. Madam Chairwoman,
7 thank you very much.

8 CHAIRPERSON CROWLEY: Thank you, Council
9 Member Lancman. First question, Commissioner, you
10 might of heard in the media that the Speaker has
11 called for a process of closing down Rikers Island.
12 Do you think that this could happen in a relatively
13 short amount of time, and what do you believe the
14 feasibility of that idea is?

15 COMMISSIONER PONTE: A lot of moving
16 parts. You know, you'd have to look at populations
17 and project out in five or 10 years what would that
18 population look like in that point in time. What
19 would you need to replace? So, what--and always the
20 challenge in siting facilities in boroughs. Where
21 would you put them? And would those facilities be
22 appropriate for the mission of the agency, access to
23 cost, access to visitation, all the other issues.
24 So, I think it's a concept that's worth talking
25 about, worth exploring, and we would be happy to

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2 engage in that to look at what's possible. It is no-
3 -when you say in the near future there is no--this is
4 not two or three years. This is substantial amounts
5 of time to do that. If we were given unlimited funds
6 and unlimited access to the sites, there would still
7 be substantial amounts of time.

8 CHAIRPERSON CROWLEY: Now, what's your
9 current population?

10 COMMISSIONER PONTE: We--just today it was
11 10,000. So we--

12 CHAIRPERSON CROWLEY: [interposing] Even?

13 COMMISSIONER PONTE: Ten and--ten four?
14 Ten forty. So, 10,040.

15 CHAIRPERSON CROWLEY: Okay. And of the
16 10,000 how many are on Rikers Island versus your
17 other jail facilities?

18 COMMISSIONER PONTE: About 8,000.

19 CHAIRPERSON CROWLEY: So, are your other
20 jail facilities at capacity?

21 COMMISSIONER PONTE: They're not. At
22 times. So the--

23 CHAIRPERSON CROWLEY: [interposing] Yes,
24 what is that? What is the capacity, and which jail
25

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2 facilities are you talking about when you're not
3 talking Rikers Island, where are they?

4 COMMISSIONER PONTE: So, Brooklyn,
5 Manhattan, both of those have some space. So there--
6 so there are some spaces there. RC [sic] Queens
7 House is vacant, about 400--

8 CHAIRPERSON CROWLEY: [interposing] And
9 what would be the population at Queens House?

10 COMMISSIONER PONTE: About 400.

11 CHAIRPERSON CROWLEY: Four hundred?

12 COMMISSIONER PONTE: Yep, and then the
13 Barge [sic], BCB, about 900. They generally run
14 fairly full because it's an intake facility for the
15 Bronx, so they're usually pretty full.

16 CHAIRPERSON CROWLEY: And how many more
17 of your inmates would you--on Rikers Island would you
18 consider from the Bronx or, you know, would have to
19 go to Bronx courts?

20 COMMISSIONER PONTE: That would be a
21 guess. I don't know if anybody--I don't know. It
22 would be substantial, but I'm not sure exactly.

23 CHAIRPERSON CROWLEY: I ask that because
24 you're on trial delivery has gone down significantly
25 in just a year. You know, five percent of the inmates

2 on their way to trial are not getting there in time.

3 Can you answer as to why that's happened?

4 MARTIN MURPHY: So, some of the issues
5 that we're facing is the additional categories of
6 inmates that we have. So, if we have more inmates
7 who are in red ID status, which is those inmates who
8 have been identified as carrying a weapon, enhanced
9 security procedures to put them onto a bus--

10 CHAIRPERSON CROWLEY: [interposing] So
11 it's not just transportation reasons, it's the
12 inmates own doing, because--

13 MARTIN MURPHY: [interposing] No, it's not
14 necessarily the inmates--well, it's the inmate's
15 actions in custody that would force us to place them
16 into that custody, but it's just the placing of the
17 restraints on an intake facility takes additional
18 time other than inmate in general population, and
19 those individuals are kept separate from those in
20 general population. So the more separation we create
21 will cause us to have more runs to the boroughs, and
22 more runs would cost us more time.

23 CHAIRPERSON CROWLEY: Have you broken
24 that down? Like, if you have the Brooklyn facility,
25 I imagine that everyone in the Brooklyn facility is

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2 doing the Brooklyn Court, and the Manhattan facility
3 is doing the Manhattan Court. That's why I ask about
4 your vacancy in the borough-based jails because I
5 would imagine it's a lot quicker to get to the court
6 in that borough when your inmate is housed close in
7 prox--

8 MARTIN MURPHY: [interposing] True, but
9 we--in custody, we have more inmates that are
10 arrested in Kings County than Brooklyn House can
11 hold. So not every inmate going to court in Brooklyn
12 House would be housed in Brooklyn. Same would go for
13 Manhattan.

14 CHAIRPERSON CROWLEY: But they experience
15 less delay.

16 MARTIN MURPHY: That's correct.

17 CHAIRPERSON CROWLEY: Alright. So
18 feasibility of wanting to have borough-based jails is
19 also because you want to make sure the inmate arrives
20 to court. How frequently do inmates need to go to
21 court? Your percentage of population if you have
22 10,000, how many of them are moving from being in a
23 jail cell to a court room on a given weekday?

24

25

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2 MARTIN MURPHY: So, we transport about 10
3 percent of our population each business day to and
4 from court.

5 CHAIRPERSON CROWLEY: Any given time you
6 have a bus, a few buses, you have a thousand people,
7 inmates, on buses.

8 MARTIN MURPHY: Yes.

9 CHAIRPERSON CROWLEY: That's very
10 expensive to transport.

11 MARTIN MURPHY: Right, so but we would
12 then--we would need to increase the size of Brooklyn
13 and Manhattan and VCBC, and the interesting thing
14 with the Bronx is because we're geographically
15 located in the Bronx, any criminal activity that
16 happens on Rikers Island, those defendants would also
17 go to the Bronx even if the original case was in
18 another borough.

19 CHAIRPERSON CROWLEY: Right, I understand
20 that aspect, but do they have to get into a bus on
21 Brooklyn, in Brooklyn to go to the jail in Brooklyn?

22 MARTIN MURPHY: Yes.

23 CHAIRPERSON CROWLEY: And that's true for
24 Manhattan as well?

25

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2 MARTIN MURPHY: Manhattan, they walk
3 through the connecting bridge.

4 CHAIRPERSON CROWLEY: And they would be
5 able--

6 MARTIN MURPHY: [interposing] If you're
7 coming from Rikers you get on a--

8 CHAIRPERSON CROWLEY: [interposing] They'd
9 be able to do that in Queens?

10 MARTIN MURPHY: So, if you're going to
11 Family Court, you would have to get on a bus, even
12 though it's right across the street, we have to put
13 you on a bus, because there's no physical connection,
14 and then those individuals from Manhattan that have
15 cases in other boroughs need to get transported via
16 bus.

17 CHAIRPERSON CROWLEY: Commissioner, the
18 Preliminary Budget includes a lot of increases for
19 the Department. Does it reflect all of the new
20 needs? Are there anything--is there any new needs
21 that you've asked from OMB, they haven't received in
22 the Preliminary Budget?

23 COMMISSIONER PONTE: I think my feeling
24 is it does reflect our current needs. So, the answer
25 is I'm okay with what's in the budget, yes.

2 CHAIRPERSON CROWLEY: Well, the budget
3 has 1.8 billion dollars in capital expenditures.
4 It's roughly the same amount as the previous fiscal
5 year, and it seems to be the same amount that's being
6 carried over year after year. A large fraction of
7 the budget is building a new jail, but you don't
8 seem--because then another large fraction of the
9 budget is rehabilitating existing facilities that are
10 falling apart. Those facilities, isn't it true that
11 many of them have outlived their life span?

12 COMMISSIONER PONTE: A majority have, yes.

13 CHAIRPERSON CROWLEY: Majority have, and
14 isn't it very wasteful for us to not be building the
15 facility that would be to last, like the 500 million
16 dollars you have in the budget for a new jail, why
17 haven't we moved forward and built that, and why are
18 we spending, you know, the 800 million dollars? Why
19 are we spending a majority of that on existing
20 facilities that were already expired their life span?

21 COMMISSIONER PONTE: So, we need to keep
22 them up to code regardless. If we had the money today
23 to build the new jail, it would still be five years,
24 possibly six year out. So the current buildings as
25 we use them still need to be upgraded. We have

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2 buildings that fire codes isn't--we're not compliant
3 with. So we're adding fire systems to buildings that
4 are currently occupied. So the challenge for us is
5 that what do you do if we built a new jail, what do
6 you do in the five--

7 CHAIRPERSON CROWLEY: [interposing]

8 Right, right, but--

9 COMMISSIONER PONTE: [interposing] or six
10 years in the--

11 CHAIRPERSON CROWLEY: [interposing]

12 Commissioner, you've been there roughly two years,
13 right? We're over two years into the de Blasio
14 Administration. There's money for a new jail, a
15 brand new vertical style jail, which would take less
16 space and be built to last a long time, hasn't been
17 really completely--your design hasn't been complete--

18 COMMISSIONER PONTE: [interposing] Right.

19 CHAIRPERSON CROWLEY: and you're not on
20 target to spend the 500 million dollars. This--I
21 cannot comprehend why the Department has not taken
22 advantage of the money in the budget and moved
23 forward with the new jail when all the other ones are
24 falling apart.

25

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2 COMMISSIONER PONTE: It's a, at this
3 point, a question of as we add things like, you know,
4 do we look to move off island. We start asking those
5 kinds of questions, and it then causes pause to some
6 of those decisions that seem on the surface to make
7 sense, but because there's these other things that we
8 want to talk about, it slows the process. So,
9 there's probably--

10 CHAIRPERSON CROWLEY: [interposing]
11 Housing facility could potentially help to bring down
12 violence, correct?

13 COMMISSIONER PONTE: Absolutely.

14 CHAIRPERSON CROWLEY: Absolutely, and all
15 the indicators that I've seen are saying that
16 violence is on the rise.

17 COMMISSIONER PONTE: Yes.

18 CHAIRPERSON CROWLEY: Even though the
19 population is decreasing.

20 COMMISSIONER PONTE: Population has
21 slightly increased. So, you know, decreasing over
22 the last several years, but you know, in the last six
23 months it's actually increased. So we ran, you know,
24 just in the last couple of weeks, we were at 10,000.
25 It's unusual for us to be at 10,000. Not only were

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2 we at 10,000, we're at almost the entire week at
3 10,000. So, that was a--

4 CHAIRPERSON CROWLEY: [interposing] Fine,
5 give or take a few inmates extra a day, we understand
6 the population fluctuates, but in the first four
7 months of fiscal year 2015 we were at 10,817, and so
8 that wasn't that long ago and that was nearly 800
9 more inmates than you currently have today. I call
10 to attention the Mayor's Management Report is--this
11 is how we really get at whether we have enough
12 funding, enough resource to maintain the care and
13 control, custody that the Department needs in their
14 mission, and almost every single violence indicator
15 is showing a sizable increase in violence. If we
16 look at fights, assaults, infractions, the first four
17 months compared to the previous four months of the
18 previous year, it goes up 30 percent. There's 2,846
19 in those four months in fiscal year 15 versus 3,562
20 in fiscal year 16. That's not good. Why is it going
21 up so much when our population is going down and the
22 number of officers is increasing? What is the
23 simple--if you could, tell me a short answer, a
24 reason why the violence continues to go up at
25 staggering rates?

2 COMMISSIONER PONTE: So, there are many
3 things that contribute to inmate violence. The
4 issue, I think one of the things that we've
5 identified as an organization is the proper
6 classification and housing, the instrument that we
7 were using to make those decisions six months ago was
8 not yielding the results. Our CIB, our gang
9 investigative unit was depleted in staffing, their
10 training. So, there's a lot of pieces to bringing
11 violence under control. We've designated a lot of
12 time and effort at GRBC, which is a high custody,
13 meaning high custody facility, and we've seen in that
14 facility a great turnaround. So, we've seen levels
15 steadily drop and steady improvement in all measures
16 of violence.

17 CHAIRPERSON CROWLEY: The only area where
18 I've seen a decrease is with the juveniles, which is
19 a very small fraction.

20 COMMISSIONER PONTE: Right.

21 CHAIRPERSON CROWLEY: Which has had a
22 significant decrease in population. Approximately
23 only 180 juveniles, and the investment into RNDC
24 where you house the juveniles has been the bulk of
25 the increase in budget. Well, what is--what are you

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2 doing right there that you're not able to replicated
3 in other jails to bring down the violence like you've
4 brought down with our juveniles? Why can't that be
5 done in 95 percent of the rest of the--

6 COMMISSIONER PONTE: [interposing] And
7 that's what we did. That's what we did in JRBC in
8 great results. So we're moving that model onto AMKC
9 which is our largest facility, over 2,000. So, we
10 believe as we reproduce this model that we've been
11 very effective both at RNDC, very effective at GRBC.
12 We'll be very effective at AMKC. There's a lot of
13 pieces to that. So there's a lot of pieces to the
14 14-point plan that have to happen for that to work.

15 CHAIRPERSON CROWLEY: The bulk of the 14-
16 point plan is training. Maybe it's crisis
17 intervention, a building of a crisis intervention
18 team. Are you using officers and the medical staff
19 on those teams?

20 COMMISSIONER PONTE: Yes, we are.

21 CHAIRPERSON CROWLEY: Are you only using
22 them in certain jails?

23 COMMISSIONER PONTE: We've expanded. So
24 we used to--we started at AMKC with great success.
25 We've expanded them to Rosies [sic], RMSC. We've

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2 expanded them to OBCC. So, we're expanding them to
3 the jails that we--because the intent here is MO
4 populations, working with mentally [sic]. So it's
5 not just incidents, per say, it's actually working
6 with mentally ill inmates in crisis. So, we've
7 expanded those teams to three other facilities.

8 CHAIRPERSON CROWLEY: And where do you
9 train the officers in crisis intervention?

10 COMMISSIONER PONTE: Where do what?

11 CHAIRPERSON CROWLEY: Where are they
12 getting trained?

13 COMMISSIONER PONTE: We train them. So,
14 we--

15 CHAIRPERSON CROWLEY: [interposing] Where?

16 COMMISSIONER PONTE: We actually send
17 people, I believe it was Illinois if I recall--
18 Minnesota, and they, a team of uniformed staff and
19 clinical staff are actually trained on the trainers,
20 and they've come back and trained our staff both
21 clinical and officers to be parts of these teams. So,
22 it's an in-house program, but those staff were
23 trained to be trainers. It's 40 hours, I believe.

24

25

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2 CHAIRPERSON CROWLEY: Are they getting
3 trained at your training academy or are they getting
4 trained on Rikers Island?

5 COMMISSIONER PONTE: They trained on
6 Rikers Island.

7 CHAIRPERSON CROWLEY: In a trailer or in
8 a gym [sic]?

9 COMMISSIONER PONTE: In Wonless sprongs
10 [sic].

11 CHAIRPERSON CROWLEY: Have you had
12 discussions with OMB or the Mayor's Office about
13 building a new training academy?

14 COMMISSIONER PONTE: We have talked and
15 looked at multi-sites to do that. We continue to
16 explore opportunities for that. I believe we have
17 very good support from City Hall and obviously from
18 the City Council. It's a major need of the
19 organization. I don't think we're at a point--

20 CHAIRPERSON CROWLEY: [interposing] But
21 there's no money in the five year capital plan, four
22 year capital plan to support such a measure.

23 COMMISSIONER PONTE: Not at this time.

24 CHAIRPERSON CROWLEY: A few months ago
25 this Council passed a Bill of Rights for inmates, a

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2 number of bills we passed, but one was that a Bill of
3 Rights be given on a page. Where is the Department
4 with--where's the Department at with this new law?

5 MARTIN MURPHY: We're going to publish
6 the Inmate Handbook and have the Bill of Rights.
7 Every inmate gets an inmate handbook upon admission,
8 so the Bill of Rights will be in the inmate handbook.

9 CHAIRPERSON CROWLEY: The Bill of Rights
10 is summarized, though. The booklet is summarized
11 into a page.

12 MARTIN MURPHY: Yes, and then we do the
13 orientation with the individual and explain.

14 CHAIRPERSON CROWLEY: Do you have a copy
15 of that?

16 MARTIN MURPHY: I do not.

17 CHAIRPERSON CROWLEY: And is the law being
18 followed in that people are read their rights in the
19 language that they speak in?

20 DINA SIMON: Language lines are being
21 established to do that.

22 CHAIRPERSON CROWLEY: As of now the law
23 is not being followed?

24 WINETTE SAUNDERS: It is. Since January
25 we have implemented that feature.

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2 CHAIRPERSON CROWLEY: You have them?

3 WINETTE SAUNDERS: We have.

4 CHAIRPERSON CROWLEY: In that package of
5 laws that we passed, one was to put a waiting list
6 together and to report to the Council the waiting
7 list for the specialized units, those with mental
8 health needs who are being taken away or need to be
9 taken away from the general population. Do you have
10 a list or you know what the waiting list is for your
11 restrictive housing units?

12 WINETTE SAUNDERS: Sorry, getting some
13 Intel. So, from what I understand, at this juncture
14 we do have lists for individuals that need to go to
15 punitive segregation, but it's not broken down by
16 housing area.

17 CHAIRPERSON CROWLEY: These individuals
18 wouldn't go into punitive segregation. The
19 population I'm talking about has mental health needs,
20 and would need to go to restrictive housing unit or
21 unit with clinicians there. What we're trying to get
22 at is what that number is, how many people are
23 waiting to go into those specialized units.

24 COMMISSIONER PONTE: So, as it pertains to
25 discipline, we have those lists. So if somebody has

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2 an infraction or was waiting to go to RHU, we'd have
3 that, or waiting to go to CAPS [sic].

4 CHAIRPERSON CROWLEY: Do you know that
5 number? I'd like it.

6 COMMISSIONER PONTE: We have that number,
7 but if there were somebody that has mental--I assume
8 the question was if somebody had mental health and
9 came into the system and was going to go to PACE, I'm
10 not sure if we have that number, but I know the other
11 numbers that we have, because it's on the waiting
12 list. We believe the--we'll verify. We believe we
13 have that.

14 CHAIRPERSON CROWLEY: To verify, we'll go
15 back to questions in line with that population. I'm
16 going to recognize Council Member Gibson for
17 questions, and we've been joined by Council Member
18 Corey Johnson who will ask questions after Council
19 Member Gibson.

20 COUNCIL MEMBER GIBSON: Thank you very
21 much, Chair Crowley. Good afternoon, Commissioner to
22 you and your team who are here. Thank you for your
23 presence, for the work that you're doing. There's a
24 lot to discuss, so I'll try to get as quickly and
25 concise as I can. I wanted to first ask, I know

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2 Council Member Lancman talked a little bit about the
3 Bronx District Attorney Darcel Clark and her new plan
4 for Rikers Island, the Prosecution Unit she's looking
5 to create. So I wanted to know your thoughts on
6 that, and then obviously her idea of having a
7 physical presence of the District Attorney's office
8 on the island with a courtroom and a judge and some
9 of the services there to make sure that cases can be
10 prosecuted quickly, what your thoughts are and how is
11 DOC working with the District Attorney's office.

12 COMMISSIONER PONTE: So, in very short,
13 we agree with everything that the DA has put forth.
14 We are fully working with her. We have already a
15 month ago identified space. So we actually have space
16 on island for her.

17 COUNCIL MEMBER GIBSON: Right.

18 COMMISSIONER PONTE: She's looked at it.
19 Her staff has looked at it. They will modify that
20 space to meet her needs. We're fully committed to
21 her agenda. I believe there's nothing but things
22 that's going to help us in the long run by the DA
23 being on or the DA presence on Rikers Island.

24 COUNCIL MEMBER GIBSON: Okay, great. I'm
25 happy to hear that. I too as well as Chair Crowley

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2 and others are working with her during the budget
3 process to ensure that her office gets the support
4 that they need to really make a difference and to
5 send a loud message that violence on the island is
6 intolerable on anyone, civilian, corrections officer,
7 and inmates. So, I appreciate your partnership with
8 the DA and certainly ask you to continue to work with
9 her in that regard. In your testimony you talked
10 about the Crisis Intervention Teams, and I know we at
11 the Council have put forth legislation that looks at
12 codifying that in law, making sure that moving
13 forward we can have CIT's throughout the entire
14 Department. Where are we with the current CIT's that
15 you have in terms of the staff? Like, who's on the
16 CIT? Are there medical staff and social workers, and
17 do you know how many teams we have on the island
18 right now?

19 COMMISSIONER PONTE: I don't know the
20 number of teams, because it really is--if you're
21 trained on CIT or work in a facility, you may have
22 two or three teams on in any given day, and tomorrow
23 it may only be one or two. We've trained substantial
24 numbers of staff, both clinical staff and officers,
25 and we're rolling it out. It started at AMKC, our

2 biggest facility with the most mental health
3 population. We're rolling that out to OBCC. We're
4 using it at Rose M. Singer [sic] with our female
5 population, and I agree, we are in the process of
6 expanding that agency-wide. The intent of these
7 teams initially the whole premise was to respond to
8 mentally ill inmates in crisis. So, but what we
9 found was that they're actually very good in
10 responding to anybody in crisis. So, the design
11 right now is a clinical individual, mental health
12 worker typically, and an officer respond together.
13 They are like the first responders to somebody in
14 crisis in a facility. We've gotten great results. We
15 want to expand that throughout the agency.

16 COUNCIL MEMBER GIBSON: Okay. So, it's
17 been said, and I'm not sure if this is an accurate
18 number, that 40 percent of the population right now
19 has some level of a mental illness. So, as you talk
20 about expanding the CIT's, will you get to the point
21 where you have enough to sustain the population on
22 the island that has a mental illness?

23 COMMISSIONER PONTE: As it pertains to
24 the CIT, yes. So, CIT people or team members are
25 doing something. So, they may be a clinician. They

2 may be an officer that works in the clinic, but
3 they're the first responders. So they would leave
4 that and go and deal with the emergency. There
5 wouldn't be teams that are just, you know, there for
6 our response. They would actually have jobs and
7 work, and then they would respond as incidents occur.

8 COUNCIL MEMBER GIBSON: Okay. And so far,
9 have you seen success? What is the feedback you're
10 getting from the teams?

11 COMMISSIONER PONTE: Just great, great
12 success across the board. So, I said in earlier
13 testimony that since January of 2016 we had 90
14 incidents in OBCC and AMKC that were successfully de-
15 escalated. So, 90 times these teams responded and de-
16 escalated the situation that resulted in no use of
17 force, and to me, that's really good work.

18 COUNCIL MEMBER GIBSON: Okay, great. I
19 love to hear those numbers. So that's 90 different
20 instances where we potentially derailed a violent
21 incident.

22 COMMISSIONER PONTE: Yes.

23 COUNCIL MEMBER GIBSON: Okay, so I'm sure
24 you can understand the need why, you know, we at the
25 Council like the idea of the crisis intervention

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2 teams and why we think it's necessary to produce
3 legislation that would really put it in law beyond
4 our administrations to say that this is a useful tool
5 that looks at, you know, crisis intervention, de-
6 escalation, different tactics that we're using to
7 prevent violence on all sides and the need to make
8 sure that beyond our Administration that the future
9 Administration will look to the same vision, right?
10 Can you understand that?

11 COMMISSIONER PONTE: I do.

12 COUNCIL MEMBER GIBSON: Okay, okay. The
13 other thing I wanted to ask about, our staff here and
14 Chair Crowley, myself, and Chair Cumbo, we had a
15 hearing earlier, and we have a bill that looks at the
16 Rikers Island Nursery, and I wanted to find out is
17 there an update you could give us on the
18 participation rate and how many young mothers are in
19 the Rikers Island Nursery Program with their
20 children, and do you see any budgetary needs that we
21 should consider this year?

22 COMMISSIONER PONTE: I know--I'll let
23 Winette fill in the blank, but we have much more use
24 of the nursery now. When I arrived it was unusual to
25 have anybody in the nursery and many times it was

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2 one. We've done much better since, and I'll let
3 Winette talk about how it's going.

4 WINETTE SAUNDERS: Good afternoon. We've
5 been focused on really trying to get feedback from
6 the actual residents in the housing, in the nursery
7 to find out what the needs are. H&H has been a
8 terrific partner in providing lactation specialists,
9 clinical social worker, a fulltime nurse, and
10 different staff members that could really help to
11 assist to identify need and really work on the
12 specified needs of the women and the children that
13 are currently in our nursery. We've also done a
14 couple of things in terms of innovation with regard
15 to programming where we have partnered with Carnegie
16 Hall and other entities like Stella Adler [sp?] to
17 really help the women engage in being a mother while
18 being there. So, for example, we have women actually
19 being prepared to write lullabies for their kids with
20 actual composers and musicians and artists, and we'll
21 have a big concert to celebrate motherhood.

22 COUNCIL MEMBER GIBSON: Okay, well, it
23 sounds great. I certainly want to continue to have
24 further conversation around it. I know that, you
25 know, the participation rate obviously we can always

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2 improve with many mothers who are on the island, but

3 I know that there are--there is criteria that you use

4 to identify who is eligible, and I know that there

5 have been applicants that have been denied. So, I'd

6 like to know about some of those challenges and

7 hurdles and how we can overcome them, and certainly

8 how we can obviously maximize usage of the nursery.

9 So, I look forward to working with you on that and

10 certainly encourage you to work with us and as much

11 as you can give us information so that we can really

12 formulate better understanding and policy ideas and

13 programming and services for many of the mothers on

14 the island. Okay? And my last question is focused

15 on--sorry, Council Member. My last question I wanted

16 to focus on is the actual programming at Rikers

17 Island. The ICAN, the Individualized Correction

18 Achievement Program, and where we are with

19 participation. It's not a mandatory program. So we

20 are highly suggesting. That's my other word if it's

21 not mandatory. What we're doing to increase the

22 participation rate--I believe we have numbers that

23 there's a 60 percent participation rate. Correct me

24 if I'm wrong, and we're looking at furthering, I

25 think it's five hours a day, in terms of programs for

2 many of the inmates. So, could you expand a little
3 bit on that and where we are?

4 WINETTE SAUNDERS: Certainly. So, with
5 ICAN we've also partnered with other higher education
6 institutions such as CUNY. More specifically with La
7 Guardia and Hostos College to really bring in career
8 and technical education along with re-entry
9 components. The other thing that we're really--we've
10 really been focused on is really surveying the
11 population both the adult and the young adult to
12 really find out what people's interests are, because
13 what we want to make sure is that as we develop
14 programming, we're using the feedback from the
15 population to really identify what their interests
16 are. So, with that being said, we've also developed
17 a couple of different programs that really focus on
18 increasing career and technical education
19 opportunities such as exposure to 20 hours of
20 different vocational trades such as culinary arts,
21 cosmetology, electrical, plumbing, carpentry,
22 painting, digital literacy, and different things of
23 that nature. So, right now we have several
24 facilities that focus--well, let me just say, we have
25 our adolescents, our young adults, our model

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2 facility, some housing areas in Rose M. Singer as
3 well as AMKC that's really deeply engrained in
4 programing efforts that include ICAN. So, ICAN is
5 one mechanism, but we have others that we're
6 utilizing to really make sure that people are engaged
7 in their interest.

8 COUNCIL MEMBER GIBSON: Okay. Are you
9 looking to increase the participation, and if so,
10 what is your expectation, and are we looking to hire
11 additional staff? I believe within the budget, the
12 58 million dollars that there is money for additional
13 staff. And then thirdly, can the Department share
14 with the Council a list of the actual programs so
15 that we can have a greater understanding of the
16 technical, the trading, the career, GED, vocational,
17 all of the career-driven opportunities and skills
18 that you are providing to the inmates so that when
19 they do come home many of them can be employable and
20 can reintegrate back into society, not re-offend, but
21 actually have the skillset to begin employment in the
22 communities?

23 WINETTE SAUNDERS: Yes, we can absolutely
24 do that. Part of our strategy is to really integrate
25 program counselors that are actually assigned to

2 housing areas next to the officer so that they can
3 engage the population in program, encourage and
4 motivate, and really explain to the population the
5 need, because often times we have the population that
6 might state, "I'm interested in a certain trade," but
7 they don't understand the connection that it makes
8 with educational services. So we do a lot of
9 encouragement around--what would you say--engaging in
10 the traditional educational services as well as
11 career and technical education services. In addition,
12 we have also provided opportunities for individuals
13 to receive industry recognized credentials such as
14 OSHA 10, which is the occupational safety hazard
15 certification as well as food handler certification
16 and different things of that nature.

17 COUNCIL MEMBER GIBSON: So, are you
18 using-- the model facility that was referenced, is
19 that going to be the model that we're using at that
20 particular facility, at GRVC [sic], to use that as a
21 format with the other facilities?

22 WINETTE SAUNDERS: Yeah, so the model
23 facility, GRVC, is going to be the foundation. We're
24 going to take the lessons learned from that facility
25 and apply it as nec--well, as we can to different

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2 facilities. However, we do recognize that with Rose
3 M. Singer, it's going to have to be a different
4 approach, because we need to be gender responsive in
5 our strategy there. In addition, the change from the
6 APU will also be effective--I'm sorry, will also show
7 when we actually look at the types of programming
8 that are offered to our young adults and adolescents,
9 because we have to make sure it's age appropriate as
10 well. So we really focus on traditional educational
11 services for our young people, 16 and 17, but then we
12 help expose them to the career and technical piece,
13 because we really want to push for them to have their
14 GED or their--

15 COUNCIL MEMBER GIBSON: [interposing]

16 Right.

17 WINETTE SAUNDERS: task now or their high
18 school diploma.

19 COUNCIL MEMBER GIBSON: So do you have a
20 timeline for this model facility and some of the
21 metrics and the indicators you're looking at to
22 determine success before you expand?

23 WINETTE SAUNDERS: So, we actually do
24 have a lot of different metrics that we're looking at
25 to really try to help us develop the foundation. So,

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2 for example, each week we look at how many people are
3 participating in programs. We look at the use of
4 force, the use--the actual incidents that occur in
5 the housing areas that people are actually
6 participating in programming, and we've seen a huge
7 decrease in incidents especially when engaged in the
8 programming that is being provided.

9 COUNCIL MEMBER GIBSON: Okay, and what's
10 your timeline? Do you have a timeline identified?

11 WINETTE SAUNDERS: Well, I think--so what
12 I can say is that let me take a look at my notes, but
13 what I can say is that because this is a pilot that's
14 underway we're taking our time. We're being cautious
15 about how we apply, but there is a timeline in place,
16 and I'm just going to take a look through my notes
17 and see if I have some reference to it.

18 COUNCIL MEMBER GIBSON: Okay, sure. Thank
19 you, and thank you, Chair Crowley.

20 CHAIRPERSON CROWLEY: Thank you, Council
21 Member Gibson. Next we'll hear from Council Member
22 Johnson.

23 COUNCIL MEMBER JOHNSON: Thank you, Madam
24 Chair. Commissioner, good to see you. Thank you for
25 being here as always and your team. I know that

2 there was a position that was either created or
3 existed which was the Director of the Internal
4 Affairs Unit. Has that position been filled?

5 COMMISSIONER PONTE: They've posted, and I
6 believe they've done interviews.

7 DINA SIMON: Right. We're in the process
8 of interviewing. We should have final candidates for
9 the Commissioner and hopefully appoint someone within
10 the next month or so.

11 COUNCIL MEMBER JOHNSON: And how long as
12 the position been open for?

13 DINA SIMON: Probably three months,
14 however, the person who was in the position is
15 currently still serving on a transition basis with
16 us.

17 COUNCIL MEMBER JOHNSON: And can you talk
18 a little bit about what that person's
19 responsibilities will be?

20 COMMISSIONER PONTE: So, the--it's an
21 Internal Affairs Unit, so it's managing
22 investigations as they pertain to staff misconduct.
23 That's the--I mean, that's the essence of the unit.

24 COUNCIL MEMBER JOHNSON: Okay.
25

2 COMMISSIONER PONTE: And that doesn't
3 change. That's the same as. We're adding more staff
4 to that unit, but the general preface of the unit
5 doesn't change.

6 COUNCIL MEMBER JOHNSON: So, the
7 restrictive housing unit, RHU, as you've referenced
8 in your testimony is punitive segregation for--a type
9 of punitive segregation for people with mental
10 illness, and you had mentioned in your testimony that
11 overall there's been a roughly 70 percent reduction
12 in the use of punitive segregation throughout all the
13 facilities. How does that number break out when it
14 comes to RHU? Is RHU still added into that number or
15 captured?

16 COMMISSIONER PONTE: We haven't expanded.
17 It's been static. We haven't added to it. We
18 haven't added more beds to it, so it's been pretty
19 static. Our hope was to get ahead of it by opening
20 PACE units, which means identifying severe mental
21 illness, providing a clinical model that will manage
22 the inmate in a safe environment so we never get to
23 an RHU so to speak. Those facil--those units have
24 just opened. So we hope to have probably by mid-year
25 some good outcomes to say we'll need less of RHU if

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2 these things are very effective, and so it's
3 something that's just kind of been static as we've
4 added other things to deal with mental illness.
5 We're hoping that eventually we won't need that.

6 COUNCIL MEMBER JOHNSON: So how many RHU
7 beds are there?

8 COMMISSIONER PONTE: Chief believe 50
9 beds.

10 COUNCIL MEMBER JOHNSON: How many?

11 COMMISSIONER PONTE: Fifty beds total.

12 COUNCIL MEMBER JOHNSON: Fifty beds, and
13 you do consider RHU to be counted in the punitive
14 segregation numbers, right?

15 COMMISSIONER PONTE: It is counted in
16 punitive segregation, yes.

17 COUNCIL MEMBER JOHNSON: So, I mean,
18 Commissioner, I've said it the last two years at our
19 budget hearing and when we've had other hearings, and
20 it's just my closely held belief that punitive
21 segregation is a gross human rights violation. I
22 think of it as cruel and unusual punishment. My
23 understanding is that it is categorically prohibited
24 under the Mandela Rules for the treatment of
25 prisoners adopted by the United Nations General

2 Assembly at the end of last year. President Obama
3 has spoken out against punitive segregation in the
4 last few months, and we've seen other municipalities
5 and states making movement on it. I applaud you and
6 your leadership and being able to reduce punitive
7 segregation by 70 percent, but it is my deeply held
8 belief that this destroys people, and I understand
9 that you're looking to ensure that there's safety
10 throughout the facility for the officers and for the
11 staff that work on the island. I understand that
12 there are violent individuals who are on Rikers
13 Island who pose a threat to the folks that are
14 ensuring their custody and care while they are there,
15 but I just do not believe that RHU especially for
16 individuals with mental illness, which is probably
17 going to exacerbate it even further is the right
18 solution. Is DOC open to ever phasing out RHU and
19 getting rid of RHU, or is RHU considered something
20 that you think will be around in our correctional
21 department for a while?

22 COMMISSIONER PONTE: I think we're open to
23 have discussions for safer alternatives to punitive
24 seg, better alternatives to how to handle and manage
25 mentally ill offenders. You know, we eliminated

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2 punitive seg for adolescents last year, 2014. We're
3 in the process of eliminating punitive seg for young
4 adults. That's about 1,000 inmates. We do not use
5 punitive seg for severely mentally ill, and so the
6 RHU is kind of a modified unit to those inmates that
7 may have some level of mental illness, but not in
8 severe category, but we're open to discuss, you know,
9 at any time what would be a better alternative.

10 COUNCIL MEMBER JOHNSON: Can you talk a
11 little bit, Commissioner, about the visitation
12 process? I know that the Board of Corrections at the
13 Department's recommendation made some changes to the
14 visitation process for family members and friends
15 coming to visit inmates on Rikers Island. How have
16 those changes--how have they been implemented, and do
17 you believe that the changes that were put in place
18 have actually reduced contraband coming into the
19 island which was one of the major justification for
20 implementing those changes?

21 COMMISSIONER PONTE: So, not fully
22 implemented. I'll let the Chief tell us where we put
23 it in place. So, it's a gradual implementation
24 process. I think anything we could put in place that
25 gives the officer more opportunity to see the passing

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2 of contraband is a good thing and doesn't diminish
3 the quality of the family interaction, but you know,
4 as it diminished the contraband in our jails, you
5 know, after fully implementation I think it will have
6 an impact. It won't eliminate it.

7 MARTIN MURPHY: So, we've implemented so
8 far at George Motchan Detention Center and the George
9 R. Vierno Center.

10 COUNCIL MEMBER JOHNSON: I didn't hear
11 what you said sir, I'm sorry.

12 MARTIN MURPHY: So, we've implemented
13 thus far GRVC and GMDC.

14 CHAIRPERSON JOHNSON: Those are the two--

15 MARTIN MURPHY: [interposing] Yes.

16 COUNCIL MEMBER JOHNSON: jails that it's
17 been implemented in.

18 MARTIN MURPHY: That's correct.

19 COUNCIL MEMBER JOHNSON: And so--but
20 visitors go through three stations right now on the
21 island where they're surged, and correct me if I'm
22 wrong, what my understanding is there have been
23 reports that there have been allegations of sexual
24 abuse during these searches of visitors coming to the
25 island. Do you have any reports of that happening?

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2 COMMISSIONER PONTE: If that is reported
3 we would fully investigate that.

4 COUNCIL MEMBER JOHNSON: Do you have any
5 reports of it happening?

6 COMMISSIONER PONTE: We've had
7 allegations at times, yes.

8 COUNCIL MEMBER JOHNSON: And what's being
9 done to ensure that that doesn't continue in the
10 future?

11 COMMISSIONER PONTE: We've assigned a
12 supervisor to the search. We've added that feature
13 to any civilian that's searched. There's a
14 supervisor present.

15 COUNCIL MEMBER JOHNSON: Is DOC looking to
16 eliminate or reduce the number of visits that are
17 allowed currently? Are you looking to scale those
18 back at all?

19 COMMISSIONER PONTE: We're not, but we're
20 very interested in exploring as an alternative, not a
21 replacement, video visitation. We think that would
22 be an alternative that would allow for a quick
23 interaction, but not to replace the current visiting
24 system.

25

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2 COUNCIL MEMBER JOHNSON: And I know that,
3 you know, there are other facilities that have family
4 friendly rooms for visits with children who are
5 coming to see their parents who are incarcerated. I
6 know that Bedford Hills has a great room that allows
7 children where they can walk freely with their
8 parent, draw, interact, hug their parent in some way
9 like that. Are there discussions to create a family
10 friendly room on Rikers Island for children who are
11 coming to see their parents?

12 COMMISSIONER PONTE: One of the things we
13 do also add as a behavior incentive is family days
14 that we have additional interaction between the
15 inmate and the family, and we do have rooms.

16 WINETTE SAUNDERS: Yeah, and if I may, we
17 do have a few rooms in place now. We currently have
18 at Rose M. Singer, we have de-central [sic] visits,
19 the central visits where every child has to go
20 through, and we also offer a couple of days a month
21 the Sesame Street Tool Kit for families who might
22 have children who have incarcerated parents so that
23 we give their caregivers or their other parent
24 opportunities or ways in which they can talk about
25 the challenging situation with their children. And I

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2 just wanted to mention one thing that you mentioned
3 earlier is that we just recently started a
4 partnership with the Vera Institute to really assess
5 the way we utilize punitive segregation, and right
6 now they're in their assessment phase, and we're
7 going to be getting recommendations from them and
8 also ideas on how to integrate best practices as it
9 relates to minimizing the use of punitive seg.

10 COUNCIL MEMBER JOHNSON: That's great to
11 hear. The Council has been very supportive of the
12 Vera Institute with discretionary dollars and
13 initiative dollars over the years, and I look forward
14 to seeing the results of that. Madam Chair, just a
15 couple more questions and then I'll turn it back over
16 to you, I apologize. At a recent hearing on women in
17 jails and sex abuse on Rikers Island, DOC was at that
18 time not prepared with data on the number of
19 allegations of sex abuse made against staff or the
20 nature in results in the investigations. Do you have
21 any updates on the data that was asked before of DOC
22 on that, allegations of sexual abuse and assault?

23 WINETTE SAUNDERS: Yes, we do. In 2010
24 and 2011 we had four cases that were deferred to
25 prosecution; however, the respondents left DOC while

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2 the cases were pending. All were DOI and DOC
3 investigations, and we currently have three cases
4 pending in our trials and litigation.

5 COUNCIL MEMBER JOHNSON: So the cases are
6 currently with DOC and DOI, but they're not--are they
7 being handled by the District Attorney?

8 WINETTE SAUNDERS: All cases are sent to
9 the Bronx DA and they took a look at it. If
10 substantiated, then they will proceed with charges or
11 whatever it is.

12 COUNCIL MEMBER JOHNSON: Have any of
13 them--

14 COMMISSIONER PONTE: [interposing] We
15 typically wouldn't refer a case directly from us to
16 the DA. DOI would do that. So, we refer to DOI.
17 They typically would refer that case [sic].

18 COUNCIL MEMBER JOHNSON: And have any of
19 those been substantiated at this point?

20 COMMISSIONER PONTE: I think we've--

21 WINETTE SAUNDERS: [interposing] The four
22 that we have, the individuals left DOC at that time.
23 I don't have the information on the substantiated
24 ones.

25

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2 COUNCIL MEMBER JOHNSON: The four
3 individuals who were alleged to have committed crimes
4 have now left DOC and are no longer in the employ of
5 DOC.

6 WINETTE SAUNDERS: Correct.

7 COUNCIL MEMBER JOHNSON: Does that mean
8 that the investigations continue or just because they
9 leave--

10 COMMISSIONER PONTE: [interposing] If it's
11 over in a criminal venue, the investigation
12 continues.

13 COUNCIL MEMBER JOHNSON: So, the DA's
14 office will still look at those cases.

15 COMMISSIONER PONTE: Absolutely.

16 COUNCIL MEMBER JOHNSON: Okay, that's
17 good to--

18 COMMISSIONER PONTE: [interposing] Like
19 any other crime anywhere, sure.

20 COUNCIL MEMBER JOHNSON: That's good to
21 hear. According to Public Advocate Tish James, in
22 2014 DOHMH alerted DOC to 116 total allegations of
23 sexual abuse of incarcerated individuals in 2014.
24 Twenty-eight of those were allegations of rape that
25 occurred, but DOC only passed along two misdemeanor

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2 sex assault cases to the NYPD. I know that in your
3 testimony, Commissioner, you talked about PREA and
4 what's going on with that program. What is DOC doing
5 to, besides PREA, what is DOC doing to address sexual
6 abuse at Rikers Island and in the jails on Rikers
7 Island?

8 COMMISSIONER PONTE: So, we have
9 investigative teams in five facilities. We have
10 Integrity Control Officers in our Rose M. Singers.
11 We actually have ID, Internal Affairs staff, on the
12 ground in those units where we've seen consistent
13 complaints coming from.

14 COUNCIL MEMBER JOHNSON: At the end of
15 the testimony here there's a cataloging of additional
16 funding by OMB for capital repairs, 68 million
17 dollars for facades, windows, roofs, and other
18 structural improvements, 67 million dollars for duct
19 work, heating, cooling, 34 million dollars for fire
20 safety, 20 million dollars for classroom and
21 programmatic space, eight million dollars for gang
22 cell release doors at RNDC, 7.7 million dollars for
23 IT and telecommunications equipment. That adds up
24 and is close to 200 million dollars in capital
25 upgrades. I believe in last year's budget you had

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2 talked about the city putting aside 200 million
3 dollars for a new jail facility. Is there still a
4 plan to construct a new jail on Rikers Island?

5 COMMISSIONER PONTE: There currently
6 exists plans to construct a new jail, yes.

7 COUNCIL MEMBER JOHNSON: And that's
8 separate from this 200 million dollars that's
9 outlined in capital.

10 COMMISSIONER PONTE: Correct, yes.

11 COUNCIL MEMBER JOHNSON: Okay, so I'll
12 just finish with this. That's 400 million dollars.
13 That's a lot of money. That's a lot of money. I've
14 been to Rikers Island. I went with you. This is not
15 your fault. The facilities are horrible. I'm glad
16 that you're going to upgrade them in some way. I
17 just want to dovetail on--and I don't know what the
18 Chair--I apologize I wasn't here for the Chair's
19 opening statement, but the Speaker has talked and I
20 know she's worked closely with our Chair on a plan to
21 close Rikers Island. I know it's a complicated plan.
22 I know it's difficult, and I know that it would be
23 very, very expensive to do, and one of the primary
24 reasons that people have said, "Hey, this isn't
25 doable," is because it would cost too much money. If

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2 we're sinking 400 million dollars over the course of
3 a few years into capital upgrades, I think that we
4 should be thinking about are there better ways to do
5 this instead of throwing money at buildings and jails
6 that are dilapidated, old, falling apart, crumbling,
7 not up to snuff for what your officers need and for
8 what inmates need, and I think it's a major, major
9 thing. I mean, it's a lot of capital money here, and
10 I just want to hear your thoughts on that.

11 COMMISSIONER PONTE: No matter what we
12 do, if we had a plan to move off island, if we had a
13 plan to move, you know, build three brand new jails
14 on island, the problem is that all those plans have a
15 six or seven year window. So, we need to make sure
16 our facility meet certain fire, life safety codes in
17 the meantime. Some of them don't, and you've seen,
18 you know, the conditions of some of these facilities.

19 COUNCIL MEMBER JOHNSON: Do you support
20 closing Rikers?

21 COMMISSIONER PONTE: I support a good
22 humane criminal justice system for New York City,
23 and--

24 COUNCIL MEMBER JOHNSON: [interposing]
25 Will you be open to closing Rikers?

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2 COMMISSIONER PONTE: Same answer. How we
3 do that is a very political question.

4 COUNCIL MEMBER JOHNSON: It sounds like
5 you're open to it.

6 COMMISSIONER PONTE: I am open to it.

7 COUNCIL MEMBER JOHNSON: You're open to
8 it. Thank you very much, Madam Chair.

9 CHAIRPERSON CROWLEY: Thank you, Council
10 Member Johnson. A few more questions and then we're
11 going to finish with testimony today. Commissioner,
12 I'm going to ask you about the Prison Rape
13 Elimination Act, PREA. Now, you said earlier that
14 the Department plans on hiring another 12 positions
15 to support the efforts to become compliant with the
16 federal government. So what is your timeline of
17 becoming compliant on the PRE Act?

18 COMMISSIONER PONTE: So, I believe it's--
19 This is Deputy Commissioner Brand. She's in charge
20 of the implementation.

21 CYNTHIA BRANN: Don't I have to be sworn?

22 COMMISSIONER PONTE: Do you want to swear
23 her? [off mic]

24 CHAIRPERSON CROWLEY: Do you--if you could
25 raise your right hand. Do you swear to tell the

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2 whole truth and nothing but the truth in your
3 testimony and answering in the questions?

4 CYNTHIA BRANN: I do.

5 CHAIRPERSON CROWLEY: Thank you.

6 CYNTHIA BRANN: We have already made
7 offers to four PREA Compliance Managers at this time.
8 We've reposted the positions. We have four more to
9 fill right now. We're waiting for OMB approval for
10 the final four. We have begun our staff training as
11 of Monday. We've completed our PREA compliance
12 manager training for all the uniformed staff who are
13 acting in those positions right now. They're
14 Assistant Deputy Wardens who are acting in that
15 manner. The first three facilities to roll out PREA:
16 RNDC, Manhattan and Rosie's. We'll hopefully be
17 under audit by the end of the fall.

18 CHAIRPERSON CROWLEY: So, can you walk me
19 through the process when the inmate accuses a
20 Correction Officer of sexual assault, what happens
21 with that Correction Officer, and does that
22 Correction Officer during the investigation, is that
23 Correction Officer still allowed to be working with
24 other inmates?

25

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2 COMMISSIONER PONTE: So, it depends on
3 the accusation. On a very serious accusation like
4 rape, the officer would be modified. So we'd put that
5 officer in a position that has no inmate contact,
6 pending the results of the investigation. So, if it,
7 again, if it goes--refers to a criminal venue, then
8 the DA would then, you know, look at prosecution.
9 Many times those cases go to the DA, come back to us
10 because, you know, the kinds of evidence you need in
11 a criminal case is higher, much higher level than an
12 administrative hearing case. So, we'll get those
13 cases back sometime. We'll then hold a hearing on
14 the officer, take appropriate discipline up to
15 termination at that point in time, but most times on
16 a serious allegation those officers are modified.

17 CHAIRPERSON CROWLEY: But there are
18 occasions where an officer has been accused by
19 multiple inmates and they're still working with
20 inmates?

21 COMMISSIONER PONTE: That would be
22 extremely unusual if that's true.

23 CHAIRPERSON CROWLEY: Unusual.

24 COMMISSIONER PONTE: Again, so if somebody
25 tells you that I said this or did I file a complaint.

2 It's a--is it somebody who has actually made a
3 statement, then I would say probably--

4 CHAIRPERSON CROWLEY: [interposing] Well,
5 no, because when we had a hearing in December, I
6 asked about a particular officer who was accused of
7 assault by two inmates two separate occasions, and I
8 was told that that particular officer was removed
9 from one facility and just put in a different
10 facility.

11 COMMISSIONER PONTE: I mean, if he was
12 working with female inmates, he may well be put with
13 male inmates. I'm not sure of that decision. I'm
14 kind of--

15 CHAIRPERSON CROWLEY: [interposing] That's
16 what I'd like to get at it, because you know, rape
17 and sexual assault doesn't necessarily--

18 COMMISSIONER PONTE: [interposing]
19 Correct.

20 CHAIRPERSON CROWLEY: mean that just
21 because you're the opposite gender, you know--look,
22 I'm no expert on it, but if somebody abuses an inmate
23 whatever type of abuse it is, they should no longer,
24 especially when there's multiple accusations, they
25 shouldn't be working with any gender of inmates.

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2 COMMISSIONER PONTE: I assure you that
3 the future--we'll look at current accusations, but in
4 any future accusations the officer will be modified
5 from inmate contact.

6 CHAIRPERSON CROWLEY: I have a question
7 about when there are arrests on Rikers Island, inmate
8 on inmate violence. The Bronx District Attorney has
9 said that had difficulty in retrieving video footage,
10 that at one time years ago that it was much easier
11 for them, which helps with their investigation, and
12 that is part of the reason there are serious delays.
13 Has the Department changed its policy? Is the
14 Department aware of this, and are you making
15 adjustments?

16 COMMISSIONER PONTE: Yeah. I think one of
17 the delays was the numbers of officers who could
18 actually what we call burn the video. We limited
19 that because as you've seen sometimes that video ends
20 up in the local papers. So, we had to add additional
21 staff that had that privilege, but again, whatever
22 the DA needs in way of response to any of those
23 things, we're in a position to help.

24 CHAIRPERSON CROWLEY: So you're willing to
25 give them direct access?

2 COMMISSIONER PONTE: Yes.

3 CHAIRPERSON CROWLEY: Good. So, I'm going
4 to wrap up my questions. I just want to highlight
5 once again that your indicators are not good, that
6 whether it's fights, assaults or infractions or
7 violence against officers is significantly higher. I
8 want to compliment you on your recovery of weapons,
9 although it worries me some that there are more
10 weapons being recovered. It seems from fiscal year
11 15 in the first four months there was 696 recovered,
12 and now in the first four months of this year there
13 was 1,055. Wow, that's quite an increase. I wonder
14 why there are more weapons or why we're recovering
15 more. If could just briefly speak to that, and then
16 the Department's use of force incidents with serious
17 injuries or incidents altogether are down now. Is
18 that because there's a hands-off approach because
19 incidents involving inmates on inmates is
20 significantly up, and that's something that I would
21 like for you to speak to as well.

22 COMMISSIONER PONTE: In the case of
23 weapons, we do search a lot more. We really defined
24 our search techniques. We look at doing searches at
25 different hours. We purchased some equipment that's

2 more sensitive to finding weapons, not as good as
3 body scanners, but more sensitive for finding weapons
4 on inmates. So we're getting much more aggressive in
5 looking and frequency of searches. That's resulted
6 in better weapon finds. The second issue is, you're
7 right, the serious assaults, use of force are down,
8 and that's injuries to staff and injuries to inmates.
9 I think part of that is staff showing good resolve in
10 using appropriate levels of force, but not using
11 excessive use of force. So, that's--

12 CHAIRPERSON CROWLEY: [interposing] On the
13 indicators I see different. It's the Department's
14 use of force. I see all other indicators up other
15 than the Department's use of force being down, and
16 I'm wondering if this is now that correction officers
17 are not getting involved in the may lay [sic] as
18 frequently as they once were because the incidents of
19 violence are going up, yet their involvement or use
20 of force is going down.

21 COMMISSIONER PONTE: We've added tools to
22 the officers. We've added increase substantially the
23 use of chemical agent, the types of chemical agent.
24 We believe that's very effective in reducing the
25 physical kinds of force we need to resolve incidents.

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2 CHAIRPERSON CROWLEY: I think that just
3 ultimately those numbers highlight the need for a
4 reinforce--more training. I thank you, Commissioner,
5 for being here today. I look forward to working with
6 you over the next couple of weeks to adjust the
7 budget, and we'll be back before the Executive
8 Budget. Thank you.

9 COMMISSIONER PONTE: Thank you very much.

10 CHAIRPERSON CROWLEY: Now this concludes
11 the Department of Correction part of this hearing,
12 and up next is the Office of Emergency Management.

13 [break]

14 CHAIRPERSON CROWLEY: Good afternoon.
15 We're moving into the final phase of the Fire and
16 Criminal Justice Committee Hearing with the
17 Administration, and we will now hear from the Office
18 of Emergency Management. We will hear about their
19 fiscal year 2017 Preliminary Budget as well as their
20 fiscal year 2016 Preliminary Mayor's Management
21 Report. There will be an increase of 21.3 million,
22 which is a 33 percent increase compared to fiscal
23 year 2016 that we will discuss, and I'm eager to hear
24 about how the Office of Emergency Management
25 communicates, coordinates, and plans, and prepares

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2 with other city agencies as well. So, I want to
3 thank Commissioner Esposito for being here and for
4 her staff also, and I apologize about the delay. The
5 hearing is running a little late, but if you're ready
6 to begin your testimony I'll only have to swear you
7 in and then we could start. Do you mind raising your
8 right hand? Do you affirm to tell the whole truth,
9 nothing but the truth in your testimony before the
10 committee and to respond honestly to Council Member
11 questions? Thank you.

12 COMMISSIONER ESPOSITO: Okay. Good
13 afternoon, Chairperson Crowley and members of the
14 Committee on Fire and Criminal Justice. I'm Joe
15 Esposito. I'm the Commissioner of New York City
16 Emergency Management, and I'm here to talk about our
17 fiscal year 2017 budget. We've had a busy year.
18 Since last year's budget hearing, our Emergency
19 Operation Center has been activated eight times for a
20 total of 85 days. That events we covered were two
21 snow storms, two heat emergencies, the East Village
22 Building explosion, Legionnaire's Disease, the Papal
23 visit, and hurricane Joaquin. In 2015, we monitored
24 3,400 incidents and responded to 963 of those
25 incidents. That's a 50 percent increase over the

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2 previous year. Notify NYC sent out more than 1,500
3 messages to over 375,000 of our subscribers with a
4 response time of seven minutes or less. We held 30
5 inter-agency exercises with our partner agencies to
6 make sure the plans are understood and necessary
7 protocols for those plans are ready to be implemented
8 when needed. Our community outreach and engagement
9 activities have increased. You have hopefully likely
10 seen us out in your neighborhood. We have worked
11 hard to make sure that we have representatives at
12 meetings, town halls, neighborhood fairs, mobile
13 office hours, and other community events throughout
14 the city. We attended 350 Community Board District
15 Service Cabinet meetings throughout last year. We
16 participated in 725 Ready New York events with more
17 than 76,000 people attending, and have graduated 149
18 CERT volunteers, making our total of just over 2,000
19 volunteers throughout the city. We continue to look
20 ahead to find new ways to prepare the city and our
21 citizens for the next emergency. With that, let me
22 now provide a snapshot of our budget for next year.
23 New York City Emergency Management projected total
24 fiscal 2017 city tax levy expense budget is 20.4
25 million dollars. This includes both personnel

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2 services and other than personnel services. The
3 agency also receives grant funding to support many of
4 our core programs, several of which I will mention
5 here today. We rely on our city tax levy expense
6 budget to support the majority of the agency's
7 administrative technology and operational costs. The
8 projected fiscal 2017 personnel services portion of
9 the budget is 4.4 million dollars, which supports the
10 46 personnel lines paid directly through New York
11 City Emergency Management city tax levy funds. This
12 includes 1.4 million in funding for 19 staff members
13 dedicated to working on increasing communications and
14 services to people with access and functional needs,
15 and that's both before, during and after the
16 emergencies. Our other staffing is supported through
17 grant funds and on assignments from multiple city
18 agencies. Drawing on the expertise and talent of
19 those diverse entities, we have been able to support
20 New York City's unique approach to Emergency
21 Management. Our projected fiscal 2017 other than
22 personnel services budget is 15.9 million dollars,
23 which covers all agency operating and administrative
24 costs. These funds are designated to cover our
25 warehouse lease, utilities, telecommunications cost,

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2 including the maintenance and operation of our

3 Emergency Operation Center and our backup facilities.

4 Our city tax levy other than personnel services

5 budget also supports our fleet and all other

6 additional equipment, supplies and material needed to

7 run the agency. In the past year, we successfully

8 secured 22 million dollars in federal funding,

9 primarily through the urban area security initiative

10 grant. Outside funding [sic] is vital to our ability

11 to run many of our initiatives including the Ready

12 New York Public Education Program, our Community

13 Emergency Response Team Program, our Continuity [sic]

14 of Operations Program, our Geographic Information

15 systems, our training and exercises, our Watch

16 Command and Response, and the citywide Incident

17 Management System Planning. This concludes my

18 opening statement. I want to thank you for the

19 opportunity to testify here today. I look forward to

20 continuing working with the Council on issues

21 pertaining to emergency preparedness and response,

22 and I'll take this time to answer any other

23 questions.

24 CHAIRPERSON CROWLEY: Thank you,

25 Commissioner.

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2 COMMISSIONER ESPOSITO: Thank you.

3 CHAIRPERSON CROWLEY: Were there any
4 funding needs that you requested from the Office of
5 Management and Budget that were not included in the
6 Preliminary Budget?

7 COMMISSIONER ESPOSITO: Well, we asked for
8 some additional personnel. We asked for nine new
9 positions. We're doing more. We're trying to reach
10 out to the community more. We're trying to be ahead
11 of the emergencies. We've been given some additional
12 tasks by City Hall. There's some additional needs
13 from the City Council to deal with. So, we've asked
14 for some folks. We've received one. At this time we
15 think that's sufficient to accomplish what we want to
16 accomplish, but we'll be looking to deal with OMB to
17 hopefully secure some more of those spots, but we
18 have what we need right now.

19 CHAIRPERSON CROWLEY: Can you speak to why
20 the news reported about potential decrease in federal
21 funding? There was some discussion that our US
22 Senator had a press conference, and then there was
23 the federal government saying that they didn't
24 decrease. Have we seen a decrease? Are we prepared
25 for this situation, and what does that really mean?

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2 COMMISSIONER ESPOSITO: Well, again, we
3 get 20 million, roughly 20 million dollars in the
4 federal grants, NYSHOP [sic], and that is about 65
5 percent of our funding. So, it really is
6 substantial. We've met with Congressman Donovan just
7 last week to talk about it. I've sat with the Mayor
8 on this issue. The Mayor is going down to Washington
9 next week. We spoke to Senator Schumer about it. It
10 would impact on us tremendously, but we think we will
11 come out of this ahead of the curve.

12 CHAIRPERSON CROWLEY: But is there--is it
13 just a rumor? Because the White House made like
14 there was no cut happening [sic].

15 COMMISSIONER ESPOSITO: No, there are--
16 they're requesting a cut. They're putting in for a,
17 I think a 50 percent cut on the Uwasti [sp?] grant.
18 We call them Uwatsi [sic] grants. Again, I think
19 it's a long way off. It's the 2017 budget, so we--

20 CHAIRPERSON CROWLEY: [interposing] Well,
21 I hope that they don't, and--

22 COMMISSIONER ESPOSITO: [interposing] We
23 still have about a year and a half to go.

24

25

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2 CHAIRPERSON CROWLEY: We'll also write a
3 letter from the Committee from myself as the
4 Chairperson.

5 COMMISSIONER ESPOSITO: Yeah, we've dealt
6 with our--we have a group called the Big City
7 Emergency Managers. It's the Emergency Management
8 around the nation.

9 CHAIRPERSON CROWLEY: Right.

10 COMMISSIONER ESPOSITO: We've sent
11 letters to Washington. We've met on it. We've
12 talked about it, and we've communicated, and look,
13 any help that you can give us in this we would
14 appreciate it.

15 CHAIRPERSON CROWLEY: I agree. I agree.
16 We're still the number one target for terrorists, and
17 we're vulnerable to so many storms, and we have far
18 too many emergencies in the City. We need the
19 funding for sure. I want to ask you about the
20 warehouse. You are seeing an increase in the cost of
21 your lease that you had where you have a lot of
22 material. Is this just one fiscal year, or are you
23 going to find a different place? Can you talk about
24 that?

25

2 COMMISSIONER ESPOSITO: Sure. There's a
3 lot of options on the table, and again, you know, the
4 warehouse is in Bushwick. It's a neighborhood that's
5 re-gentrifying. The last time we did the lease was
6 10 years ago. So, everyone knows it's no secret.
7 The rents are going up. Prices of real estate in the
8 City are going up. Bushwick is no exception. So,
9 you know, we're renegotiating a lease. We're asking
10 for more property. We need more. There's about
11 100,000 square feet right now. We'd like to get close
12 to 300,000 square feet, but that would also come into
13 play for the increase, but we're looking at other
14 options also. There are locations around the City
15 that we'd like to identify for hopes to buy a
16 location or get a better deal on a location. We're
17 looking at a number of different spots.
18 Unfortunately, they've got to be out of a flood zone
19 naturally. We can't have our warehouse in a flood
20 zones. So it limits us to where we can go. There's
21 some very, very nice sites we've identified.
22 Unfortunately, they were in flood zone. So, they had
23 to be eliminated.

24 CHAIRPERSON CROWLEY: I understand.
25

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2 COMMISSIONER ESPOSITO: And again, I
3 would love to get input from the City Council if they
4 have a location in any of their districts that they
5 think we can secure. We'd be happy to look at it and
6 possibly buy it. We would build to suit.

7 CHAIRPERSON CROWLEY: I'll certainly look
8 extra in my community, see if there's any space like
9 that. The last question has to do with your tabletop
10 experiments. Doing more?

11 COMMISSIONER ESPOSITO: Yeah.

12 CHAIRPERSON CROWLEY: Are we worried or
13 we just feel it keeps us best prepared?

14 COMMISSIONER ESPOSITO: No, listen, you
15 could sum it up by saying practice makes perfect, you
16 know. We find the more we practice, the more we do
17 tabletop exercise the better we get at it, and to be
18 all honest--in all honesty, sometimes we say why are
19 we doing another tabletop on a hurricane? Why are we
20 doing another tabletop on the snow storm? But it
21 never happens where we don't come away from that
22 tabletop where we haven't learned something new, a
23 new point it brought up. The Mayor comes to them.
24 He always catches us in some aspect that we're not
25

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2 ready to, so when we finish those tabletops we come
3 away--

4 CHAIRPERSON CROWLEY: [interposing] I'd
5 love to come to one of those tabletop experiments.

6 COMMISSIONER ESPOSITO: I'd let you. I'll
7 let you know next time we have it.

8 CHAIRPERSON CROWLEY: Very good. Thank
9 you, then. I appreciate that the work that you and
10 your agency does, and I hope that you get the extra
11 staffing that you need. I'll work with you and the
12 Administration to hopefully adjust the Executive
13 Budget. Thank you for being here today. I have no
14 further questions.

15 COMMISSIONER ESPOSITO: Thank you. Thank
16 you.

17 CHAIRPERSON CROWLEY: Now we'll begin the
18 portion of the budget where we'll hear from the
19 public. We have three people who are registered to
20 testify, two representing organizations. I'm going
21 to call up first Tanya Krupat who represents the
22 Osborne Association, also ATI Re-entry Coalition, and
23 Sally Sanchez who comes from the Center of Court
24 Innovation. Okay, please begin your testimony when
25 you're ready.

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2 TANYA KRUPAT: Is this on? Okay. Thank
3 you for the opportunity to speak with you today. My
4 name is Tanya Krupat. I'm the Director of the Center
5 for Justice, Policy and Practice at the Osborne
6 Association. I'm here first to speak with you about
7 two exciting and important initiatives at Osborne for
8 which we seek Council support and then as a proud
9 member of the New York City ATI Re-entry Coalition.
10 Osborne's Fulton Re-Entry Center will provide
11 desperately needed transitional housing and our Elder
12 Re-Entry Initiative addresses the pressing and
13 growing crisis for those aging in prison and the
14 compelling needs of seniors returning home to New
15 York City. In 2015, Osborne acquired the former New
16 York State Fulton Correctional Facility in the Bronx,
17 the first time in the country that a prison has been
18 transferred to a community-based organization to
19 transform it into a re-entry and economic development
20 center. We're currently in the architectural phase
21 of the project and are seeking a two million capital
22 request, two million dollar capital request from the
23 Council. Our aim is to open the center in 2018 with
24 105 supportive transitional housing beds as well as
25 wrap-around re-entry services for residents, others

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2 returning to New York City from jails and prisons and
3 members of the surrounding community. These services
4 will include nutritious meals, job training,
5 placement and retention, counseling, family services,
6 and possibly drug treatment and other behavioral
7 health and medical services. We also seek to include
8 housing options for the elderly, a fast-growing and
9 historically unseen segment of our prison population.
10 Each year, some 1,500 men and women age 60 or over
11 leave state prison and return to New York City.

12 These formerly incarcerated senior citizens are at
13 very low risk of recidivism but at very high risk of
14 falling through the cracks in our social safety net.

15 Elders released in New York City have distinct a
16 complex circumstances upon re-entry including
17 homelessness, unemployment, increased anxiety,
18 fragmented community and family ties and chronic
19 medical condition. Our Elder Re-entry Initiative
20 address this urgent challenge. We are seeking City
21 Council support in the amount of 185,000 to support
22 the community component of this initiative which
23 provides case management and discharge planning to
24 the most high need returning seniors while also
25 working to build partnerships and build capacity

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2 among service providers. Currently there are no
3 specialized services to meet the geriatric needs of
4 this population who also face employment
5 discrimination, trauma, stigma, and isolation of a
6 unique nature and magnitude. With Council support,
7 New York City can lead in addressing the growing
8 needs of returning elders and the need for
9 transitional housing. I will now speak as a member of
10 the New York City ATI Re-Entry Coalition. We are
11 deeply appreciative of the ATI initiative funding
12 allocated to the 10 current members of the coalition
13 in FY 16. The Coalition applauds the Committee Chair,
14 the Speaker and all the Council Members for
15 prioritizing reforms to the criminal justice system
16 as well as for bringing to the forefront discussion
17 of the feasibility of closing Rikers Island. These
18 efforts together with the increase in numbers of
19 formerly incarcerated individuals returning home to
20 New York City from state prison will make the need
21 for the ATI Re-Entry Coalition services and programs
22 even greater in the upcoming fiscal year. Therefore,
23 the Coalition is seeking a one million dollar
24 increase from the City Council's FY 17 ATI Programs
25 Initiative which would be divided equally among the

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2 member organizations, 100,000 increase per
3 organization. This request of 5.357 million dollars
4 will assist us in responding quickly to the
5 anticipated increased demand for our collective
6 programs in the upcoming year while also providing
7 critical ongoing support for ATI Re-Entry services
8 that touch every council district. We are grateful
9 for the Council's continued support and look forward
10 to continuing to work closely together to ensure that
11 communities have access to these critical programs.
12 Thank you.

13 CHAIRPERSON CROWLEY: Thank you.

14 SALLY SANCHEZ: Good afternoon, Chair
15 Crowley and members of the committee. My name is
16 Sally Sanchez and I'm the Project Director of the
17 Queens Youth Justice Center, a project for the Center
18 for Court Innovation. Thank you for giving me the
19 opportunity to speak today. The Center for Court
20 Innovation supports the Council's effort to bring
21 more justice to communities throughout the City. For
22 nearly 20 years the Center has been engaged in the
23 same effort, working to reduce the use of
24 incarceration and reduce recidivism through
25 innovative programming at our neighborhood based

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2 community justice centers. Our projects, like the
3 Red Hook Community Justice Center and Bronx Community
4 Solutions have been documented to cut the unnecessary
5 use of incarceration for low level offenders by 35
6 percent in Red Hook compared to traditional courts
7 and by a third in the Bronx. Our Youth Justice
8 Centers in Queens and Staten Island divert young
9 people from detention and engage them as youth court
10 [sic] and youth council members where they can learn
11 new skills and use their voice to shape policies that
12 affect their own neighborhood. The unnecessary
13 detention of low level offenders can have far
14 reaching consequences affecting individuals' ability
15 to finish school and fulfil work responsibilities and
16 increasing the likelihood of eviction. Brooklyn
17 Justice Initiatives a Center project and the City's
18 first supervised release program serving misdemeanor
19 defendants ensure defendants return to court by
20 replace [sic] the detention with vigorous monitoring
21 and links to voluntary services. In the first year,
22 BJI cost approximately 389,000 to operate and served
23 221 people yielding a cost 1,760. In comparison,
24 jail's cost in New York City have been estimated at
25 more than 200,000 per inmate. On March 1st, the

2 Center expanded a supervised release program to the
3 Bronx and to Staten Island. Similarly, the Court
4 Based Intervention and Resource Team provides intense
5 supervision, but also links individuals to necessary
6 psychiatric and treatment services. Young adults
7 also face severe collateral consequences arising from
8 criminal convictions and incarceration which impact
9 their ability to find a job and complete their
10 education and maintain healthy relationships, all
11 risk factors that contribute to the likelihood of
12 recidivism. In response to Brooklyn DA's office in
13 partnership with the Center for Court Innovation is
14 creating a comprehensive approach for 18 to 24-year-
15 old defenders that includes a young adult court
16 staffed by dedicated prosecution unit that has
17 received specialized training and unique young adult-
18 -excuse me--issues young adults face. Additionally,
19 the Center's Project Reset has kept nearly 100 16 and
20 17 year olds out of jail for low level crimes
21 allowing them to avoid the lasting collateral
22 consequences of criminal records while holding them
23 accountable. With the average completion rate of 92
24 percent, Project Reset has already appraised the
25 justice system players as new approach to

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2 enforcement. I am here to urge the Committee to
3 support continued funding for the Center for Court
4 Innovation and its groundbreaking efforts to improve
5 public safety, promote and expand the use of
6 community-based alternatives to incarceration, divert
7 young people out of the criminal justice system, and
8 I want to thank you for the time.

9 CHAIRPERSON CROWLEY: I thank you both for
10 coming and both Center for Court Innovations and
11 Alternatives to Incarceration Programs. I too support
12 those programs, and I hope for at a minimum a renewal
13 of the same level, and I will advocate for an
14 increase as well. Thank you for being here to
15 testify. Now, we have one more, and then I would
16 like to call Josefina Sanfeliu up to testify, and
17 that's Latinas Against FDNY Cuts. You're ready?

18 JOSEFINA SANFELIU: Constance Lesso [sp?]
19 is an Associate Latina Against FDNY Cuts and I
20 request that she can also speak. Thank you esteemed
21 Fire Committee, Council Members and fellow New
22 Yorkers. I have attended many FDNY hearings, many
23 focusing on time measurement and its relevance to
24 life. In the FDNY Academy career qualification time
25 is calculated in split seconds. In the saving of

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2 life by firefighters or EMS ambulance, entire
3 emergency call processing minutes and host connecting
4 minutes and stair climbing minutes are uncountable
5 and valueless. I hope that FDNY will switch to the
6 same stopwatch for all time measurements and provide
7 future data calculated in median and mode not simply
8 mean, average. Mean average, FDNY only provides
9 average value adding all observations and dividing by
10 the number of observations. Median, middle value of
11 a list. Example: Having numbers two, three, four,
12 five, six, seven, eight, the median is five. Medians
13 are also used when data are skewed or uneven
14 distribution. Thus, a very few high numbers can
15 change the mean average but cannot change medians.
16 Mode for list, the mode is the most common or
17 frequent value. My source is medicine.ox.ac.uk. I
18 attach March 4th, 2004 reflects time transcript of
19 Deputy Chief Vincent Dunn, retired, to a New York
20 State Assembly Oversight Hearing. Thanks for your
21 diligent attention to life-saving services of New
22 York City. Please fund accurate and transparent time
23 measurement. Thank you.

24 CHAIRPERSON CROWLEY: Thank you for your
25 testimony. I will look closer into these responses

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2 and see if we could get the Department to also
3 include median and mean. I understand how important
4 it is. Couldn't agree with you more.

5 CONSTANCE LESSO: Thank you for doing me
6 a courtesy of letting me speak. My name is Constance
7 Lesso. As Josie said, I'm also a member of the
8 Latinas Against Fire Cuts. I heard most of the
9 testimony this morning, and closed hospitals,
10 bankrupt ambulance companies and higher response
11 times in Brooklyn, plus the absence of any burn unit
12 in Brooklyn, higher response times all over the City
13 equals, for me, that we are definitely not prepared
14 for any kind of real disaster whether by natural
15 causes or terrorist attacks. I congratulate you on
16 working hard to build up and keep the Fire Department
17 build up, but I feel like a soldier--not a soldier
18 necessarily, but an Army specialist before the World
19 Wars warning people that we are not prepared. We
20 don't have the equipment. We not--we're not in it.
21 I know burn units are very, very expensive, but I
22 also know that Brooklyn has the most fires, usually
23 the most fire deaths, everything else. It used to
24 have a burn unit that was closed at Kings County
25 Hospital, and it needs one again. You have to

2 prepare for emergencies. You can't wait until they
3 happen. So, thank you very much for particularly
4 keeping the burn units schedule. I worked very hard
5 to keep Interfaith Hospital open. It stayed open,
6 and I know how important that is. When I hear your
7 testimony on the time it takes to get to a hospital
8 with all those closed and then the time that people
9 have to sit there and wait in those long emergency
10 rooms. I know it from personal experience just the
11 other day with a friend in the emergency room in
12 Methodist, but your--the testimony you got today is
13 the most important thing, because you got the facts.
14 So, thank you very much.

15 CHAIRPERSON CROWLEY: Thank you. Thank
16 you both for your advocacy. We could do more. We
17 could do better, certainly be more prepared, and I
18 know working with both of you in other organizations
19 and also the members who work for the Fire Department
20 and EMS who are on the frontline that will improve
21 quality of service. So, thank you, and I have no
22 questions. This concludes the Fire and Criminal
23 Justice Hearing of March 10th, 2016. I want to thank
24 the staff for their help, and [gavel] that's it.
25 Thank you.

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C E R T I F I C A T E

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



Date March 10, 2016