CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

December 18, 2017 Start: 1:34 p.m. Recess: 2:05 p.m.

HELD AT: 250 Broadway-Committee Rm, 14th Fl.

B E F O R E: VANESSA L. GIBSON

Chairperson

COUNCIL MEMBERS:

VINCENT J. GENTILE

JAMES VACCA

JULISSA FERRERAS-COPELAND

JUMAANE D. WILLIAMS ROBERT E. CORNEGY, JR.

CHAIM M. DEUTSCH

RAFAEL L. ESPINAL, JR.

RORY I. LANCMAN RITCHIE J. TORRES

STEVEN MATTEO

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

[gavel]

3	CHAIRPERSON GIBSON: Good afternoon
4	ladies and gentlemen, welcome to the City Council to
5	our Public Safety Committee. I am Council Member
6	Vanessa Gibson of the 16 th district and I'm proud to
7	serve as Chair of the Committee on Public Safety. I'c
8	like to thank all of my colleagues and all of the
9	members of the public for being here this afternoon
10	as this committee votes on two important pieces of
11	legislation. I'd like to recognize the members of the
12	committee who are here with us; Council Member
13	Vincent Gentile, Council Member Jimmie Vacca, Council
14	Member Jumaane Williams, Council Member Robert
15	Cornegy, Council Member Chaim Deutsch, Council Member
16	Rafael Espinal, Council Member Rory Lancman, Council
17	Member Ritchie Torres, and Minority Leader Steve
18	Matteo. This afternoon this committee is voting on
19	Proposed Intro 182-D and Proposed Intro 541-C. these
20	bills were first introduced as part of the Community
21	Safety Act of 2012 and have undergone several changes
22	since being reintroduced in 2014. Intro 182-D, which
23	is sponsored by Council Member Ritchie Torres would
24	require police officers to identify themselves during
25	certain police interactions such as when an officer

questions a person not in custody who is suspected of
criminal activity during a home search or during a
check point stop. The other legislation, Intro 541-C
introduced by Council Member Antonio Reynoso would
require the department to create a policy and
procedure for officers to gain voluntary consent
prior to conducting a search and document the
interaction. These bills are collectively known as
the right to know act. The versions of the bills the
committee is voting on today represents several
years, almost four years of negotiations and truly a
compromise and represent an important effort to
increase accountability as well as improve police
community relationships. The Right to Know Act is
certainly the City Council's most publicized police
reform effort, but it is certainly far from the only
one. Over the past four years under our tenure of the
Speaker, Melissa Mark-Viverito, this committee and
this City Council have passed the Criminal Justice
Reform Act which drastically reduced by 90 percent
the number of criminal summons that are given for low
level and non-violent offences. In addition, we
amended the Nuisance Abatement Law to make the
outdated Draconian Law more fairer to all New

Yorkers. We held safety summons in numerous sectors
across all five boroughs, increased coordinated
social services in high crime areas, created the
first ever office of crime victim's services,
increased transparency relating to school safety and
school discipline in our schools and that's just to
name a few, there's much, much more. This version of
the Right to Know Act will be yet another tool that
we can use to improve the relationships between our
communities and the NYPD, but it cannot and should
not be our only tool. I hope I speak for all of my
colleagues when I say that I look forward to
continuing to work with all of the advocates and
stakeholders as well as the NYPD and the
administration to truly protect public safety and
increase respect for every New Yorker. Finally, I
want to highlight the work of the legislative
division and the prime sponsors of both pieces of
legislation who have truly undertaken an incredible
amount of work to draft, compromise, negotiate, and
finalize many versions of these bills to truly adopt
a balanced approach, a delicate approach to achieving
today's bills. It has been an honor to serve as your
Chair of the Public Safety Committee and I remain

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fully committed to working with all of my colleagues and the administration to improve police community relationships in the new term and with that I want to acknowledge the staff who've worked really hard. Their labor of love has not gone unnoticed; our Senior Legislative Council who sits next to me, Deepa Ambekar; our Legislative Policy Analyst, Casie Addison; our Senior Financial Analyst, Steve Riester; our Deputy Chief of Staff, Laura Popa; my Chief of Staff, Dana Wax and my Deputy Chief of Staff, Wendy Gallegos. Thank you for countless hours not just on today's agenda but certainly the past four years. To all of my colleagues on this committee I hope and truly pray that we will continue to work together in the spirit of collaboration and partnership. Its been an honor to work with you, it's been even more of an honor to serve as the first woman and the first person of color to Chair this committee, it is something that I have never taken lightly, I've recognized the great responsibility that I've carried on my shoulders each and every day and many always remind me of that responsibility and truly our outgoing members I want to recognize on this committee who are leaving us at the end of this

2	month; Council Member Julissa Ferreras-Copeland of
3	Queens, Council Member Vincent Gentile of Brooklyn
4	and Council Member Jimmie Vacca of the Bronx, thank
5	you colleagues for your public service to your
6	districts and the city of New York, I look forward to
7	whatever God has in store for you in public service
8	in your next chapter. Thank you for your service and
9	we look forward to working with you in another
10	chapter. May God bless you and keep you and certainly
11	on the season of the holidays I wish each and
12	everyone of you, my colleagues and all the members of
13	the public an incredible and wonderful happy holiday
14	season, Merry Christmas, Happy Hanukkah, Happy
15	Kwanzaa and I look forward to working with all of you
16	in the new year. Thank you so much and with that I
17	want to also call my colleagues attention in addition
18	to the committee report you have in front of you, you
19	also have from the finance division a fiscal impact
20	statement on the cost of both Intro 182-D and Intro
21	541-C. I also want to acknowledge for the record that
22	we've received testimony from Julia Carmel Salazar
23	representing the Communities United for Police
24	Reform, we've received that for the record. And as
25	 both bills have gone through significant changes if

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any of my colleagues on the committee have any questions please let us know and our Senior

Legislative Council Deepa Ambekar will be happy to answer any of those questions. And now I want to ask our prime sponsor of Intro 182-D to please bring his statement forward, Council Member Ritchie Torres, thank you colleagues.

COUNCIL MEMBER TORRES: Thank you Council Member Gibson. Intro 182 is the most comprehensive police reform that the city council has ever undertaken. Never before has the council set standards of accountability and transparency aimed at improving the everyday street encounters between police and civilians. Intro 182 once enacted will require every single officer to have a business card, the business cards will include the name, rank, shield number and command of the officer, it will include the number to 3-1-1 where a civilian can go to express concerns, compliments or complaints about the conduct of an officer. It will include the website where a civilian can go to request video footage of the street encounter. Every officer will be required to provide a business card upon request in every single interaction without exception. Every

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officer will be required to provide a business card proactively regardless of request and every level two, level three, and level four interaction. Level two interactions consist of investigatory questioning based on a suspicion of criminal activity. Level three interactions consist of stop, question and frisk. Level four interactions consist of searches. These are the most intensive and intrusive interactions that have long been the subject of most civilian complaints. Asking for an ID card in the midst of an escalating encounter carries the risk of deepening tensions. The point of Intro 81... 82 is to demand proactive identification as a means of deescalating the very street encounters that do escalate. The moment a street encounter escalates to the level of accusatory questioning or escalates to the level of stop, question or frisk or escalates to the level of a search that encounter immediately becomes subject to a proactive identification requirement. The historical context here is critical, the Right to Know Act was originally part of the Community Safety Act which emerged against the backdrop of stop and frisk policing. At the height of stop and frisk policing there were 700,000 stops in

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New York City. If Intro 182 had been the law back in 2011, every single one of those 700,000 stops would have been subject to the proactive ID requirement. By way of further illustration, compare Intro 182 to the federal court decision in Floyd versus New York City. In Floyd, the federal court required the NYPD to provide tear offs for level three encounters. By contrast, Intro 182 will require the NYPD to provide free printed cards which are more reliable than handwritten tear offs and it will require those preprinted cards to be given not only at level three but level two, level three and level four interactions. We'll compare Intro 182 to the Community Safety Act, the Community Safety Act established an office which is something the council does all the time, it created a private right of action in court, which is something the council does all the time. By contrast Intro 182 regulates the day to day street encounters between police and civilians which is something the council has never done before, it is historic, it is unprecedented, it is real reform in the truest sense of the word. We'll compare Intro 182 to Intro 541, Intro 541 only applies to consent searches which makes up a narrow subset of

enforcement action. By contrast, Intro 182 affects
every single police civilian interaction and it has
the greatest deescalating effect on the very police
civilian interactions that do escalate. As the
youngest elected official of color in New York City I
know firsthand what it is like to be confronted by an
officer without knowing who is confronting me or why
and I know from my own lived experience as well as
from my own knowledge of three years of negotiations
that Intro 182 once enacted will bring greater
transparency to the very street encounters that I
experienced as an adolescent and as an adult. Now
there have been some controversary around these
bills, there's been several myths circulating Intro
182 and I want to address some of those myths. Myth
number one, Intro 182 is a backroom deal, this is a
lie. Intro 182 and Intro 541 were negotiated through
the same process by the same negotiators in the same
room. As far as I know there was no special secret
smoke-filled room in which Intro 182 was uniquely
negotiated. Myth number two, I am doing the bidding
of the NYPD, this too is a lie. Intro 182 and Intro
541 are both products of painstaking negotiations
with the NYPD and it took three years to get the NYPD

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to begrudgingly accept these bills as part of a hardfought compromise. Myth number three, I am doing the bidding of the police benevolent association. Now I will confess that I've been caught red handed and for evidence I would direct you to look no further than the supportive words of Patrick Lynch quote, "it is almost unthinkable in our current environment that we would discourage police officers from proactively addressing the threats of crime and terrorism but that is precisely what the Right to Know Bills would accomplish," he said calling them harmful pieces of legislation that present a dangerous distraction from the very real threats to our city". Now these are clearly the words of a glowing endorsement, clearly the words of a man who is grateful to me for allegedly doing his bidding. And myth number four, Intro 182 guts protections, this is the single biggest lie of them all. Local law presently offers no protections for accountability or transparency in police civilian interactions. Common sense dictates that you cannot gut protections that do not exist. Intro 182 creates new protections that will have the force and staying power of law. And I want to address concerns about traffic stops and I, I will make two

points. As I noted before the Right to Know Act was	
originally part of the Community Safety Act which w	as
developed against the backdrop of stop and frisk	
policing, stop and frisk policing is fundamentally	
about street encounters not traffic stops. And	
second, the concern was the council has been going	in
the direction of reducing contact with the criminal	
justice system, reducing the number of arrests,	
reducing the number of summonses. The Mayor's Offic	е,
the NYPD, the Speaker's Office had concerns that if	
we had included traffic stops in the legislation, t	he
PBA would have directed their officers to issue	
summonses rather than informal warnings. And so I h	ad
to make a decision about whether I was going to	
derail an entire compromise over something that cou	ld
have the unintended consequence of generating	
hundreds of thousands of summonses in the city of N	ew
York and I concluded that a compromise that regulat	es
day to day interactions between police and civilian	S
to an extent we've never seen before was a strong	
foundation that we could build on in the future. I	
want to thank all my colleagues who have stood with	
me. I want to give particular gratitude to Council	
Member Johnson who actually defended me in a hearin	a

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and, and my colleagues who do defend me do so not out of tribalism but out of trust. Those who know me know that I'm a public servant who cares deeply about the substance of what I do and I would not be moving forward with this compromise unless I was... if it were... if I was not absolutely certain that the substance of what we have negotiated was fundamentally strong and represents a historic and bonafide breakthrough for police civilian interactions. With that said that's the extent of my comments.

CHAIRPERSON GIBSON: Thank you very much

Council Member Torres and with that as I mentioned

earlier if any of my colleagues on the committee have

any questions about the fiscal impact or the contents

of either pieces of legislation please reach out and

let us know so you can speak with Deepa Ambekar as

well as Steve Riester and with that we're going to

begin and I'm going to have our Committee Clerk,

William Martin call the roll. Thank you once again

for joining us colleagues.

COMMITTEE CLERK MARTIN: William Martin,
Committee Clerk, roll call vote Committee on Public
Safety, items are coupled, Chair Gibson?

1	COMMITTEE ON PUBLIC SAFETY 15
2	CHAIRPERSON GIBSON: Pass.
3	COMMITTEE CLERK MARTIN: Matteo?
4	COUNCIL MEMBER MATTEO: Madame Chair may
5	I explain my vote?
6	CHAIRPERSON GIBSON: Yes, you may.
7	COUNCIL MEMBER MATTEO: Thank you. I'll
8	be voting no today because at best these bills are an
9	unprecedented intrusion into the NYPD's ability to
10	set its own patrol guidelines. At worst, they will
11	handcuff our officer's efforts to prevent and solve
12	crime and can have a further chilling effect on
13	policing in the city. While I appreciate that the
14	most recent versions of these bills are the result of
15	a compromise between my council colleagues and the
16	administration I cannot vote for legislation that
17	will compromise law enforcement's ability to do it's
18	job and potentially threaten the safe streets that so
19	many residents, residents and businesses call home.
20	With that said I'm voting no on all.
21	COMMITTEE CLERK MARTIN: Gentile?
22	COUNCIL MEMBER GENTILE: Madame Chair may

I be excused to explain my vote?

CHAIRPERSON GIBSON: Yes, you may.

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COUNCIL MEMBER GENTILE: First of all let 2 3 me thank you Madame Chair for your leadership over 4 the... this term and certainly it's been a pleasure to 5 serve with you on this... on this committee. 6 CHAIRPERSON GIBSON: Thank you... [cross-7

talk]

COUNCIL MEMBER GENTILE: Let me just say that I have full confidence in my colleague, Ritchie Torres's ability to, to negotiate this final version of this bill and his ability to put something on the floor that not only is, is acceptable and good in his terms, in the terms of what he set out to do but also in the eyes of the New York City Police Department that this is something that they have agreed is, is a way to move forward and I congratulate Councilman Torres for his persistence, his perseverance and for his ability to get us to this point and with that I vote aye.

COMMITTEE CLERK MARTIN: Ferreras-Copeland?

COUNCIL MEMBER FERRERAS-COPELAND: aye.

> COMMITTEE CLERK MARTIN: Williams? COUNCIL MEMBER WILLIAMS: Pass.

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	COMMITTEE ON PUBLIC SAFETY 17
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2	COMMITTEE CLERK MARTIN: Cornegy?
3	COUNCIL MEMBER CORNEGY: I vote aye.
4	COMMITTEE CLERK MARTIN: Deutsch?
5	COUNCIL MEMBER DEUTSCH: No.
6	COMMITTEE CLERK MARTIN: Espinal?
7	COUNCIL MEMBER ESPINAL: I vote aye.
8	COMMITTEE CLERK MARTIN: Lancman?
9	COUNCIL MEMBER LANCOUNCIL MEMBERAN: Let
10	me just say this is a tough committee Madame
11	Chairwoman and you have put your heart and soul into
12	it these last few years and I want to commend you
13	for, for your effort and the way that you've
14	conducted yourself, with that I vote aye.
15	COMMITTEE CLERK MARTIN: Torres?
16	COUNCIL MEMBER TORRES: Well Vanessa it's
17	an honor to have you not only as a colleague in the
18	Bronx Delegation but as Chair of the Public Safety
19	Committee. It's as, as I've learned this past week
20	tackling police reform is a thankless task at times,
21	but I proudly vote aye.
22	COMMITTEE CLERK MARTIN: Vacca?
23	COUNCIL MEMBER VACOMMITTEE CLERK MARTINA:

24 I commend the Chair of course, Vanessa Gibson for her

Thank you very

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service, I also commend Councilman Torres for his hard work however I vote no on both bills.

COMMITTEE CLERK MARTIN: Williams?

COUNCIL MEMBER WILLIAMS: May I please

explain my vote?

CHAIRPERSON GIBSON: Yes.

COUNCIL MEMBER WILLIAMS:

much. First off, let me say I, I, I just want to make mention of the hard work that both Council Member Torres and Council Member Reynoso put into these bills. I have a, a... in my eight years been in disagreement with many of my colleagues and they've been in disagreement with me, we've never resorted to a personal attack, so I will not do so now, I know how much work it goes into put a bill like this. I won't respond to the diminished words of the Community Safety Act, I think everyone knows the herculean effort that it took to get that passed in the time that they were in. I will say that this was part of the Community Safety Act, at that time we made a calculation because we couldn't get ... we couldn't cross the threshold that we wanted to cross we would pass two of the bills and let the other two go. I'm glad that I was able to give a, a young

upstart an opportunity to show the leadership on, on
this particular bill. Just for me to clear up some
miscommunications, the first one is somehow this,
this bill 182 is being opposed because the advocates
and folks can't get 100 percent that is completely
not the right is a complete mischaracterization,
none of the bills are 100 percent of what the
advocates want but in negotiation there is a
threshold with which folks believe there is a
diminished return if you move forward not getting a
certain amount and I believe that that threshold is
here at with 182. For clarity I have disagreed with
advocates on a number of bills, Intro 119-D that was
recently passed was passed without the acceptance of
the advocates but as I they I explained why I'm
doing it and the mutual respect remained. This bill
was often talked about moving the ball forward, I
would say and add even if you took out level two
stops it would move the ball forward. We have to
always talk about the move the ball being moved
forward in context of what has been put in pollical
capital wise and a discussion that has to be had
after. I believe a false celebration with this bill
will make it harder to have continued conversations

that are needed going forward. Almost all advocates
who are in this bill including Community United
Police Reform and NWACP, the National Action Network,
the families some of which are in this room now who
have lost loved ones are all opposed to this bill not
because Ritchie has not put a lot of effort in here,
not because there's nothing good in the bill because
it has merit because the calculations of all those
folks that it will make the conversation harder in
the manner in which that was put into it's proper
context. The second one was this notion somehow that
folks are ceding to advocates or as one person put
it, advocating the responsibility to advocates, that
again is not true, and I find it ironic that that was
made about this one bill while using advocates to try
to shepherd through another bill that's also very
controversial, controversial at the same time. This
conversation is something people often look to, to my
voice to help push forward. I stayed out of it as the
negotiations were going forward and then was
presented with something that I was forced to comment
on, I assume in the next term I still will have a
voice and, and the others who were opposed to it. We
know how difficult it would be, it is should be

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pointed out the only people who are supporting this bill primarily are the people who bottled it up for the last four years or the people who made an ill conceived agreement a few years ago, everyone else is opposed to it including the people who asked them not to make the agreement and all they are saying is that don't come to us with a zero sum ultimatum on the absolute last time that we can make a decision and let's have a, a better discussion going forward. I might add the opposition includes black and Latino law enforcement organizations who are routinely with us as we make these decisions so... with that said and a heartfelt acknowledgement of the work that was put in by both of my colleagues I'm voting aye on... which one is that five... is it 541? 541 and I'm voting no on 182.

COMMITTEE CLERK MARTIN: Chair Gibson?

CHAIRPERSON GIBSON: Thank you. Thank you very much to all of my colleagues who are here and have served on this committee for the past four years. Once again, it's truly been an honor to work with you and I appreciate the confidence that you have given to me to lead this committee to have very important yet delicate conversations about policing

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the city of New York and obviously what happens on a national level and how that impacts every day New Yorkers. This committee has done a tremendous amount of work and we've worked under limited circumstances where we've had to navigate a process, look at innovative and creative approaches in terms of legislation not just talk the talk but walk the walk in terms of what we've done in the crisis management system, what we've done with anti-qun violence advocates and certainly working with New Yorkers and families who are impacted by police abuses each and every day and so I want to join my colleagues in acknowledging the work that has been done to get us here today. It has not been easy, maybe we make it look too good, but it has not been easy and I want to thank Council Member Reynoso and Council Member Torres for their leadership, critical leadership. As legislators we are tasked with making decisions every single day both here at city hall as well as in our districts and at the end of the day we want to make sure that we don't compromise our values, our principles and the fundamental rights that we believe every New Yorker should be afforded. And the climate that we're working in with a national government that

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does not support our sanctuary status as a city we have to fight like never before for the basic protections that New Yorkers should rightfully receive and so these bills come to this committee at a very important time when we've made significant progress working with the NYPD and working with all of our stakeholders and at the end of the day we will move forward and we will still work together for the betterment of every New Yorker. None of the legislation that we have advanced in this committee, the world has not fallen apart. The sky has not fallen apart but rather we have had really important conversations that really serve to invest in our city and make a difference. So, while I understand all of the concerns, the phone calls, the emails, the tweets, every level of communication that we have been afforded to receive three years ago, last year, this year, this entire weekend we've been flooded with phone calls and I really appreciate all of the advocacy. I hope that moving forward after these bills we still continue to have these very important conversations. We have New Yorkers that are living with emotional disturbances, we have EDP calls all the time that NYPD is responding to and that is an

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issue that we need to take up in the next session and so with that I want to thank Council Member Reynoso and thank Council Member Torres, all of the civil rights group, the defense attorneys, the civil legal services, organizations, the families impacted by these measures and every single advocate, we have heard you. At the end of the day we have a process and we are going to move forward. I do hope these conversations do continue in the new year and I'm looking forward to working with all of my colleagues and with that I want... okay, sure. And with that I am voting age on both with my congratulations to both sponsors and my firm commitment moving forward to continue conversations on building relationships with the NYPD across our city. Thank you very much, Council Member Torres.

to respond to Council Member Williams and I just want to... I respect whatever differences of opinion we have, I have immense respect for you as a public servant and you know that and look forward to continuing our friendship for the next four years and you're right, conversations about policing, about race are hard, are always going to remain hard

because that's the nature of American life and we all
have our thresholds and you might remember about a
year and a half ago I came out against the Speaker's
administrative agreement because it did meet I did
not meet one of my thresholds which was especially
level two interactions and I was forcefully critical
and there were many who said at the time that that
agreement would foreclose the possibility of
progress. The fact that we're moving forward today I
think thoroughly disproves that argument. I think we
in the advocacy community just have to continue
advocating and agitating to move the ball further and
further and further and never relent, you know in my
mind progress is a floor not a ceiling, it's a
precedent. We're setting a precedent on something
we've never done before, and we should build on it in
the years to come. No one should pretend that this
legislation is going to fundamentally shift the
paradigm in policing, right, no one should pretend
that this legislation is going to solve
institutionalized racism either in policing or
elsewhere in American life, but does it move the ball
forward, I believe it does and I believe we should
continue that struggle in the years to come so…

COMMITTEE ON PUBLIC SAFETY

CHAIRPERSON GIBSON: Thank you very much to all of my colleagues.

COMMITTEE CLERK MARTIN: By a vote of seven in the affirmative, four in the negative and no abstentions Introduction 182-D has been adopted by the committee and by eight in the affirmative, three in the negative and no abstentions Introduction 541-C is also adopted by the committee.

CHAIRPERSON GIBSON: Alright, great.

COUNCIL MEMBER TORRES: Alright.

CHAIRPERSON GIBSON: Thank you colleagues for joining us once again and to each and everyone of you have a wonderful happy holiday and thank you so much for joining us today. Good luck to all of my colleagues who are leaving us at the end of the month, god bless you all.

[gavel]

$C \ E \ R \ T \ I \ F \ I \ C \ A \ T \ E$

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

December 31, 2017