

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

JOINT COMMITTEES ON FINANCE AND FIRE AND CRIMINAL  
JUSTICE SERVICES

NEW YORK CITY FISCAL YEAR 2010 EXECUTIVE BUDGET  
HEARINGS

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May 12, 2009  
Start: xx:xx pm  
Recess: xx:xx pm

HELD AT: Council Chambers  
City Hall

B E F O R E:

DAVID I. WEPRIN  
Chairperson, Finance

JAMES VACCA  
Chairperson, Fire and Criminal  
Justice Services

COUNCIL MEMBERS:

Tony Avella  
Maria Baez  
Charles Barron  
Gale A. Brewer  
Elizabeth Crowley  
Mathieu Eugene  
Lewis A. Fidler

## A P P E A R A N C E S [CONTINUED]

## COUNCIL MEMBERS:

Alan J. Gerson  
Vincent Ignizio  
Robert Jackson  
Letitia James  
Melinda R. Katz  
Jessica S. Lappin  
John C. Liu  
Miguel Martinez  
Rosie Mendez  
Kenneth Mitchell  
Michael C. Nelson  
James S. Oddo  
Diana Reyna  
Joel Rivera  
Helen Sears  
Peter F. Vallone, Jr.

## A P P E A R A N C E S [CONTINUED]

David I. Weprin  
Chairperson, Finance

Leroy G. Comrie, Jr.  
Chairperson, Consumer Affairs

Jonathan Mintz  
Commissioner  
Department of Consumer Affairs

Andrew Eiler  
Legislative Director  
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Jed Herman  
Deputy Commissioner for Administration and Technology  
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Tony Avella  
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Nicolas Scoppetta  
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Steven Rush  
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Sherry Hyman  
Deputy Criminal Justice Coordinator  
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## A P P E A R A N C E S [CONTINUED]

Magdalia Valose  
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Office of the Criminal Justice Coordinator

Steven Banks  
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The Legal Aid Society

Adrianne Holder  
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Martin F. Horn  
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Rose Gill Hearn  
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Richard M. Greenberg  
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Joel Copperman  
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## A P P E A R A N C E S [CONTINUED]

Susan Gottisfeld  
Assistant Executive Director  
The Osborn Association

Mick Munos  
The Center for Employment Opportunities

Sherry Goldstein  
Chief of Staff  
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Robert Dean  
Attorney in Chief  
Center for Appellate Litigation

Elizabeth Howell  
Reentry Counsel  
Center for Appellate Litigation

Joseph Garber  
Director  
Civil Service Merit Council

Rick Jones  
Director  
Neighborhood Defender Service

2 CHAIRPERSON WEPRIN: Okay. We're  
3 going to be joined shortly with the Committee on  
4 Fire and Criminal Justice, as soon as Chairman  
5 Vacca gets here.

6 [Off mic]

7 [Pause]

8 [Background noise, getting ready  
9 for next session]

10 SERGEANT AT ARMS: Quiet please.

11 [Gavel banging]

12 CHAIRPERSON WEPRIN: Good morning  
13 and welcome--

14 SERGEANT AT ARMS: [Interposing]  
15 Quiet please.

16 CHAIRPERSON WEPRIN: --welcome to  
17 the reconvened Finance Committee Hearing. I'm  
18 David Weprin. I chair the Finance Committee. We  
19 are now joined with the Fire and Criminal Justice  
20 Committee, chaired by Jimmy Vacca. Let me  
21 introduce our colleagues that are here. We have  
22 Council Member, Minority Leader, Jimmy Oddo from  
23 Staten Island and Brooklyn; Council Member Vincent  
24 Ignizio from Staten Island; Council Member Robert  
25 Jackson from Manhattan; Council Member Eric Gioia

from Queens; Council Member Peter Vallone, Jr.  
from Queens; Council Member Miguel Martinez from  
Manhattan; Council Member Tish James from  
Brooklyn; Council Member Elizabeth Crowley from  
Queens; Council Member Tony Avella from Queens;  
and of course Chair Vacca.

I think Council Member Avella just  
wanted to make a brief statement before we start.

COUNCIL MEMBER AVELLA: Thank you  
Mr. Chair. Unfortunately as much as I want to be  
here for this hearing I am chairing Zoning and  
Franchises next door with a big application for  
the Fordham University expansion. As you can see  
there's over 100 people in that room. So I will  
have to be there. As you well know I would rather  
be here.

CHAIRPERSON WEPRIN: Thank you  
Council Member. We look forward to hearing from  
you Commissioner, however I must say that there's  
a lot of--

[Disturbance in the audience]

CHAIRPERSON WEPRIN: Okay. I'm...  
false alarm, false alarm. I'm fine. I'm fine.

[Off mic]

2 CHAIRPERSON WEPRIN: Yeah I must  
3 say, besides that distraction, there is a lot of  
4 discussion and a lot of objections by myself, by  
5 Chair Vacca, by all my colleagues in the City  
6 Council, the overwhelming majority of our  
7 colleagues to these proposed Engine Company cuts  
8 and EMS round cuts.

9 You know, we went through this  
10 battle back in, I believe it was 2002 and 2003  
11 with the closing of the companies and I know there  
12 were some changes done but I have to tell you  
13 we're very, very concerned about these cuts. And  
14 I know we want to hear from your testimony and  
15 we'll get into great detail on the questioning.  
16 But, you know, be prepared Commissioner, that this  
17 may be an issue that there'll be a line in the  
18 sand drawn by the Council on some of these Engine  
19 Company cuts, as we did last year, to the proposed  
20 cuts to the classroom, at the Department of  
21 Education.

22 We also had a battle, you may  
23 recall back in 2002, 2003, as to money that the  
24 Council came up with and there was a reluctance on  
25 the part of the Administration to actually spend



that money. And at one point actually there was private sector money raised for Fire Houses. And there was still reluctance to spend that money. And I don't think, if that's going to be the position of the Department and the Administration-

-

SERGEANT AT ARMS: [Interposing]

Clear your talk please.

CHAIRPERSON WEPRIN: --then there's going to be a lot of discussion and this may very well be, you know, a budget breaking deal breaker. So just--I would just keep that in mind but I don't want to preempt your testimony. I don't want to preempt your responses. But I know Chair Vacca has an opening statement.

CO-CHAIRPERSON VACCA: Thank you Chair Weprin. Welcome Commissioner and to all your staff. You know, I'm not one that really minces words. And I have to tell you that I'm not here as a Councilman or as Chair of this Committee to preside over the closure of any Ladder or Engine Companies in the City of New York. I don't see a need for it.

I think that such closure threatens

2 public safety. And with all the taxes and fees  
3 we're paying in this City which have gone up this  
4 year unbelievably, if people are not paying all  
5 these taxes and fees for something, namely fire  
6 protection, I don't know what they're paying all  
7 these taxes and fees for. We certainly have been  
8 taxed to death. And we expect from the City of  
9 New York, protection. And we expect to survive  
10 should there be a fire. Our life and limb are  
11 important to us.

12 We started out in January with 3  
13 Engine Companies and 1 Ladder Company being closed  
14 during the evenings. And every night at 5:00  
15 o'clock, 5:30 I get an e-mail saying the Engine  
16 Companies and the Ladder Company is open tonight.  
17 The next day I get an e-mail, it's closed tonight.  
18 This is not a way to run a store.

19 One night we have a fire truck, the  
20 next night we don't. And this is what's happened  
21 to the residents on City Island and in Staten  
22 Island and in Bushwick and in Lower Manhattan  
23 since January.

24 Now you want to take those 4  
25 companies and on July 1<sup>st</sup>, you want to close those

4 companies totally. Well that's a threat to public safety. What we have now is a threat to public safety. And to compound what you propose to do, Commissioner, you propose to close 12 more companies in January. And you expect the budget of the City of New York to be passed without telling us where the 12 companies are.

We as Council People will be asked to vote on a budget, closing 12 companies without knowledge as to where they are, why they were selected, what the impact or rationale was. I tell you very simply Commissioner, that this way of doing business is not transparent. And that's a famous word I've heard now for three and a half years in this place that I'm here, transparent. I've heard it so much and I find out less and less is transparent but we use the word more and more.

What is transparent to me is that we're heading down the wrong path. And what is transparent to me is that someone has to listen. And what is transparent to me is that we will be heard. So it's with that in mind, Commissioner, that I ask you to testify to this Committee and to give us your insights on this matter as to how we

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2           will proceed with fire cuts under your proposal

3           and how we will proceed with EMS cuts as well that

4           I understand you are proposing. So Commissioner

5           if you please, proceed.

6                       CHAIRPERSON WEPRIN: Yeah we've

7           also been joined by Council Member Joel Rivera

8           from the Bronx and Council Member Melinda Katz

9           from Queens.

10                      Commissioner?

11                      COMMISSIONER NICHOLAS SCOPPETTA:

12           Well thank you Mr. Chair for giving us an

13           opportunity to talk to you about this, all the

14           issues that you have mentioned and more. The

15           Executive--

16                      CHAIRPERSON WEPRIN: [Interposing]

17           Do you have copies of your testimony Commissioner?

18                      COMMISSIONER SCOPPETTA: I think we

19           gave--

20                      CHAIRPERSON WEPRIN: [Interposing]

21           Do we have them?

22                      COMMISSIONER SCOPPETTA: --up

23           copies of the testimony. I thought everyone had

24           it.

25                      CHAIRPERSON WEPRIN: Okay. Thank

2 you.

3 COMMISSIONER SCOPPETTA: Do you  
4 need another copy up there?

5 [Off mic]

6 [Pause]

7 COMMISSIONER SCOPPETTA: The  
8 Executive Budget for the Fiscal Year 2010, of  
9 course, reflects the difficult times we continue  
10 to face in this City economically. The FDNY like  
11 all City agencies faces significant reductions.  
12 We exercised great caution in making our hard  
13 choices that we had to make. But the reductions  
14 remain difficult, no matter how much attention and  
15 caution we exercise.

16 I will discuss the details of the  
17 budget in a moment but I want to emphasize that  
18 despite these budget difficulties, our fire  
19 fighters and emergency medical service personnel  
20 continue to carry out their responsibilities as  
21 they always do to ensure the safety of the New  
22 York City communities we serve.

23 As we testified in the Preliminary  
24 Budget Hearing, the 4 Fire Companies previously  
25 selected for nighttime closures, Engine 4, Engine

2 161, Engine 271 and Ladder 53, are scheduled to be  
3 closed full time effective July 1<sup>st</sup>, 2009. While  
4 these companies will be closed, all 4 Fire Houses  
5 will stay open. Ladder Companies 15, 81 and 124  
6 will remain open in their Fire Houses when the 3  
7 Engines close, and Engine 70 will be open after  
8 Ladder 53 is closed on July 1<sup>st</sup>.

9 The Preliminary Budget for Fiscal  
10 2010 had also called for additional Fire Companies  
11 to be disbanded effective July 1<sup>st</sup>, 2009. The  
12 savings from the closures were to be derived from  
13 attrition, no layoffs are planned. But we have  
14 learned in the ensuing months that our projections  
15 about attrition required adjustment. Indeed out  
16 of 110 nights from January 17<sup>th</sup> to May 6<sup>th</sup>, we had  
17 enough manpower to keep all the engines open 87  
18 times and in the Ladder Company all 4 engines or  
19 all 4 companies were closed on only 8 nights since  
20 then.

21 Because fewer members than we  
22 expected are leaving the Department in this  
23 difficult economic climate, the Executive Budget  
24 now reflects the slower attrition rate and pushes  
25 back any additional closings until the latter half

2 of the Fiscal Year. We project the total savings  
3 of approximately \$18 million in Fiscal 2010 as a  
4 result of these closures provided headcount  
5 savings can be achieved. This is the calculation  
6 made by OMB.

7 We sent out the charter required 45  
8 day notice of the 4 July 1 closures to the  
9 affected City Council Members at the end of last  
10 week. We will keep the City Council advised of  
11 any additional closings as those decisions are  
12 made and timeframes established. And of course,  
13 we'll provide 45 days' notice of any such  
14 closings.

15 We remind the Council that the  
16 Mayor offered as an alternative to these closings  
17 a reduction in staffing for 60 Engine Companies.  
18 We proposed reducing from 5 to 4 fire fighters on  
19 the staffing on 60 Engine Companies that now  
20 operate with 5. Note that of all of our 198  
21 Engine Companies, 134 of them now operate and have  
22 been operating for many years with 4 fire  
23 fighters. And only 60 Engine Companies plus 4 of  
24 our Haz Mat Companies operate with 5 fire  
25 fighters.

But we cannot reduce the manning on our own, it must be with the agreement of the UFA to do that. If the UFA were to agree to accept 4 fire fighter staffing for those 60 companies, these company closings would not be necessary, nor would any of the 12 closings planned for later in Fiscal Year '10 be necessary.

We strongly believe that your constituents and the people of the City of New York would rather keep all of these companies open than have, with 4 fire fighters and a fire officer on those 60 companies, 60 engines than have no company at all open. I emphasize that for many years, two-thirds of our Engine Companies have operated with 4 fire fighters and 1 officer.

Most jurisdictions, large jurisdictions in this country, operate with less. They operate with 3 fire fighters. No other large city operates with 5 that we have been able to ascertain. The Fire Fighters Union assertion that operating an engine with 4 fire fighters isn't safe is simply erroneous. As I stated two-thirds of our 198 Engine Companies operate every day with 4 fire fighters.



For countless years the majority of FDNY engines have operated safely and effectively with 4 fire fighters. Indeed we know of no city in the United States that staffs engine companies with more than 4 fire fighters. And for example in cities like Los Angeles, Boston, Miami, Baltimore, they all operate with 3 fire fighters and 1 officer.

Again, decisions about the closings have been difficult to make and understandably we have been cautious in our review process. We generated a wealth of data and carefully analyzed numerous criteria in making these decisions. The 3 primary criteria in the Department's assessments were 1] the projected impact on first due response times of closing the company. And after closing one or more nearby companies, would become first due at the closed company's former first due alarm boxes. The number of occupied fires, structural fires at which the company performed any fire fighting work was also considered.

The projected impact on second due response times of closing the company after the closing one or more nearby companies would be

2 second due at the closed company's former second  
3 due alarm boxes. So those response times were  
4 considered.

5 In its assessment we also  
6 considered the company's total workload, that is  
7 total runs, total number of times they left the  
8 Fire House, medical emergencies they respond to,  
9 runs where it actually performed work. It wasn't  
10 a false alarm or it wasn't something that did not  
11 require them to actually do the work, or work, as  
12 you will see in the charts.

13 We also considered the proximity of  
14 other units to the proposed closed company; the  
15 impact of the closing on the workload of  
16 surrounding units, of course; street layout in the  
17 company's response area; and the geographic  
18 obstacles that may be faced by perimeter companies  
19 in responding to the closed company's calls.

20 Impact of the company's closing on the community  
21 it serves and on the overall safety of the City  
22 and of course the operational knowledge and  
23 experience of our senior chiefs who principally  
24 did these analyses.

25 The reductions to EMS are also

significant and equally difficult. The Executive Budget provides for the elimination of 30 Basic Life Support ambulance tours citywide and 9 supervisory lines by July 1<sup>st</sup>, 2009. OMB estimates that we will save \$3.3 million, that is the equivalent of 112 EMTs. Of course this poses challenges for us.

We will attempt to distribute this reduction as evenly as possible citywide. The loss of 30 BLS tours could increase response times to our calls. We will triage so that the most serious calls, segments 1 through 3, life threatening would be, would get the priority, of course.

We anticipate that we could have increases of 20 seconds on segment 1 to 3 calls. And that would increase response times to 6 minutes and 58 seconds, still a very good response time but it's an increase. This estimate is based on last year's call volume and unit performance.

Of course these projections may change based on unexpected events. The weather is always a factor and others factors would play a role and so we monitor response times literally on

2 a daily basis. I get a report of response times  
3 in each Borough and citywide in many different  
4 categories every single morning.

5 In addition, of course, we're going  
6 to need to further prioritize our call types and  
7 make sure that we respond to those 1 to 3 calls,  
8 the segment 1 to 3 calls, the most serious calls  
9 first.

10 I think though it would be useful  
11 if we had a little context here about these  
12 ambulance tour closings. Even with these  
13 reductions we have 52% more ambulance tours than  
14 we did in 1996 when EMS merged with the FDNY. In  
15 1996 we ran 635 8-hour ambulance tours, 502 by the  
16 FDNY and 133 by hospitals.

17 [Pause]

18 502 by the FDNY, 133 by hospitals  
19 for 635 tours, that was in 1996.

20 [Pause]

21 Compared to 966 tours, 635 in 1996,  
22 we now run 966 tours, 626 by the FDNY and 340 by  
23 hospitals. Moreover with the introduction of  
24 Automated Vehicle Location or our AVL system, in  
25 all of our FDNY ambulances, we have significantly

enhanced our dispatch capabilities and improved response times. With AVL dispatchers now know the exact location of all ambulances and can assign the closest available unit to any incident. Response times to critical calls have been 19 seconds faster on average since AVL's introduction in 2006. So we have many more ambulance tours than we had when EMS came over to FDNY, from 635 up to 966 and we get there much faster than when they were at the Health and Hospitals Corporation, by a lot.

I'm happy to report that the threatened State cut in Medicaid funding was restored in the State budget in April. Had we not received that funding we faced the possibility of having to reduce many more ambulance tours. We're continuing to work with the State to finalize the amount of the funding we will receive. We were told that the number that has been discussed was a preliminary number and that is still being discussed with the State and our Office of Management and Budget but we anticipate that it will be in the range of the funding that we received in the past.

2 Further the closure of Mary  
3 Immaculate Hospital and St. John's Hospital in  
4 Queens meant the loss of a combined 28 ambulance  
5 tours. The closure of Our Lady of Mercy Hospital  
6 and anticipated closure of West Chester Square in  
7 the Bronx means the loss of a combined 6 ambulance  
8 tours. I'm pleased that we will receive \$3.58  
9 million in funding for 17 ALS tours, 64 paramedics  
10 and 6 lieutenants, to replace that lost capacity  
11 of tours. And we will add 11 tours in Queens and  
12 6 in the Bronx to pick up those, to fill that  
13 reduction in tours by the hospitals that are  
14 closing.

15 We also developed and implemented a  
16 plan with 3 911 system participants to assume the  
17 remainder of the lost tours. That includes New  
18 York Hospital, Queens, with 3 ALS tours. They are  
19 picking up these extra tours. North Shore  
20 Hospital assumed 5 BLS tours. And Wyckoff  
21 Hospital assumed 3 BLS tours and 3 ALS tours. And  
22 of course we're talking about BLS, Basic Life  
23 Support and ALS, Advanced Life Support, that I  
24 think this Committee is thoroughly familiar with.

25 The Preliminary Budget called for

2 the reduction of 27 Fire Marshals and 5  
3 Supervising Fire Marshals based on attrition to  
4 save \$3.2 million. We're optimistic that we will  
5 receive Federal stimulus money for Fire Marshal  
6 personnel and should know shortly the level of  
7 that funding. This may mean that we can mitigate  
8 the loss of some of the planned reduction in Fire  
9 Marshal's positions.

10 All civilian vacancies as of  
11 December 2008 have been eliminated except those  
12 that are revenue producing or in dispatch  
13 operations. We have instituted a freeze on all  
14 new civilian hiring except for those associated  
15 with fire prevention and the new Construction,  
16 Demolition and Abatement Unit, and the Grants and  
17 Fire Alarm Dispatch. This will save \$5.3 million  
18 in Fiscal 2010.

19 We've issued guidelines to address  
20 critical civilian vacancies when and if they arise  
21 and it should be noted that between Fiscal 2008  
22 and the end of Fiscal 2010, the FDNY will have  
23 eliminated 191 civilian vacancies through  
24 attrition. From Fiscal 2003 through the end of  
25 Fiscal 2010, we will have made a 26% reduction

from our base headcount in 2003 at both administrative and support positions. I know the Committee is interested and concerned about reducing administrative and support positions rather than looking at operations. 90% of our budget is devoted to operations. And if you make cuts of the magnitude we have made, you cannot but look at operations as well, as we've been forced to do.

Including cuts in January 2009, a total of 533 civilian lines have been eliminated and will be eliminated by the end of Fiscal 2010. So we have cut that side of the Department as much as we can.

As we announced earlier this year, we're adding funding to staff a new specialized Construction, Demolition and Abatement or DCA Inspection Program. This program is one of several measures that we will undertake as part of an agreement the City made with the New York County District Attorney's Office which investigated the 130 Liberty Street fire, brought no charges against any FDNY member, but did discuss certain initiatives that we should



undertake. The City, through our City Corporation Counsel agreed to this, so the City agreed to create this new civilian unit to focus exclusively on CDA buildings, strengthen our inspections in this area.

The unit complements Fire Company Field Inspections, and includes quality assurance measures and standpipe inspection audits. The CDA unit and related audits are now operational, I think as the Chair knows.

FDNY has aggressively pursued funding from the Federal stimulus package or more specifically, as it is called the American Recovery and Reinvestment Act. While not all of the funding has been finalized, we're optimistic about receiving some funding and we'll know more in the coming weeks.

We'd also receive a \$1.1 million assistance, in assistance, assistance to fire fighters grant that will fund the development of innovative techniques and tools for the FDNY to battle wind-driven high rise fires. That was in the works many, many months ago before this budget was offered.

We are continuing to work with City Hall, OMB and other City agencies and should know in the coming months the full extent of any further funding we might receive. While this may provide some good news for the Department, it does not mean that we can avoid the deep cuts that I have just discussed.

With respect to revenue to the Department, we forecast an increase of \$3.2 million in ambulance collections in Fiscal 2010 due to improvements in collections and a 5% increase in Medicare reimbursement rates. We also forecast \$1 million in revenue generated from the issuance of DCB notices of violation and \$600,000 in revenue generated from fees paid to the Department of plan review and certificates of fitness.

With respect to the Capital Budget, like all City agencies, the FDNY has had to reassess its Capital Budget in light of the proposed reductions imposed citywide. Our goal is to ensure that we can accomplish our highest priority projects and allow other projects to proceed on as fast a schedule as funding allows.

2 So while we would all like to see a  
3 quick economic recovery, nobody knows if that's  
4 going to happen. As OMB testified recently, we  
5 still face very bleak forecasts for City revenues  
6 for the next several years. That means we must  
7 use our finite resources as efficiently as  
8 possible to enable us to continue to serve the  
9 public as we have throughout our history.

10 We remain committed to that end and  
11 as always appreciate the support of the New York  
12 City Council during these difficult times. And we  
13 thank you for the opportunity to speak with you  
14 today. We, of course, will be happy to take  
15 questions.

16 CHAIRPERSON WEPRIN: Thank you  
17 Commissioner. We've been joined by Council Member  
18 Mathieu Eugene from Brooklyn and Council Member  
19 Alan Gerson from Manhattan. I touched in it in my  
20 opening remarks but I'm going to ask you  
21 straightforward because I think you were here and  
22 I was here back in--what I believe was calendar  
23 year '03, Fiscal Year '04, when there were Fire  
24 Houses that were proposed to be closed and the  
25 Council was willing to put up the \$11 million to

2 \$12 million it would have taken.

3 And it was a policy decision made  
4 by the Administration at that time, no matter--  
5 even if the Council would come up with the money,  
6 that they were not going to spend that money. And  
7 we had numerous, numerous hearings and arguments  
8 and press conferences and rallies. And frankly if  
9 the Administration's going to take that position  
10 again this year, I for one will not stand for it,  
11 will not find that acceptable. And even to the  
12 extent where we actually got private sector donors  
13 to offer to adopt a Fire House, that was rejected.

14 What is the position of your  
15 Department and the Administration if the Council  
16 was to come up with the money to prevent these  
17 Engine Company closings? Will that money be  
18 spent?

19 COMMISSIONER SCOPPETTA: Well let  
20 me just say that I can't speak for the  
21 Administration. I'm... can just speak for.

22 CHAIRPERSON WEPRIN: I beg your  
23 pardon?

24 COMMISSIONER SCOPPETTA: I can't  
25 speak for the Administration. And I know you're

2 going to begin budget negotiations very soon. And  
3 those are matters that you have to discuss with  
4 the Mayor's Office and the Office of OMB.

5 CHAIRPERSON WEPRIN: Well if it's  
6 any helpful, we ask that question of Mark Page  
7 yesterday when he appeared before the Finance  
8 Committee. And he indicated that the money would  
9 be spent.

10 COMMISSIONER SCOPPETTA: He said it  
11 would be spent.

12 CHAIRPERSON WEPRIN: Yes.

13 COMMISSIONER SCOPPETTA: That's  
14 encouraging.

15 CHAIRPERSON WEPRIN: Okay. You  
16 referred in your testimony to a number of cities  
17 that have 4 fire fighters on an Engine Company  
18 rather than 5. And I think you particularly  
19 referenced Los Angeles, Boston, Miami and  
20 Baltimore. Are you aware--

21 COMMISSIONER SCOPPETTA:  
22 [Interposing] Excuse me, Mr. Chair. That's 3 fire  
23 fighters in those cities.

24 CHAIRPERSON WEPRIN: Three fire  
25 fighters. Are you aware of the populations of

2 those cities?

3 COMMISSIONER SCOPPETTA: Oh I think  
4 Los Angeles probably compares pretty well with New  
5 York for one thing but--

6 CHAIRPERSON WEPRIN: [Interposing]  
7 Well I don't think there are over 8 million people  
8 in Los Angeles.

9 COMMISSIONER SCOPPETTA: Well I  
10 don't have those numbers but of course the Council  
11 can get them and they're large cities is all I'm  
12 saying and they have, for cities that are smaller  
13 than New York, then of course their fire  
14 departments are much smaller.

15 CHAIRPERSON WEPRIN: Okay. I had a  
16 tragedy in my District about two weeks ago with  
17 the Con Ed explosion, you may recall it in Floral  
18 Park. There actually is a Fire Engine Company  
19 very close to the scene where this occurred in  
20 Floral Park on Union Turnpike in Bell Rose. And  
21 the engines were on the scene instantaneously or  
22 within a very, very short period of time.  
23 Unfortunately one life was lost. It was an  
24 instantaneous explosion but I believe many other  
25 lives were saved with the response time of the

2 Fire Department.

3 I must tell you that when it comes  
4 to saving \$17 million, \$11 million, a couple of  
5 million dollars, and the question of possibly  
6 public safety and saving lives, you know, I don't  
7 think we can take a chance. You know, you talked  
8 about an alternative of reducing companies from 5  
9 to 4 in 60 cases and you referred to the fact that  
10 134 already have 4 person companies, is that true?

11 COMMISSIONER SCOPPETTA: That is  
12 true.

13 CHAIRPERSON WEPRIN: Okay. You  
14 know, I actually think we should probably be  
15 talking about adding the 5<sup>th</sup> fire fighter to the  
16 134 and not reducing the 64. And I'll tell you in  
17 a second why I feel that way. You know, of  
18 course, since a number of studies were done a  
19 number of years ago, there's a lot more equipment  
20 involved in responding, you know, on the scene and  
21 carrying equipment, a lot of safety equipment.  
22 And that extra person can make the difference of  
23 life and death.

24 You know, I know you've spent a lot  
25 of time on calculating response times. But isn't

2 it a fact though that the times that you calculate  
3 for response time and the fact that you're only  
4 adding additional seconds or minutes in some  
5 cases, the actual--the way you calculate the  
6 response time, isn't it true that that's only the  
7 amount of time it actually takes for the Engine  
8 Company to get to the fire, but not to actually  
9 put out the fire?

10 COMMISSIONER SCOPPETTA: Well I  
11 know the union has constantly made that point. So  
12 we're familiar with it--

13 CHAIRPERSON WEPRIN: [Interposing]  
14 No, no, that's not the question.

15 COMMISSIONER SCOPPETTA: --every,  
16 every city in the country calculates response  
17 times in the same way that we do. The Fire  
18 Department is--

19 CHAIRPERSON WEPRIN: [Interposing]  
20 You're not answering the question. Is that true  
21 that that's the way you calculate a response time?

22 COMMISSIONER SCOPPETTA: The  
23 response times are calculated from the time that  
24 the call is received to the time the first unit,  
25 usually the engine, arrives on the scene.



2 CHAIRPERSON WEPRIN: Okay. So it  
3 has no--is there any calculation at all from how  
4 much time it takes, from the time the Engine  
5 Company arrives on the scene and the water is on  
6 the fire and the fire is put out.

7 COMMISSIONER SCOPPETTA: No.  
8 You're--no city in the country calculates response  
9 time in that way and we have not done it for the  
10 100 plus years, 150 plus years that the Fire  
11 Department has been in existence. It is the  
12 uniform way throughout the country of calculating  
13 response times.

14 CHAIRPERSON WEPRIN: Okay so you do  
15 not calculate the response time at all. You have  
16 no idea how much time it takes from the time--

17 COMMISSIONER SCOPPETTA:  
18 [Interposing] I won't say that at all. I say it  
19 varies considerably. You could pull up to a  
20 project, for example, have all your units there  
21 and then have some difficulty locating the fire,  
22 finding the fire, stretching a line, all of those  
23 things, they're very variable.

24 And so in order to have some  
25 uniformity, every jurisdiction calculates response

times in the same way that we did. The union raised this issue after we reduced response times so dramatically. They wouldn't concede that we have done a great job reducing response times. They then said oh gee you should calculate the response times differently. No other city calculates response times in that way, until--to be calculating the point of when you get water on the fire. It's when you get to the fire.

CHAIRPERSON WEPRIN: Well. Isn't it though, very likely, that having 4 fire fighters on the scene versus 5 would add additional time to actually getting the water on the fire and actually putting out the fire?

COMMISSIONER SCOPPETTA: Well two-thirds of our engines operate with 4 and they do a splendid job and response times have never been lower. They're the lowest since 1994 and the lowest on record excluding 1994 in the history of the Fire Department. So apparently they're operating very quickly, getting there very fast and putting out the fires.

Another very interesting statistic-

-

2 CHAIRPERSON WEPRIN: [Interposing]

3 Yeah but you just contradicted yourself--

4 COMMISSIONER SCOPPETTA:

5 [Interposing] I didn't contradict myself at all.

6 CHAIRPERSON WEPRIN: well you did  
7 because you said that the response time has never  
8 been better but you also said the response time is  
9 only calculated until the Engine Company gets to  
10 the fire. So isn't it possible that if they had 1  
11 fire fighter they could still--who was driving the  
12 truck, they could get there just as fast--

13 COMMISSIONER SCOPPETTA:

14 [Interposing] Well I don't see any--

15 CHAIRPERSON WEPRIN: [Interposing]

16 But that has nothing to do with how long it takes  
17 to put the water on the fire or to put out the  
18 fire.

19 COMMISSIONER SCOPPETTA: I don't  
20 see any contradiction in what I've said. What I'm  
21 saying is with 4 fire fighters on 2/3's of our  
22 engines, we have reduced response times to the  
23 lowest they have ever been excluding 1994. So  
24 obviously our response times are faster than ever.  
25 Getting water on the fire is a separate

consideration. No one can--nobody calculates response times in that way.

If you want to say 5 is better than 4, 6 is better than 5, 7 is better than 6, at some point, you have to decide what resources you have available to you. And given the response times in New York City, given the reduction in the number of fires, given the fact that we--during the 7 year period we have had the fewest number of civilian fatalities in the entire history of the Fire Department, it seems to me that what we are doing, we are doing very well.

And I just commend very fire fighter out there in the field, because they're the ones who are doing it.

CHAIRPERSON WEPRIN: Well again, I'm just going to repeat that you stated that there's no keeping track of how much time it takes from the response time, getting on the scene, to putting water on the fire and responding. So whether it's 5 versus 4, as far as getting to the fire, you could probably get to the fire with 2 fire fighters but that doesn't mean that it's not going to take a very long time to actually put

2 water on the fire and to put out the fire.

3 You know, I would like to make a  
4 suggestion. And I think you need--New York City  
5 is unique, and really cannot be compared to some  
6 of these other cities 'cause there is no other  
7 city in the country that has over 8 million people  
8 and that has, in certain areas, you know, very  
9 dense population, you know of people in close  
10 proximity, at least in the United States.

11 I would suggest that you look into  
12 possibly calculating some time between--regardless  
13 of what other cities do, between the time that the  
14 fire trucks arrive on the scene and the time that  
15 the fire is put out or the time that the water is  
16 put on the fire.

17 Is that something that you'd be  
18 willing to look into?

19 COMMISSIONER SCOPPETTA: Those  
20 communications are made all the time. When  
21 water's on the fire, we alert all of our units  
22 there. And you know, this not 5 but 4 is a little  
23 bit of a specious argument in this respect. We  
24 respond to every fire with 2 engines and 2 trucks.  
25 When you start stretching a line you have at least

2 8 fire fighters stretching that line. We don't  
3 respond with 1 and 1. It's 2 and 2, 2 engines and  
4 2 trucks. So that is our protocol. So there are  
5 plenty of fire fighters there when you need to  
6 stretch a line.

7 CHAIRPERSON WEPRIN: Okay. We're  
8 talking about tough fiscal times and budget cuts.  
9 And I and a number of my colleagues, I know Chair  
10 Vacca shares my opinion on this, that when we're  
11 looking to cut, we shouldn't be cutting Engine  
12 Companies and we shouldn't be taking the chance  
13 on, you know, the one time, regardless of  
14 statistics of how many fires have occurred in an  
15 area, all it takes is one occasions and one  
16 tragedy.

17 Can you tell me the cuts that  
18 you've taken to your own administrative budget and  
19 your own internal personnel and, you know, what is  
20 your budget for your office?

21 COMMISSIONER SCOPPETTA: Let's see...

22 [Pause]

23 COMMISSIONER SCOPPETTA: I mean we  
24 could refer back to my testimony and you would see  
25 that we have cut over 500 civilian positions.

2 CHAIRPERSON WEPRIN: How many--

3 COMMISSIONER SCOPPETTA:

4 [Interposing] In my admini--over 500 civilian  
5 positions since I have been here. We reduced our  
6 civilian capacity, our support personnel as much  
7 as we possibly can. But what we did in this last  
8 round where we had to increase--or we had to reach  
9 a target of about a little over \$100 million, we  
10 have a number of revenue producing initiatives  
11 that have closed that PEG to try to avoid any cuts  
12 on operations, any impact on operations.

13 We've also increased our collection  
14 with respect to EMS and ambulance runs. We've  
15 increased collections on Notices of Violation and  
16 enforced them more vigorously. You probably saw  
17 the media reports this past year of a number of  
18 arrests were made with--working in conjunction  
19 with DOI for people who didn't pay the, their  
20 fines that were due on their Notices of Violation.

21 So that, we've also issued  
22 guidelines to address critical vacancies if they  
23 arise but by and large we have a freeze on all  
24 civilian hires.

25 And in this past series of budget

submissions, 191 civilian positions were eliminated. So we've done everything we can there with respect to cuts. 90% of the budget is operational. You can't cut another \$100 million on top of all of the other cuts that we have taken in this last 7 years, without affecting operations. And I am in total accord with the Committee on not wanting to close any Fire Units at all. I don't think you will ever meet a Fire Commissioner who will happily close Fire Units.

We all know the condition that--the economic conditions that we face. We know these are extraordinary times. We also know that the budget has to be balanced. And that's why we do it. We don't do this gladly. There's not a person at this table who wants to close a single unit. And that's why we proposed to the UFA, give up those 60 fire fighters, 60--1 fire fighter on 60 units and all of these closings could be avoided.

That seems to me something all of your constituents would applaud. Would they rather have 16 Fire Houses closed? Or have 60 engines out of 194 with an extra man, an extra



fire fighter?

It really seems like a quite obvious alternative that we ought to pursue and I hope that these questions are asked of the union. They will say safety. When we have 100 engines, they say it's also--they say it's the safety of the fire fighters and the public. At times this year we had 100 engines with 5 fire fighters. The union complained to us about that because there was no overtime in the field.

When you staff 60 engines with 5 fire fighters, it generates overtime 'cause you just start the tour with those 5 fire fighters.

I really think there should be very little debate between closing 16 units and reducing the manning on 60 Engine Companies 'cause 2/3's of our Engine Companies operate with 4 and have for many, many years.

CHAIRPERSON WEPRIN: Well I agree with one part of your comments which is obviously it's not a philosophical argument on closing those 16 Engine Companies. And you have no problem if the money was found to restore those cuts based on your testimony. You suggested one thing--

2 COMMISSIONER SCOPPETTA:

3 [Interposing] No I said--I'm sorry, Mr. Chair, I  
4 don't want to get into some sort of a--I don't  
5 want to be at odds with the jurisdiction that I'm  
6 limited to, that if you put more money in the  
7 budget that will be a decision that the Mayor's  
8 Office and OMB will make as to where that money  
9 will be spent. I was happy to hear your report or  
10 your comment on OMB Director Mark Page's response  
11 to, I assume, questions you were asking him, and I  
12 find that encouraging.

13 CHAIRPERSON WEPRIN: Well I find it  
14 encouraging too but sometimes Director Page says  
15 certain things, you know, without consulting with  
16 anyone and then, you know, things seem to change.  
17 But let me ask you a question. How many Battalion  
18 Chiefs are there in the Department?

19 COMMISSIONER SCOPPETTA: Well we  
20 have 49 Battalions and there would be at least 4  
21 Battalion Chiefs for each one of those Battalions.

22 CHAIRPERSON WEPRIN: So there's--

23 COMMISSIONER SCOPPETTA:

24 [Interposing] I'm going to give you an estimate of  
25 about 350.

2 CHAIRPERSON WEPRIN: 350 Battalion  
3 Chiefs.

4 COMMISSIONER SCOPPETTA: Yes.

5 CHAIRPERSON WEPRIN: And has that  
6 number been steady since 2002?

7 COMMISSIONER SCOPPETTA: Yes it  
8 has. I think because so many of them were working  
9 enormous overtime, but they get comp time for it  
10 and they could never use it, I think there were a  
11 handful of Battalion Chiefs added to allow for  
12 some projects to be... well I'm being given the  
13 precise numbers, 328 Battalion Chiefs.

14 And that number has stayed more or  
15 less steady. There was a small number of  
16 Battalion Chiefs added sometime during my  
17 administration because there were so many of them  
18 working overtime. They don't get paid overtime--

19 CHAIRPERSON WEPRIN: [Interposing]  
20 After 9/11.

21 COMMISSIONER SCOPPETTA: --they get  
22 comp time. And so to allow them to use some of  
23 it, we had a handful of additional, I don't know  
24 it was 15, 20.

25 [Off mic]

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2 COMMISSIONER SCOPPETTA: Yeah I

3 think there were 25 additional Battalion Chiefs.

4 But we have 328 now.

5 CHAIRPERSON WEPRIN: What's the

6 average salary of a Battalion Chief?

7 COMMISSIONER SCOPPETTA: Oh my. I

8 could get that for you.

9 CHAIRPERSON WEPRIN: Average.

10 Ballpark.

11 COMMISSIONER SCOPPETTA: I don't

12 know off the top of my head but...

13 CHAIRPERSON WEPRIN: Is it safe to

14 say it's significant--

15 COMMISSIONER SCOPPETTA:

16 [Interposing] I'm going to guess it's about

17 \$150,000.

18 CHAIRPERSON WEPRIN: Okay so

19 \$150,000--

20 COMMISSIONER SCOPPETTA:

21 [Interposing] Estimate.

22 CHAIRPERSON WEPRIN: Times 328.

23 Want to do the calculation--

24 COMMISSIONER SCOPPETTA:

25 [Interposing] Should we get rid of the 328

2 Battalion Chiefs. You lose your field leaders on  
3 every fire. That is probably the most important  
4 management job in the Fire Department--

5 CHAIRPERSON WEPRIN: [Interposing]  
6 Okay.

7 COMMISSIONER SCOPPETTA: --they run  
8 the fires. They are the--they're almost, without  
9 exception, you could have a very major fire, and a  
10 Division Commander might--or Division Chief would  
11 be there, Deputy Chief or the Chief of Department,  
12 Chief of Operations would also be there.

13 CHAIRPERSON WEPRIN: And what's the  
14 average salary of a fire fighter?

15 COMMISSIONER SCOPPETTA: It's about  
16 \$80,000.

17 CHAIRPERSON WEPRIN: Okay. So.  
18 You know, I would say with that many Battalion  
19 Chiefs, there's a good--and with salaries almost  
20 twice the salary of an average fire fighter, you  
21 know, I think maybe we should be looking into  
22 potentially reducing Battalion Chiefs before we  
23 talk about reducing fire fighters who, you know,  
24 may be needed in case of an emergency, we don't  
25 know.

2 But certainly the fact that the  
3 salaries of the--the numbers of the Battalion  
4 Chiefs have stayed the same, I would think that if  
5 you're looking to reduce overhead that there might  
6 be a possibility to eliminate some Battalion  
7 Chiefs before we eliminate significant number of  
8 fire fighters.

9 COMMISSIONER SCOPPETTA: Well let  
10 me just say Mr. Chair, if we were eliminating  
11 fire fighters that might come into play. We're  
12 not laying off any fire fighters.

13 CHAIRPERSON WEPRIN: Well what  
14 would you propose to do with the 60-odd extra, you  
15 know, fire fighters that you have suggested  
16 eliminating?

17 COMMISSIONER SCOPPETTA: We'd  
18 reduce overtime by a lot.

19 CHAIRPERSON WEPRIN: You--

20 COMMISSIONER SCOPPETTA:  
21 [Interposing] We have a huge overtime budget. We  
22 made the number of--put in a number of controls  
23 but the overtime budget is \$170 million. It  
24 pales, the closing of these companies, of course,  
25 doesn't even begin to make a dent in that huge

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2           overtime budget.

3                   CHAIRPERSON WEPRIN:   Yeah let me

4           ask you another question.   Do you have an outside

5           contracting budget?

6                   COMMISSIONER SCOPPETTA:   Outside

7           contracting budget?

8                   CHAIRPERSON WEPRIN:   Yeah do you

9           have a budget for outside contracts.

10                   [Pause]

11                   COMMISSIONER SCOPPETTA:   Yeah, well

12           I'm told that you--I think you're talking about

13           hiring temporary personnel with a kind--

14                   CHAIRPERSON WEPRIN:   [Interposing]

15           Among other things.

16                   COMMISSIONER SCOPPETTA:   --most of

17           it is on grants.   Homeland Security Grants is the

18           biggest supplier of or provider of funds.   But,

19           yes, we do have some.

20                   CHAIRPERSON WEPRIN:   And what is

21           that?   What is that budget?

22                   COMMISSIONER SCOPPETTA:   It's not--

23           it's... you know, \$1.3 million.   It's not even the

24           equivalent of one Fire Unit.

25                   CHAIRPERSON WEPRIN:   Okay and has

2 that budget been steady?

3 COMMISSIONER SCOPPETTA: Oh I--I  
4 think it's been reduced actually.

5 CHAIRPERSON WEPRIN: Okay. Can you  
6 give us the status of your efforts to maximize  
7 Federal stimulus money and other Federal money for  
8 public safety? You mentioned Federal grants.

9 [Off mic]

10 COMMISSIONER SCOPPETTA: Well I can  
11 tell you that most of our Homeland money comes  
12 from Homeland Security and we don't get stimulus  
13 money as such. There's some discussion about a  
14 law enforcement grant that might allow us to  
15 restore some of the Fire Marshal positions. That  
16 has not been finalized nor have we been told we  
17 will get any money.

18 But the stimulus package has been  
19 going to education, some money for transportation,  
20 it is limited. It is not coming for fire  
21 services. But last year we got about \$40 million  
22 from Homeland Security but that can only be used  
23 in accordance with the guidelines of Homeland  
24 Security and cannot supplant any budget funded  
25 activity such as Fire Companies.



2 So it can be used for things that  
3 we can relate to preparedness, counter terrorism,  
4 a lot of that money goes for training and special  
5 equipment. But we have explored in a very  
6 aggressive way, every opportunity to get money  
7 from the Federal government, the stimulus funds,  
8 by and large are not--not by and large but there's  
9 nothing yet that has been devoted to the fire  
10 services.

11 CHAIRPERSON WEPRIN: Okay. How  
12 many Borough Commanders do you have?

13 COMMISSIONER SCOPPETTA: We have  
14 five.

15 CHAIRPERSON WEPRIN: Five Borough  
16 Commanders?

17 COMMISSIONER SCOPPETTA: One for  
18 each Borough.

19 CHAIRPERSON WEPRIN: Okay. By our  
20 calculation on the Battalion Chiefs alone, I guess  
21 it's approximately \$50 million.

22 COMMISSIONER SCOPPETTA: If we got  
23 rid of all our Battalion Chiefs.

24 CHAIRPERSON WEPRIN: Well the--

25 COMMISSIONER SCOPPETTA:

2 [Interposing] I think that's the calculation that  
3 was jus being made?

4 CHAIRPERSON WEPRIN: Well.

5 COMMISSIONER SCOPPETTA: Multiply  
6 the number of 328 times \$150,000 a year, and so  
7 that is \$50 million. And we would have no Field  
8 Command at the fires.

9 CHAIRPERSON WEPRIN: No, no, I  
10 didn't say to eliminate all the Battalion Chiefs,  
11 I just said, potentially to reduce some of the  
12 Battalion Chiefs before we talk about reducing  
13 fire fighters. That's what I said.

14 COMMISSIONER SCOPPETTA: It really  
15 it--I find it kind of astonishing. Reduce 1 fire  
16 fighter from 60 engines because the rest of the  
17 engines, 2/3's of them, 134 of them operate with  
18 4. Just go down to 4 and you avoid these  
19 closings. So we start talking about getting rid  
20 of our Field Commanders, our Borough Commanders.  
21 Let's not go any where near what the UFA wants,  
22 right?

23 They want that overtime for the 50  
24 fire fighters, 60 fire fighters. It doesn't make  
25 any sense. I mean I don't know where these

questions come from but it strikes me as extraordinary that that--this debate does not focus on keep the Fire Units open, the Fire Companies open, and just we take 1 man off the engine of 60 engines as you do, as we have on 134 other engines, that have been operating safely, effectively, response time is better than ever, fires reduced.

Another important statistic the number of fires that go from 1 to 2 alarms has been reduced by over 20%, that means we're getting there faster and putting out those 1 alarm fires faster. The Department is working very efficiently, very effectively. And all we're suggesting is reduce on 60 engines, 1 fire fighter and we can keep all these Fire Units open.

CHAIRPERSON WEPRIN: Yeah I hear what you're saying Commissioner. It's just--I still find it, based on your own statement, that the response time only refers to getting to the fire, you keep referring to response time going down, but I don't think that has anything to do with the amount of personnel that are in, you know, in the unit.

I think that has--that would be more reflective of the time it would take to actually put out the fire or get the water on the fire or handle the scene once the response has already occurred. So, you know, I'm not sure, and I understand you're using, you know, a statistic or a response time that's used in other cities, but, you know, it seems to me you can't have it both ways.

By keep saying the response time is down, at the same time the response time really has no relation to actually putting out the fire or doing what fire fighters do at the scene, as opposed to the truck actually arriving at the scene.

COMMISSIONER SCOPPETTA: Well if I may just make one more comment. I think we almost have exhausted this topic. But the way we measure response times is a national standards. The National Fire Protective Association has issued these standards. It is followed throughout the country. It has always been the way fire response times are measured in New York, and everywhere else in the country.

2 So that, because it suits some  
3 advocates' purposes to say gee let's change how we  
4 keep response times, that'll make it seem longer  
5 and you won't have such a good argument about how  
6 well the Department is functioning. It doesn't  
7 make sense but--

8 CHAIRPERSON WEPRIN: [Interposing]

9 Okay. I'm--

10 COMMISSIONER SCOPPETTA:

11 [Interposing] I'm sorry.

12 CHAIRPERSON WEPRIN: --I know

13 Chairman Vacca has a number of questions and a  
14 number of--

15 CO-CHAIRPERSON VACCA:

16 [Interposing] I've only been waiting about an  
17 hour.

18 CHAIRPERSON WEPRIN: --the members  
19 have questions. But I just want to state that we  
20 will be having budget negotiations over the next  
21 couple of months. And we're happy to hear that  
22 you have no philosophical opposition to closing  
23 these Engine Companies. Chairman Vacca.

24 CO-CHAIRPERSON VACCA:

25 Commissioner, thank you. I know you--

2 COMMISSIONER SCOPPETTA: I'm sorry  
3 but I just have to make sure the record is clear.  
4 I don't want to close any Engine Companies. I  
5 don't want to close any Ladder Companies. I don't  
6 want to close a single unit in the Fire  
7 Department. It's the budget constraints--

8 CHAIRPERSON WEPRIN: [Interposing]  
9 I'm happy to hear that.

10 COMMISSIONER SCOPPETTA: --that  
11 exist.

12 CHAIRPERSON WEPRIN: I'm happy to  
13 hear that.

14 COMMISSIONER SCOPPETTA: Well it's  
15 always been my position as Chairman Vacca knows  
16 and I testify on a regular basis and we have had  
17 this discussion before. I don't want to see a  
18 single unit closed.

19 CO-CHAIRPERSON VACCA: Commissioner  
20 I appreciate your testimony. And I also  
21 appreciate your using the term extraordinary. But  
22 when I think of the word extraordinary, I think  
23 closing Fire and Ladder Companies is  
24 extraordinary. And I also think that asking this  
25 Council to vote on closing 12 of them and not

knowing where they are is extraordinary.

I think closing the original 4 is extraordinary. And I want to question you relative to response time. Have you done an analysis of what the response time will be if these 16 companies close, the citywide response time and the response time in those individual communities? Because I have to believe in my heart that while you may say you have--while you may not be divulging to us the 12 companies you intend to close, you must have some idea where they are.

And I'm sure you did not do this without an analysis of some type and I'm questioning you regarding response times citywide and in those individual communities. What has your analysis--what has your analysis showed?

COMMISSIONER SCOPPETTA: Well I will tell you, of course we have done that analysis. There are a pool of companies from which we can choose the additional 12, if that becomes necessary. And of course with respect to notification, we all understand that we would have to give 45 days' notice before we close any Fire

House, so there would be a month and a half before any one of these would be closed.

But I will go further. If it becomes--I know you're going to have budget negotiations. I don't know whether to be optimistic or pessimistic about those budget negotiations but hope springs eternal. If at the end of those negotiations and you're now being asked to vote on a final budget, I think you're entitled to know. Those 12, the identity of those 12 companies and we would, if that is necessary, we would tell you, at that point. And last year the budget closed on June 28<sup>th</sup>, so there is a little bit of time.

We will, of course, do that analysis. It is not entirely complete because when you start talking about 12 companies, you start to get into some companies that are busy, not like--as busy as--much busier than the 4 that we have talked about. So those become very difficult decisions.

And so there is no final list of 12. But there is a pool of companies--I'm sorry, I don't mean to interrupt you. But I do want to



assure you that if it is necessary after your negotiations, if your negotiations are as fruitful as I'd like to see them be, maybe it won't be necessary. But if it is necessary, we will identify those companies before you have to vote on a final budget.

CO-CHAIRPERSON VACCA:

Commissioner, that's what we would expect, number one, because I certainly would not want any of my colleagues to vote on a budget not knowing what they're voting on in totality. And number two, that leads me to believe that you've developed an at least tentative list of where those companies would be. But it does not answer the question as to what your analysis showed, should you pursue this option relative to response times citywide and in those communities. What can we expect?

COMMISSIONER SCOPPETTA: We can give you all of that, if it comes to that, if it becomes necessary. And we'll tell you what our projections are when we get finally settled. We have a pool that we have narrowed it down to that we will select from. And we will certainly, if it becomes necessary and your negotiations do not

2 produce a fruitful result with respect to  
3 closings, then we will let you know that. And  
4 that will include the data as well.

5 CO-CHAIRPERSON VACCA: From the  
6 evening closings we've had to date, in the 4  
7 communities, City Island and my District, Staten  
8 Island, Lower Manhattan and Bushwick, I've noticed  
9 that where Ladder Companies or Engine Companies  
10 were not in place, at least in my case, Ladder  
11 Company 53, you have on occasion pulled other  
12 Ladder Companies from other Fire Houses in the  
13 Bronx to meet the need in that community on  
14 several occasions.

15 My statement to you is that if we  
16 close these additional 12 houses and the 4, are we  
17 going to be in a state of triage in this City with  
18 patchwork, a patchwork network of services. Will  
19 we be in a constant situation of taking from one  
20 place to service another and leaving the first  
21 place without service? Which I can tell you has  
22 already happened in the Bronx due to the night  
23 time closures.

24 COMMISSIONER SCOPPETTA: No. I  
25 think you're referring to what we call relocators,

relocating. We do that and have always done that and it's absolutely necessary to do that. And Mother's Day or other occasions when you would have unusual traffic, we would make sure that there was coverage, special events, we would do that even for Governor's Island, that doesn't have anything out there now.

But we are constantly and have always, for many decades, we relocate as the need arises. So if you have, for example, a 3 or 4 alarm fire and a lot of units were at that event, we would be relocating in that area, companies from other areas where we know there is likely to be less of a response so that you cover the areas that have been "vacated" temporarily while we're fighting a major fire.

But relocating is an essential part of our dispatch system and a very important part. And it's not patchwork. It is an organized system of covering areas that might be temporarily uncovered if we didn't do that because we're responding to some other event.

CO-CHAIRPERSON VACCA: Commissioner you stated in previous testimony to this

2 Committee, when I questioned you regarding Ladder  
3 53 of City Island, you said that response time for  
4 the next nearest Ladder Company would be 10  
5 minutes where the current response time is 5  
6 minutes.

7 Now if you don't have a response  
8 time to report to us about the 12 companies that  
9 you intend to close January 1<sup>st</sup>, what is the  
10 response time difference for the 4 companies that  
11 you've closed in the evenings that are closing  
12 totally on July 1<sup>st</sup>? You must have that  
13 information at this point.

14 COMMISSIONER SCOPPETTA: Yes of  
15 course, we do.

16 [Pause]

17 COMMISSIONER SCOPPETTA: Yeah. So  
18 we already talked about the new first due, for  
19 Ladder 53 once it's closed. That is 10 minutes.  
20 And the reason why Ladder 53, we've had this  
21 conversation, was chosen, was that out of 143  
22 trucks it has the fewest responses of any truck  
23 in--any Ladder Company in the City.

24 CO-CHAIRPERSON VACCA: But  
25 Commissioner if I can interrupt--

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2 COMMISSIONER SCOPPETTA:

3 [Interposing] Of any Ladder Company in the City.

4 CO-CHAIRPERSON VACCA: --that's one

5 factor you weight.

6 COMMISSIONER SCOPPETTA:

7 [Interposing] And the response time--

8 CO-CHAIRPERSON VACCA: --what I--

9 COMMISSIONER SCOPPETTA: --would be

10 10 minutes--

11 CO-CHAIRPERSON VACCA:

12 [Interposing] 10 minutes when--when the national

13 cap is 8 minutes and when the current response

14 time--

15 COMMISSIONER SCOPPETTA:

16 [Interposing] 6 minutes is the national cap--

17 CO-CHAIRPERSON VACCA: --6, and the

18 current--

19 COMMISSIONER SCOPPETTA:

20 [Interposing] You strengthen--

21 CO-CHAIRPERSON VACCA:

22 [Interposing] Sir, you're helping me. And the

23 current time is 5 minutes. So--

24 COMMISSIONER SCOPPETTA:

25 [Interposing] It's 5 minutes and 50 seconds.

2 CO-CHAIRPERSON VACCA: So you've  
3 doubled response time but because there's so few  
4 fires, that's acceptable and that's slated to be  
5 closed?

6 COMMISSIONER SCOPPETTA: There are  
7 so few fires--

8 CO-CHAIRPERSON VACCA:  
9 [Interposing] That's like telling people who live  
10 in neighborhoods with low crime, you're not  
11 entitled to police. So you have no fires, you're  
12 not entitled to fire protection. Don't people pay  
13 taxes for public safety? Aren't they entitled--

14 COMMISSIONER SCOPPETTA:  
15 [Interposing] The New--

16 CO-CHAIRPERSON VACCA: --whether or  
17 not they have the incident or not Commissioner?

18 COMMISSIONER SCOPPETTA: The next  
19 ladder truck is 10 times busier than 53. If  
20 you're forced to make these decisions, as we are  
21 forced to do, we can only do the best we can with  
22 the data that we know about each one of these  
23 companies. So the fact that it increases the  
24 response time is a negative as far as we're  
25 concerned, as far as you're concerned, in doing

this evaluation.

But the fact that there is, there are so few runs coming from that truck, we ended up deciding to do that. We're not happy about it but that's the best we can do--

CO-CHAIRPERSON VACCA:

[Interposing] Well the residents are not happy about it either.

COMMISSIONER SCOPPETTA: --when

we're talking about closing the unit. Oh I'm sure they're not.

CO-CHAIRPERSON VACCA: Can you go

onto the other 3 Commissioner?

COMMISSIONER SCOPPETTA: The other companies?

CO-CHAIRPERSON VACCA: Staten

Island and?

COMMISSIONER SCOPPETTA: Sure.

Engine 161 in Staten Island, right now the response time to their first due area averages 4 minutes and 14 seconds. It will go to 5 minutes and 36 seconds.

Engine 4 in Lower Manhattan, on South Street, the response time would go to 5

2 minutes as 12 seconds. From 4.44. 4:44, 4  
3 minutes and 44 seconds.

4 And the Engine 271 in Brooklyn, in  
5 Bushwick would go from 3 minutes and 40 seconds to  
6 4 minutes and 17 seconds.

7 Let me just say, I understand and  
8 it gives us great concern too, that the response  
9 time increases so much because of the geographic  
10 location, that--the geographic location of that  
11 area on City Island. But it's a little bit of  
12 being a victim of our own success, put aside  
13 Ladder 53 because I do agree that's a concern,  
14 it's a great concern. And when there are special  
15 events on City Island we would put a truck there  
16 when there's increased traffic, increased  
17 population, as there is in the summer, we would  
18 have a truck there.

19 But 4 minutes and 17 seconds after  
20 a closing, is faster than the citywide--well it's  
21 not--yeah, it's faster than the citywide average.  
22 It gets there faster than the average Engine  
23 Company. And 5:12 and 5:36 are respectable  
24 response times, that's after a closing.

25 And I am agreeing with you that the



2 10 minutes plus response time on City Island is of  
3 great concern to us. And when there were special  
4 events we would have a truck there.

5 CO-CHAIRPERSON VACCA:

6 Commissioner, I thank you for acknowledging the  
7 special events, and I was there Sunday on Mother's  
8 Day and you did have a lot of coverage as we were  
9 demonstrating against you in the streets. But

10 [Audience laughing]

11 CO-CHAIRPERSON VACCA: But I want  
12 to say Commissioner that we don't know when a fire  
13 is going to occur. And we cannot count on the  
14 Fire Department to provide us very good coverage  
15 on special events, but as you know, fires occur  
16 out of nowhere. And a 10 minute response is life  
17 and death, life and death to people.

18 COMMISSIONER SCOPPETTA: Well  
19 response time is only one consideration. And as I  
20 said earlier, we have to consider workload. We  
21 have to consider the kinds of responses we have.  
22 We have to consider the work that they are likely  
23 to perform. We all know what the structural  
24 nature is of the facilities or buildings on City  
25 Island. The Engine Company is going to be there

2 24/7.

3 CO-CHAIRPERSON VACCA: Last  
4 question to you Commissioner. The stimulus money  
5 in your testimony, you allude on page 6, you say  
6 FDNY has aggressively pursued funding, I'm not  
7 going to read the whole paragraph, and it says  
8 while funding has not--while not all the funding  
9 has been finalized, we are optimistic about  
10 receiving some funding and will know more in the  
11 coming weeks.

12 Then two paragraphs down you say  
13 we're working with OMB, while this may provide  
14 some good news for the Department, it does not  
15 mean we can avoid the deep cuts I have just  
16 enumerated.

17 My question is, if you're getting  
18 stimulus funding and you're confident, the way it  
19 appears to me, you will not apply that stimulus  
20 funding to restoration of Fire and Engine and  
21 Ladder Companies?

22 COMMISSIONER SCOPPETTA: It's a  
23 special law enforce--source for law enforcement  
24 funding that we can use for Marshals. I also said  
25 in my testimony that the stimulus money is not

2 directed at the fire services. So that it is  
3 possible that we'll be able to restore some  
4 Marshals because it's law enforcement purposes  
5 that this money may be made available.

6 CO-CHAIRPERSON VACCA: And we  
7 certainly want Marshals restored too but the  
8 Marshals are referred to on page 5, when you talk  
9 about Federal stimulus money. And I thought that  
10 that was a different act we were talking about.  
11 You're talking about the American Recovery and  
12 Reinvestment Act. And I also know about something  
13 called the Safer Act, that went before a  
14 Congressional Subcommittee last week, that also  
15 could provide money to this City for fire  
16 protection.

17 COMMISSIONER SCOPPETTA: We have  
18 pursued Safer money year after year and have never  
19 been successful in getting any for New York--

20 CO-CHAIRPERSON VACCA:  
21 [Interposing] Where were you this year? Do we--

22 COMMISSIONER SCOPPETTA:  
23 [Interposing] We don't have any opportunity for  
24 Safer money.

25 CO-CHAIRPERSON VACCA: How is--this

2 is going through the Congressional process now.

3 Doesn't the City--

4 COMMISSIONER SCOPPETTA:

5 [Interposing] I--sure. I'm not--we haven't made  
6 an application yet this year, but of course we  
7 will seek it.

8 [Off mic]

9 COMMISSIONER SCOPPETTA: Yeah. So  
10 the reason why we don't get Safer money is that  
11 the Safer money elim--or does not provide funding  
12 for fire fighter personnel in large cities, cities  
13 over a certain population, which certainly New  
14 York ends up being disqualified. We have tried to  
15 pursue it. And I haven't--I'm not optimistic at  
16 all that we'll get any money from Safer.

17 CO-CHAIRPERSON VACCA: Is your--in  
18 any money you get, be it City, State or Federal,  
19 stimulus money, money from this Council, but more  
20 the Federal money because the Council money,  
21 certainly we will have them put over, is your  
22 priority keeping the Ladder and Engine Companies  
23 open? Is that your first priority when it comes  
24 to resources you may get?

25 COMMISSIONER SCOPPETTA: Yeah, well

2 it is my priority. It is THE priority. However I  
3 don't control, I don't allocate the funds that  
4 come to the City from all of these other sources.  
5 You know the system, right? It will come to OMB.  
6 They might decide to fund teachers. They may  
7 decide to hire more police. And they may decide  
8 to do a number of things. OMB and City Hall of  
9 course.

10 So I don't have that discretion. I  
11 can't exercise that discretion.

12 CO-CHAIRPERSON VACCA: Thank you  
13 Commissioner. C dot Council Member Vallone.

14 COUNCIL MEMBER VALLONE: Thank you  
15 Chairs. First of all, let me agree with you Chair  
16 Vacca. The basic function of government is to  
17 keep its people safe. And by cutting the FDNY and  
18 our Police Department, we fail in that  
19 responsibility, less officers, fire officers,  
20 police officers, means we will be less safe.  
21 People will not pay more taxes to be less safe.  
22 Not in any budget that I'd vote for at least.

23 That being said, I was fascinated  
24 by your conversation with Chair Weprin which  
25 doesn't happen that often, when it comes to

response times. What has not been said yet, and you constantly say response times are down and you deserve to be commended for that by the way, but response times are down because of a different method of dispatch that you've been using. And that has not been mentioned.

You now dispatch your companies before getting all the information. There are a lot of problems with that, that the unions have, and whether that's good or not is up for debate. But it does allow you to get there much quicker. So your times are down. And that's because of a different method of dispatch.

And that method of dispatch started happening after the closure of the houses. So whenever we hear they closed the houses, dispatch times are down, we have to keep that in consideration. That they're down because they're dispatched differently.

And my position, and I think all of yours is, is that they would be down more if we had the additional houses like Engine 261 that were not closed.

Now Queens, Commissioner, has the

2 slowest response times by far of any Borough. And  
3 despite the fact that Queens times are down, as in  
4 every other Borough, they're not down by  
5 comparison to any other Borough. We're still as  
6 far behind the other Boroughs as we have always  
7 been.

8 Are any of the closures on your  
9 list of potential closures in Queens County?

10 COMMISSIONER SCOPPETTA: I'm sorry,  
11 I--

12 COUNCIL MEMBER VALLONE:  
13 [Interposing] Are any of the closures on your list  
14 of potential closures that you discussed with  
15 Jimmy Vacca in Queens County.

16 COMMISSIONER SCOPPETTA: Not of the  
17 4 that we've given notice and identified, none of  
18 them are in Queens.

19 COUNCIL MEMBER VALLONE: Well that  
20 I know but the additional 12.

21 COMMISSIONER SCOPPETTA: We're not--  
22 -we have not identified any of those 12 and we're  
23 not ready to.

24 COUNCIL MEMBER VALLONE: Okay. And  
25 I understand that you said that you would if it

was required and I can assure you that it will be, so you should be working on preparing that list.

You also discussed with Chair Weprin, when you discussed response times, how you calculate response, first engine on the scene, first company on the scene and that makes sense, I understand that and that's the way everyone else does it. But you also said you can't stretch the line to get water on the line until you get 8 officers there, 2 companies. That means you can't start putting the fire out until you get a second truck on the scene. Do you keep statistics as to when the second company gets on the scene?

COMMISSIONER SCOPPETTA: I think maybe--I don't think I said that but if I did, it would be a misstatement. We begin stretching line as soon as we get there if there's a fire that has to be fought. You have an officer on every truck, on every engine. You will have a lieutenant or a captain so that we begin stretching line as soon as we get there. And then the second engine will be there within seconds, typically, and will assist with the stretching of the line.

The point I was trying to make is



2 that you are, we are very seldom ever left with  
3 just the first engines stretching the line. You  
4 will have 2 engines and 2 trucks arriving at every  
5 real fire, we'll call it, every first alarm. So  
6 you have a lot of manpower there. It is--

7 COUNCIL MEMBER VALLONE:

8 [Interposing] Well I mean--

9 COMMISSIONER SCOPPETTA: --really a  
10 misimpression that's created that you arrive with  
11 an engine, you've only got 4 fire fighters. You  
12 always arrive with 2 and 2, 2 engines and 2  
13 trucks, so that in very short order, while the  
14 first engine is beginning to stretch the line, the  
15 other engine arrives and assists. That's  
16 typically what happens at any fire.

17 COUNCIL MEMBER VALLONE: Do we have  
18 any statistics as to when the second engine shows  
19 up?

20 COMMISSIONER SCOPPETTA: Oh sure,  
21 absolutely. We have secondary response times for  
22 every company in the City.

23 COUNCIL MEMBER VALLONE: And can we  
24 get those provided to--

25 COMMISSIONER SCOPPETTA:

2 [Interposing] Sure. Absolutely.

3 COUNCIL MEMBER VALLONE: --our  
4 Committees? Okay thanks. And as I think it's  
5 clear, 5 officers on a truck would stretch that  
6 line quicker than 4, but as you said, 6 would do  
7 better than 5 and maybe if--it's like--

8 COMMISSIONER SCOPPETTA:  
9 [Interposing] 7 would be better than 6--

10 COUNCIL MEMBER VALLONE: --the  
11 Little Rascals with 20 people hanging off the side  
12 of the truck we'd get it even further but I think  
13 it's clear that 5 would do better than 4. When  
14 did we lose the 5<sup>th</sup> officer, fire officer from the  
15 134 that operate without those? Without--

16 COMMISSIONER SCOPPETTA:  
17 [Interposing] I'm sorry. I didn't get the  
18 question.

19 COUNCIL MEMBER VALLONE: You said  
20 that there's 134 that operate with 4 fire  
21 fighters, 64 with 5.

22 COMMISSIONER SCOPPETTA: It's 19  
23 years ago.

24 COUNCIL MEMBER VALLONE: Okay. And  
25 was that done through collective bargaining?

2 COMMISSIONER SCOPPETTA: No there  
3 was a lawsuit. It's a little bit of a convoluted  
4 history here, but there was a lawsuit. There used  
5 to be more companies with 5. The union sued and  
6 the lawsuit was settled, my understanding,  
7 obviously well before I got there, the lawsuit--it  
8 was 12 years before I got there.

9 The lawsuit was settled by agreeing  
10 that there would be 60 companies--I'm sorry,  
11 arbitration, not a court lawsuit. And the  
12 arbitration was settled by agreeing that well, all  
13 right, we'll keep 60 companies with 5 fire  
14 fighters and the rest will be 4--

15 COUNCIL MEMBER VALLONE:  
16 [Interposing] And it stayed like that--

17 COMMISSIONER SCOPPETTA: --so it was  
18 reduced after the arbitration, it used to be  
19 higher.

20 COUNCIL MEMBER VALLONE: It's been  
21 like that for 19 years then--?

22 COMMISSIONER SCOPPETTA:  
23 [Interposing] 19 years, yes Sir.

24 COUNCIL MEMBER VALLONE: Okay. I'm  
25 new on this Committee. I'm probably the newest

2 member. I asked to be put here 'cause I'm Public  
3 Safety Chair and I, you know, obviously this  
4 affects public safety. I can assure you I have no  
5 written questions from anyone--

6 COMMISSIONER SCOPPETTA:

7 [Interposing] [Chuckling]

8 COUNCIL MEMBER VALLONE: --so don't  
9 worry about that. I know you question where we  
10 got our questions from but I think a lot of this  
11 is common sense. And I'm going to let the  
12 closings be handled by my colleagues and move to  
13 one or two last questions.

14 You also, once again, are proposing  
15 to eliminate the--well to force charities to pay  
16 fees for fire protection. I think that was a very  
17 Scrooge-like idea last year when you tried it and  
18 we stopped it. And it is, again, this year. Can  
19 you elaborate a little further on that?

20 COMMISSIONER SCOPPETTA: Well it  
21 will generate \$3.5 million if they pay for the  
22 inspections, right?

23 [Off mic]

24 COMMISSIONER SCOPPETTA: Yeah. It  
25 will generate \$3.5 million in fees and it's not-

2 for-profits with the exception of churches. I  
3 mean we are not charging churches fees.

4 COUNCIL MEMBER VALLONE: But the  
5 non-for-profits, like the Boys and Girls Club in  
6 my neighborhood have lost City funding. They're  
7 losing a tremendous amount of private funding and  
8 now you want to generate fees from non-for-profits  
9 and I don't believe that's something that the  
10 Council will allow again this year.

11 Last question when it comes to  
12 overtime. We've had this discussion in the past  
13 that I have been part of. When you have a finite  
14 amount of work you have to do. There are fires in  
15 the City that have to be put out. And that amount  
16 has stayed relatively stable. And you have less  
17 people to do it, that means overtime goes up. So  
18 how do you predict overtime savings when you're  
19 cutting the amount--

20 COMMISSIONER SCOPPETTA:

21 [Interposing] No actually fires have gone down.  
22 There's less activity despite some of the things  
23 that you will read that people say. We have fewer  
24 fires in the City, fewer fatalities. And we have  
25 not less fire fighters, we have more fire

2 fighters.

3 COUNCIL MEMBER VALLONE: But if  
4 you--in the same--but if you're going to cut fire  
5 fighters, wouldn't that mean overtime goes up? If  
6 you have to get to the same amount of jobs--

7 COMMISSIONER SCOPPETTA:  
8 [Interposing] No we--

9 COUNCIL MEMBER VALLONE: --unless  
10 you have people sitting around doing nothing.

11 COMMISSIONER SCOPPETTA: No. We  
12 would just reduce that particular--we'll call it a  
13 post, go from 5 posts on that, those 60 engines to  
14 4 posts on that engine. And it would reduce  
15 overtime when headcount gets stabilized. Right  
16 now there's not a lot of overtime in the field  
17 because we are so far over headcount.

18 That was done by design and  
19 agreement with OMB to try to reduce overtime. And  
20 we have reduced overtime but we still have a huge  
21 budget for overtime, it's over \$170 million. And  
22 so that, you would like to try to continue to  
23 reduce that rather than, for example, closing Fire  
24 Units.

25 COUNCIL MEMBER VALLONE: Okay. I

2 don't--my colleagues have been very, very patient.  
3 So I have a lot more questions but I'll put them  
4 off and I thank my Chairs and look forward to more  
5 hearings on this.

6 COMMISSIONER SCOPPETTA: And then I  
7 should say, I'm sorry Mr. Vallone, but because  
8 you were focusing on overtime, according to the  
9 union contract, fire fighters are guaranteed 96  
10 hours of overtime, if you need it or not. They're  
11 guaranteed coming in for 96 hours of overtime.

12 So we're not laying anyone off.  
13 We're not reducing the number of fire fighters.  
14 There's a certain amount of overtime built into  
15 the UFA contract. And of course there's overtime  
16 required because we must start every tour with the  
17 mandated number of fire fighters. Every truck has  
18 to have 5 fire fighters and an officer and every  
19 engine, 134 of them have 4 plus an officer and 60  
20 of them have 5 plus an officer. You must start  
21 every tour with that many. I'm--so nobody would  
22 be offended by my using the expressing manning, it  
23 is supplying fire fighters, male and female.

24 So there's always overtime in the  
25 Fire Department. And they need it. They deserve

2 it. They get it. But we have high medical leave.  
3 We have vacations. We have the same things that  
4 every big agency has. And so there will be a need  
5 for overtime. And we'll have a use to put those  
6 fire fighters to, work they will do, if we reduce  
7 the manning and we will keep the Fire Houses open.  
8 Or the Fire Units open, we're not talking about  
9 closing Fire Houses.

10 CO-CHAIRPERSON VACCA: Okay

11 Commissioner thank you. Just as a quick follow-  
12 up, you spoke before about response time for the 4  
13 companies that you've now decided to close on July  
14 1<sup>st</sup>. I want to know your assessment of the  
15 response time for the second due companies that  
16 would be servicing those neighborhoods where  
17 you're closing those Engine and Ladder Companies.

18 COMMISSIONER SCOPPETTA: Sure. I  
19 gave you the response times of the new first due  
20 companies if there are closings. And the second  
21 due company for Engine 161 on Staten Island would  
22 be an average of 7 minutes and 3 seconds. Ladder  
23 53 would be, the second due would be 7 minutes and  
24 22 seconds.

25 That can't be right, that's wrong--



2 CO-CHAIRPERSON VACCA:

3 [Interposing] That can't be right.

4 COMMISSIONER SCOPPETTA: That can't  
5 be right because the first one is going to be  
6 10:16. Let me--yeah, let me ask if I can give you  
7 on the second due response times, if I can get you  
8 those numbers okay--?

9 CO-CHAIRPERSON VACCA:

10 [Interposing] Well, I, Commissioner I thank you.  
11 I think I can speak for my fellow members, the 4  
12 of us, Mr. Oddo, myself, Mr. Gerson and Mr. Dilan,  
13 but I would like from you, not only the sec--I  
14 would like a piece of paper that indicates to me  
15 the first due response, the second due response.  
16 I want to know what weight you gave to frequency  
17 of runs, access to the community. I'd like to  
18 know what formula you used to determine that these  
19 4 companies would be closed.

20 I need to have information on why  
21 these companies have been selected. And later on  
22 down the line, once we know the 12, I'd want that  
23 information for those 12 too.

24 COMMISSIONER SCOPPETTA: Sure.

25 CO-CHAIRPERSON VACCA: But I think

that the 4 of us are entitled to a fuller explanation as to how we got to the point we're at.

COMMISSIONER SCOPPETTA: Sure.  
Absolutely.

CO-CHAIRPERSON VACCA: Thank you Commissioners. Councilman Oddo.

COUNCIL MEMBER ODDO: Thank you Mr. Chairman. Commissioners, I'd like to first follow up on a point that Chair Vacca made, and that is, it is absolutely a must that this Council get a list of the future closings prior to us voting on a budget.

I will not vote on a budget and I will hold my colleagues feet to the fire not to vote on a budget because if you do the 45 days backwards of the notice for the closings in January, it comes to November 15<sup>th</sup>, roughly. And this year, interestingly enough, November 15<sup>th</sup> comes after November 4<sup>th</sup>. And that's not good enough for us. Okay. So that's one.

Two, you said that the response time in Engine 161 will go, in my District in South Beach, will go from 4:14 to 5:36, that's a

minute and 22 seconds. And I know this is not your bailiwick Commissioners but after the 18.% property tax, after the 40% awarded increase which is a backdoor tax after the arbitrary and capricious spike in assessments, my constituents have bought already that minute and 22 seconds. They deserve the better service.

And that's why regardless of your unease with the questions apparently from Chair Weprin, that's the genesis of the outrage of this Committee. That's what drives us, not any carrying of any water for any particular labor organization. It's that we as a body have to go back and represent the 8 million. That's what our motivation is. Please be clear. From Chair Weprin to Chair Vacca to all of us, that's what motivates us.

And I want to jump into the numbers because it's almost like, you know, we can say I told you so. But let me start with this. I will ask you the same question I asked Mark Page yesterday. Is this policy, the policy decision to close down completely Engine Companies, grounded solely in the fiscal crisis of 2009 or are their

2 broader policy implications at play?

3 COMMISSIONER SCOPPETTA: The only  
4 policy I--the only reason I know for even talking  
5 about closing companies is fiscal needs.

6 COUNCIL MEMBER ODDO: So it's  
7 dollars and cents related to the fiscal crisis,  
8 not any desire to reconfigure the Department from  
9 yesteryear, right? We can clear that up--

10 COMMISSIONER SCOPPETTA:  
11 [Interposing] No, absolutely--

12 COUNCIL MEMBER ODDO: --okay.

13 COMMISSIONER SCOPPETTA: --not and  
14 a number is given to us. It's a goal. It's a  
15 PEG. As I said 90% of our budget is operations.  
16 In order to reach \$100 million, we had to start--

17 COUNCIL MEMBER ODDO: [Interposing]  
18 Okay.

19 COMMISSIONER SCOPPETTA: --talking  
20 about these matters.

21 COUNCIL MEMBER ODDO: Okay. So you  
22 testified that the savings for 2010, Fiscal Year  
23 2010, would be \$18 million.

24 COMMISSIONER SCOPPETTA: That's  
25 OMB's projection--

2 COUNCIL MEMBER ODDO: [Interposing]

3 Okay. Can you break down and explain exactly  
4 where because if I can, I want to take you back to  
5 January 16<sup>th</sup>, and if I could read from the  
6 testimony, this is my comments to you, someone has  
7 to explain to the Committee exactly where does the  
8 savings come from because I've talked to labor,  
9 I've talked to my colleagues, I've talked to our  
10 friends in the Finance Division, and we don't  
11 understand where the savings come from.

12 And then later in the hearing I  
13 said to you, to take OMB at its word and to assume  
14 their numbers are correct, that we would garner  
15 \$4.5 million in savings in Fiscal Year '09, it  
16 means you have to take the leap of faith that  
17 every one of the fire fighters from 161 is going  
18 to be going to another Fire House to take the spot  
19 of someone for an overtime slot.

20 And frankly, I think we were  
21 correct. You projected back then a \$4.4 million  
22 savings in Fiscal Year '09. that hasn't  
23 materialized. You're now projecting, again, a  
24 close to a \$9 million--this is for the closings  
25 only, a \$9 million savings in Fiscal '09 for the

2 nighttime closures. You're projecting that going  
3 out, you're projecting an \$18 million savings.

4 My point is I don't buy your  
5 numbers. I didn't buy the OMB numbers in January.  
6 This institution was proven right. So I think you  
7 need to explain in some detail why your numbers  
8 are going to be correct this time and where  
9 exactly do you see \$18 million in savings.

10 COMMISSIONER SCOPPETTA: Well let  
11 me just say first of all the \$18 million is a  
12 projection that OMB made after they did their  
13 analysis. One of the things that has affected the  
14 savings is that attrition has not occurred in  
15 accordance with the historical data we have on  
16 attrition. You can try to assign lots of reasons  
17 for it but what we are concerned about is just not  
18 happening in the same way.

19 We used to have attrition of 500 or  
20 600 fire fighters a year. It has been roughly 50%  
21 of that this year. So that's why we are not  
22 achieving the savings that we anticipated. That's  
23 why we put off what was going to be 11 closings  
24 July 1<sup>st</sup>.

25 We put off to next year, we don't

think we're going to see attrition come down if this pace continues until after the first of the year. So the other 7 companies that we--units that we were talking about possibly closing, won't happen, of course, it won't happen July and won't happen until into the next calendar year. And the other 5 that were originally projected for January won't happen until a year from now if they happen at all.

So I should say too with respect to savings, there's analysis again, it's a little bit of predicting the future but based on historical data in the summer months, we'll call it from June through Labor Day, there will be lower availability of fire fighters because typically that's when people all want to take their vacations. And so we--if we have, stay overhead count with attrition, it will help reduce the overtime that's necessary to staff during the summer months.

But this kind of analysis is a little bit iffy because we're predicting what the future will be. How much attrition you'll have, when will people be taking vacations. We have

2 historical data, it helps us. And it is  
3 reasonably accurate but the thing that has thrown  
4 off the numbers this year is that attrition is  
5 simply not happening at the pace that it normally  
6 does--

7 COUNCIL MEMBER ODDO: [Interposing]  
8 I get that and I respect that. I'm not sure if  
9 I'll say I'd agree with you that it's reasonably  
10 accurate when we said we were going to have \$4.5  
11 million savings in this Fiscal Year and we haven't  
12 had any. And we're projecting that out.

13 And I guess my overall point is,  
14 Commissioner, and again this doesn't land on your  
15 doorstep as much as other folks across the hall,  
16 the overall savings that you will or the City will  
17 gain is I believe smaller than projected, which  
18 underscores the point that this is not as much of  
19 a fiscal issue as it is a priorities issue. And I  
20 guess it's going to fall into our lap as the  
21 Council to establish what those priorities are.

22 I will close with one last point.  
23 I don't want to debate you on the merits of lack  
24 thereof of the importance to fighting fire of 5  
25 fire fighters versus 4. What I do resent though



2 Commissioner is that this Administration in its  
3 quest to achieve that victory, putting my  
4 community in harms way. And that's essentially  
5 what's happening.

6 You guys want to reach and end and  
7 in your answer to Council Member Vallone, you  
8 talked about there is a long history, when I was a  
9 member of this Committee many years ago I was much  
10 more, you know, well versed in that history. But  
11 I know the long history. You guys want to achieve  
12 it. And in the process you're threatening and  
13 you're holding over my community, the fear of  
14 losing fire services. And I think that's wrong  
15 no matter how you slice it.

16 COMMISSIONER SCOPPETTA: Well we  
17 don't intend any of this, Mr. Oddo, and I know  
18 you know these issues very well. We don't intend  
19 this as a threat. We don't know where the money's  
20 going to come from. It ends up impacting on our  
21 operations. What has been proposed as an  
22 alternative is you can get a lot of savings,  
23 roughly the same amount that it would be generated  
24 by these closings by reducing the 5<sup>th</sup> man. I've  
25 never argued it before. It's only, you know, we

2 use it as a medical leave control and--

3 COUNCIL MEMBER ODDO: [Interposing]  
4 Commissioner, you're a gentleman, and I'm not  
5 trying to imply that you personally have  
6 threatened well give me this or you're going to  
7 get that.

8 But clearly when you turn on the  
9 television and you watch accounts coming out of  
10 this building and people say well listen we don't  
11 have to do these cuts if we could just get the UFA  
12 and blah-blah-blah and blah-blah-blah.

13 What are my constituents to take  
14 from that? Surely they see it as, oh. So what  
15 you personally do or what the message that comes  
16 out of this building, my constituents in South  
17 Beach were told a message. Get your elected  
18 officials, get the UFA and get the union to agree  
19 with this and you wouldn't have to face these  
20 cuts. I don't know, from Staten Island we call  
21 that essentially a threat.

22 COMMISSIONER SCOPPETTA: Well I'm  
23 thinking of it as a tradeoff. Instead of  
24 closings, reduce the manning. That's all I think  
25 of it as. And I don't mean it as a threat. I

2 mean as this is another way that we can close the  
3 gap for the PEG that was imposed on us. That's--  
4 but I think we understand each other.

5 CO-CHAIRPERSON VACCA:

6 Commissioner, thank you. I want to go on but I do  
7 want to ask one quick question and that is you had  
8 said to this Committee in previous testimony that  
9 on July 1<sup>st</sup>, 7 additional companies would close and  
10 that 5 more would be in January.

11 Now because of attrition, not  
12 meeting your expectations, you're telling us now  
13 all 12 can wait until January because attrition is  
14 at a slower rate than you thought. My question to  
15 you is, since attrition is at a slower rate, and  
16 we have extra firemen, can you give a commitment  
17 that the evening closures will stop until June 30<sup>th</sup>  
18 when we have an opportunity to negotiate a budget?

19 Why are we still having evening  
20 closures when you have all this attrition that's  
21 allowing you to keep the companies open for an  
22 extra 6 months but yet these companies are being  
23 closed during evenings that are often arbitrary I  
24 feel. Can you give us an assurance that we can at  
25 least the immediate problem is the evening

2 closures?

3 COMMISSIONER SCOPPETTA: No the  
4 closings of these 4 would generate up to \$3  
5 million in savings over the next few months  
6 actually because of what happens during the  
7 summertime with our staffing. So we don't think  
8 attrition is going to allow for it. And so we  
9 can't decide from day to day whether companies  
10 will be open or not open, I would agree with you  
11 on that. We could do it with evening closings but  
12 you can't do it when you close the entire company.

13 So that we will, we anticipate that  
14 we're going to generate \$3 million, maybe \$4  
15 million in savings with the closing of the 4  
16 companies. And we're not contemplating 12  
17 companies in January, it's 7 in January and if  
18 that becomes necessary, I know you're negotiations  
19 will address this. And 5 a year from now, next  
20 May, because that's the best we can do as we try  
21 to predict what will happen with attrition.

22 And we're just going to have to  
23 monitor it. Maybe it'll be later if there are any  
24 further closings. We can't assure you that we're  
25 going to close companies and then reopen them once

2 a week or twice a week because we happen to have--

3 CO-CHAIRPERSON VACCA:

4 [Interposing] No, no--

5 COMMISSIONER SCOPPETTA: --

6 additional manpower.

7 CO-CHAIRPERSON VACCA: --my

8 question was regarding the 4 companies that you're

9 now closing in the evening. Can you give me an

10 assurance, because you acknowledged that attrition

11 is not what you thought, can you tell me that

12 during the next 2 months, we can be assured of

13 evening service in those 4 houses until June 30<sup>th</sup>?

14 COMMISSIONER SCOPPETTA: Oh sure,

15 just as we have been doing--

16 CO-CHAIRPERSON VACCA:

17 [Interposing] No that's not what I want.

18 COMMISSIONER SCOPPETTA: I'm sorry.

19 I misunderstood your question then.

20 CO-CHAIRPERSON VACCA: I don't want

21 you to do like you've been doing. I'm asking for

22 an assurance that we will not have night to night

23 coverage. I'm asking for an assurance that from

24 now to June 30<sup>th</sup> we will have an Engine Company in

25 Lower Manhattan, Staten Island and Bushwick and

the Ladder Company on City Island from now until  
June 30<sup>th</sup> every night.

You have all this attrition.

COMMISSIONER SCOPPETTA: Yes.

CO-CHAIRPERSON VACCA: Lack of--  
lack of--

COMMISSIONER SCOPPETTA:

[Interposing] I will give you that assurance that  
if we have staffing for those companies we will--

CO-CHAIRPERSON VACCA:

[Interposing] No that's not an assurance when you  
use the word if. That's the same old, same old--

COMMISSIONER SCOPPETTA:

[Interposing] No it's contingent on headcount.

CO-CHAIRPERSON VACCA: No but you  
have all these people that you did not anticipate  
would still be on your Fire Department. Why can't  
you give me an assurance that you will keep them  
open every night until June 30<sup>th</sup>--

COMMISSIONER SCOPPETTA:

[Interposing] As--

CO-CHAIRPERSON VACCA: --based on  
the lack of attrition that you originally  
anticipated--

2 COMMISSIONER SCOPPETTA:

3 [Interposing] As you know, there have been 23  
4 nights where companies were closed where despite  
5 our being over headcount and the reduction in  
6 attrition, we did not have personnel to cover  
7 those night shifts.

8 There were 23 nights out of 110  
9 that we had to close the companies because we  
10 didn't have the extra headcount. I'm just saying,  
11 I'm assur--whatever word you want to use, when we  
12 have the headcount to cover those companies we  
13 will. To keep those companies open, we will.

14 CO-CHAIRPERSON VACCA: But you  
15 cannot give me an assurance--

16 COMMISSIONER SCOPPETTA:

17 [Interposing] For the next two months.

18 CO-CHAIRPERSON VACCA: --you'll  
19 keep them open every night. Okay. That's  
20 understood. Council Member Martinez.

21 COUNCIL MEMBER MARTINEZ: Thank you  
22 Mr. Chair. From the questioning of my colleagues,  
23 obviously, we've covered a lot of ground in terms  
24 of the Engine Companies and Ladders. However, you  
25 know, when we talk about reducing the man from 4

2 to 5, this was a contractual issue, right  
3 Commissioner?

4 COMMISSIONER SCOPPETTA: Yes. And  
5 so it requires consent of the UFA to change that.

6 COUNCIL MEMBER MARTINEZ: Correct.  
7 Can we say that the UFA--and I want to go on the  
8 record also as Council Member Vallone, I've not  
9 received any question from anyone but I do want to  
10 speak on the fact, we could say that the--they  
11 have met and kept their part of the contract.

12 And now the Administration wants to  
13 change that from reducing the manpower. You were  
14 asked earlier by the Chair of Finance, what was  
15 your total agency contract budget. And you said  
16 you only had one, is that right?

17 COMMISSIONER SCOPPETTA: Total what  
18 budget?

19 COUNCIL MEMBER MARTINEZ: Agency  
20 contract budget.

21 COMMISSIONER SCOPPETTA: We're \$1.4  
22 million is what we spent.

23 COUNCIL MEMBER MARTINEZ: However  
24 the budget document that we received shows that  
25 you have 229 contracts, a total of \$53 million, do



2 you have that document?

3 COMMISSIONER SCOPPETTA: I think  
4 you're referring to the grant money we get. We  
5 expect another \$40 million this year, happily it  
6 would be more in grant money from Homeland  
7 Security. We get funding. We get money, Medicaid  
8 money. We get money from different sources that  
9 we can't use for, to supplant what is the ordinary  
10 budget expenditures. We can't use it, in short,  
11 to keep Fire Houses open.

12 COUNCIL MEMBER MARTINEZ: So the--  
13 let's go for an example, the IDIL [phonetic]  
14 contract which is \$7 million for computer  
15 specialists and computer consultants.

16 COMMISSIONER SCOPPETTA: What are  
17 they, the IBM?

18 [Off mic discussion]

19 COUNCIL MEMBER MARTINEZ: Is that a  
20 grant--?

21 COMMISSIONER SCOPPETTA:  
22 [Interposing] It could be--no, I'm not sure what  
23 you're referring to but there is a major contract,  
24 computer contract with IBM to coordinate and link  
25 up all the inspectional services in the City--

2 COUNCIL MEMBER MARTINEZ:

3 [Interposing] No I'm not referring to that  
4 contract--

5 COMMISSIONER SCOPPETTA: --with the  
6 Departments - - . We also have to maintain  
7 computers, if that's what you're referring to--

8 COUNCIL MEMBER MARTINEZ:

9 [Interposing] Your computer--your clerks--

10 COMMISSIONER SCOPPETTA: --and that  
11 could be--

12 COUNCIL MEMBER MARTINEZ:

13 [Interposing] Clerks.

14 COMMISSIONER SCOPPETTA: Well of  
15 course, the agency is computerized so you could  
16 not function an agency like this without everyone  
17 having access to a computer. And so some  
18 computers have to be replaced, some have to be  
19 maintained--

20 COUNCIL MEMBER MARTINEZ:

21 [Interposing] That's not what I'm asking either.  
22 Listen to my question Commissioner. In the budget  
23 document, page 85[c] of the City of New York that  
24 the Mayor just put out, for Fiscal Year 2010,  
25 which you should have.

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2 COMMISSIONER SCOPPETTA: I don't

3 have it.

4 COUNCIL MEMBER MARTINEZ: There's a

5 total--well this is a budget hearing.

6 COMMISSIONER SCOPPETTA: I know but

7 I don't a 150 page document of the budget or

8 whatever number of pages--

9 COUNCIL MEMBER MARTINEZ:

10 [Interposing] But this is--

11 COMMISSIONER SCOPPETTA: --it is.

12 COUNCIL MEMBER MARTINEZ: --the

13 budget document that deals with your agency.

14 COMMISSIONER SCOPPETTA: Yes.

15 COUNCIL MEMBER MARTINEZ: And in

16 that budget--

17 COMMISSIONER SCOPPETTA:

18 [Interposing] Well why don't you ask the question

19 'cause I may be able--

20 COUNCIL MEMBER MARTINEZ:

21 [Interposing] Yeah. In that--

22 COMMISSIONER SCOPPETTA: --to

23 answer it.

24 COUNCIL MEMBER MARTINEZ: --budget

25 document, page 85[c], as a result of a hearing

1 FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES\$100

2 that my Committee had, the Civil Service and  
3 Labor, on a document produced by white papers,  
4 DC37, where they identified different sources of  
5 saving, the document budget that refers to the  
6 Fire Department, page 85(c) details the total  
7 contracts which is 229 for a total of \$53 million.  
8 You're telling me that these are grant monies?

9 COMMISSIONER SCOPPETTA: No. I  
10 don't know what you're referring to. I was trying  
11 to give you an overall picture of money coming  
12 from different directions but why don't we ask the  
13 specific question you have--

14 COUNCIL MEMBER MARTINEZ:  
15 [Interposing] No, but you know that's a problem  
16 because, you know, there's a big question on the  
17 table which is that the cuts that you're  
18 proposing, is it an issue of fiscal need or is it  
19 an issue of priorities. And in this case there's  
20 a budget document that identified \$53 million, in  
21 the City of New York, that are contracted out by  
22 the Fire Department in which it has contractual  
23 services general which includes the computer  
24 clerks and computer specialists, which includes  
25 the maintenance, those people who clean the Fire

2 Houses and the Ambulance Stations. And in those  
3 dollars there, we could identify alternative  
4 savings.

5 For example, if we look at the \$7  
6 million from IDIL which is the company that you  
7 contract that pays \$150 an hour to \$175 an hour  
8 for computer specialists which a City employee  
9 would be getting paid \$60 to \$70 an hour which is  
10 a big difference, and when we total up the amount,  
11 we're talking about a significant amount, half of  
12 what you're paying. So the question is when you  
13 were asked earlier, you only identified one  
14 contract but in fact in the City's budget  
15 document, there are 229 contracts.

16 COMMISSIONER SCOPPETTA: Well for  
17 the purposes of this hearing maybe you can show me  
18 whatever page you're looking at, but before we do  
19 that, why don't I ask our Chief Financial Officer  
20 to respond--

21 COUNCIL MEMBER MARTINEZ:  
22 [Interposing] And I'll say Commissioner for the  
23 record, I mean this is a Finance Committee of the  
24 Department. And I hope that your finance  
25 specialist has this document with him because this

is specific to the Fire Department. It's not the entire City of New York. And I will not give you this 'cause this is the analysis from the white paper which was submitted to the Administration which we had a hearing on. But I'll go specifically into the budget document that your agency has that details the contracts that the Fire Department is issuing which is a total of \$53 million, 229 contracts.

And it's--and when we look at the numbers, there are savings that we could achieve by hiring City employees.

COMMISSIONER SCOPPETTA: Well I'm going to ask our Chief Financial Officer to respond but we received some questions from the Committee, various Committees, last night at 5:00 o'clock. This particular question was not one that was asked of us or we would have taken a look at the budget documents. But why don't I let my Chief Financial--

COUNCIL MEMBER MARTINEZ:

[Interposing] So I.

COMMISSIONER SCOPPETTA: Why don't I let my Chief Financial Officer answer your

2 question about these, this series of contracts  
3 that you're talking about, that total \$53 million.

4 COUNCIL MEMBER MARTINEZ: And I  
5 appreciate your answer in terms of not giving  
6 heads up, but however, you know, there is a  
7 problem, a systemic problem in the City where  
8 we're pinning the people who are doing the work as  
9 the ones that caused this fiscal crisis from  
10 various areas, from the needs to cut because there  
11 was a contract where there 5 now we need 4. They  
12 met their part of the contract and then when we  
13 look at the numbers, there are areas where we  
14 could save money if we stop the practice of  
15 contracting out.

16 And let me ask you another question  
17 Commissioner, maybe your finance person, as he's  
18 looking at those documents, how many provisional  
19 workers do we have in the City of New York in  
20 addition to contracting out?

21 COMMISSIONER SCOPPETTA: In the  
22 City of New York--

23 COUNCIL MEMBER MARTINEZ:  
24 [Interposing] Not--not City of New York, sorry.  
25 In the Fire Department.

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2 COMMISSIONER SCOPPETTA: I don't

3 know.

4 MR. STEVE RUSH: In the Fire

5 Department we have several hundred probably.

6 COUNCIL MEMBER MARTINEZ: I can't

7 hear you.

8 MR. RUSH: Several hundred

9 provisionals. They are full time employees--

10 COUNCIL MEMBER MARTINEZ:

11 [Interposing] I didn't hear your number.

12 MR. RUSH: There are several

13 hundred.

14 COUNCIL MEMBER MARTINEZ: What's

15 several hundred?

16 MR. RUSH: About 200 or so.

17 COUNCIL MEMBER MARTINEZ: 200--?

18 MR. RUSH: [Interposing] Out of

19 1,000 of the workforce.

20 COUNCIL MEMBER MARTINEZ: Okay, 200

21 provisional. That's in addition to--

22 MR. RUSH: [Interposing] At most,

23 probably at most I would say.

24 COUNCIL MEMBER MARTINEZ: That's in

25 addition to the--those contracts--



2 MR. RUSH: [Interposing] The  
3 temporary employees, there you're talking about  
4 the white paper from DC37, speaking about the IDIL  
5 [phonetic] contract. We have an IDIL contract for  
6 temporary services. These are workers that--who  
7 have basically are part time. They fill in gaps  
8 where we don't have full time headcount  
9 authorization for. Most of the IDIL workforce is  
10 paid for out of Homeland Security funds, about \$1  
11 million of it is dedicated from City funds. And  
12 these are necessary jobs that we've looked at  
13 throughout the agency that we require to do  
14 timekeeping, to do vouchering, to do payments for  
15 Worker's Compensation.

16 They are throughout the Department.  
17 We have small pockets of people. And the EEO Unit  
18 as well, handling case load because we do not have  
19 the full time headcount. And in fact these  
20 temporary workers are less costly than City  
21 employees because they have no fringe benefits on  
22 top of that.

23 COUNCIL MEMBER MARTINEZ: And--

24 CHAIRPERSON WEPRIN: [Interposing]  
25 Excuse me, did you identify yourself for the



2 up on what you just finished saying, you rely on  
3 these services 'cause you need them. However, you  
4 know, there are City employees that are being laid  
5 off that clean Fire Houses and ambulances. So  
6 you're going to contract them out.

7 MR. RUSH: No employees are being  
8 laid off in the Fire Department.

9 COUNCIL MEMBER MARTINEZ: Through  
10 your attrition, you're not going to hire...

11 MR. RUSH: That would be through  
12 attrition but there will be no layoffs in the Fire  
13 Department.

14 COUNCIL MEMBER MARTINEZ: So in  
15 other words you're not going to hire these  
16 employees that--to serve these functions but in  
17 fact you're going to contract them out. You're  
18 going to hire a company to contract out what  
19 you're doing already. Now the question is--

20 MR. RUSH: [Interposing] No, most  
21 of the--no. Most of the functions that are being  
22 eliminated on the civilian side of the operation  
23 will not be replaced. It will have to be absorbed  
24 within the existing workforce.

25 COUNCIL MEMBER MARTINEZ: And what

2 percentage of the \$53 million is it Homeland  
3 Security money?

4 MR. RUSH: For the temporary  
5 services, I'm--what I'm saying--this is--I'm just  
6 saying on the temporary services for the IDIL  
7 contract we spent over \$2 million, for--not just  
8 for the Homeland Security we have NYOSH [phonetic]  
9 employees from the World Trade Center Medical  
10 Monitoring Treatment Program. We have numerous  
11 temps that are in various fields on these grant  
12 lines.

13 COUNCIL MEMBER MARTINEZ: Um-hum.

14 MR. RUSH: So that's probably over  
15 \$2 million.

16 COUNCIL MEMBER MARTINEZ: And the  
17 structure of the contract which is my  
18 understanding that it increases 15% to 20% a year.  
19 Now Mr. Chair, I know--

20 MR. RUSH: [Interposing] That's not  
21 correct Mr. Council Member.

22 COUNCIL MEMBER MARTINEZ: Chairman?

23 CO-CHAIRPERSON VACCA: Are we  
24 finished? I have to move this 'cause we have  
25 other Commissioners waiting here and I have to

2 move it--

3 COUNCIL MEMBER MARTINEZ:

4 [Interposing] I, I need to put in a request and I  
5 need compliance on this request.

6 MR. RUSH: Yes.

7 COUNCIL MEMBER MARTINEZ: I need  
8 the Council, as we start our budget negotiation  
9 process in putting this budget together, as you  
10 said earlier Mr. Chairman, we're drawing a line,  
11 but in order for us to draw this line, we need to  
12 have full information. And the fact is that we  
13 have a budget document that identifies \$53 million  
14 in contractual services by the Fire Department.

15 So my request is that we get a  
16 detailed documentation telling us where each of  
17 these dollars are coming from. \$53 million is a  
18 substantial amount of money. And we need to know  
19 before we produce a budget where these dollars are  
20 coming from, where they're being spent, and we  
21 need to make an analysis if rather than  
22 contracting out these dollars, is it cheaper to  
23 hire in house.

24 And I'm sure that at the end of the  
25 day we'll be looking at \$16 million in savings

1           FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES\$10  
2           that could be hired in house, that could probably,  
3           I think that's the same amount of money to keep  
4           the engines and the ladders going. So it is  
5           critical for us to have this information 'cause  
6           the practice of contracting out and hiring outside  
7           sources is a big issue in this City, not only for  
8           union busting but for also not providing the  
9           services to the citizens of this City. So it is  
10          my request that we get a full, detailed breakdown  
11          of that \$53 million in the Fire Department that  
12          are contracted out.

13                   CHAIRPERSON WEPRIN: I couldn't  
14          agree with you more Council Member, as a matter of  
15          fact I started to pursue that line of questioning  
16          but the hour was late and other people had to ask  
17          that question. So I do appreciate you going back  
18          to it 'cause that was where I started to go, but I  
19          had actually probably asked too many questions on  
20          the other side. So I'm actually glad you pursued  
21          that and I will see that finance staff gets that  
22          number for us.

23                   COUNCIL MEMBER MARTINEZ: Get me a  
24          copy.

25                   CHAIRPERSON WEPRIN: Yes.

2 CO-CHAIRPERSON VACCA: Council  
3 Member Ignizio.

4 COUNCIL MEMBER IGNIZIO: Thank you  
5 very much and good afternoon Commissioners, Chief.  
6 Nice to see you. My colleague Jimmy Oddo was  
7 referencing November 4<sup>th</sup>. I want to be clear. My  
8 constituents, I hope you vote for me the day  
9 before which is actually Election Day. If his  
10 constituents want to vote for him on November 4<sup>th</sup>,  
11 he's--that's his right to do so.

12 COUNCIL MEMBER ODDO: [Interposing]  
13 Yeah but I made my point.

14 COUNCIL MEMBER IGNIZIO: The reason  
15 why I want to speak was to ask questions regarding  
16 Jim's closure and how it anticipates--how it  
17 affects the rest of the Borough. My concern is  
18 when you close a house, as small as Staten Island  
19 is, when you close a house at Engine 161, it's  
20 going to affect all of Staten Island. And the  
21 response times there.

22 And do you guys have any numbers  
23 which articulate that? I would imagine just  
24 because you have to run these numbers you would  
25 have some of the impact on the rest of the

2 Borough, being that Staten Island has some of the  
3 slowest response times in the City.

4 COMMISSIONER SCOPPETTA: We can  
5 give you those numbers if you'd like--

6 COUNCIL MEMBER IGNIZIO:  
7 [Interposing] Okay.

8 COMMISSIONER SCOPPETTA: --and I  
9 don't have them with me. I have numbers on 161.  
10 And the number of runs, their rank out of all of  
11 the Engine Companies, they're 189 out of 198, that  
12 is--there are 9 companies that have less runs than  
13 they do. So they have comparatively few runs.  
14 And we gave you the response times--

15 COUNCIL MEMBER IGNIZIO:  
16 [Interposing] Yes Sir.

17 COMMISSIONER SCOPPETTA: --the  
18 medical runs as well. They have 548 which is a  
19 comparatively small number. And what we call  
20 occupied structural workers, structural fire where  
21 it's an occupied building, there are only 10  
22 Engine Companies in the City that have fewer than  
23 161 does. So these are all taken together and  
24 then of course the second due company's response  
25 and how busy they are would be taken into account.



2 But I think to answer your question  
3 directly, there's no question it has an effect--

4 COUNCIL MEMBER IGNIZIO:

5 [Interposing] It has a ripple impact to the--

6 COMMISSIONER SCOPPETTA:

7 [Interposing] Sure they have to pick up--

8 COUNCIL MEMBER IGNIZIO: --on the  
9 entire island--

10 COMMISSIONER SCOPPETTA: --that  
11 work. Yes.

12 COUNCIL MEMBER IGNIZIO: Yes Sir, I  
13 mean that's simply--that's my concern and--

14 COMMISSIONER SCOPPETTA:

15 [Interposing] It's our concern too.

16 COUNCIL MEMBER IGNIZIO: --so too I  
17 know you recognize we don't pay fire fighters by  
18 the fire. And there's a lot of that talk going  
19 around about how to quantify the payment. And  
20 until it's your house burning down, the 1 minutes  
21 doesn't sound like a lot and paying by the fire  
22 doesn't sound like a lot and not having somebody  
23 on City Island doesn't sound like a lot.

24 But, you know, in the District that  
25 I represent, where we fought for many years with

Council Member Oddo and then former, now Senator Andrew Lanza to establish the Ross Full Fire House [phonetic], you know, we're concerned that it's almost, if you have people who are protecting their areas and if you have people that are not going and starting fires in woods and whatnot, well then watch out because you can be targeted for the Fire Department for closure because your people are acting in an appropriate way that the Fire Department is recommending them do so.

Watch out because your Fire House may be next. Now that's a concern of mine and so too it's about the collective bargaining process. I am not a, you know, as Jim said, we're not union shills. We're not--my belief in the comment that has been coming off the dais is that the questions have been put in my head. And I can assure that has not been the case.

My concern is that perhaps it was a failure on behalf of the Administration in their negotiating process with the union that they didn't include this or that, Mr. Hanley [phonetic], as much as he is a friend, couldn't get it in the contract. And whether that was a

priority of the union, the Administration at the time, that ought have been the discussion there.

And I think this body is being used as a collective bargaining agent for the Administration. And I think the people that are being threatened for closures are being used as collective bargaining agreement. And we as a Council need to stand up and say that won't be tolerated today, tomorrow or ever in this Council because we have the fiduciary responsibility of passing a budget which protects the people, all of the people of New York City and to be used in that manner should not be acceptable to this Speaker, to this body or anybody in it. Thank you very much.

COMMISSIONER SCOPPETTA: No, all I've said, I don't want to start repeating myself but all we're saying is that this is a way of avoiding closings that's purely on a fiscal basis. If you reduce the manning you produce savings sufficient that you should be able to avoid all or--

COUNCIL MEMBER IGNIZIO:  
[Interposing] I understand that. I understand--

1           FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES\$16

2                   COMMISSIONER SCOPPETTA:  --I think

3   all the closings.  I'm just--that's my entire

4   position--

5                   COUNCIL MEMBER IGNIZIO:

6   [Interposing] Yes Sir.

7                   COMMISSIONER SCOPPETTA:  --and I'm

8   not suggesting for a minute--

9                   COUNCIL MEMBER IGNIZIO:

10  [Interposing] My interpretation--you know, I'm

11                   COMMISSIONER SCOPPETTA:  --if you--

12                   COUNCIL MEMBER IGNIZIO:  --open to

13  my own interpretation--

14                   COMMISSIONER SCOPPETTA:  --I'm not

15  suggesting for a minute that you're being fed

16  questions--

17                   COUNCIL MEMBER IGNIZIO:

18  [Interposing] Thank you.

19                   COMMISSIONER SCOPPETTA:  --you or

20  Mr. Oddo.

21                   COUNCIL MEMBER IGNIZIO:  Thank you

22  Sir.  I'm just--my own interpretation of that

23  which is going on around me is one that I have and

24  I appreciate your saying here we see, you know,

25  the ability for savings, you know.  I am

2 interpreting the cause of action somewhat  
3 differently and I don't question motives but I am  
4 questioning--I am interpreting differently. Thank  
5 you Sir.

6 CO-CHAIRPERSON VACCA: Council  
7 Member Crowley.

8 COUNCIL MEMBER CROWLEY: Thank you  
9 Chairman Vacca. I'd like to just revisit that as  
10 well, what Councilman Ignizio was talking about,  
11 the idea that that is the only alternative to  
12 finding the funds to keep the Fire Houses open.  
13 And in this case it's the 4 Fire Houses. If you  
14 were to revisit a collective bargaining agreement,  
15 that is the only alternative?

16 COMMISSIONER SCOPPETTA: I don't  
17 think it's the only, I suppose, it's the only one  
18 we can think of, it's a viable alternative.  
19 Because when you have two-thirds of the Engine  
20 Companies with 4 fire fighters and you have the  
21 entire country operating with--we could only  
22 locate one jurisdiction that has 4, everybody--

23 COUNCIL MEMBER CROWLEY:  
24 [Interposing] Right.

25 COMMISSIONER SCOPPETTA: --operates

2 with 3, so it seemed to me like a viable  
3 alternative and that's why we suggested it.

4 COUNCIL MEMBER CROWLEY: Right.

5 But you're comparing our Department to other  
6 cities. We're the largest city in the country.  
7 And it's my understanding that our Fire Department  
8 operates at a much lower cost compared to many  
9 other Fire Departments throughout the country. I  
10 think something like 17 out of major cities.

11 And I, when I try to understand how  
12 many numbers of fire fighters you have today  
13 compared to 10 or 20 years ago, it seems like the  
14 numbers are going down, yet our population keeps  
15 on increasing. And I would imagine that with the  
16 population increasing, our services and needs are  
17 going to increase as well. Have you taken that  
18 into consideration?

19 COMMISSIONER SCOPPETTA: Well of  
20 course. And I think I've tried to give you some  
21 indication of how we have performed, at least  
22 during the 7 years that I've been here, is that  
23 fewer fires, the lowest number of civilian  
24 fatalities of any 7-year period in the history of  
25 the Fire Department and the lowest response times

2 since 1994 and if you took 1994 out of the mix,  
3 it's the lowest response times ever.

4 And so I appreciate, of course we  
5 changed the dispatch protocol and achieved a lot  
6 of savings in response time. But it is still the  
7 response time. How we did it is simply, I think,  
8 a matter of good management and careful analysis  
9 of what response times are made up of.

10 In any event we have taken all of  
11 that into account--

12 COUNCIL MEMBER CROWLEY:

13 [Interposing] But I think--

14 COMMISSIONER SCOPPETTA: --and I  
15 would rather not be talking about a single  
16 closing.

17 COUNCIL MEMBER CROWLEY: Right.  
18 Okay. Alternatives, the only alternative I heard  
19 was reducing the 5 man to the 4 man. I--there has  
20 to be other alternatives when you have over \$150  
21 million in just overtime budgets. It seems like  
22 there has to be a better way when you look at  
23 these 4 houses and is it--the need, there's a need  
24 for more employees and less overtime? And there  
25 would be a cost savings in that?

2 COMMISSIONER SCOPPETTA: Well it's-  
3 -I think it's \$171 million in overtime, but when  
4 you have the additional man on the 60 engines, you  
5 have 5 man engines that increases overtime, it  
6 doesn't decrease it.

7 COUNCIL MEMBER CROWLEY: Right.  
8 But there are other ways that you could look at  
9 reducing overtime and still keep these Fire Houses  
10 open.

11 COMMISSIONER SCOPPETTA: Well--

12 COUNCIL MEMBER CROWLEY:  
13 [Interposing] Or companies.

14 COMMISSIONER SCOPPETTA: --we have  
15 looked at these other approaches. We've proposed  
16 legislation to double the tax on insurers who  
17 operate from outside the state. And those things  
18 have been accepted and they will be pursued. But  
19 90% of the budget, I am repeating myself, I know,  
20 is operations.

21 It has to come down to something  
22 coming out of operations. And so rather than  
23 close Fire Houses, we are suggesting that have  
24 those 60 engines operate just the way the other  
25 134 engines operate with 4 instead of 5. And that



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2       would avoid the closings. It seems to me that's a  
3       very good tradeoff. And I'm not trying--  
4                   COUNCIL MEMBER CROWLEY:  
5       [Interposing] But that's beyond--  
6                   COMMISSIONER SCOPPETTA: --to get  
7       even with anybody. We're not trying to get back  
8       at anyone--  
9                   COUNCIL MEMBER CROWLEY:  
10      [Interposing] Right.  
11                  COMMISSIONER SCOPPETTA: --there's  
12      no hidden agenda--  
13                  COUNCIL MEMBER CROWLEY:  
14      [Interposing] Commissioner I have one other  
15      question, my last question is about your  
16      Construction, Demolition and Abatement, it's a new  
17      unit that you have.  
18                  COMMISSIONER SCOPPETTA: Yes.  
19                  COUNCIL MEMBER CROWLEY: And who's  
20      staffing it and what is the budget and is there  
21      anticipated revenue through summonses and fines  
22      through this--  
23                  COMMISSIONER SCOPPETTA:  
24      [Interposing] It's about \$2 million but that came  
25      out of the City's agreement with the District

2 Attorney's Office as a result of 131 Liberty. It  
3 is the equivalent of a court ordered unit because  
4 it is a binding agreement that the City made in  
5 resolving that investigation.

6 CO-CHAIRPERSON VACCA:

7 Commissioner, if I can interject, Councilwoman  
8 Crowley, I have to state for the record that our  
9 Finance Division at the Council estimates that  
10 even if you make these 60 firemen cuts, reducing  
11 the number in the companies, even if you make  
12 those cuts, it will not result in enough money to  
13 keep all the Fire Companies open.

14 COMMISSIONER SCOPPETTA: OMB--

15 [Off mic]

16 COMMISSIONER SCOPPETTA: --yes. It  
17 is--but the Mayor has said it. OMB has said it.  
18 And I will just say I'm not sure how you're  
19 calculating it but those 60 positions translate  
20 into 300 fire fighters. And OMB is giving us a  
21 number that says it would avoid the cuts. It's a  
22 lot of fire fighters, 300 fire fighters, and then  
23 it will depend on where they are. We use an  
24 average number for fire fighters as well.

25 CO-CHAIRPERSON VACCA: All right.

2 I'm sorry to interrupt Councilwoman, were you  
3 finished?

4 COMMISSIONER SCOPPETTA: Sure.

5 COUNCIL MEMBER CROWLEY: Well I  
6 just revisit that Construction Abatement Unit.  
7 Who is on staff? Civilian or fire fighters?

8 COMMISSIONER SCOPPETTA: No those  
9 are civilian inspectors. We have 20 inspectors  
10 with 5 supervisors and I think it's--isn't that  
11 right? Yeah. 20 inspectors with 5 supervisors  
12 and they cost about \$2 million. And that was as a  
13 result of an agreement--you might as well have a  
14 judge ordered it--

15 COUNCIL MEMBER CROWLEY:  
16 [Interposing] Right. And do they give you extra  
17 funding for this particular unit?

18 COMMISSIONER SCOPPETTA: The \$2  
19 million was put in, yes.

20 COUNCIL MEMBER CROWLEY: Okay.  
21 Thank you.

22 CO-CHAIRPERSON VACCA:  
23 Commissioner, I would--we've just come up with  
24 this information, not just, but to clarify. This  
25 information comes from OMB. And that is that this

2 cut that you suggest would not be enough to keep  
3 the 4 companies open, it would be enough to keep  
4 12 companies open. We would still be at a loss  
5 for the 4, and this is according to OMB.

6 So I don't want anyone to have an  
7 impression that what you suggest may be negotiated  
8 between you and the union would result in total  
9 restoration of Fire House services, which is what  
10 I would like to see as Chair of this Committee.

11 COMMISSIONER SCOPPETTA: OMB has  
12 told us that with that reduction you would be able  
13 to avoid the closings. So I don't know where  
14 we're getting--maybe we're getting two different  
15 versions--

16 CO-CHAIRPERSON VACCA:  
17 [Interposing] Well, no one's--

18 COMMISSIONER SCOPPETTA: --of the  
19 information.

20 CO-CHAIRPERSON VACCA:  
21 [Interposing] Well then I--

22 COMMISSIONER SCOPPETTA:  
23 [Interposing] And the Mayor has said it both in  
24 his budget presentation and I was at both  
25 presentations, both to the media and to the

2 Commissioners, has said that that is a way of  
3 avoiding closings.

4 CO-CHAIRPERSON VACCA: Councilwoman  
5 James.

6 COUNCIL MEMBER JAMES: Commissioner  
7 Scoppetta I have nothing but the utmost respect  
8 for you. I stood with you with that fire fighter  
9 who died in my District at Ebbets Field whose name  
10 I unfortunately cannot remember at this time. I  
11 stood with his widow--

12 COMMISSIONER SCOPPETTA:  
13 [Interposing] Are you talking about Lieutenant  
14 Martinson?

15 COUNCIL MEMBER JAMES: Martinson,  
16 thank you, and attended his funeral in Staten  
17 Island and will do all that I can since I've  
18 witnessed what they do throughout this City, the  
19 heroic job that they do and the fact that they put  
20 their lives on the lines each and every day. I've  
21 now stepped up to join my colleagues to fight for  
22 fire fighters. I made a commitment to his widow  
23 and I will do that from now on.

24 And I also want to thank you, when  
25 I had a pattern of appeared to be arson in my mind

2 on Pacific Street in my District where we had at  
3 least 12 fires a couple of years ago. And we  
4 worked together with the brave men and women of  
5 the Fire Department to investigate those fires.  
6 And we caused that pattern and practice to end.  
7 And now Pacific Street, I hope that you would tour  
8 with me one day, is absolutely beautiful.

9 COMMISSIONER SCOPPETTA: I will.

10 COUNCIL MEMBER JAMES: And I just  
11 want to thank you publicly again and to the men  
12 and women of FDNY.

13 So--but I join with my colleagues,  
14 we have not mentioned the great Borough of  
15 Brooklyn. And Council Member Dilan just text me  
16 and ask that I add his voice to the choir, as well  
17 as the Brooklyn delegation to draw a line in the  
18 sand against the closure of 271, which I believe  
19 is in Bushwick which is not in my District.

20 And so my question is, again, this  
21 overtime, \$185 million in Fiscal Year 2010 which  
22 has been budgeted for overtime. And if we, you  
23 mentioned earlier about controls in place, are  
24 there any additional controls that we could put in  
25 place to contain this overtime budget?

2 COMMISSIONER SCOPPETTA: Yeah, it's  
3 that \$171 million, we reduced overtime by over \$30  
4 million by putting in place controls on light duty  
5 for one thing. And we reduced the light duty  
6 population from over 700 fire fighters to about  
7 400 plus fire fighters. And we now recently put  
8 in place, although way back in October, I sent  
9 out, the Chief of Department and I sent out a  
10 notification that only essential overtime will be  
11 allowed.

12 And then we later put out what we  
13 have called an excessive overtime policy that caps  
14 the overtime that anyone can earn. And so we have  
15 put in controls. Those are 3 that come to mind.  
16 And we have reduced overtime by \$30 million doing  
17 that. And being over headcount also contributes  
18 greatly to the reduction in overtime.

19 COUNCIL MEMBER JAMES: The 12--I  
20 will not vote for a budget in the blind. And so  
21 unless and until we can identify the 12 other Fire  
22 Houses, I am not prepared to vote on this budget.  
23 Do you anticipate that we will--you can identify  
24 the 12 other Fire Houses before next budget, next  
25 Fiscal--

2 COMMISSIONER SCOPPETTA:

3 [Interposing] Before the budget is voted on, if it  
4 becomes necessary, we will identify those  
5 companies.

6 COUNCIL MEMBER JAMES: And if in  
7 fact it does not become necessary--

8 COMMISSIONER SCOPPETTA:

9 [Interposing] I would be delighted.

10 COUNCIL MEMBER JAMES: Okay. And  
11 it be--and the reason why it would not become  
12 necessary is because you would have changed,  
13 because we would have saved the 12 other Fire  
14 Houses?

15 COMMISSIONER SCOPPETTA: Because  
16 you're negotiations would have been--

17 COUNCIL MEMBER JAMES:

18 [Interposing] Successful.

19 COMMISSIONER SCOPPETTA: --I  
20 suppose, the Chair is suggesting the work  
21 successful. And I would accept that as a happy  
22 characterization.

23 COUNCIL MEMBER JAMES: Your  
24 testimony can best be described as tenuous,  
25 tentative, halting, un--noncommittal. And is it



2 because there's so many, there's a lot of money on  
3 the table that has to be negotiated? The Medicaid  
4 money, the State funds, the stimulus funds, is  
5 that why dare I sense this, this tentative nature  
6 of your testimony?

7 COMMISSIONER SCOPPETTA: Well I  
8 know that negotiations, discussions are still  
9 going on between our Office of Labor Relations and  
10 the union, the UFA. You will now enter into  
11 intense negotiations with the City and OMB about a  
12 gigantic budget, what is it citywide... it's over  
13 \$50 billion.

14 If we still have closings on the  
15 table at the end of your negotiations we certainly  
16 are going to identify every company that is under  
17 consideration for those closings.

18 COUNCIL MEMBER JAMES: And with  
19 attrition rates down, would you put off the  
20 closure of these 12 other Fire Houses and/or would  
21 you, is it possible if attrition rates continue to  
22 remain flat, would that result in layoffs at some  
23 point in time?

24 COMMISSIONER SCOPPETTA: No we have  
25 no plans for layoffs--

1           FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES\$30

2                   COUNCIL MEMBER JAMES:

3       [Interposing] Okay.

4                   COMMISSIONER SCOPPETTA:   --and

5       right now the schedule is no earlier than January,

6       there would be consideration given to closing

7       those 12 Fire Houses, depending on attrition.  And

8       no earlier than next May according to our

9       predictions, would we consider closing 5 more.

10      But we are awaiting the outcome of your

11      negotiations for the entire--

12                  COUNCIL MEMBER JAMES:

13      [Interposing] It seems--

14                  COMMISSIONER SCOPPETTA:   --\$50

15      billion budget.

16                  COUNCIL MEMBER JAMES:   It seems

17      Commissioner that you're relying upon us.

18                  COMMISSIONER SCOPPETTA:   Well no,

19      I'm relying on the City and you and the

20      discussions that come out of it.  It's sort of out

21      of my hands once I meet the PEG and I'm supporting

22      the budget that we have and that we have proposed.

23      And I know that you're not happy with it.  We're

24      not happy with closing Fire Houses.  It's the best

25      we can do--

2 COUNCIL MEMBER JAMES:

3 [Interposing] No I understand--

4 COMMISSIONER SCOPPETTA: --given  
5 the target that we have.

6 COUNCIL MEMBER JAMES: No I  
7 understand Commissioner but it appears that, you  
8 know, this Administration and not you and your  
9 Department puts out this worst case scenario  
10 knowing that this body will come in and restore  
11 it. And, you know, we have a number of other  
12 fights and fronts that we are dealing with.

13 You know, we're trying to avert the  
14 closing of day care centers, the transfer of  
15 children to Department of Education, the closing  
16 of after school programs. You know, and  
17 hopefully, you know, the funds that we have in the  
18 City Council could be used to restore that. And  
19 this Department, I believe, should be a priority  
20 for this Administration and it doesn't appear to  
21 be.

22 You said that hope springs eternal  
23 but unfortunately pessimism usually falls, you  
24 know, usually comes down in the fall. And  
25 unfortunately this Administration continues to

give us these, this situation where the City Council has to put forth our meager funds to save their City agencies. And it's just not fair.

I want to talk to you a little bit about the fact that you are not, you've cancelled 2 fire fighter classes. You've worked with the Black, Puerto Rican and Asian Caucus of the City Council to increase diversity which is a priority to me, to my constituents and to the constituents all throughout this City of New York. And unfortunately we find ourselves in a situation where we will not be improving the diversity of FDNY because of these austere times.

What can we do, what can we do to increase diversity, is it on hold right now?

COMMISSIONER SCOPPETTA: Well there's still 3 more years for this list. It's a terrific list. It has in the 1<sup>st</sup>, as you know, the 1<sup>st</sup> 4,000 the people who are likely to be reached, is 34% minority in each cohort of 1,000. The last class we graduated was 34% plus minority and when you compare that with prior to this Administrating I think it was 3% on an annual basis were hired that were minorities.

2 So we hope we can start hiring  
3 classes again off that list and as soon as we are  
4 permitted to do that and the budget allows it, we  
5 will. And then also, down the road, if a list is  
6 going to expire and we have not hired due to  
7 fiscal constraints, we are permitted to ask DCAS  
8 to extend the list. And that's what I would  
9 certainly do because this is a very valuable list-  
10 -

11 COUNCIL MEMBER JAMES:

12 [Interposing] Yes.

13 COMMISSIONER SCOPPETTA: --given  
14 the makeup of it.

15 COUNCIL MEMBER JAMES: I will join  
16 you with that because a delay right now is a  
17 denial. And there's--as I indicated to you in the  
18 past and I'll continue to say it in the future,  
19 whenever there's fire fighters of color that come  
20 into my District, they are treated like heroes and  
21 sheroes. These little children flock to them like  
22 never before. They are icons in the neighborhood  
23 and I would hope that we would improve diversity  
24 in FDNY--

25 COMMISSIONER SCOPPETTA:

2 [Interposing] We couldn't agree with you more.

3 COUNCIL MEMBER JAMES: Thank you.

4 And my last two questions, again, I worked with  
5 you, this Committee worked with you to restore  
6 Fire Marshals some time ago. And it appears that  
7 the January plan proposes to eliminate 32 Fire  
8 Marshal positions. And so my question is where  
9 are we with investigations? Has there been a  
10 backlog within investigations or are we...

11 [Off mic]

12 COUNCIL MEMBER JAMES: And to what  
13 extent--

14 COMMISSIONER SCOPPETTA:

15 [Interposing] There is a law enforcement aspect,  
16 as I mentioned earlier, to the--it's Department of  
17 Justice actually or JAG, the Judge Advocate  
18 General is the source of the funding. We may get  
19 18 positions funded is where the negotiations are.  
20 And of course we would use that for, to retain 18  
21 additional Fire Marshals.

22 COUNCIL MEMBER JAMES: And the last  
23 question is the elimination of 30 BLS ambulance  
24 tours. Do you know what tours are going to be  
25 cut? And what can be done, if anything, to

2 mitigate that cut?

3 COMMISSIONER SCOPPETTA: Yeah.

4 That looks like it's going ahead. And I think by  
5 the beginning of next week we will be able to  
6 identify where those tours are coming from.

7 COUNCIL MEMBER JAMES: And how do  
8 we plan to compensate for this reduction?

9 COMMISSIONER SCOPPETTA: Well by--  
10 we're going to try and allocate those cuts across  
11 the City. And we are also going to triage so that  
12 the segment 1 to 3, the most important calls, get  
13 the highest priority. And it will mean that the  
14 less important, the non-life threatening calls  
15 will be longer than they are now, if things work  
16 as they should.

17 And we also are in discussions with  
18 some of the hospitals, some of the voluntaries,  
19 about picking up some more of these tours. They  
20 already have picked up some portion of the tours  
21 that became, well, were not being manned because  
22 of the closing of 3 hospitals. We've picked up  
23 some. They have picked up some. And we have--  
24 I've written to the Greater New York Hospitals,  
25 for them to canvass their membership if they can

2 take more tours. We would welcome that as well.

3 I think just as with the Council,  
4 as with the Greater New York Health, I think we  
5 can work out these problems as long as we keep  
6 talking to each other. I'm not part of your  
7 negotiations from this point on but I'm optimistic  
8 that we will be able, by working together, we'll  
9 be able to resolve some of these issues 'cause  
10 they're as important to us as they are to the  
11 communities we serve.

12 COUNCIL MEMBER JAMES: And  
13 Commissioner, could you provide the Chair, who  
14 will distribute it to the City Council, the tours  
15 that will--

16 COMMISSIONER SCOPPETTA:  
17 [Interposing] Sure.

18 COUNCIL MEMBER JAMES: --be  
19 eliminated?

20 COMMISSIONER SCOPPETTA: Yes we  
21 will.

22 COUNCIL MEMBER JAMES: And on your  
23 capital budget, my--an issue which is near and  
24 dear to my hearts, my heart, when are we going to--  
25 --how are we doing with facilities for women in



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2 FDNY?

3 COMMISSIONER SCOPPETTA: Well, 74%  
4 of all of the Fire Houses which number 221, 74% of  
5 our 221 Fire Houses have facilities for women.  
6 And we have 31 women in the Fire Department. So,  
7 so far so good. We'd like to get to the point  
8 where every Fire House has them.

9 COUNCIL MEMBER JAMES: 31 women are  
10 good, but we can do obviously much better.

11 COMMISSIONER SCOPPETTA: Oh yes.

12 COUNCIL MEMBER JAMES: So  
13 hopefully--

14 COMMISSIONER SCOPPETTA:  
15 [Interposing] The new list has many more--

16 COUNCIL MEMBER JAMES:  
17 [Interposing] I know that.

18 COMMISSIONER SCOPPETTA: --women  
19 eligible for appointment--

20 COUNCIL MEMBER JAMES:  
21 [Interposing] When I speak of diversity, I speak  
22 of gender and I speak of race. And hopefully,  
23 again, we could open up that list and we could  
24 further--

25 CO-CHAIRPERSON VACCA:

1 FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES\$38  
2 [Interposing] Okay.  
3 COUNCIL MEMBER JAMES: --diversify  
4 FDNY.  
5 CO-CHAIRPERSON VACCA: Thank you.  
6 Commissioner, one point of clarification. In your  
7 testimony you allude to the closing of Westchester  
8 Square Hospital. That's in my District. And I do  
9 want to state that Westchester Square Hospital is  
10 not closing. They have a letter--  
11 COMMISSIONER SCOPPETTA:  
12 [Interposing] I don't know that I...  
13 CO-CHAIRPERSON VACCA: I don't know  
14 what--  
15 COMMISSIONER SCOPPETTA:  
16 [Interposing] Let me ask.  
17 CO-CHAIRPERSON VACCA: --page it's  
18 on but you had mentioned the EMS run issue. And  
19 you mentioned hospitals. And you mentioned  
20 Westchester Square.  
21 [Off mic discussion with staff]  
22 CO-CHAIRPERSON VACCA: I don't know  
23 what page that's on. Page 5? Yes. Yes, page 5  
24 top, Commissioner. They have a letter from the  
25 State Department of Health keeping them open until

2 December 31<sup>st</sup> and they are in negotiations for a  
3 takeover by another hospital that should go after  
4 December 31<sup>st</sup>--

5 COMMISSIONER SCOPPETTA:

6 [Interposing] Yeah I haven't said that they're  
7 closed, I don't think, but--

8 CO-CHAIRPERSON VACCA:

9 [Interposing] Anticipated closing--

10 COMMISSIONER SCOPPETTA: --I know  
11 they were originally closed--supposed to be closed  
12 June 30<sup>th</sup>--

13 CO-CHAIRPERSON VACCA:

14 [Interposing] Yes.

15 COMMISSIONER SCOPPETTA: --it's  
16 been extended to December 31<sup>st</sup>. This was the  
17 Burger Commission Report and Recommendations.

18 CO-CHAIRPERSON VACCA: Well they've  
19 allowed them to negotiation--

20 COMMISSIONER SCOPPETTA:

21 [Interposing] Yeah.

22 CO-CHAIRPERSON VACCA: --with other  
23 hospitals and we're hoping to keep the hospital  
24 open and it looks like it will be kept open. So  
25 we certainly want to have patients continue to go

2 there, you know, it is a hospital that will be  
3 operated. So I want to make note of that for your  
4 records.

5 COMMISSIONER SCOPPETTA: Okay.

6 CO-CHAIRPERSON VACCA: Okay? Thank  
7 you Commissioner. Council Member Jackson.

8 COUNCIL MEMBER JACKSON: Well thank  
9 you Mr. Chair. It's been a long morning and  
10 afternoon. And just let me just say that  
11 Commissioner and your executive staff, from  
12 everything that I'm hearing from you, if it was up  
13 to you, you would not lay off one employee. You  
14 would not close any station. You would not reduce  
15 any of the staffing on any of the vehicles.  
16 That's what I'm hearing loud and clear. You've  
17 reiterated that many times over.

18 And basically what I'm hearing is  
19 that this is all budget-driven and not  
20 programmatic driven, is that correct?

21 COMMISSIONER SCOPPETTA: Well it's  
22 imposed on us by fiscal needs.

23 COUNCIL MEMBER JACKSON: Right.

24 COMMISSIONER SCOPPETTA: It's a  
25 budgetary issue.

2 COUNCIL MEMBER JACKSON: It's a  
3 budgetary, that's what I'm saying--

4 COMMISSIONER SCOPPETTA:  
5 [Interposing] Yes it is.

6 COUNCIL MEMBER JACKSON: --it's  
7 budget driven. If it was up to you, there would  
8 be no reductions whatsoever.

9 COMMISSIONER SCOPPETTA: No I  
10 wouldn't--I would not--I don't want to close any  
11 Fire Houses--

12 COUNCIL MEMBER JACKSON:  
13 [Interposing] Okay. And that's what I heard. But  
14 also what I've heard in the hearing process from  
15 my colleagues and your response, is that you're  
16 saying in the United Fire Fighters Association  
17 would negotiate and reduce the numbers, that you--  
18 this would address some or all of the budgetary  
19 situations.

20 COMMISSIONER SCOPPETTA: I think  
21 we've been advised that it would address all the  
22 closings.

23 COUNCIL MEMBER JACKSON: Okay. But  
24 then also you know that there has to be willing--  
25 two parties in a contract in order to renegotiate

2 a contract.

3 COMMISSIONER SCOPPETTA: Well I  
4 think the City would certainly agree. Well that'd  
5 be up to the UFA.

6 COUNCIL MEMBER JACKSON: Well I  
7 think that you would agree also. If you have a  
8 contract--

9 COMMISSIONER SCOPPETTA:  
10 [Interposing] Yes of course.

11 COUNCIL MEMBER JACKSON: --you just  
12 change in the middle of the contract.

13 COMMISSIONER SCOPPETTA: We would  
14 too.

15 COUNCIL MEMBER JACKSON: Yeah. So  
16 but what I'm more concerned about is what is the  
17 game plan? What is the action plan of FDNY  
18 considering the fact that if there--if your wish  
19 to have the UFA does not move forward what is the  
20 game plan as far as the--for the people of New  
21 York City? And the impact--

22 COMMISSIONER SCOPPETTA:  
23 [Interposing] It would have to be closings.

24 COUNCIL MEMBER JACKSON: Okay. And  
25 my colleagues indicated that unless we have

2 specifics, way beforehand, that they would not be  
3 voting on the budget unless they have details.  
4 Worst case scenario, when will you have those  
5 details to us?

6 COMMISSIONER SCOPPETTA: Before a  
7 final vote takes place on the budget so I think  
8 we're talking about the--sometime near the end of  
9 June. Last year it was June 28<sup>th</sup>. I think the  
10 year before it was about the same. Typically it  
11 ends up there although we tend to shoot for June  
12 10<sup>th</sup>, that doesn't happen. So it'll be some time  
13 during the month of June. And I would say the  
14 second half.

15 COUNCIL MEMBER JACKSON: Well I  
16 would say to you though that I hope that we don't  
17 have to come to that doomsday budget. But I think  
18 waiting until the end of the budgetary process for  
19 us, is not sufficient enough. It's not  
20 appropriate notice because basically you are  
21 saying to us, well, the last minute we'll give you  
22 the details of the worst case scenario.

23 And I'm just saying that's not  
24 acceptable. You, you as a Commissioner and your  
25 staff, as far as knowing that if in fact you feel

2 what has to be done is not done, meaning UFA does  
3 not renegotiate, you can come up with a game plan  
4 right now based on your statistics that you  
5 indicated. So I am suggesting that, I'm saying  
6 that waiting until the last minute is not an  
7 acceptable solution with the details as far as the  
8 doomsday budget. So, I mean, do you have any  
9 comments on what I've said about--

10 COMMISSIONER SCOPPETTA:

11 [Interposing] No I think we'd like to see what  
12 happens with the negotiations. If we could get to  
13 the point where it is necessary to really look at  
14 these closings that are not going to happen until  
15 the additional closings--

16 COUNCIL MEMBER JACKSON:

17 [Interposing] But wouldn't it be--

18 COMMISSIONER SCOPPETTA: --and are  
19 not happening until next year, that calendar year--  
20 -

21 COUNCIL MEMBER JACKSON:

22 [Interposing] But wouldn't it be a part of a  
23 strategy, depending on who you're looking at, you  
24 know, sometimes when you play poker or basketball  
25 or any type of competitive sports you look at



1           FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES\$45  
2           different strategies. You know what I mean?  
3                       And wouldn't a possible strategy be  
4           to basically say what the scenario would be and  
5           communities will be up in arms. They'd be calling  
6           and buttonholing every elected official and the  
7           Mayor in order to keep these Fire Houses open, in  
8           order to put the money back in the budget?  
9           Wouldn't that be part of a strategy I think?  
10                      COMMISSIONER SCOPPETTA: Well it's  
11           somebody's strategy--  
12                      COUNCIL MEMBER JACKSON:  
13           [Interposing] [Laughing]  
14                      COMMISSIONER SCOPPETTA: --but the..  
15                      COUNCIL MEMBER JACKSON: Do you  
16           know what I mean--?  
17                      COMMISSIONER SCOPPETTA:  
18           [Interposing] I, I fully understand what you're  
19           saying.  
20                      COUNCIL MEMBER JACKSON: --I mean  
21           because when people are up in arms, you've heard  
22           the saying that the squeaky wheel gets the grease.  
23           And I'm hoping that the wheels squeak and get  
24           greased. So that it will ride smoothly across the  
25           road. [Laughing]

2 COMMISSIONER SCOPPETTA: That's  
3 almost poetry.

4 COUNCIL MEMBER JACKSON: Well I  
5 just--

6 COMMISSIONER SCOPPETTA:  
7 [Interposing] We, well we will do, we will be  
8 certain to give you all of that detail in time for  
9 you to consider it before the final vote. Let's  
10 see where the negotiations go.

11 COUNCIL MEMBER JACKSON: Well  
12 Commissioner, let me just say that I hope that we  
13 don't have to get to that doomsday situation. I  
14 hope that money is found between all of the  
15 parties. But I ask you, as my colleague Miguel  
16 Martinez indicated, and which so many unions, DC37  
17 on other matters, statewide unions like PEF and  
18 CSCA on statewide matters, that there's so many  
19 contracts out there that if you look at all the  
20 contracting out that's being done, I think that we  
21 can save some money.

22 Now I understand that you said that  
23 a lot of your contract or some of your contract  
24 money is from grants. But I ask you to look at  
25 all of these things before you make a final

2 decision as far as closures. Thank you Mr. Chair.

3 CO-CHAIRPERSON VACCA: Thank you.

4 Councilman Gerson.

5 COUNCIL MEMBER GERSON: Thank you  
6 very much Mr. Chair. Thank you for your  
7 leadership on these critical issues. And thank  
8 you Chair Weprin. And good afternoon Commissioner  
9 Chiefs. I guess we're all here to help you help  
10 and protect us.

11 So let me start, I just want to  
12 follow up on one point you made to Council Member  
13 Crowley. You mentioned your recommendation of  
14 increasing a tax on insurers from outside of the  
15 State of New York. And you said you had some  
16 other revenue enhancement recommendations as well.  
17 As I think it behooves us in this time to exhaust  
18 every responsible means of revenue enhancement,  
19 could you just tell us what is the status of your  
20 proposal to--on the insurers' tax and what other  
21 recommendations have you made that would enhance  
22 revenue?

23 COMMISSIONER SCOPPETTA: Well it  
24 requires legislation, OMB and the City say they  
25 will proceed with that legislation.

1           FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES\$48

2                   COUNCIL MEMBER GERSON:   That's

3   state legislation for--

4                   COMMISSIONER SCOPPETTA:

5   [Interposing] It's state legislation--

6                   COUNCIL MEMBER GERSON:

7   [Interposing] Right.

8                   COMMISSIONER SCOPPETTA:  --in order

9   to increase the tax.  We've increased collection

10  rates on our ambulances.  When I first came here I

11  think it was about 20-something%, less than 30%.

12  It's over 55% now that we collect on transports

13  with ambulances.  Inspection fees will increase.

14  There are certain requirements that have been

15  added for inspections and they will generate, I

16  gave the--it's in my testimony, the exact amounts--

17  -

18                  COUNCIL MEMBER GERSON:

19  [Interposing] I guess in the interest of time--

20                  COMMISSIONER SCOPPETTA:  --that it

21  will generate.

22                  COUNCIL MEMBER GERSON:  --what more

23  can we do beyond what has already been

24  implemented?

25                  COMMISSIONER SCOPPETTA:  What?

2 [Off mic]

3 COMMISSIONER SCOPPETTA: Well we  
4 think we've maximized, for this year, we increase  
5 our collections every year, and it keeps going up.  
6 I said it went from less than 30% to over 50%--

7 COUNCIL MEMBER GERSON:

8 [Interposing] How do you do that? I mean that's a  
9 good record--

10 COMMISSIONER SCOPPETTA:

11 [Interposing] We hired a vendor, we hired a vendor  
12 whose only function is to collect on these  
13 transports and can devote a good deal of time for  
14 the commission they get paid, for the fee they get  
15 paid to collecting. And they have been able to  
16 increase collection and increase our collection on  
17 ambulance tours by many millions of dollars. I  
18 could get you the exact number. That's over the  
19 whole period of time. So we're predicting an  
20 additional \$3 million in revenue from that kind  
21 of--

22 COUNCIL MEMBER GERSON:

23 [Interposing] And that's based on what kind of  
24 percentage of success in collection?

25 COMMISSIONER SCOPPETTA: No, well

1           FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES\$50  
2       now it's about 60%-  
3  
4                   COUNCIL MEMBER GERSON:  
5       [Interposing] 60% will gene--  
6                   COMMISSIONER SCOPPETTA:  --in the  
7       last 7 years we've increased over 60% is where we  
8       are now.  And as I say, we started out at about  
9       27% or--  
10                  COUNCIL MEMBER GERSON:  
11       [Interposing] No that's a commendable record.  So  
12       how do we build on success and maybe FY '10  
13       instead of 60%, we get it up to 65% or 68% and  
14       then we could avoid canceling the 30 ambulance  
15       tour cutbacks.  
16                  COMMISSIONER SCOPPETTA:  Well if we  
17       can get up there then maybe we could restore some.  
18                  COUNCIL MEMBER GERSON:  Any ideas  
19       of what more we can do to get up there?  
20                  COMMISSIONER SCOPPETTA:  We've  
21       tried to maximize, we have maximized our revenue  
22       producing activities.  And I think that's where we  
23       are right now, what I--  
24                  COUNCIL MEMBER GERSON:  
25       [Interposing] You mentioned that some of the 30

2 tours may be picked up by the voluntary hospitals.  
3 Now don't--doesn't the City of New York pay the  
4 voluntary hospitals for those tours if they  
5 operate within the 911 system? I think the answer  
6 to that is no.

7 COMMISSIONER SCOPPETTA: No that's  
8 right.

9 COUNCIL MEMBER GERSON: So that  
10 means the hospitals must assume those tours  
11 because they believe they can either break even or  
12 make money or do so without significant cost on  
13 the basis of their ability to recover through  
14 insurance.

15 COMMISSIONER SCOPPETTA: Well they  
16 may hope that that's what will happen, it will  
17 increase their revenues. But--

18 COUNCIL MEMBER GERSON:  
19 [Interposing] But so--

20 COMMISSIONER SCOPPETTA: --we're  
21 interested in the patient service and if we're  
22 reducing tours, we want to fill those tours as  
23 much as we can. They will have to fund their  
24 tours. And we will be maintaining service--

25 COUNCIL MEMBER GERSON:

2 [Interposing] What.

3 COMMISSIONER SCOPPETTA: --to  
4 people that need it. The--

5 COUNCIL MEMBER GERSON:  
6 [Interposing] What I'm getting at is why do the  
7 voluntary hospitals think they could run those  
8 tours within a budget in a way that the City of  
9 New York thinks it cannot?

10 COMMISSIONER SCOPPETTA: No, I  
11 think it's more from the hospital's point of view  
12 that they get more--they increase admissions and  
13 then they are generating revenue from the hospital  
14 stay. It's not--they may lose the transport fee.  
15 They may not be able to collect the transport fee  
16 but once the patient is admitted, they are  
17 charging for that.

18 And of course that's beyond our  
19 ability to do. We are dependent upon collecting  
20 on the transport. We don't get anything from the  
21 hospital service, the hospital admission.

22 COUNCIL MEMBER GERSON: So these  
23 are hospital tours that are picking up within  
24 their catchments areas but--

25 COMMISSIONER SCOPPETTA:



2 [Interposing] Hoping they will increase--

3 COUNCIL MEMBER GERSON:

4 [Interposing] Yeah, yeah, but I mean isn't it the  
5 case that, you know, ambulance tours bring  
6 patients to the closest hospital unless a patient  
7 directs otherwise--

8 COMMISSIONER SCOPPETTA:

9 [Interposing] Which is--

10 COUNCIL MEMBER GERSON: --which I  
11 know is the exception to the rule so these  
12 hospitals are already getting the patients from a  
13 non-hospital ambulance within their area and so  
14 therefore they're--they already have that benefit.  
15 So they obviously think they can operate these  
16 ambulances with, you know, on a cost effective  
17 basis.

18 COMMISSIONER SCOPPETTA: Well it is  
19 about hospital admissions. You have to get--

20 COUNCIL MEMBER GERSON:

21 [Interposing] But you're getting them anyway  
22 because your people within the catchments areas  
23 are taking them there anyway--

24 COMMISSIONER SCOPPETTA:

25 [Interposing] We're also in that catchments area

1 FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES\$54  
2 too--  
3 COUNCIL MEMBER GERSON:  
4 [Interposing] Right. And--  
5 COMMISSIONER SCOPPETTA: --and so--  
6 COUNCIL MEMBER GERSON:  
7 [Interposing] All right.  
8 COMMISSIONER SCOPPETTA: --they may  
9 or may not get them. They have to go--you have to  
10 take patients to the hospital that is within 10  
11 minutes, max, of travel time. So that they are  
12 obviously, two things. They are offering their  
13 help and their services because they know we're  
14 losing tours and that's a very good thing and--  
15 COUNCIL MEMBER GERSON:  
16 [Interposing] That is a very good thing.  
17 COMMISSIONER SCOPPETTA: --and the  
18 Greater New York Hospital Association is trying to  
19 be cooperative there and help, given the times we  
20 have. And I supposed, I'm speculating that they  
21 are--think that maybe they're going to increase  
22 hospital admissions too. I don't know.  
23 COUNCIL MEMBER GERSON:  
24 [Interposing] Well.  
25 COMMISSIONER SCOPPETTA: You don't

1 FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES\$55

2 admit somebody to the hospital unless they really

3 need to be admitted.

4 COUNCIL MEMBER GERSON: Of course.

5 COMMISSIONER SCOPPETTA: You can't

6 do it just because you want the revenue. But--

7 COUNCIL MEMBER GERSON:

8 [Interposing] Well--

9 COMMISSIONER SCOPPETTA: --I'm

10 happy that they're offering to pick up the tours--

11 COUNCIL MEMBER GERSON:

12 [Interposing] I--

13 COMMISSIONER SCOPPETTA: --whatever

14 their motivation is.

15 COUNCIL MEMBER GERSON: I'm happy

16 too. I'm unhappy that we're thinking of canceling

17 30 tours. And you testified, very disturbingly,

18 that you don't even see any prospects, as you do

19 for the Fire House closures. So I would urge that

20 as these negotiations go forward, you know, how

21 much money does the 30 tour cancellation save?

22 It's the range of around \$5 million?

23 COMMISSIONER SCOPPETTA: \$3.3

24 million.

25 COUNCIL MEMBER GERSON: \$3.3

million, so for \$3.3 million, I would urge that that be on the table over the next few weeks to see between arrangements with the voluntary hospitals, other measures we can take to extend your very praise-worthy record of collections by a few more percentages because I'm betting we could do that.

I'm betting the hospitals think they can do that. And that's why they're picking it up, so I'm betting we can do that. Let's try and come up with the \$3.8 million. You in your testimony said that that would be--if the cuts go forward, it would be a 20 second increase approximately in the most serious of cases.

Now that 20, now we're talking again, just to clarify the record, the time we're talking about is time of dispatch to time of arrival at the address, is that not correct?

COMMISSIONER SCOPPETTA: Yes that's correct.

COUNCIL MEMBER GERSON: Okay. So in a situation, cardiac arrest, where we're adding on 20 seconds or other similar exigencies, we still have the additional time of navigating up to

and into the apartment where the victim may be where ever second counts. I just want to point out that 20 seconds is actually over 15% of the decrease in response time that to your and your Department's credit, you achieved over the past several years when we went from 8-point-something to 6-point-something minutes.

Now we're going--and as a direct result we improved radically survival rates. Now we're going in the opposite direction by 15%, I just wanted you to--you know, which is a significant percentage in any situation but especially where seconds count.

So correct me if I'm saying anything wrong but I, for that reason again, reiterate let's figure out a way to come up with the \$3.8 million.

CHAIRPERSON WEPRIN: Okay thank you--

COUNCIL MEMBER GERSON:  
[Interposing] All right. I just want to switch--

CHAIRPERSON WEPRIN: [Interposing]  
Thank you Council Member we have--we're way behind--

2 COUNCIL MEMBER GERSON:

3 [Interposing] Yeah I have one more, on another  
4 topic, very briefly.

5 CHAIRPERSON WEPRIN: If you could  
6 do it briefly, could we have the Criminal Justice-  
7 -

8 COUNCIL MEMBER GERSON:

9 [Interposing] Don't you know--Mr. Chair, you're  
10 forgetting about the rule that the last questioner  
11 gets a bonus of time.

12 CHAIRPERSON WEPRIN: I think you  
13 already got it.

14 COUNCIL MEMBER GERSON: I just need  
15 to ask the Engine Companies, what we've talked  
16 extensively about, going from the 5 to the 4  
17 person staff. Where you have the 5<sup>th</sup> person, what  
18 does that 5<sup>th</sup> person do?

19 COMMISSIONER SCOPPETTA: Helps  
20 stretch the line primarily--

21 COUNCIL MEMBER GERSON:

22 [Interposing] Okay.

23 COMMISSIONER SCOPPETTA: --but keep  
24 in mind that when we respond to a fire there are  
25 always 2 engines and 2 trucks and you have more

2 than 5, you will have anywhere from 10 to 8 fire  
3 fighters stretching that first line, the crucial  
4 first line.

5 COUNCIL MEMBER GERSON: Where you  
6 have that additional person stretching that line,  
7 does that not, in truth, decrease the time or  
8 increase the time efficiency it takes to stretch  
9 the line to reach the fire? Isn't that--

10 COMMISSIONER SCOPPETTA:  
11 [Interposing] There's no dispute between us that 6  
12 is better than 5 and 7's better than 6--

13 COUNCIL MEMBER GERSON:  
14 [Interposing] Okay.

15 COMMISSIONER SCOPPETTA: --insofar  
16 as--of course--

17 COUNCIL MEMBER GERSON:  
18 [Interposing] But in certain--

19 COMMISSIONER SCOPPETTA: --but we  
20 always have more than 4 or 5 when we respond to a  
21 fire.

22 COUNCIL MEMBER GERSON: But in  
23 certain situations, where you--in certain high  
24 rise or other exceptional situations, does that 5<sup>th</sup>  
25 man not serve a vital purpose? In the interest of

2 time I'll conclude by combining that question with  
3 this. And that is--

4 CO-CHAIRPERSON VACCA:

5 [Interposing] This is it, right?

6 COUNCIL MEMBER GERSON: This is it.

7 CO-CHAIRPERSON VACCA: This is  
8 really it.

9 COUNCIL MEMBER GERSON: This is  
10 really it. And I suggest in future hearings we  
11 start off by eliminating the time of round robin  
12 questions so we don't have to rush through as  
13 we're doing now, as we've done in other hearings.  
14 But that being said, my... if in fact that one  
15 person does decrease the time to stretch the hose,  
16 aren't there high rise or other specialized  
17 situations where that decrease is significant.

18 And we're talking about 60 such  
19 companies which correspond to the number of  
20 Battalions. So having that capability 1 in each  
21 Battalion, doesn't--isn't that helpful so if  
22 within the Battalion catchments area you are able  
23 to respond in that way to the exceptional  
24 situation, as has happened in my District?

25 COMMISSIONER SCOPPETTA: Well what



2 it boils down to is, do you prefer having 60  
3 engines with 5 fire fighters or keeping open 16  
4 companies. I think the logic and reason argues  
5 for keeping open the 16 companies instead of  
6 having the benefit of an extra fire fighter--

7 COUNCIL MEMBER GERSON:

8 [Interposing] I think the logic--I take that  
9 response as a yes to my question and therefore I  
10 would draw the logic and reason to mean that of a  
11 \$60 billion overall City budget, we should find  
12 the \$18 or so million to do both. Thank you very  
13 much Mr. Chair.

14 CO-CHAIRPERSON VACCA: Thank you  
15 Council Member. And Commissioner I thank you and  
16 your staff for coming today. And I think you saw  
17 a unanimity of purpose among the Council today.  
18 So we will--

19 COMMISSIONER SCOPPETTA:

20 [Interposing] I think so.

21 CHAIRPERSON WEPRIN: Yes--

22 CO-CHAIRPERSON VACCA:

23 [Interposing] We will be seeing you.

24 CHAIRPERSON WEPRIN: Yeah and I  
25 want to reiterate as well, obviously you can see

there's very strong sentiment in both Committees, both the Finance and Criminal Justice Committee-- and Fire and Criminal Justice Committee about these closing of the 16 Engine Companies as well as the reduction of the 30 EMS tours.

And we're going to try to do everything in our power to see that we can find the money, except, you know, we don't want to basically work out a, you know a tradeoff that you're, you know, trying to negotiate. We're just trying to do what we think is the right thing as far as restoring the budget. And, you know, hopefully we'll be able to find money.

You know, again, I've made this argument with almost every agency. I know you're under direction from the Administration and from the Office of Management and Budget to meet a PEG. But, you know, my position has been consistent and I've made this many, many times, that not all agencies are equal.

And not all cuts are equal. And not every agency can sustain every cut to meet a PEG. So, you know, I think we have to look at the overall budget as an overall budget. And I

2 understand your constraints dealing with the  
3 Office of Management and Budget. But I think  
4 we're going to, you know, continue that discussion  
5 over the next couple of months. But we are happy  
6 to hear that there seems to be at least not a  
7 policy decision made about these Engine Companies  
8 as opposed to just trying to find the revenue.

9 COMMISSIONER SCOPPETTA: And just  
10 say, we have been treated differently. We only  
11 had a .5% cut this last round and other agencies  
12 had 4%--

13 CHAIRPERSON WEPRIN: [Interposing]  
14 Actually it took a long time until the  
15 Administration came around to my position on that  
16 [chuckling].

17 CO-CHAIRPERSON VACCA: Thank you  
18 Commissioner--

19 COMMISSIONER SCOPPETTA:  
20 [Interposing] Well--

21 CO-CHAIRPERSON VACCA: --I thank  
22 you. I thank the Fire Department.

23 COMMISSIONER SCOPPETTA: We were  
24 happy that that--

25 CO-CHAIRPERSON VACCA:

2 [Interposing] Thank you.

3 COMMISSIONER SCOPPETTA: --was our  
4 target. Thank you--

5 CHAIRPERSON WEPRIN: [Interposing]  
6 Okay. We're going to change the order of  
7 testimony because we are running so late. And we  
8 hope our, you know, colleagues will try to keep  
9 that in mind.

10 The Correction Commissioner had  
11 another appointment but will be coming back. So  
12 we are now going to be hearing from the Criminal  
13 Justice Coordinator, John Feinblatt, who actually  
14 is late for his scheduled testimony as well. Not  
15 his fault, but our fault. But we will be hearing  
16 from the Correction Commissioner after the  
17 Criminal Justice Coordinator.

18 [Background noise]

19 [Pause]

20 CO-CHAIRPERSON VACCA: Could we  
21 have order please? I'd like to convene this  
22 Committee meeting in conjunction with the Finance  
23 Committee. I'm James Vacca, Chair of the Fire and  
24 Criminal Justice Committee. To my right is David  
25 Weprin, Chair of the Finance Committee. I'm here

2 with--oh we're the only two here.

3 Okay we'd like to welcome John  
4 Feinblatt, Criminal Justice Coordinator. Mr.  
5 Feinblatt, please proceed. Sorry Councilman  
6 Gerson, I'm sorry, I did not see you 'cause the  
7 guard was there.

8 MR. JOHN FEINBLATT: Thank you very  
9 much. I'm delighted to be able to testify today.  
10 My name is John Feinblatt and I'm the Mayor's  
11 Criminal Justice Coordinator. I'm joined today by  
12 Sherry Hyman the Deputy Criminal Justice  
13 Coordinator and Magdalia Valose, our agency's  
14 Chief Contracting Officer.

15 On March 20<sup>th</sup>, Sherry Hyman spoke at  
16 the Preliminary Budget hearing and gave detailed  
17 testimony on the state of the defense bar in New  
18 York City, our current expenditures on indigent  
19 defense and our accomplishments over the past  
20 year. And I understand today's hearing is to  
21 update the Council. And I'm happy to do that.

22 I'm most happy to say that within  
23 this very trying fiscal climate, indigent defense  
24 expenditures remain the same as they have been.  
25 The current amount budgeted for indigent defense

2 for Fiscal Year 2010 is \$188 million which  
3 actually I think it's worth looking at in context  
4 because it's a 49% increase over the 2002 budget.

5 Additionally as the Council is  
6 aware, we're in the process of drafting but have  
7 not yet issued an RFP for the trial level  
8 providers in order to continue to meet the City's  
9 indigent defense needs during the pendency of the  
10 RFP. We've offered to extend to all the trial  
11 level providers contracts that are Mayoral funded  
12 as a result of the 2001 RFP. And we will do that  
13 for 1 year. Period.

14 As the City continues to increase  
15 indigent defense spending we also are finding ways  
16 to increase efficiency, accountability and  
17 quality. Obviously what we are trying to do is do  
18 more with every dollar that we invest.

19 And as I noted in March, the City  
20 committed approximately \$4 million in capital  
21 funds for the second phase of an information  
22 technology overhaul at Legal Aid. This funding is  
23 paying for a state of the art case management  
24 system which will allow Legal Aid to better manage  
25 employee productivity and streamline operations.

2 Now I think these types of  
3 investments are extraordinarily important. Any  
4 large organization will benefit tremendously, both  
5 in efficiency and quality, from being able to have  
6 an updated case management system. And let me  
7 give you just a simple example.

8 Right now often conflicts aren't  
9 identified at arraignment. That means that Legal  
10 Aid picks up a case, does work on a case, that at  
11 a subsequent appearance finds out that it actually  
12 has a conflict because a lawyer within Legal Aid  
13 may represent a relative or may represent a  
14 codefendant who wasn't arraigned at the same time  
15 or many different iterations.

16 What we need is, or what any  
17 provider needs is a case management system that  
18 will flag those types of conflicts from the  
19 outset. And that's just one example of why I  
20 think that if we make these kinds of capital  
21 investments, we'll reap not just benefits in terms  
22 of efficiency but also in terms of quality.

23 The \$4 million investment, as I  
24 think I've said before, is in addition to the \$3  
25 million committed in Fiscal Year '07 for Legal

Aid's technology upgrade. And that one included costs of computer software and network upgrades. We just know that these kinds of investments, as I've pointed out, make all the sense in the world. I think under any fiscal circumstances they make sense and particularly under the ones that we are currently in they make sense.

In May 2007 we took other steps to strengthen the representation of the indigent by hiring an institutional provider to represent parents and guardians in Article 10 proceeds in Manhattan, Brooklyn and the Bronx. This innovative program uses a multidisciplinary approach to provide both legal and social services to parents facing possible termination of parental rights.

We think having an institutional provider in Family Court ensures better training, better supervision and allows the City to identify and analyze trends and court practices and creates a stronger voice for advocacy. Reaction to the program I'm pleased to say, a year after we've instituted it has been overwhelming and I certainly want to give credit to the Council who



was clearly for years one of the voices in calling for the creation of an institutional provider in Family Court. So I thank you for that support.

In 2008 we also issued an RFP for appellate providers. We think that RFP resulted in a standardized cost per case across providers. And to that end we actually increased Mayoral funding by \$1.6 million for appellate representation and awarded 4 2-year contracts with options for renewal. These 4 providers include the 3 who already were Mayoral funded, that is Appellate Advocate, Center for Appellate Litigation and The Legal Aid Society Criminal Appeals Bureau. We also, as a result of that RFP added The Appellate Defender which prior to the issuance of this latest RFP had been solely funded by the Council.

In closing I want to reiterate that this Administration has made a commitment to providing sufficient funds for those without the means to retain their own counsel and to receive the highest level of representation. Even in these difficult times where every agency, and I'm sure you've been hearing this in each of your,

each of the testimonies that you've had on the budget, every agency is being asked to make cuts across the board. I'm happy to report that we have not imposed such cuts for the indigent defense spending and we've kept them at last year's level.

As we go forward we will continue to ensure that New York City has a strong indigent defense system. We look forward to working with you to make sure that that goal is met. And as I say, I think that the context is extraordinarily important. If you look at the funding for indigent defense, in 2002 and compare it to the proposal for 2010 it's a 49% increase. And I think sometimes numbers speak louder than words. Thank you.

CO-CHAIRPERSON VACCA: Thank you. And I'd like to introduce Council Member Rose Mendez from Manhattan who has joined us and Council Member Tish James who's back. And I'll give her the first question. Council Member James.

COUNCIL MEMBER JAMES: Thank you Mr. Chair. There was an article recently in the

1 Law Journal with respect to the funding of  
2 prosecutors and the funding of Legal Aid and the  
3 fact that there's been an increased funding for  
4 the District Attorneys across the City of New  
5 York, well two District Attorneys, and there's  
6 been a cut to the contract for The Legal Aid  
7 Society.

8  
9 Can you sort of explain why there  
10 was--why there's not this parity and why there's  
11 no equity in terms of funding of--

12 MR. FEINBLATT: [Interposing] Well  
13 it's a good question. I'm glad you brought it up--  
14 -

15 COUNCIL MEMBER JAMES:  
16 [Interposing] Yes.

17 MR. FEINBLATT: --because I don't  
18 think the legal--I don't think the Law Journal,  
19 which I respect as a publication, actually  
20 adequately described it. And if you sort of got  
21 to the bowels of the article, it became clear.

22 The DAs really, we treat it in the  
23 same way that we treated The Legal Aid Society.  
24 Essentially both were flat. There are some  
25 technical changes which sometimes happens to The

2 Legal Aid Society which also happened to the DAs  
3 which is you might have a rent obligation that was  
4 coming due and had to be increased or there was  
5 some sort of obligation based on health benefits  
6 or something like that.

7 But in terms, other than those  
8 technical increases, both were kept flat. But I  
9 thank you for raising the issue--

10 COUNCIL MEMBER JAMES:

11 [Interposing] Well the two--so the two increases I  
12 believe, I guess the DA in Manhattan and Queens, I  
13 know it wasn't Brooklyn, they reflect increases in  
14 rent, is that what you're--?

15 MR. FEINBLATT: [Interposing] I  
16 think that I'd have to look at--I didn't come with  
17 that but they are technical--

18 COUNCIL MEMBER JAMES:

19 [Interposing] It's administrative.

20 MR. FEINBLATT: --they are  
21 technical, what we would call technical or  
22 administrative obligations. They were not  
23 increases that would allow anyone to hire more  
24 money, hire more attorneys are the such. And  
25 that's why you saw the differences among the

2 offices because we wouldn't have awarded increases  
3 of that nature of a non-technical nature to one  
4 DAs office as for another--

5 COUNCIL MEMBER JAMES:

6 [Interposing] I see.

7 MR. FEINBLATT: --and that's why  
8 you saw that there was differences, and those  
9 explain those differences.

10 COUNCIL MEMBER JAMES: Okay. Legal  
11 Aid's Preliminary Budget for Fiscal Year 2010 is  
12 approximately \$72 million, a significant reduction  
13 from 2009. And the biggest factor is the failure  
14 to include the City Council's contribution, of  
15 course. But for the last several years, I believe  
16 it's \$2.5 million, the Administration during  
17 budget negotiations has restored that, it has been  
18 restored by the Executive Budget. Do you  
19 anticipate the Administration restoring \$2.5  
20 million as we go forward in budget negotiations to  
21 Legal Aid? Or do you--

22 MR. FEINBLATT: [Interposing] I  
23 think it--I'm not--it's a two--the \$2.5 million,  
24 there's some lease negotiation monies which makes  
25 it appear as if you--it's a difference, but in

2 fact, I believe that the lease negotiation which  
3 is about \$2 million is tucked somewhere else in  
4 the budget and it's not visible--

5 COUNCIL MEMBER JAMES:

6 [Interposing] Oh I see.

7 MR. FEINBLATT: --but I think that  
8 that's what you're referring to--

9 COUNCIL MEMBER JAMES:

10 [Interposing] Do you know where it's tucked? Do  
11 you know where we can find it?

12 MR. FEINBLATT: I think it's in the  
13 OMB's lease structure and I'd be glad to send you--  
14 -

15 COUNCIL MEMBER JAMES:

16 [Interposing] Okay.

17 MR. FEINBLATT: --exactly where to  
18 find it but--

19 COUNCIL MEMBER JAMES:

20 [Interposing] Oh so that's what that represents  
21 every year?

22 MR. FEINBLATT: Yeah that's what  
23 that represents. There also was some one-time  
24 funding of \$500,000 that made a difference but I  
25 think that what you're referring to is the lease

2 stuff and I'd be happy to show you where it is. I  
3 had to find it myself.

4 COUNCIL MEMBER JAMES: And the  
5 contract, I guess, for Legal Aid, how does it  
6 differ from all the other contracts, RFPs I should  
7 say, that you are negotiating?

8 MR. FEINBLATT: It doesn't--

9 COUNCIL MEMBER JAMES:  
10 [Interposing] It doesn't?

11 MR. FEINBLATT: --no. It doesn't.  
12 The, you know, as you know we had planned to issue  
13 the RFP this Fiscal Year. In fact the providers,  
14 knowing the fiscal climate had suggested that we  
15 consider putting it off a year. We agreed to do  
16 that. And we did it by saying that we would  
17 extend it for a year at the current level which we  
18 thought was the appropriate way of being  
19 responsive to their request.

20 COUNCIL MEMBER JAMES: And could  
21 you talk a little bit about the case cap and where  
22 we are with that and what's the process and how it  
23 will proceed and, oh, and whether or not regs have  
24 to be established and...?

25 MR. FEINBLATT: Well the case cap

is, as you know, is state legislation. And it begins with OCA, the Office of Court Administration, essentially doing a study and I believe it's April 2010 that they are supposed to publish case load standards. And so essentially that's 11 months away.

COUNCIL MEMBER JAMES: Okay.

MR. FEINBLATT: And I'm hoping that, you know, I'm sure I will, along with many others, sit down with OCA in the 11 month period and discuss how to actually create a standard. So that's the first step. And so next May when I see you, you know, presumably those standards will be established.

Then if those standards, depending on what those standards say, and none of us know what they--

COUNCIL MEMBER JAMES:

[Interposing] Right.

MR. FEINBLATT: --will say at this point. Then there's a 4-year implementation period, if those standards call for more funding because they see a gap between--

COUNCIL MEMBER JAMES:



2 [Interposing] I see.

3 MR. FEINBLATT: --current funding  
4 and that. So then over 4 years that, those will  
5 be implemented. And the assumption of the  
6 legislation, as you know, is that OCA will fill a  
7 gap if they determine a gap exists. So--

8 COUNCIL MEMBER JAMES:

9 [Interposing] Now.

10 MR. FEINBLATT: --really the first  
11 issue is the study that would create a standard.

12 COUNCIL MEMBER JAMES: Um-hum. So  
13 now the appellate division, I guess the first  
14 department--

15 MR. FEINBLATT: [Interposing] First  
16 department.

17 COUNCIL MEMBER JAMES: --set a  
18 standard already.

19 MR. FEINBLATT: [Interposing] Well-  
20 -

21 COUNCIL MEMBER JAMES: Are they  
22 bound by that?

23 MR. FEINBLATT: No. No because I  
24 think the reason why there's the crea--why there's  
25 a yearlong study to create standard, and I think

2 I've discussed this maybe before, if not, I should  
3 have. That was a standard that I think is coming  
4 on, maybe 40 years old. And it was a national  
5 standard--

6 COUNCIL MEMBER JAMES:

7 [Interposing] Oh.

8 MR. FEINBLATT: --not a New York  
9 standard.

10 COUNCIL MEMBER JAMES: I see.

11 MR. FEINBLATT: And as you know,  
12 practice, you know more than most, practice  
13 actually varies tremendously from jurisdiction to  
14 jurisdiction. And so a national standard is not  
15 that useful.

16 COUNCIL MEMBER JAMES: Right.

17 MR. FEINBLATT: Just give as one  
18 example, something that would have great impact is  
19 that New York City unlike most jurisdictions  
20 disposes of large percentage of its cases at  
21 arraignment.

22 COUNCIL MEMBER JAMES: Right.

23 MR. FEINBLATT: That's not typical  
24 of most jurisdictions. Most jurisdictions only  
25 use the arraignment process for bail setting.

2 COUNCIL MEMBER JAMES: Um-hum.

3 MR. FEINBLATT: And so that's why I  
4 think that in everybody's wisdom they realized  
5 that a national standard really had limited  
6 usefulness. And so all that the first department  
7 did was essentially adopt this national standard  
8 that as I say is 40 years old, I think it's maybe  
9 even slightly more--

10 COUNCIL MEMBER JAMES:

11 [Interposing] So the standard will be based on the  
12 study and no other factor or anything--

13 MR. FEINBLATT: [Interposing] I  
14 think that the standards will basically be taking  
15 the issue anew.

16 COUNCIL MEMBER JAMES: Okay. And  
17 how is Legal Aid and all the other providers  
18 doing, how are--the number of cases, has it  
19 remained flat? Has it increased, decreased? Case  
20 load.

21 MR. FEINBLATT: Yeah. There are  
22 some--essentially the--

23 COUNCIL MEMBER JAMES:

24 [Interposing] Given the recession.

25 MR. FEINBLATT: Yeah. The overall

2 number--

3 COUNCIL MEMBER JAMES:

4 [Interposing] Yes.

5 MR. FEINBLATT: --is virtually  
6 flat. The mix of misdemeanors and felonies is  
7 slightly different, felonies are going down.  
8 Again, a little bit more. I think I have it  
9 actually. Yeah I think if you look at 2007 versus  
10 2008, you'll see a very slight increase overall  
11 and the mix of felonies and misdemeanors, about a  
12 2% decrease in felonies, certainly reflective of  
13 crime continuing, you know, major crime continuing  
14 to go down. And of course those will be among the  
15 statistics that I'm sure OCA will consider in  
16 developing standards because one would weigh  
17 felonies and misdemeanors differently.

18 COUNCIL MEMBER JAMES: And that's a  
19 citywide...?

20 MR. FEINBLATT: Yeah I'm giving you  
21 citywide--

22 COUNCIL MEMBER JAMES:

23 [Interposing] Citywide stats. Can you break it  
24 down by Borough? Has there been a slight  
25 increase--

2 MR. FEINBLATT: [Interposing] I  
3 don't have it broken down by Borough--

4 COUNCIL MEMBER JAMES:  
5 [Interposing] Okay.

6 MR. FEINBLATT: --I probably, you  
7 know--

8 COUNCIL MEMBER JAMES:  
9 [Interposing] Okay.

10 MR. FEINBLATT: --I don't have it  
11 here broken down by Borough.

12 COUNCIL MEMBER JAMES: Okay. Now--

13 MR. FEINBLATT: [Interposing] But,  
14 you know, major crime, I mean if you look at the,  
15 this year, alone, major crime is significantly  
16 down from last year. And so that's going to--and  
17 that's across the City and in most, you know,  
18 virtually all precincts. And so you're going to  
19 see that reflected in overall case loads.

20 COUNCIL MEMBER JAMES: Now the  
21 Office of--The Appellate Defender received a, I  
22 guess, won an RFP. It was successful in securing  
23 an RFP--

24 MR. FEINBLATT: [Interposing]  
25 That's right.

2 COUNCIL MEMBER JAMES: --and the  
3 contract was for how much?

4 MR. FEINBLATT: \$1.6 million.

5 COUNCIL MEMBER JAMES: And that was  
6 \$1.6 million, and in the past how much had they  
7 received, prior to the RFP?

8 MR. FEINBLATT: Well the prior  
9 funding had been all Council funding.

10 COUNCIL MEMBER JAMES: All Council?

11 MR. FEINBLATT: Yes. And so--

12 COUNCIL MEMBER JAMES:  
13 [Interposing] And how much was that?

14 MR. FEINBLATT: I don't know  
15 actually off hand. I can probably--

16 COUNCIL MEMBER JAMES:  
17 [Interposing] Was it more than \$1.6 million?

18 MR. FEINBLATT: Yeah I'm sure--yeah  
19 it was more than \$1.6 million. And what we did as  
20 a result of an RFP and this is certainly one of  
21 the things that happens in an RFP is that you  
22 develop standardized ways of treating all of the  
23 people who apply. And what we did as a result of  
24 the RFP, we ended up with essentially a pretty  
25 uniform cost per case for all of the 4 Mayoral

2 provided appellate institutions.

3 COUNCIL MEMBER JAMES: So to the  
4 extent that, in your opinion, you believe that  
5 \$1.6 million is adequate to meet the needs of OAD?

6 MR. FEINBLATT: I believe that  
7 every--all of the providers are doing an actually  
8 a very good job. And I believe that all the  
9 providers should be paid essentially the same cost  
10 per case. And I think at the case load that they  
11 are doing, just like the others, they're doing a  
12 good job and at that cost per case, so yes.

13 COUNCIL MEMBER JAMES: Is the RFP  
14 for 2 years or for 1 year?

15 MR. FEINBLATT: I believe it was 2  
16 years.

17 COUNCIL MEMBER JAMES: And the  
18 first year is \$1.6 million, what is the second  
19 year?

20 MR. FEINBLATT: Yeah, there was--it  
21 was actually \$1.9 million the first year because  
22 of cases that they had in their... you know, already  
23 in and some training.

24 COUNCIL MEMBER JAMES: Yes.

25 MR. FEINBLATT: And then it went to

1           FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES\$84  
2           \$1.6 million which brings them basically at the  
3           cost per case of the others. In fact I will  
4           report that OAD remains slightly above the 3 other  
5           providers for cost per case. But they are far  
6           more--they far more look like each other than they  
7           previously did.

8                   COUNCIL MEMBER JAMES: And how did  
9           they make up the \$300,000 difference do you know?

10                  MR. FEINBLATT: Well it was mostly  
11           for training. So it was, you know, it was not  
12           lawyers.

13                  COUNCIL MEMBER JAMES: So going--  
14           okay. So going forward the next RFP, how much is  
15           included in the next RFP?

16                  MR. FEINBLATT: Well we haven't  
17           issued the next RFP.

18                  COUNCIL MEMBER JAMES: Okay.

19                  [Pause]

20                  MR. FEINBLATT: But I will tell you  
21           OAD does remain the highest in cost per case. But  
22           by not very much any more.

23                  COUNCIL MEMBER JAMES: Okay. No  
24           further questions at this time. Mr. Chair may I  
25           come back at a second time? You'll see.



2 CO-CHAIRPERSON VACCA: Thank you.

3 I'd like to introduce Councilman Lew Fidler from  
4 Brooklyn who's joined us. The next question is  
5 from Councilwoman Rosie Mendez, followed by  
6 Council Member Fidler.

7 COUNCIL MEMBER MENDEZ: Thank you  
8 Chair Vacca. I think Council Member James asked a  
9 lot of the questions that I really had but if you  
10 could just go back and explain this to me. So OAD  
11 in Fiscal Year '09 received \$1.999 million, is  
12 that correct? No? Fiscal Year--yeah the one  
13 that's getting ready to end.

14 MR. FEINBLATT: Yes. Yes, yes.

15 COUNCIL MEMBER MENDEZ: Okay.

16 MR. FEINBLATT: For--and they're--  
17 at the time that they signed the contract, after  
18 the RFP, they knew that they were going to get  
19 \$300,000 plus more for training--

20 COUNCIL MEMBER MENDEZ:

21 [Interposing] That year in '09.

22 MR. FEINBLATT: --in that year.

23 And so this year, they knew that they were going  
24 to get \$1.6 million. This is no surprise--

25 COUNCIL MEMBER MENDEZ:

2 [Interposing] Okay.

3 MR. FEINBLATT: --no rabbit got  
4 pulled out of the hat. This was a result of the  
5 RFP that we agreed to give them, additional money,  
6 not for lawyers, but for training the first year.

7 COUNCIL MEMBER MENDEZ: And they  
8 won't need the training in future years as they  
9 get--what is the--what do you mean by training?  
10 Was that for transitioning or--yeah what is it?  
11 What does that mean?

12 MR. FEINBLATT: The... they had a  
13 training program that was not, was different from  
14 all the other providers' training programs.

15 COUNCIL MEMBER MENDEZ: Can you  
16 speak a little bit into the microphone--

17 MR. FEINBLATT: [Interposing] Yeah.  
18 They had a training program. Remember, there are  
19 4 appellate providers. They came--that all do  
20 similar work--

21 COUNCIL MEMBER MENDEZ:  
22 [Interposing] Um-hum.

23 MR. FEINBLATT: --I think all do a  
24 great job OAD had a training program that looked  
25 different than the others. And what we said was

in the first year, we're not going to ask you to cut that so that you can come in line with the cost per case of the other providers.

We will cover that for the first year but that you should use that year, if you want to continue that, that particular type of training program, you should look for alternative funding for that. And that was the agreed terms of the RFP, the agreed terms of the contract that OAD signed.

One of the things that comes out of an RFP process is the need for one to treat agencies that do similar work, similarly. And what we did was made, basically, an exception for OAD because we didn't want them to have to dismantle something in the first year. And so we said if this is what's driving your costs so high, and you want to continue it, you should look for alternate funding.

But we'll keep you for a year so you don't have to, so you're not under the gun to find alternative funding but by the second year it should come in line with the other providers. And even at \$1.6 million, as I said before, they still

1 FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES\$88  
2 remain a bit more expensive than the other  
3 providers, all of whom I think get rated  
4 extraordinarily high by all observers.  
5 COUNCIL MEMBER MENDEZ: So the  
6 other 3 criminal providers in '09 received the  
7 \$1.624 million is that correct--  
8 MR. FEINBLATT: [Interposing] No.  
9 The price, the amounts were different depending on  
10 case load--  
11 COUNCIL MEMBER MENDEZ:  
12 [Interposing] Depending on case load.  
13 MR. FEINBLATT: --but the cost per  
14 case were very, very similar.  
15 COUNCIL MEMBER MENDEZ: Do you have  
16 the amounts that the other legal providers  
17 received in '09?  
18 MR. FEINBLATT: I have the cost per  
19 case for '09. One was \$9,998, one was \$9,800--  
20 COUNCIL MEMBER MENDEZ:  
21 [Interposing] A little slower please?  
22 MR. FEINBLATT: One was \$,998; one  
23 was \$9,800; one was \$9,988, like the first one I  
24 mentioned; and OAD which is what we're talking  
25 about actually was \$10,150. so all within the

1           FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES\$89  
2           range--  
3                       COUNCIL MEMBER MENDEZ:  
4           [Interposing] Um-hum.  
5                       MR. FEINBLATT:  --some small  
6           differences.  OAD the highest.  
7                       COUNCIL MEMBER MENDEZ:  And you  
8           don't have the total amount for the other 3  
9           criminal providers here--  
10                      MR. FEINBLATT:  [Interposing] Yeah,  
11           yeah I do but it was based on case load.  All it  
12           is is--  
13                      COUNCIL MEMBER MENDEZ:  
14           [Interposing] Okay.  
15                      MR. FEINBLATT:  --a function of  
16           multiplying the cost per case by the case load.  
17           So one of them was \$3.8 million, one was \$6.1  
18           million, one was \$3.3 million, one was \$1.6  
19           million, just a matter of case load.  
20                      COUNCIL MEMBER MENDEZ:  
21           [Interposing] Can you repeat that one more time.  
22           You say--  
23                      MR. FEINBLATT:  [Interposing] Yeah  
24           one--  
25                      COUNCIL MEMBER MENDEZ:  --it really

1           FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES\$90  
2       fast and I don't write it as fast as you--  
3                   MR. FEINBLATT:   [Interposing] Why  
4       don't we just provide this information to you.  
5                   COUNCIL MEMBER MENDEZ:   I'd like to  
6       write it down, right now--  
7                   MR. FEINBLATT:   [Interposing] Sure-  
8       -  
9                   COUNCIL MEMBER MENDEZ:   --please,  
10      Sir.  
11                  MR. FEINBLATT:   --one was \$3.8  
12      million.  
13                  COUNCIL MEMBER MENDEZ:   Thank you.  
14                  MR. FEINBLATT:   One was \$6.1  
15      million. I'm not rounding. I could give you  
16      exact figures at later time. One was \$3.3 million  
17      and one was \$1.6 million.  
18                  COUNCIL MEMBER MENDEZ:   Thank you  
19      and then you could provide that in writing to the  
20      Committee as well, and I'm sure the Chair will get  
21      it to me. On the case caps for Legal Aid, so I  
22      heard you talking about how we're going to do a  
23      new survey. When do we anticipate though just  
24      best estimate about when these case caps are going  
25      to be implemented?

1 FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES\$91

2 MR. FEINBLATT: Okay. The--first

3 of all it's not about Legal Aid. It's about--

4 COUNCIL MEMBER MENDEZ:

5 [Interposing] Well it's--

6 MR. FEINBLATT: --indigent defense.

7 COUNCIL MEMBER MENDEZ: --the

8 criminal providers, thank you, you're right. The

9 criminal legal providers--

10 MR. FEINBLATT: [Interposing] Okay.

11 The second is--

12 COUNCIL MEMBER MENDEZ: --who are

13 doing--

14 MR. FEINBLATT: --this, this will

15 be done by OCA not by the City.

16 COUNCIL MEMBER MENDEZ: Um-hum.

17 MR. FEINBLATT: The Office of--

18 State Office of Court Administration will be doing

19 this not the City.

20 COUNCIL MEMBER MENDEZ: I

21 understand--

22 MR. FEINBLATT: [Interposing] Under

23 the law--okay so

24 COUNCIL MEMBER MENDEZ: --but I

25 assume you have a conversation with them--

2 MR. FEINBLATT: [Interposing] Oh  
3 sure--

4 COUNCIL MEMBER MENDEZ: --then  
5 maybe you have--I'm asking for--

6 MR. FEINBLATT: [Interposing] I  
7 just tried to clarify the law so that people  
8 understand it.

9 COUNCIL MEMBER MENDEZ: Yes.

10 MR. FEINBLATT: My--the third point  
11 is that they have to promulgate them a year from  
12 now, 11 months from now, the standards. So that  
13 would be April 2010. And then depending on what  
14 that standard is, that will determine whether  
15 there are funding gaps or not. And if there are  
16 funding gaps I believe it's a 4 year period which  
17 the additional funding gets institutionalized  
18 over. That's what the state law provides for.

19 COUNCIL MEMBER MENDEZ: Thank you  
20 Mr. Chair.

21 CO-CHAIRPERSON VACCA: You're  
22 welcome. Council Member Fidler.

23 COUNCIL MEMBER FIDLER: Thank you  
24 Mr. Chairman. And good afternoon Mr. Feinblatt,  
25 I'm sorry I came to court late.



2 MR. FEINBLATT: [Chuckling]

3 COUNCIL MEMBER FIDLER: I just, I  
4 want to continue with the case cap issue 'cause  
5 I'm kind of curious by this 'cause I know that  
6 some of my colleagues had put a bill in here at  
7 City Hall. You're telling me the state  
8 legislature has now passed a bill that sets up a  
9 mechanism to first determine and set a standard,  
10 is directing OCA to do that?

11 MR. FEINBLATT: That is correct.

12 COUNCIL MEMBER FIDLER: Okay. Is  
13 that bill only looking at defense counsel or is it  
14 also looking at the case burden of District  
15 Attorneys and the Corp Counsels that are in the  
16 Criminal Division.

17 MR. FEINBLATT: Indigent defense.

18 COUNCIL MEMBER FIDLER: Solely.  
19 Okay. All right. Now and the other question I  
20 would have about that is assuming OCA promulgates  
21 a standard and we then find that criminal defense  
22 bar, the legal services for indigent people are  
23 overtaxed, as I suspect we will based upon a  
24 reasonable standard, is the state going to then  
25 pay for the gap in legal services or are we going

2 to be mandated to pay for the additional legal  
3 services?

4 MR. FEINBLATT: The presumption is  
5 that the state will fill the gap.

6 COUNCIL MEMBER FIDLER: The  
7 legislation doesn't actually speak to that though.

8 MR. FEINBLATT: The legislation, I  
9 would say... the legislation is somewhat ambiguous  
10 because while it suggests that it is the  
11 obligation of the state, it also says that it does  
12 not specifically create a liability for the state,  
13 but OCA interprets this as it will be their  
14 obligation to fill the gap.

15 COUNCIL MEMBER FIDLER: And what  
16 portion of Legal Aid services are paid for now by  
17 the state?

18 MR. FEINBLATT: I don't, it  
19 actually depends on what we're talking--which part  
20 of it we're talking about. For instance, juvenile  
21 rights division, which essentially represents  
22 delinquents in Family Court, virtually 100% is  
23 paid for by the state. The criminal defense  
24 division, a relatively small percentage, but I  
25 don't have the exact figure. Actually I think

2 that--

3 COUNCIL MEMBER FIDLER:

4 [Interposing] I guess that begs the question of  
5 why OCA would presume that the state's going to  
6 pick up the gap if they're not picking up the  
7 burden to begin with. So I'm just, I'm just wary.  
8 I mean I, you know, from where I sit, I have good  
9 reason, and I think we all have good reason to be  
10 suspicious of Albany when it comes to dollars  
11 coming back to the City.

12 And so I'm just kind of concerned  
13 that we're going to get an unfunded mandate here  
14 that, you know, it makes no sense to me that they  
15 say hey, you know, the first 80% is on you and,  
16 you know, you're short 20% 'cause we need to hire  
17 more defense counsel and we're going to pick up  
18 the 20% because that's our obligation. But the  
19 80% we're only going to pay you a third--

20 MR. FEINBLATT: [Interposing] Well  
21 I can only say--

22 COUNCIL MEMBER FIDLER: --I mean  
23 that's nuts, you know?

24 MR. FEINBLATT: --there's a  
25 relatively... there's a mix of funding that goes

into this. And as I say, one could argue, you know, juvenile defendants they pay 100%. We pay none. This, they pay some, we pay most. Let's see how it plays out but we're a long way from there since the standards are a year off--

COUNCIL MEMBER FIDLER:

[Interposing] No and I understand you're just reporting the facts. I'm just suggesting that I think that when, you know, push comes to shove, I think we're going to get shoved. And I think that's what the state usually does. And just the, just, you know, a comment on my first question about District Attorneys and Corp Counsel, you know, my view of justice is a level playing field. And I want to see both sides of the equation funded properly.

If we're going to look at case loads for defense attorneys, we need to look at case loads for people who are prosecuting them. It's only fair. And, you know, on another day, probably next week, the prosecutors in the City are going to be sitting in the same well that you are in, and they are going to complain bitterly about, you know, what they're paying ADAs and the

2 case loads of ADAs and the cuts that they have  
3 been taking. And I just want to add a little  
4 balance to the discussion.

5 I mean I have, as an attorney I  
6 have extraordinary sympathy for overworked  
7 attorneys, probably more sympathy than the public  
8 has for overworked attorneys. But I will tell you  
9 that it's not fair for a legal defense attorney to  
10 be overburdened, it's not fair for the Assistant  
11 District Attorney to be overburdened. And I just  
12 want the dialog to be as balanced as I think the  
13 scales of justice ought to be. Thank you.

14 CHAIRPERSON WEPRIN: Any further  
15 questions? Are you running?

16 MR. FEINBLATT: I'm--[Off mic]

17 CHAIRPERSON WEPRIN: Okay. On that  
18 note, Chairman Vacca to you have any questions?  
19 Okay thank you for coming. And we're now going to  
20 hear from the Legal Aid Society, are they here?  
21 Step forward.

22 [Pause]

23 [Witness coming forward]

24 [Pause]

25 [Witnesses getting settled]

2 CO-CHAIRPERSON VACCA: I'd like to  
3 welcome Legal Aid. And I'd like to introduce the  
4 members who are here. Councilwoman Rosie Mendez,  
5 David Weprin, of course, Chair of Finance, myself  
6 James Vacca, Chair of the Fire and Criminal  
7 Justice Committee. Mr. Banks, welcome.

8 MR. STEVEN BANKS: Thank you very  
9 much. Thank you for giving us this opportunity.  
10 For the record my name is Steven Banks, the  
11 Attorney in Chief of The Legal Aid Society. I'm  
12 joined here today by Adrienne Holder who's the  
13 attorney in charge of our Civil Practice.

14 You have our testimony for the  
15 record and we're not going to read it. There are  
16 some things I'd like to highlight but I would like  
17 to perhaps answer a few questions that were posed  
18 to the Criminal Justice Coordinator. I think we  
19 have the same view about where we are with the  
20 state legislation. And I wanted to try to  
21 potentially allay some concerns of Council Member  
22 Fidler who I--with, for whom, he knows I have  
23 great respect.

24 The--

25 COUNCIL MEMBER FIDLER:

2 [Interposing] Thank you.

3 MR. BANKS: Thank you. I  
4 completely agree with the Criminal Justice  
5 Coordinator John Feinblatt regarding sort of the  
6 timeline for the criminal defense case caps. And  
7 as the state law provides, there will be a  
8 standard developed by the Office of Court  
9 Administration. And the legislation specifically  
10 provides for the judiciary, the Office of Court  
11 Administration to request funding for the  
12 implementation of the criminal case defense cap  
13 that applies only in New York City.

14 And the standard language is that  
15 the legislature need not accept the Office of  
16 Court Administration's request for funding but the  
17 last time there was a serious dispute over funding  
18 requested by the judiciary it was a case called  
19 Wackler [phonetic] v. Cuomo and that didn't have a  
20 happy ending for the executive in terms of  
21 ultimately the judiciary getting the funding that  
22 it requested.

23 The judiciary is a \$2.5 billion  
24 budget and Intro 820 which looked at the cost of  
25 reducing case loads for the first department's

2 standards, which I agree with the Criminal Justice  
3 Coordinator may not be adequate for different  
4 reasons, was a very, very, very, very, very small  
5 percentage of that \$2.5 billion request--

6 COUNCIL MEMBER FIDLER:

7 [Interposing] Yeah, well watch them trade it for a  
8 pay raise, Steve.

9 MR. BANKS: [Chuckling] I think  
10 they need a broader trade in order to achieve that  
11 but it's out of my substantive area of expertise.  
12 But in any case, this was a piece of legislation  
13 that the Chief Judge championed, wanted to have  
14 enacted as part of his focus on the importance of  
15 ensuring that there is an adequate defense and  
16 preventing wrongful convictions.

17 So that really is the background.  
18 But the timeline laid out by the Criminal Justice  
19 Coordinator is the one that is correct but also  
20 raises some concerns. We will not see standards  
21 until, as he indicated, in the last spring of  
22 2010. And then our experience when a similar case  
23 cap was implemented for our juvenile rights  
24 practice which limited the number of children that  
25 our attorneys for children, juvenile rights, could



represent, the rule was in place as of April 1 and then funding was provided for a class of hiring in September.

So a realistic timeline is that we'll see the standard by April 2010 and funding coming to permit the hiring of additional attorneys should they be necessary, and I do believe they will be necessarily, not until September. So during City Fiscal '11. So the issue confronting The Legal Aid Society in this budget process is the gap between FY--July 1, 2009 and June 30<sup>th</sup>, 2010.

I also agree with the Criminal Justice Coordinator that it's important to re-look at the first department standards. From our perspective given everything that's happened in the last years, misdemeanors have far greater consequences now in terms of collateral consequences, for employment, for immigration, for housing, for the ability to receive critical public benefits.

And so the weight of a misdemeanor, the importance of a misdemeanor is much greater than when those first department standards were

developed or adopted in the mid-1990s. And the State Bar Association, by the way, in 2005 embraced them again. But I think it will require re-looking at them.

In addition the issue with respect to numbers of cases disposed of at arraignment certainly raises the importance of having a pending case load standard which was also part of A-20 when it was considered by the City Council. But we look at this as the state taking on the responsibility for criminal defense.

And the way that the Constitution actually requires the state, it's actually a state obligation that has been picked up by the counties, by New York City and we receive approximately \$93 million in combined City and State resources for criminal defense, only about \$83 million of those are from the City, the rest is from the State. And this additional funding right-sizes that issue.

If I could direct you to our testimony to the Law Journal article that Council Member James referred to, it's sort of the last 2 pages of the testimony. You have it in front of

you now? I think that the chart really shows you what our problem is.

Like Council Member Fidler, we come here not to say what the District Attorney should or shouldn't get but when we look at a chart that shows that the District Attorneys overall have a 2.5% increase and The Legal Aid Society has a decrease of 13.6%, there's a problem in terms of the fairness here. We understand that the reason for this is the historical issue that it's Council money and it's not baselined and we have to come before you every year to get Council funding.

We are deeply grateful for the Council funding that we have received but there has been traditionally amounts of money, \$11 million, \$10.8 million that have been provided that's integral to our ability to provide services to clients. It's integral to our ability to provide services to clients. And it's critically necessary that we get the restorations.

The issue with respect to whether or not there are technical adjustments in the DA's budgets or not, again I don't begrudge them any dollars but I should add that The Legal Aid

Society, and this maybe is what you meant Council Member Fidler, certainly has had to bear additional costs over the course of the last year.

For example, the MTA settlement requires us to pay a payroll tax which is an additional \$470,000. The Deficit Reduction Act put a tax on health care premiums that we pay. That's an additional \$400,000. And I could go on and on and on about the additional costs that we have had to bear even since last year's allocation of Council dollars of \$8.6 million, which as you know was \$2.2 million less than we had historically received.

We are mindful of how difficult a budgetary time this is but we want to highlight two reasons why it is important to grant our request for funding of \$11.3 million for our criminal defense practice, which includes a complete restoration of the dollars that the Administration has removed plus a return to the traditional amount that we received from the Council.

First the District Attorneys are at a level that's actually above the level they had

been at. So we should at least be back to the level that we need to operate. The second is, if you look at the chart right before the Law Journal article, you'll see that our case load has been dramatically increasing over these years. Total cases under total annual case load have gone from 197,000 cases a year in FY '03 to 226,629 cases in FY '08. And we're on a pace to exceed that number in FY '09.

So the factor of increased cases cuts in the face of actual increases for the DAs, and increased costs, lead us to the point where it is essential to us that the \$11.3 million that we're requesting be restored. We appreciate that the Administration is going to put back \$2 million into our budget but we critically need the \$11.3 million in order to keep providing services.

We're in a situation now where even under the first department standards, 81% of our lawyers are handling 592 cases a year which is 50% higher than the first department standards. And we've absorbed, over the course of this year, including state cuts that we've recently taken in the budget enacted on April 1<sup>st</sup>, \$3.2 million in

state cuts.

We just can't keep taking cases on July 1 without the funding that we've requested and we appreciate that traditionally the Council has been supportive of us. We know that last year was a difficult year. But the request is a request that includes a restoration of the dollars that were eliminated from our budget in the Adopted Budget last year 'cause we just can't keep going on with increased costs and DAs getting the dollars they're getting relative to our cuts.

On the civil side, I have to tell you and I think you all know because of your constituent services work, that we're seeing dramatic increases of requests for assistance on the civil side. A 40% increase in requests for assistance from us for healthcare problems that people are experiencing as a result of the economic downturn and losing their jobs.

29% increase in the numbers of people, in the requests for help with unemployment benefits and employment problems. 12% increase in requests for help with food stamps and Federal disability benefits and public assistance. 16%

increase in requests for domestic violence services. 15% requests in the requests from low-wage workers for income tax credit and other low-income taxpayer problems. 21% requests in eviction prevention. And a stunning 800% increase in requests for foreclosure defense services which we're trying to meet thanks to the leadership of the Council, particularly Council Member Fidler, in that area.

But we come to you having traditionally received \$6 million for various civil legal services programs and being cut to \$3 million last year, and now the Mayor's proposing to eliminate all of that funding in the budget that's on the table.

We go through each of the programs in our testimony. All of them are operated jointly with Legal Services of New York City, the citywide low-income civil legal services program. As a result of the \$3 million cut that we've already sustained, between Legal Aid and Legal Services, 1,822 fewer households could be served this year.

And it's critical, given what's

happening in the communities, all five Boroughs, in which this program provides services that we receive these civil legal services dollars to try to provide help to those 1,822 households that we can't help this year because of the cut that we have already taken let alone the cut that's in store for us.

In terms of the supplemental security income, unemployment insurance program, there again, the cut was a cut from \$2.5 million to \$1.3 million and so 1,241 fewer households are being helped with that program. In terms of anti-eviction legal services, the program took a cut of 25%, so 1,900 fewer households are being helped with that program. And in terms of the immigrant legal assistance program, again that was cut roughly in half for us.

All the dollars are in the testimony, but overall, you can see we're facing increasing needs and dramatic cuts in our funding. Again the Mayor would eliminate all funding on the civil side this year. And last year as a result of the difficulties that the Council confronted in the City budget, our programs were cut by



2 approximately 50% from \$6 million to \$3 million.

3 Obviously in June no one could have  
4 predicted what was going to happen in September in  
5 terms of the increased needs for our services. So  
6 we would ask you to take another look at the  
7 funding on the civil side as well. Happy to  
8 answer any questions that you may have.

9 CO-CHAIRPERSON VACCA: Council  
10 Member Fidler.

11 COUNCIL MEMBER FIDLER: Thank you.  
12 And I have to run down to the Leadership Team  
13 meeting that's starting, thank you Ramon. But I  
14 just, let me just go back for a second. I, you  
15 know, I didn't mean to open up a hornet's nest  
16 here with the DA, legal defense analogy.

17 But the fact of the matter is, you  
18 know, we sat through this at the Public Safety  
19 hearing with the DAs a month ago. And next week  
20 we're going to do it again. So and I would just  
21 say to you that the Law Journal's chart while it's  
22 instructive about '09 and '10, probably would not  
23 look so good if we went back over the entire term  
24 of the Bloomberg Administration because the DAs  
25 took disproportionate cuts in the early years of

the Bloomberg Administration.

And the Council had to, you know, kind of draw a line in the sand. So, you know, sometimes you're making up for what wasn't there and I don't--so I don't, you know, I don't--it's not--I don't want to get into that analysis.

I was just pointing out that I find it ironic that the state legislature will mandate of half the system. To me that's half-assed. I mean they should be looking at the system from top to bottom and evaluating, you know, whether or not we're playing on a level playing field.

I mean, you know, I don't want to see legal defense attorneys bearing a case load that is, you know disproportionate and unfair, nor do I want to see the prosecutors, you need to--you can't--how you can look at only half of the equation and come to some conclusion makes no sense.

I mean, and this notion that Coordinator Feinblatt had that the state is somehow going to come in and fill the gap, I mean if I were more cynical I would say well in the budget right before we get to the standards, we

ought to cut legal defense funding in half because the State thing is going to come in and fill the gap.

I don't believe it. I've been around long enough to know that the state legislature will find a way to, you know, pass the burden back to us. You know, what a wonderful law. They're going to go out and they're going to establish an idyllic standard, you know, all right, for half the equation. And then they're going to expect us to pony up the money for it.

And I think that's just, you know, really not the here nor there in this conversation but it's just, you know, just write it down. That's what I said today. Let's see who's right two years from now and three years from now. And whether or not the state's going to come over the hill like the cavalry to fill that hole 'cause I don't think they will. They're in a lot worse financial state than we are. And I don't know, I don't see it.

The question I--and by the way, on the civil side, you do have a contract from the Center for New York City Neighborhoods, yes?

2 MR. BANKS: Yes we do.

3 COUNCIL MEMBER FIDLER: And how  
4 much are you receiving?

5 MR. BANKS: We're currently  
6 receiving about, slightly, if you add it all up  
7 about \$550,000--

8 COUNCIL MEMBER FIDLER:  
9 [Interposing] Okay. And will they--

10 MR. BANKS: --which is a result of  
11 the advocacy that you originally--

12 COUNCIL MEMBER FIDLER:  
13 [Interposing] No, I, and I'm...

14 [Off mic]

15 COUNCIL MEMBER FIDLER: Especially  
16 if you're going to thank me, you should be on the  
17 record--

18 MS. ADRIANNE HYMAN: Yes I'd like  
19 to thank you for that because I know you were a  
20 real zealous advocate for that. It's more than  
21 needed and, you know, we still are trying to do  
22 more and more. And we're also looking at ways in  
23 which--to attack foreclosure in different ways to  
24 impact and have a great impact on more people  
25 'cause you know how labor intensive those cases

2 are for our community but they're so vitally  
3 important. Thank you.

4 COUNCIL MEMBER FIDLER: I knew you  
5 had a contract. I wasn't sure of the amount. And  
6 I, you know, having hear that 800% figure for  
7 foreclosure help, I just wanted to underscore that  
8 for the record because, you know, while the  
9 Administration has actually put double their  
10 commitment into the budget this year for the  
11 Center, the Council still has to put in our \$1.5  
12 million--

13 MR. BANKS: [Interposing] Right.

14 MS. HYMAN: [Interposing] Right.

15 COUNCIL MEMBER FIDLER: And that  
16 will fill the gap of the private foundations that  
17 are unable--

18 MS. HYMAN: [Interposing] Right.

19 COUNCIL MEMBER FIDLER: --to  
20 participate in the Center. And I want to, you  
21 know, be sure of the need. You've just--I'm  
22 asking 'cause you're laying out the case for the  
23 need. And I just want my colleagues to hear that  
24 and to know that when they say hey the  
25 Administration put in an extra million, your \$1.5

2 million isn't needed, it clearly is. So. I just  
3 wanted to make that point.

4 And I guess the last question is  
5 I'm not clear from some of the testimony, what did  
6 the Council add on to the Legal Aid budget last  
7 year in dollars? What was the amount?

8 MR. BANKS: \$8.7 million.

9 COUNCIL MEMBER FIDLER: And you are  
10 asking now for?

11 MR. BANKS: \$11.3 million--

12 COUNCIL MEMBER FIDLER:  
13 [Interposing] Okay.

14 MR. BANKS: --the reason being  
15 because the Administration eliminates that \$8.7  
16 million, the Administration eliminated another  
17 \$500,000 and given the increased case load and  
18 given the relative funding to the DAs, we think we  
19 ought to be returned to the \$10.8 million level  
20 that we had previously gotten from the Council.  
21 And then there's that remaining \$500,000 that's  
22 being cut from us. That's how we get to \$11.3  
23 million--

24 COUNCIL MEMBER FIDLER:  
25 [Interposing] All right. So just so I'm clear.

You're asking not only for the Council to renew the amount of money it gave last year, you're asking the Council to restore the Bloomberg Administration cut--

MR. BANKS: [Interposing] Of \$500,000.

COUNCIL MEMBER FIDLER: --and then you're asking for something on top of that.

MR. BANKS: Correct. We're asking, given the fact that if you look at that chart, and I'm going to come back to your original point, it's not fair. It's not fair, given the increased case loads, given the fact that everyone has recognized there's a case load problem for criminal defense lawyers, to say that we can keep operating and taking new cases on July 1 by continuing to sustain the level of cuts that we bore this year 'cause we don't have the ability to keep operating with increased healthcare, with increased rents and increased costs of living that we're not paying to our workers.

We're in our second year of a wage freeze. We're in our second year of a wage freeze, which I know is not significant to you all

'cause you're also living on a wage freeze. But we can't keep operating this way. And so it's not simply fanciful to say well we should get what we got in 2008. And we think that there are things that distinguish our situation from all the others who might say the same thing. Increased case load, the DA--

COUNCIL MEMBER FIDLER:

[Interposing] I'm glad you said that because-- first of all you should--I--you know, I really would urge you not to do the DA analysis because--

MR. BANKS: [Interposing] Well I want to come--

COUNCIL MEMBER FIDLER: --I really think that it's not, you know--

MR. BANKS: [Interposing] Well I want--

COUNCIL MEMBER FIDLER: --it doesn't help you. But that's number one. But number two, the fact of the matter is, there are hundreds and hundreds of groups that are coming before us saying, you know, we took a cut, we can't afford it. And, you know--

MR. BANKS: [Interposing] But--but-



2 -

3 COUNCIL MEMBER FIDLER: --we maybe,  
4 you know, the hardest part of this job is hearing  
5 100 cries for help that are all deserved and  
6 needed and justified and then choosing the 2 that  
7 you can do. But I just wanted to be clear what  
8 your ask was--

9 MR. BANKS: [Interposing] Right.

10 COUNCIL MEMBER FIDLER: --because--

11 MR. BANKS: [Interposing] But  
12 here's why the DA analysis actually is correct  
13 with respect?

14 COUNCIL MEMBER FIDLER:

15 [Interposing] [Chuckling]

16 MR. BANKS: During the Giuliani  
17 administration, our funding was cut from \$79  
18 million to \$56 million. That was our cut. The  
19 District Attorney's was increased during that 8  
20 years. During the beginning of the Bloomberg  
21 Administration, our current funding from the  
22 Bloomberg Administration is \$72 million. That's  
23 what they want us to be at.

24 In the current year, even with your  
25 money, we are getting \$83 million. \$79 million

was our funding in 1994. You name any other branch of government, including the District Attorneys, that are sitting here with basically \$4 million more than they had in 1994 and who's providing a Constitutional service. That's what the problem is, with respect.

COUNCIL MEMBER FIDLER: Yeah I--

MR. BANKS: [Interposing] Now I can say--

COUNCIL MEMBER FIDLER: --I get that but I also know that the argument from the other side of the building, and this is, I've heard this about police, DAs and legal services is--there are fewer cases than there were 20 years ago in the City of New York because crime is down, right?

MR. BANKS: There aren't though--

COUNCIL MEMBER FIDLER:  
[Interposing] Or is crime not down, I don't know.

MR. BANKS: There aren't. I mean the rest of the chart, and I'd be happy to give to you, in FY '02 our case load was 160,000 cases. Now our case load is 227,000 cases.

COUNCIL MEMBER FIDLER: How could

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2 that be if crime is down? I just--

3 MR. BANKS: [Interposing] Because

4 the crime is down, that comment is the 7 FBI

5 indicator crimes are down. But every other crime

6 is up. People are being arrested for assault.

7 People are being arrested for trespass. People

8 are being arrested for a lot of things. What's

9 down is the 7 FBI Indicators, the homicides, rape

10 and so forth. So the statement that everybody

11 makes, crime is down, is not belied by the data

12 that comes to us, not made up by Legal Aid but it

13 comes to us from OCA--

14 COUNCIL MEMBER FIDLER:

15 [Interposing] Steve I asked that question 'cause I

16 knew the answer and in fact, you know, you'll

17 excuse me for--

18 MR. BANKS: [Interposing]

19 [Chuckling]

20 COUNCIL MEMBER FIDLER: --being

21 partisan here but--

22 MR. BANKS: [Interposing] Okay.

23 COUNCIL MEMBER FIDLER: --when I go

24 to community meetings and the Precinct Commander

25 stands up and says, you know, crime is down in the

1           FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES 220  
2       precinct--  
3                   MR. BANKS:  [Interposing] Right.  
4                   COUNCIL MEMBER FIDLER:  --14% and  
5       everyone in the room goes--  
6                   MR. BANKS:  [Interposing] Right.  
7                   COUNCIL MEMBER FIDLER:  --oh give  
8       me a break.  You know, we all know, in the real  
9       world that crime is now down.  
10                  MR. BANKS:  But I give you that--  
11                  COUNCIL MEMBER FIDLER:  
12       [Interposing] So I am not--look, I don't, you  
13       know, I'm sorry if, if the implication of my  
14       questions is that I'm not sympathetic to your ask,  
15       'cause I am.  Okay.  I am.  But there are, you  
16       know, we're going to have a very, very rough month  
17       and a half here.  And we'll do--  
18                  MR. BANKS:  [Interposing] I  
19       understand--  
20                  COUNCIL MEMBER FIDLER:  --the best  
21       we possibly can.  
22                  MR. BANKS:  I understand.  
23                  COUNCIL MEMBER FIDLER:  --all  
24       right?  But, you know, I would make the same  
25       argument when it comes to the Police Department

2 and the DAs, that needs--that is made for you,  
3 which is crime's not really down.

4 MR. BANKS: [Interposing] No.

5 COUNCIL MEMBER FIDLER: They can't,  
6 they can't sell that except maybe in the TV ad.

7 MR. BANKS: If I--

8 CO-CHAIRPERSON VACCA:  
9 [Interposing] We're going to have to move on from  
10 this discussion.

11 COUNCIL MEMBER FIDLER: Thank you.

12 CO-CHAIRPERSON VACCA: Thank you.  
13 Council Member Mendez.

14 COUNCIL MEMBER MENDEZ: Thank you.  
15 Well one of the things I was going to ask you  
16 'cause my colleague mentioned about the Bloomberg  
17 years. I was going to ask you about the Giuliani  
18 years 'cause if you go way back then I think we'll  
19 see that there has been an unfairness.

20 Last, give me the total number of  
21 funding that you've--that you're receiving, less  
22 in Fiscal Year '09, as opposed to '08 for  
23 criminal, if any.

24 MR. BANKS: From the, is--from the  
25 City \$2.2 million and from the state a half a

1           FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES 222  
2           million dollars.  
3                   COUNCIL MEMBER MENDEZ:   From the  
4           state, half a million dollars--  
5                   MR. BANKS:   [Interposing] A half a  
6           million dollars.  
7                   COUNCIL MEMBER MENDEZ:   And that's  
8           from Fiscal Year?  
9                   MR. BANKS:   '08 to '09.  
10                  COUNCIL MEMBER MENDEZ:   And how  
11           much are, is being proposed now for Fiscal Year  
12           '10?  
13                  MR. BANKS:   Assuming that the \$2  
14           million is made up, we would be, if you take the  
15           cumulative cuts from '08 to 2010, is that what  
16           you're asking me?  
17                  COUNCIL MEMBER MENDEZ:   Um-hum.  
18                  MR. BANKS:   We would be \$12.3  
19           million short.  Our request, however--  
20                  COUNCIL MEMBER MENDEZ:  
21           [Interposing] Um-hum.  
22                  MR. BANKS:   --for funding is for  
23           \$11.3 million.  
24                  COUNCIL MEMBER MENDEZ:   And that's  
25           on the criminal--

2 MR. BANKS: [Interposing] Correct.

3 COUNCIL MEMBER MENDEZ: --legal.

4 Can you tell me how much is the difference in  
5 funding from Fiscal Year '08 to Fiscal Year '09 in  
6 civil, if any?

7 MR. BANKS: Yes. \$3 million, and  
8 if, if the next question would be the difference  
9 between '08 and '10, \$6 million.

10 COUNCIL MEMBER MENDEZ: The \$3  
11 million, that's split between Legal Aid Society  
12 and--

13 MR. BANKS: [Interposing] No--

14 COUNCIL MEMBER MENDEZ: --no--

15 MR. BANKS: --if, you know--

16 COUNCIL MEMBER MENDEZ: --that's  
17 just Legal Aide?

18 MR. BANKS: --just Legal Aid.

19 HYMAN: If you want to count both,  
20 it'd be \$6 million.

21 COUNCIL MEMBER MENDEZ: So counting  
22 both for Fiscal Year '08 to '09, these numbers  
23 double then.

24 MR. BANKS: Correct.

25 COUNCIL MEMBER MENDEZ: Okay. And

can you tell me in terms of civil, you know, I,  
you know--

MR. BANKS: [Interposing] Can I  
make one point before you ask that question?

COUNCIL MEMBER MENDEZ: Sure.

MR. BANKS: One of the problems  
with this construct of The Legal Aid Society needs  
\$11.3 million and the DAs may need something else,  
is I remember, years ago, I don't know if this  
answers Council Member Fidler's question as well  
as your question, years ago, there used to simply  
be a construct that the prosecution got 60% of the  
resources and the defense for 40% of the  
resources.

And I can remember testifying in  
prior times before the Council when it was Mayor  
Koch and Mayor Dinkins that we didn't have these  
fights about DAs versus criminal defense 'cause it  
was 60/40. Just a thought to...

COUNCIL MEMBER MENDEZ: Um-hum.

MR. BANKS: Get out of this. If  
there is more money for the District Attorneys, by  
the way, we would want to make sure that we got  
our fair share of that money too.



2 COUNCIL MEMBER MENDEZ: Thank you.

3 MR. BANKS: I'm sorry to cut you  
4 off Council Member.

5 COUNCIL MEMBER MENDEZ: No. No  
6 that was very informative, thank you. In terms of  
7 civil cases, you know, we all know that we triage  
8 cases, I say we 'cause when I was at Legal  
9 Services, that's what we did. We couldn't take  
10 every case that walked through the door even  
11 though they were all eligible.

12 Can you tell me, you know, of  
13 people walking through the door, how many cases  
14 you actually take of people who are eligible for  
15 legal services, for civil legal services?

16 MR. BANKS: Our most recent study  
17 would have shown us that we're turning away out of  
18 every 7 clients, we take 1 and we turn away 6. We  
19 think that may no longer be accurate given what's  
20 happening in the economic downturn but the last  
21 time we were able to study this, out of every 7, 6  
22 people get turned away.

23 COUNCIL MEMBER MENDEZ: And that  
24 study ran through, like a Fiscal Year or two  
25 Fiscal--

2 MR. BANKS: [Interposing] It's  
3 prior to the economic downturn--

4 COUNCIL MEMBER MENDEZ:  
5 [Interposing]

6 MR. BANKS: --which we think is  
7 probably--we think it's a significant undercount--

8 COUNCIL MEMBER MENDEZ:  
9 [Interposing] Um-hum.

10 MR. BANKS: --don't forget also, 1  
11 out of 7 is--those that come to us--

12 COUNCIL MEMBER MENDEZ:  
13 [Interposing] Right.

14 MR. BANKS: --as opposed to those  
15 that may not be able to--

16 COUNCIL MEMBER MENDEZ:  
17 [Interposing] Um-hum.

18 MR. BANKS: --be able to come to us  
19 for all the reason that we know. Vulnerable  
20 people sometimes have difficulties seeking out  
21 help.

22 COUNCIL MEMBER MENDEZ: This is  
23 before the economic downturn but it was--does this  
24 include, with the most recent cuts from last year-  
25 -

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2 MR. BANKS: [Interposing] No.

3 COUNCIL MEMBER MENDEZ: --because

4 these cuts came before--

5 MR. BANKS: [Interposing] No--

6 COUNCIL MEMBER MENDEZ: --the

7 economic downturn.

8 MR. BANKS: --it predates all of

9 that.

10 COUNCIL MEMBER MENDEZ: It

11 predates--

12 MR. BANKS: [Interposing] It

13 predates all of that.

14 COUNCIL MEMBER MENDEZ: --all of

15 that.

16 MR. BANKS: Yep.

17 COUNCIL MEMBER MENDEZ: So

18 certainly this year, you're taking less cases

19 'cause you've got cuts and now with the economic

20 downturn, you're finding more people who have a

21 necessity who are coming to you.

22 MR. BANKS: That's right.

23 COUNCIL MEMBER MENDEZ: So these

24 numbers may be off the charts now--

25 MR. BANKS: [Interposing] That's

right. That's right.

COUNCIL MEMBER MENDEZ: And can I ask how many people show up to Legal Services that don't meet the economic criteria, who don't qualify?

MR. BANKS: That's a relatively small percentage. The reasons why we're not taking people as a general matter are not because of financial and eligibility but because of lack of resources.

COUNCIL MEMBER MENDEZ: Okay. Thank you very much.

CO-CHAIRPERSON VACCA: Thank you. Thank you Mr. Banks. We now--I'm waiting for Commissioner Horn, so is Commissioner--who else? Oh Gale Brewer has a question?

COUNCIL MEMBER BREWER: Thank you. Thank you for always being so responsive. You know, I've asked you informally and then I asked Mark Page yesterday, and I've asked Commissioner Hess. He's getting \$73 million, \$73.4 million to be exact, for anti-eviction, homeless prevention, etcetera.

And according to the material we

got from our staff yesterday, he, he meaning the City, DHS, Department of Homeless Services, is using \$6 million for their internal programs.

That still leaves \$68 million for what I call the work that you and other legal services in the broadest sense of the word do.

So do you--and then I asked, when I asked Mark Page yesterday, what about the rest of the \$68 million, he says he would get back to us, he doesn't know what it's for. So have you had any conversations with the City? Wouldn't it make sense, if we're really talking about Homeless Prevention, which is what I think you are so good at. Wouldn't it make sense for you to get some of that money? When I say you, I mean the general legal services community.

MR. BANKS: A lot of my answers had a lot of words in them. This one is just yes.

COUNCIL MEMBER BREWER: Okay. So what have--have you had any discussions? Have you been asking, advocating for that funding?

MR. BANKS: As you know, we always... we're not bashful about asking for help.

COUNCIL MEMBER BREWER: Okay. So

you would--it would seem to me it would make sense for some of that funding to go to the broadest sense of legal services, which to me is anti-eviction, homeless prevention, etcetera.

MR. BANKS: We completely agree with that.

COUNCIL MEMBER BREWER: Okay.

MR. BANKS: And certainly to the extent that it's possible in the budget process to earmark some of those dollars from the stimulus to permit an expansion of the programs that we talked about that were reduced last year, to restore them back to the 2008 levels, that's certainly something that would seem to us to be in the interests of all New Yorkers.

COUNCIL MEMBER BREWER: Thank you.

CO-CHAIRPERSON VACCA: Thank you.

MS. HYMAN: Thank you.

CO-CHAIRPERSON VACCA: Commissioner Horn--oh Rosie, one quick question, go ahead.

COUNCIL MEMBER MENDEZ: Thank you. Thank you Mr. Chair for indulging me. I forgot to ask a question which is about capital. The Criminal Justice Coordinator in his testimony

referred to the \$4 million investment for technology upgrade which was in addition to the \$3 million that you received in Fiscal Year '07.

Have you and when did you receive the \$3 million? And is \$4 million adequate? I'm sure something is better than nothing but in terms of technology upgrade--

MR. BANKS: [Interposing] I mean I'll--let me explain what the purpose of that project was. First as I described, we had lost--we went from \$79 million in annual funding to \$56 million in funding from prior--the Giuliani Administration. And so there was no investment possible in any type of infrastructure. And there obviously are significant changes between 1994 and 2002, in terms of technology.

And so the Bloomberg Administration and we appreciate it, recognized that we needed to have an upgrade in our basic hardware. And then jointly we both looked at--the Administration and The Legal Aid Society, looked at the importance of trying to analyze the data about arrests and what the reasons for arrests are and clients and the disposition of cases.

But that the case management system we had was also one that we couldn't upgrade between 1994 and 2002. And so the dollars are to enable us to upgrade our case management system to permit us to collect a whole range of data so that in the future we could testify before you with more precise answers about the kinds of things going on in the case load.

We can tell you that it takes 4 post-arraignment appearances to resolve a misdemeanor. We can tell you it takes 9 post-indictment appearances to resolve a Supreme Court felony case. Those kinds of things we can do. But there are other things that you might like to know.

We could tell you that in general 40% of our clients are impaired, one way or the other with mental health issues and other kinds of issues like that. But a case management system that's upgradeable allows us to give you much more precise data to tell us in, you know, Council Member Jackson's District that this percentage of the cases have impairments and that type of data.

And we thought it would be helpful



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2 to be able to report on that to the Council, to be  
3 able to manage our work with that kind of analysis  
4 and the Administration agreed. And we appreciated  
5 that, but that doesn't substitute for having  
6 people on the ground who can actually provide the  
7 services to constituents. And that doesn't  
8 substitute for dollars to cover the increases in  
9 healthcare and the increases in rents and the  
10 increases in the costs of everything that we're  
11 experiencing this year.

12 COUNCIL MEMBER MENDEZ: Thank you.

13 MS. HYMAN: Thank you.

14 CO-CHAIRPERSON VACCA: Thank you  
15 Steve, I'm sorry. Okay. Commissioner Horn, we'll  
16 now go on to Department of Correction.

17 [Witnesses leaving, new ones  
18 getting settled]

19 CO-CHAIRPERSON VACCA: Thank you  
20 Steve, I'm sorry. Okay. Commissioner Horn, we'll  
21 now go on to Department of Correction.

22 [Witnesses leaving, new ones  
23 getting settled]

24 [Pause]

25 CO-CHAIRPERSON VACCA: Commissioner

2 Horn, welcome. And we--I first want to thank you  
3 for your understanding before that our Fire  
4 portion of the hearing was running late. And I  
5 thank you for your cooperation today.

6 COMMISSIONER HORN: Happy to help  
7 out.

8 CO-CHAIRPERSON VACCA: All right.  
9 Let me start off. This is a hearing held by the  
10 Fire and Criminal Justice Committee of the Council  
11 in conjunction with the Finance Committee of the  
12 Council. And members here are myself, James  
13 Vacca, Chair of the Fire and Criminal Justice  
14 Committee; and to my right, Rosie Mendez; and  
15 that's it. Commissioner Horn, please proceed.

16 COMMISSIONER MARTIN F. HORN: Good  
17 afternoon, Chairman Vacca.

18 CO-CHAIRPERSON VACCA: I'm sorry--  
19 Council Member Crowley, I did not see you.

20 COMMISSIONER HORN: Council  
21 Members. I'm here today to speak to you about the  
22 Department of Correction's Executive Budget  
23 proposal for Fiscal Year 2010. The operating  
24 budget for next year is \$993 million. This will  
25 support a staff of 8,842 uniformed and 1,505

civilian staff. Our 10-Year Capital strategy totals \$1.37 billion, including \$191 million planned for Fiscal Year 2010.

The Department is working with its partners in the criminal justice system on innovative initiatives that are expected to reduce our inmate population by about 500, bringing our average daily inmate population down to 13,000.

This budget continues our commitment to reduce the size of the jail system, as that is the best way to reduce the cost of incarceration. When I testified in March, I told you that the budgetary choices that we have made over the past several years, as well as the excellent work of our staff, have undoubtedly led to safer jails. Our number one priority is always to keep the jails safe, to prevent violence and to prevent escapes.

This budget preserve the improvements we have made in jail safety and our commitment to discharge planning. The budget also recognizes that we can't cut costs without reducing our workload. And the only way to reduce workload is to reduce the number of people housed

in our City's jails.

This requires all of us to reexamine the criminal justice system, to make it more rational and more efficient. The initiatives that we put forth in January are expected to reduce the average daily population of the jails by some 500 to 600 inmates each day.

Those initiatives require the City to implement a new Release Under Supervision Program, reduce the conviction to sentencing time for newly sentenced felons bound for state prison; and expand the Bail Expediting Program. The Criminal Justice Coordinator's Office is leading these efforts.

As you may recall the January Plan also assumed two proposals that require the approval of the Board of Correction. The first was to lengthen the recreation period from an hour to an hour and a half, but to offer recreation five days a week instead of seven. The other was to reduce our visit schedule without decreasing the number of opportunities each week that a person in jail can visit with his or her loved ones.

We have requested the necessary variances to implement these proposals. And the Board of Correction is now reviewing these requests. The Executive Budget includes three additional initiatives to reduce costs.

First our budget includes savings resulting from a reduction of 72 civilian positions through attrition. The reduction will not prevent us from hiring staff that are needed for reasons of health or safety; trades titles needed for the maintenance and upkeep of our physical plant; or new positions needed to complete civilianization efforts assumed in previous budget cycles. However, this cut will mean that very few managerial, administrative or clerical employees will be replaced as they leave the agency.

Losing these 72 positions on top of the 306 managerial and support positions that have been eliminated over the last 18 months will diminish our managerial, analytic and support capacity.

We reexamined our dietary practices and determined that we can decrease bread

production to save the City \$400,000. Currently we bake enough wheat bread to provide an average of 4 slices of bread, per person, per meal, or 12 slices of bread every day. We will now cut bread production by 1/3 and make available an average of 8 slices of bread each day. This change is in addition to an earlier change in which we began providing an additional fruit or vegetable serving each day.

These changes are consistent with dietary guidelines and will have a favorable impact on inmate health and nutrition. DOC will continue to prepare meals that meet all of the USDA recommended dietary allowances. This menu change will reduce the calories and carbohydrates served each day and will lower sodium intake.

Like other City agencies, the Department of Correction is also reducing its non-emergency vehicle fleet. This will save \$226,000 in vehicle replacement costs in Fiscal Year 2010 and ongoing maintenance costs in the out years.

Even as we try to reduce workload and civilian staffing devoted to management and administration, we will also take on a new

function. Beginning in Fiscal Year 2010 we will staff the Pre-arraignment Holding Cells in the Bronx Criminal Court and provide additional court escorts in the Bronx Hall of Justice. The Police Department now performs this function. However these duties will be transferred to the Department of Correction which already performs these duties in Manhattan and Queens.

We have reduced our capital budget by 30% over the next 10 years. Despite this \$567 million reduction we remain committed to our plans to build an addition to the Brooklyn House of Detention; build a new facility in the Bronx; convert our steam plant on Rikers Island to a co-generation facility; make fire safety upgrades in our jails; and invest in basic security and infrastructure needs. With the 30% capital reduction, we will have to be very careful and prudent about maintaining our facilities and infrastructure and spending our capital dollars.

Our capacity reduction plan will reduce the City's total jail capacity by 3,000 beds and will reduce our Rikers Island capacity by 4,000 beds. It remains my top priority. To

maintain Constitutional conditions in the jails we must tear down the wooden structures and plastic tents that we continue to rely on. We have talked about replacing them for the last 15 years. And it can no longer be put off. This plan will not replace all of the beds that we demolish. We must replace some of them. Not building is not an option.

The only question is where we build the replacement jail space we need. Building that capacity in the Boroughs is the right thing to do. As I have said so many times since we first discussed our capacity reduction plan years ago, jails belong close to courts and close to families, close to attorneys and close to the communities. Building the jails in the Boroughs also makes economic sense.

New Borough jails will be cheaper to build and cheaper to operate than new jails on Rikers Island. This analysis is available for public view on the Department's website.

Thank you for your time today Mr. Chairman and Council Members. I would once again invite all of you to come out to Rikers Island to



2 see for yourself the challenges that we face; the  
3 progress that we have made; and the reasons that  
4 our Borough plan is so important. I'd be happy to  
5 answer any questions you might have.

6 CO-CHAIRPERSON VACCA: Thank you  
7 Commissioner. Commissioner, first I'd like you to  
8 provide the Committee with some more information  
9 about the Release Under Supervision Program that  
10 you suggest whereby you're eliminating 500 to 600  
11 inmates per day--

12 COMMISSIONER HORN: [Interposing]  
13 Yes.

14 CO-CHAIRPERSON VACCA: --and you're  
15 going to have--I'd like to know, you know, if you  
16 could give me a synopsis in writing as to the  
17 details of that Release Under Supervision Program.

18 COMMISSIONER HORN: We are still  
19 working it out, in conversation with the  
20 Coordinator's Office, the District Attorneys, the  
21 defense bar, and certainly as soon as it's  
22 completed we will be happy to send you a written  
23 version of it. I certainly don't have one with me  
24 here today.

25 CO-CHAIRPERSON VACCA: These

individuals that you are releasing are individuals from the general community who are awaiting trial?

COMMISSIONER HORN: Yes.

CO-CHAIRPERSON VACCA: These are not people convicted of crime.

COMMISSIONER HORN: That is correct.

CO-CHAIRPERSON VACCA: When you say Release Under Supervision, what type of supervision? Are we talking 24 hour supervision? Are we talking a halfway house? What are we talking about?

COMMISSIONER HORN: We're talking about supervision, somewhat similar to what people receive when they are on probation.

CO-CHAIRPERSON VACCA: Similar to when on probation. Well I would be concerned about someone who's been accused of a crime who may not have met bail yet and who's going to get the same level of supervision as somebody who's on probation. Do you think the general public has a reason to be concerned?

COMMISSIONER HORN: If I thought the general public had a reason to be concerned we

2 wouldn't propose it--

3 CO-CHAIRPERSON VACCA:

4 [Interposing] You wouldn't proceed. I got you.  
5 Why would someone be concerned? I mean these are  
6 people who have not been found guilty or not  
7 guilty. They may have made bail but you're  
8 proposing not to--not to hold them but to release  
9 them under very, what appears to me to be limited  
10 supervision.

11 COMMISSIONER HORN: Mr. Chairman.

12 The only--

13 CO-CHAIRPERSON VACCA:

14 [Interposing] It's saving the City money but I  
15 don't want to save the City money at the public's-  
16 -if it's a public safety issue then I'm aware  
17 that--

18 COMMISSIONER HORN: [Interposing]

19 Neither do I.

20 CO-CHAIRPERSON VACCA: Okay.

21 COMMISSIONER HORN: Let me be  
22 clear. The only legal standard for confining a  
23 person pretrial, under New York State law is the  
24 likelihood that they will appear for trial, except  
25 in capital cases. If you and Mr. Collandra

[phonetic] for example, both had similar criminal records and both got arrested for the same crime, and the judge set bail at \$500 in both your cases, if, for example, Mr. Collandra's mother had \$500 and ran down to the courthouse and came up with \$500, he would be in the community. If your mother didn't have \$500 you would be on Rikers Island.

What we are proposing is that we would return to the judge and say that in the case of Mr. Vacca, who for want of the \$500 otherwise would be at liberty as Mr. Collandra is, we are prepared judge, to offer you supervision, guaranteeing you the likelihood that he will appear for trial. And if you are satisfied that he is likely to appear for trial, under New York State law, you are essentially obligated to release him.

CO-CHAIRPERSON VACCA: These are people accused of misdemeanor crimes. Quality of life or misdemeanor or do these involve people accused of felonies?

COMMISSIONER HORN: Some. There are some people who are accused of felonies who

are held on \$500 bail or perhaps \$1,000 bail.

CO-CHAIRPERSON VACCA: That's where I would need more details from you. And I look forward to receiving that. I want to ask you next about the Brooklyn and Bronx jails. My understanding is that the Bronx jail is in the out years in the capital budget.

COMMISSIONER HORN: No. Because of the delays as a result of going through the political process, the ULURP process, the planning process, we recognize that the likelihood that we could get the entire project built within the 10-year term of the financial plan is diminished.

And also in order to make the plan work, what we are proposing to do is to begin the construction and to do it in phases. And we would build the 1<sup>st</sup> phase of about 1,000 beds during the 10-year Plan, and in the 2<sup>nd</sup> phase, build the 2<sup>nd</sup> 500 beds. But it would all be part of the same Land Use approval process.

CO-CHAIRPERSON VACCA: The bulk of the money for even phase one of the jail is not in the 5-year Plan. It is beyond 5 years, am I correct?

2 COMMISSIONER HORN: The money for  
3 phase is entirely in the 10-year Plan.

4 CO-CHAIRPERSON VACCA: In the 10-  
5 year Plan.

6 COMMISSIONER HORN: Yes.

7 CO-CHAIRPERSON VACCA: When I  
8 looked, it was not in the 1<sup>st</sup> 5 years of the 10-  
9 year Plan.

10 COMMISSIONER HORN: I--

11 CO-CHAIRPERSON VACCA:  
12 [Interposing] Is that correct?

13 COMMISSIONER HORN: Let me check.  
14 Hold on.

15 CO-CHAIRPERSON VACCA: You're  
16 removing \$295 million and you're bringing it--

17 COMMISSIONER HORN: [Interposing]  
18 It's within--it's--I think it's within the 5-year  
19 Plan. I see \$210 million between Fiscal Year '10  
20 and Fiscal Year '13 for the Bronx Jail. It's in  
21 the 5 years.

22 CO-CHAIRPERSON VACCA: so between  
23 Fiscal Year '10 and '13.

24 COMMISSIONER HORN: There's \$210  
25 million in the Capital Plan.

2 CO-CHAIRPERSON VACCA: And in  
3 Brooklyn?

4 COMMISSIONER HORN: Brooklyn is  
5 fully funded in the plan.

6 CO-CHAIRPERSON VACCA: What is your  
7 intention with Brooklyn? Are you going to go  
8 through a ULURP process or are you going to start  
9 filling beds now that you can fill without a  
10 ULURP?

11 COMMISSIONER HORN: We can utilize  
12 the Brooklyn House of Detention up to its current  
13 759 bed capacity without any further action. And  
14 as we need it, we will.

15 CO-CHAIRPERSON VACCA: How many  
16 inmates are there now?

17 COMMISSIONER HORN: 32.

18 CO-CHAIRPERSON VACCA: When do you  
19 intend--do you intend in the near future to  
20 increase that number beyond 32?

21 COMMISSIONER HORN: Yes.

22 CO-CHAIRPERSON VACCA: The near  
23 future being the 2009 calendar year?

24 COMMISSIONER HORN: I can't say  
25 that for certain. It's going to depend on our

2 needs. We have other facilities that need to be  
3 closed down for renovation and we have to move  
4 those inmates someplace. It will depend on when  
5 we're ready to move forward with those renovation  
6 projects.

7 CO-CHAIRPERSON VACCA: You have  
8 1,000 beds there.

9 COMMISSIONER HORN: 759.

10 CO-CHAIRPERSON VACCA: 750 beds.  
11 Do you anticipate having those beds used within  
12 the next 2 years?

13 COMMISSIONER HORN: Yes.

14 CO-CHAIRPERSON VACCA: Yes. And  
15 this is part of your effort to close Rikers--not  
16 to--this is part of your effort to comply with  
17 orders to reduce the population at Rikers Island?

18 COMMISSIONER HORN: There is no  
19 order to reduce the population of Rikers Island--

20 CO-CHAIRPERSON VACCA:

21 [Interposing] Was there--was there--

22 COMMISSIONER HORN: --but it is  
23 certainly consistent with our belief that the City  
24 should reduce its dependence on Rikers Island.  
25 But also the Brooklyn House of Detention has



always been part of the Department's capacity.  
And as we close the mods and sprung[s] [phonetic]  
the pressure will be greater to make use of it.  
And in addition as I say we have several older  
facilities that are in need of renovation.

One facility that dates to the  
1930s that must undergo a massive ventilation and  
air conditioning upgrade that can proceed best if  
the facility is unoccupied or only partially  
occupied. And so we see the Brooklyn House of  
Detention as providing an opportunity to allow  
that work to go forward.

CO-CHAIRPERSON VACCA: Okay. Any  
questions, Councilwoman?

COUNCIL MEMBER REYNA: I have a  
capacity question. Do you ever reach overcapacity  
and what happens if you do?

COMMISSIONER HORN: The good news  
is that we have plenty of capacity in New York  
City. At one time the City's jails held 23,000  
inmates. Today we have 13,000 inmates, so we have  
a margin. We--our capacity fluctuates. It can  
fluctuate as much as 1,000, by 1,000 inmates in a  
6 month period. We've seen fluctuations of 600

just in the last 6 months.

We open and close housing units. We have unoccupied space in jails. And so we open and close them using overtime as necessary to operate them.

COUNCIL MEMBER REYNA: So you don't really need to find more areas throughout the Boroughs to find--to build more jails.

COMMISSIONER HORN: Yes we do. We have to demolish 4,000 beds that are currently on Rikers Island and reduce the City's reliance on Rikers Island.

COUNCIL MEMBER REYNA: Why do we have to reduce the reliance on Rikers--

COMMISSIONER HORN: [Interposing] 'Cause Rikers Island is a bad place to house people.

COUNCIL MEMBER REYNA: Well. Did you outline those in your testimony. I don't remember--

COMMISSIONER HORN: [Interposing] I've outlined it in previous testimony several times. And it's all available on the website. We'd be happy to provide you copies with that--

2 COUNCIL MEMBER REYNA:

3 [Interposing] Yeah who do I get in touch with if I  
4 want to take a visit, tour the jail?

5 COMMISSIONER HORN: Well my office  
6 would be happy to set it up.

7 COUNCIL MEMBER REYNA: Great.  
8 Thank you.

9 COMMISSIONER HORN: I urge you to  
10 take public transportation by the way. It takes  
11 close to 2 hours for families who live, for  
12 example, in East New York or Staten Island, to  
13 come visit their loves ones by public  
14 transportation on Rikers Island, 2 hours each way-  
15 -

16 COUNCIL MEMBER REYNA:  
17 [Interposing] Sure. I would just take the F  
18 Train? No.

19 COMMISSIONER HORN: Excuse me?

20 COUNCIL MEMBER REYNA: What do you  
21 take, a ferry there? If I was to go. I live in  
22 Queens.

23 COMMISSIONER HORN: If you live in  
24 Queens?

25 COUNCIL MEMBER REYNA: Yeah.

COMMISSIONER HORN: You would have to take--you would have to somehow get to the Q-100 bus, the only way to get there is on the Q-100 bus. But if you were coming from the North Bronx it would take you an hour and 45 minutes. You would have to go to take the 7 Train to Queens Borough Plaza and then take the Q-100 bus.

CO-CHAIRPERSON VACCA: Let me ask Commissioner, I wanted to mention about state budget cuts. You had some state budget cuts and the City has to replace the money from the state. And are we working with the state to get reimbursement or to get those cuts restored?

COMMISSIONER HORN: [Chuckling] I don't think there's any likelihood of those cuts being restored. The state has reduced its reimbursement for inmates that we hold who would otherwise be their obligation. That was adopted as part of the state budget. I don't see that being reversed. Thank you--

CO-CHAIRPERSON VACCA:  
[Interposing] There being no further questions. We now have some people from the public who wish to testify. Are we going to go to...?

2 [Pause]

3 CO-CHAIRPERSON VACCA: All right.

4 This Committee will now adjourn because we have  
5 Oversight and Investigations that will be working  
6 with Finance, having an Oversight Budget Hearing  
7 over the Department of Investigation. And we will  
8 reconvene later to take the public testimony.

9 [Pause]

10 [People moving about, getting ready  
11 for next Committee]

12 [Several other hearings intervened]

13 CO-CHAIRPERSON GIOIA: Can I gavel  
14 him in? I just want to welcome my colleague  
15 Council Member Mike Nelson.

16 CHAIRPERSON WEPRIN: Good  
17 afternoon. We're now going to convene the public  
18 portion of the day where people from the public  
19 can testify on the budget, on items that occurred  
20 today. We're going to call up a few panels but  
21 before we do that, we understand there's a young  
22 man that has to leave and we're going to let him  
23 come up first. Brandon, do you want to come up?  
24 Brandon Austin from the Fortune Society.

25 MR. BRANDON AUSTIN: Brandon Austin

from the Fortune Society, the Fortune Academy.  
Hello Council and all who are in attendance today.  
I'm a 24-year old resident of the Fortune Academy  
at the Fortune Society's Residential Facility for  
Formerly Incarcerated Individuals.

Despite my age and apparent young  
features, I have served four years, four and a  
half years of incarceration from the year 2003 to  
2007. Much of my change has occurred inside but  
the transition that I made to the--to society is  
truly due to my enrollment in the Fortune Academy.

The Fortune Academy has provided me  
with a means of hope. I think it does that for  
every resident there. What happens is when you  
come out of incarceration, you're left stranded so  
to speak. And my only option coming out was to go  
to a shelter. And instead of going to the shelter  
I was given the opportunity to go into the  
Academy.

Since being at the Academy and  
utilizing all of the services there, from  
facilitated counseling groups by residents as well  
as case manager assistance, I have enrolled in  
college. I'm now an honor student at my school.

I also recently was accepted for a merit-based paid internship with a major business publication. And the Fortune Academy has also, the staff there has also assisted me with finding employment.

And so I must say that I'm truly indebted to them. And I think everyone who is a resident there is as well. Once again I must say, as I explained to Ms. Mendez, that the Academy has provided me with hope. And I think that without, without funding a service like that, you are taking away society's betterment, as well as individuals who were formerly incarcerated. And you're leaving them without any chance of a better future. And with that I'll close. And if you have any questions I'll take them at this time.

CHAIRPERSON WEPRIN: Thank you.

Good luck. Where are you in school?

MR. AUSTIN: I attend Medgar Evers College for the--

CHAIRPERSON WEPRIN: [Interposing]  
Which college?

MR. AUSTIN: Medgar Evers College--

CHAIRPERSON WEPRIN: [Interposing]  
Oh Medgar Evers College--

2 MR. AUSTIN: --at the City  
3 University of New York, yeah.

4 CHAIRPERSON WEPRIN: Great. Yeah,  
5 Council Member Baez, we've been joined by Council  
6 Member Maria Baez.

7 COUNCIL MEMBER BAEZ: Thank you. I  
8 just want to congratulate you. And you have an  
9 internship with who, you stated?

10 MR. AUSTIN: Specifically? The  
11 Economist, I'll be working with the Sales  
12 Department.

13 COUNCIL MEMBER BAEZ: Very good. I  
14 was just asking 'cause I'm looking for an intern  
15 [chuckling].

16 MR. AUSTIN: Wow, look--

17 COUNCIL MEMBER BAEZ: [Interposing]  
18 You give us hope. Thank you--

19 MR. AUSTIN: [Interposing] Thank  
20 you.

21 COUNCIL MEMBER BAEZ: --you've done  
22 a commendable job.

23 CHAIRPERSON WEPRIN: Council Member  
24 Mendez, do you want to say something

25 COUNCIL MEMBER MENDEZ: Yeah I was



1           FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES<sup>257</sup>  
2           going to ask about your internship but Maria beat  
3           me to it. But also want to add, very proud of you  
4           and I'm proud of the work that the Fortune Society  
5           does and I look forward to seeing great things  
6           from you in the future.  
7                       MR. AUSTIN: Thank you.  
8                       CHAIRPERSON WEPRIN: Thank you--  
9                       COUNCIL MEMBER MENDEZ:  
10          [Interposing] And thank you for coming here and  
11          telling us your story today.  
12                      MR. AUSTIN: Okay.  
13                      [Pause]  
14                      CHAIRPERSON WEPRIN: Next group to  
15          come up is a panel, Gibb Surette from UAW; Sherry  
16          Goldstein from the Fortune Society; Rick Greenberg  
17          from the Office of Appellate Defender; and Andrew  
18          Scherer from Legal Services NYC.  
19                      {Pause}  
20                      CHAIRPERSON WEPRIN: [Talking to  
21          staff] This one is ATI Coalition also, should I  
22          call her? Sherry Wilson?  
23                      [Off mic]  
24                      CHAIRPERSON WEPRIN: Let me set--  
25          how do you set the timer?

2 [Pause]

3 [Witnesses getting settled]

4 CHAIRPERSON WEPRIN: Go ahead.

5 MR. ANDREW SCHERER: Good afternoon  
6 Council Members and staff. I'm Andrew Scherer,  
7 I'm the Executive Director of Legal Services NYC.  
8 And we are the largest provider of civil legal  
9 services in the United States, actually with  
10 offices in all five Boroughs and in low income  
11 communities and transportation hubs throughout the  
12 City.

13 I am here today to really thank the  
14 Council for its continued support for civil legal  
15 services over many, many years. This is a long-  
16 standing partnership between us and the City  
17 Council. Over the last 20 years of City funding  
18 we've helped thousands upon thousands of low  
19 income people protect their legal rights, stay in  
20 their homes, empower themselves, become self-  
21 sufficient, live with dignity.

22 As you know well, we took a very  
23 hard hit in the last year's budget. We lost about  
24 half of our funding overall and in fact one of our  
25 programs through which we provide assistance for

people who are having trouble with the Earned Income Tax Credit, that program was completely eliminated. And funding for about 740 cases a year was eliminated.

We are urging you to restore us and restore the funding for civil legal services in 4 critical programs to the level of funding that we were at, really, 2 years ago. The Citywide Civil Legal Services Program which provides general support for all of what we do, but particularly it gives us the flexibility to be able to respond to the calls from your offices, to help our mutual client population and your constituents, enables us to provide training to your staff. That funding was at one point, you know, 2 years ago, \$3.67 million and last year it was down to \$1.5 million. We hope that you'll be able to find a way to restore that program.

The Keeping Families Together Program through which we provide representation to parents who are accused of abuse and neglect, that--we keep kids out of foster care, save the City enormous amounts of money, get kids home much faster than really anybody else doing that kind of

work. That program was cut 40%, we'd like to see that restored back up to a half a million dollars.

Our SSI, Social Security, Supplemental Security Income and Unemployment Insurance Program that was cut to \$1.3 million from \$2.5 million. That program, through that program, we help people get government benefits that save the City money. We keep people off of public assistance. We bring enormous amounts of money into the low income communities in New York City. We'd like to see that restored from the \$1.3 million back to the \$2.5 million.

And finally we'd like to see the Earned Income Tax Credit Program restored to its original level of \$765,000 a year. I know that this group fully understands the importance of these programs and this work. I know that you fully understand that we're at a moment where low income people are really suffering more than anyone from the current economic crisis and that programs like ours are needed more than ever.

Unemployment is up. Evictions are way up. Foreclosures are up. Bankruptcy's on the rise. We save money for the City. We help

enormously the lives of our clients. We put dollars, you know, we are the original stimulus program. And we put dollars into low income communities. And we are really a lifeline for basic survival for vulnerable New Yorkers every day.

We are enormously grateful for all the support you've provided for us over the years. We know this is yet another difficult year over many difficult years. And maybe this one's particularly difficult but that's all the more reason why our clients need the help. And we thank you ever so much for your unwavering support over the years. Thank you.

CHAIRPERSON WEPRIN: Thank you.

MR. GIBB SURETTE: Thank you. My name's Gibb Surette and I'm the President of the Legal Services Staff Association, a unit of the National Organization of Legal Services Workers, UAW 2320. We represent the lawyers, paralegals, secretaries, receptionists, social workers, process services, intake officers and other staff employees at Legal Services New York City and at MFY Legal Services.

Our local also represents the frontline workers at Housing Conservation Coordinators, Goddard Riverside Westside SRO Project, and Citywide Task Force on Housing Court. Our members, like the attorney members of our sister local 2325 at Legal Aid, and their co-workers in SEIU 1199 are dedicated social first responders. We address the most emergent needs of New York's poorest and most vulnerable citizens and resident when all else fails.

Our work is essential. It's more badly needed than ever and by more New Yorkers in hard economic times like these. Moreover we're effective for our clients and in numerous ways, both short term and long term, we're cost effective for the City. Our effectiveness and our efficiency owe much to the sacrifice and dedication of our members and also to the hard-fought contracts that make our careers viable.

The Council has often heard these points and the particular arguments and examples that support them so I won't rehearse them again. You have appreciated their truth and importance and have embraced them. Time and again when the

Executive has been indifferent or hostile, the Council has saved our services to the poor from devastation.

By last year we had been restored nearly to 1994 funding levels. Then our programs and our clients were made to suffer. Matters were made worse by the fact that the grants hardest hit were for the most part the general funds that best allow programs to respond to shifting and growing client needs.

And most disturbingly, unionized programs, especially those with the longest track records and the greatest economies of scale were targeted for the heaviest cuts. I'll repeat that. Unionized programs were targeted for the heaviest cuts. Not just absolutely but proportionately, 50% in overall funding, 59% cut to general funds. And many whom we count as friends felt compelled to concur in this result.

Layoffs and threats of layoffs, service reductions and dislocation of staff from areas of hard won expertise have been among the results.

Council Members have differed as

just how and why this occurred. What is more important is a consensus that it cannot recur. The UAW opposes any further cuts to these unionized programs and we support their requests for full restoration to Fiscal Year 2008 levels. If restoration for all is not to be, if full restoration for all is not to be, we urge you to restore funding to unionized programs proportionate to the amounts that were cut last year. Thank you.

CHAIRPERSON WEPRIN: Thank you. Go ahead.

MR. RICHARD M. GREENBERG: Yes good afternoon. My name is Rick Greenberg and I am with the Office of the Appellate Defender. I know that all of you folks know about OAD. We are the oldest indigent defense organization in New York City other than The Legal Aid Society, having been founded in 1988, we are going into our 22<sup>nd</sup> year of providing high quality appellate and post-conviction representation to our clients.

We are a full service client-centered office. And that means that we not only provide high quality legal representation but we



provide an array of services related to that client's legal needs that may go outside the very narrow scope of an appeal such as parole advocacy, prison disciplinary work, reinvestigation of possible innocence claims, and in particular our social work and reentry program.

I'm not going to go through our accomplishments. In my written testimony I have outlined a number of recent victories that we've had in the courts. But each one of these cases could be an entire book or a chapter in a book.

The young man who just spoke a few minutes ago from--who's in the Fortune program is representative of the kind of people that we represent. People who may have gotten caught up in the law, may have gone to State prison for something that they did or did not do, but are trying to turn their lives around and trying to do something with themselves. And that's how we see each and every one of our clients.

Now just in the last few months we have had reversals of convictions for individuals serving sentences as high as 25 years to life for drug crimes, 15 to life. A 58-year old man who

was wrongly convicted of manslaughter and was sentenced to 17 years. We just had his conviction overturned.

I could go on about these stories but what I really want to focus on in the minute I have is our budget situation because what happened last year was really a terrible situation that put us into a very severe budgetary crisis. And I think the Criminal Justice Coordinator's testimony was not entirely accurate with all due respect to him I'm not sure that he was totally informed of all the details.

And what happened is simply this. This Council, these Committees and the full New York City Council has been incredibly supportive of OAD and has been funding OAD now for the past 2 decades just about. And most recently in Fiscal Year '08, that is the last full fiscal year this Council funded OAD in the amount of \$2.4 million.

Last year we came to the Council and we asked for a full restoration of that \$2.4 million but the budget process last year was coinciding with this RFP process that the Criminal Justice Coordinator spoke about. And so we were

caught up in that. We did place a bid for the RFP. We were invited in to negotiate but we had no leverage to dictate any kind of terms.

And what the Criminal Justice Coordinator did is force us into accepting a 2-year contract that had a 17% cut in our budget for this current Fiscal Year '09 and a 32% cut in our funding for Fiscal Year '10, next year. We will be going from \$2.4 million last year to \$1.6 million in Fiscal Year '10.

That is a crisis that we cannot withstand. If the Council is not able to supplement that cut of \$800,000 and that's what we're asking for, we will face draconian reductions in staff, reductions across the board pay and compensation cuts for the remaining staff and most importantly and most sadly, a serious cut in the services that we can provide.

Our social work staff deals with and assists hundreds of clients every year, just like the young man who was sitting here a few minutes ago. Those are the kind of people that walk into our office each and every day, coming home from State prison, not after necessarily 4

years like that young man, sometimes after 10 or 15 years, and trying to get reestablished in society.

So we provide an array of services. The problem is, and I think this is what the Criminal Justice Coordinator failed to mention, is that he says we gave them an additional \$400,000 for this year to handle their training functions. And they don't really need to do that any more. Well that's not true. We actually do significant training throughout our office and throughout the legal community. We provide supervision that is unparalleled.

But most importantly we provide an array of services. We go and meet with our clients in State prison. We file briefs in all our cases. We argue our cases in court. We deal with related parole issues. If our client has a medical problem in prison, we answer that call and we deal with it. We deal with immigration, related immigration issues.

It's meaningless to handle someone's appeal if they're going to be deported. And it's meaningless to handle someone's appeal if

they're going before the parole board and being denied parole for improper reasons.

So unless you're willing to look at the entire array of services that an office like ours provides, you're not doing justice to your clients. And that's what this is about. This is about justice. So when the Criminal Justice Coordinator says well it's okay to cut their cost per case from \$11,000 something to \$10,000 something, when we're dealing with cases that can go on for years in the courts, it's an outrage. It's an absolute outrage. And it shouldn't be tolerated by this Council.

We can't do the work that we do for that kind of money. And so what we're saying is they're only going to give us \$1.6 million. I'm asking and I'm begging this Council to restore the \$800,000 that the Criminal Justice Coordinator has cut so that we can continue, at least try to remain close to full staff. I mean that's not even taking into account all the rising costs that we face that you've heard much about today in terms of rent and health insurance and all of those other things.

2 We want to try to stay as close to  
3 full staff as we can so that we can provide the  
4 services that we are well known for and that we  
5 have a great reputation for. And I appreciate the  
6 support you have all shown us over the years.

7 And I'll just conclude by saying it  
8 was our understanding that because of what  
9 happened in the crossfire of last year between the  
10 budget and the RFP, it was our understanding that  
11 the Council, while not funding us last year  
12 because the Council believed that we would be  
13 fully funded by the RFP process, it was our  
14 understanding that the Council committed to making  
15 up the difference if we were cut by the Criminal  
16 Justice Coordinator. And I'm hoping that the  
17 Council can live up to that promise this year.  
18 Thank you.

19 CHAIRPERSON WEPRIN: And that's the  
20 \$800,000?

21 MR. GREENBERG: Exactly.

22 CHAIRPERSON WEPRIN: Okay.

23 MR. GREENBERG: And that's what  
24 we're asking for this year, \$800,000.

25 CHAIRPERSON WEPRIN: Okay.

2 MR. GREENBERG: I know it may not  
3 sound like a lot. I realize every penny is a lot  
4 in a year like this but we're asking and we're  
5 hoping that you can come through for us for that  
6 amount. Thank you.

7 CHAIRPERSON WEPRIN: Okay. And I'm  
8 sure I'll see you on the steps. Flyers in hand.

9 MR. GREENBERG: You definitely  
10 well.

11 CHAIRPERSON WEPRIN: Okay. Thank  
12 you. The next panel--oh Council Member Mendez.

13 COUNCIL MEMBER MENDEZ: Thank you.  
14 We get to this point in the day, there aren't many  
15 of us here. I wanted to ask Legal Services in  
16 terms of intakes and actual cases taken, my  
17 experience is you can't take every case that  
18 qualifies and merits representation, that there  
19 are very few who don't qualify for legal services.  
20 Prior to last year's budget, can you tell me like  
21 out of how many intakes, how many cases were you  
22 actually taking, and do you have the numbers now--

23 MR. SCHERER: [Interposing] Of the  
24 number of people who approach us--

25 COUNCIL MEMBER MENDEZ:

2 [Interposing] Correct.

3 MR. SCHERER: --as seeking help?  
4 Probably around 20%. Now what we're doing, and  
5 I'll be able to give you the results in the next  
6 couple of weeks, we did a snapshot study over 2  
7 months which we just completed. And we're going  
8 to compare that to how it was 2 years ago. But 2  
9 years ago it was around 20%, we're probably now, I  
10 mean anecdotally I know that we're accepting even  
11 less than that of the number of people who are  
12 coming to us. So it's probably somewhere around  
13 15%, but I'll be able to get you better figures on  
14 that pretty soon--

15 COUNCIL MEMBER MENDEZ:

16 [Interposing] Those 2 months would cover what--  
17 which--

18 MR. SCHERER: [Interposing] The  
19 last 2 months and I guess we did it from mid-March  
20 to mid-May--

21 COUNCIL MEMBER MENDEZ:

22 [Interposing] Okay.

23 MR. SCHERER: --just to really to  
24 get a comprehensive--'cause we had done something  
25 like this I think three or four years ago and we



1 don't--we do--we don't track the people we're not  
2 helping. We track the people we're helping. We  
3 don't tend to continually track the people we're  
4 not helping. But we did decide to do that for a  
5 period of time so that we would be able to let the  
6 world know.  
7

8 We know that we're getting more  
9 phone calls, that we're busier, that people are  
10 doing everything they can, that the demand is up.  
11 But I think we'll be able to give a better, you  
12 know, we'll be able to quantify that a little bit  
13 better.

14 COUNCIL MEMBER MENDEZ: And for  
15 OAD, since you had a loss of \$400,000 last year,  
16 are you able to quantify in terms of either cases  
17 or the amount of assistance you're able to give to  
18 those cases with the cut in funds from last year--

19 MR. GREENBERG: [Interposing] We,  
20 we were able to pretty much maintain our full  
21 staff this year, notwithstanding the \$400,000 cut  
22 in our funding for this year. And we were able to  
23 do that in part through some attrition of  
24 positions and in part because we had a cash  
25 reserve fund of about that much money that

normally would carry us through the summer when we were on our year to year contract basis because normally we would have no City funding coming in from July 1<sup>st</sup> until the new contract would kick in, perhaps in October.

So we had kept some cash reserves. Now we decided and our Board decided that we wanted to try to stay at full strength this year and so we have basically spent down our cash reserves. Now we're at a point, we're in a crisis mode. And I've met with our Board and we've come up with an austerity budget that unless we can make up the \$800,000 that we need for next year, we will face significant staff reductions, pay cuts across the board and of course a tremendous loss in the ability to perform our services.

So we've managed to squeeze through this year. We did not come back to the Council and ask for the \$400,000 cut this year. But we cannot withstand that any further. We really cannot.

COUNCIL MEMBER MENDEZ: Thank you.

MR. GREENBERG: Thank you.

CHAIRPERSON WEPRIN: Thank you.

2 MR. GREENBERG: Thank you very  
3 much.

4 CHAIRPERSON WEPRIN: The next panel  
5 will consist of Joel Copperman; Joanne Page;  
6 Sherry Goldstein; Michael Munos; and Liz  
7 Gottisfeld.

8 [Pause]

9 [Witnesses getting settled]

10 MR. JOEL COPPERMAN: Ready?

11 CHAIRPERSON WEPRIN: Go ahead.

12 MR. COPPERMAN: Okay. My name is  
13 Joel Copperman. I'm the CEO and President of  
14 CASES. And I am one of the seven organizations  
15 that make up the ATI Coalition. Three of the  
16 other organizations are here with me today and  
17 will testify about their programs and the work  
18 that this Coalition does.

19 The work that we do is we provide  
20 alternative to incarceration services and reentry  
21 services in all of the five Boroughs. Our ATI  
22 work takes us into the courts where working with  
23 judges, prosecutors and defense lawyers, we  
24 determine if a person's appropriate for one of our  
25 programs. He is assessed and a determination is

made to admit him to our program and where we provide him services under the court's supervision.

Our reentry work works with people at the backend of the system, people who are released from incarceration and returning to their communities. On behalf of the ATI Coalition, we thank the Council for the assistance you have been providing to our programs and to our clients over the last ten years you have been supporting our clients. And we appreciate that support. And we hope it will continue.

We know this is a difficult budget you. You could not not know that fact. But we'd like to emphasize that we save the City money. People who enter an ATI program save funds for the City immediately. Someone coming into our program who would have otherwise gone to jail, gone into a juvenile facility, would cost many, many times the cost of the services that we provide.

And there are other savings as well. City hospitals, emergency rooms, homeless shelters, all of our clients would be using those services but for the fact that our programs are

there to help them. For example, in the mental health program that is run by CASES, psychiatric hospitalizations are reduced by 56% during the time our clients are in our program which is over-which averages 2.8 years.

As I said we operate in all five Boroughs. I see you're looking at an Atlas that shows the range of services that we provide and where we provide those services. We work in the Criminal Court, we work in the Family Court, we work in the Supreme Court as well.

The work of the Coalition, the work of our organizations is an integral part of the strategy that has enabled the City to reduce crime. We have lowered our--we have all of our programs have data that shows that we have reduced recidivism. There are, in one of the other attachments that we've provided to you, something called outcomes. We have information on the recidivism rates of different programs within the ATI Coalition. For example in the program that I direct, 80% of the graduates of our youth program have not been convicted of a new crime within 2 years after graduating the program.

2 All of the programs can show  
3 similar evidence. So there's public safety.  
4 There's public safety as well as saving of dollars  
5 for the City. We ask for your support again this  
6 year. Thank you.

7 MS. SUSAN GOTTISFELD: Hi. Good  
8 afternoon. My name is Susan Gottisfeld  
9 [phonetic], Associate Executive Director of The  
10 Osborne Association. My colleagues in the ATI  
11 Coalition are providing testimony that highlights  
12 the importance of preserving and enhancing Council  
13 support for the ATI programs including Osborne.

14 I would like to add our  
15 appreciation to Joel's appreciation for the  
16 Council's past support of our programs as well as  
17 other initiatives that respond to the needs of  
18 those we serve. We are obviously aware of the  
19 strain that the fiscal crisis has put on services  
20 needed by all New Yorkers. And we could not argue  
21 that those we serve are more deserving of services  
22 than others, but they are no less deserving of  
23 services.

24 Last year our Council funded  
25 programs were cut 37%. And despite that we are

proud to say that we continue to provide vital services to those who might otherwise remain incarcerated or return to jail without the cost saving and lifesaving interventions offered by our organizations.

The Council has funded Osborn's Court Advocacy Services for several years. This program, which I directed prior to becoming an Associate Executive Director, works with lawyers representing indigent, felony defendants, advocating on behalf of alternatives to incarceration in appropriate cases.

Our staff of forensic social workers has found that our clients typically struggle with addiction, mental illness, low educational attainment and have few marketable skills. By providing them with the treatment and services offered at Osborn as well as by our colleagues in the ATI Coalition, we have achieved a remarkable level of success with recidivism rates of only 20%.

With the reform of Rockefeller Drug Laws and the increasing discretion of the judges before whom we appear, we are confident that many

more defendants could be diverted to treatment and other needed services, support and supervision.

However to make informed decisions, judges need both advocacy on the front-end and supportive services on the backend whether treatment, employment, family strengthening or mental health services. Without these ATI services the opportunity presented by the drug law reform could be squandered.

The benefits of Council support of the ATI Coalition are not limited to the individual who is arrested. This country's incarceration rate's the highest in the known world, have resulted in the greatest separation of parents from their children in human history. There are at least 100,000 New York City children who have experienced the arrest and incarceration of a parent.

The New York City Council has had an important role in reducing the harm of the impact on New York City children by supporting Osborn's Family Works Program which offers parenting education, special visiting and family support services for the men serving time on



Rikers Island.

The truth is that even parents who have committed crimes can provide love and nurturing that children need. And it is in our best interest to help parents wherever they are to maintain loving contact with their children. Those who are detained and sentenced to our City jails are still members of our communities.

Research continues to demonstrate that strong family ties may be the most critical ingredient in post-release success. By reducing the number of people we confine and offering humane and accessible visitation and parenting support for those whom we do, we will continue to drive the crime rate down and save the City millions of dollars in foster care and incarceration costs.

The families we serve through the ATI Coalition and every individual who is part of a family have complex needs like your family and my family. The collaborative partners of the ATI Coalition together are able to address these diverse needs and strengthen our City.

As a result of the budget cuts last

year, Osborn was no longer able to provide substance abuse treatment for Misdemeanor Drug Court in the Bronx, however we continued to provide services on Rikers Island. And our Court Advocacy Services continues to offer alternatives to incarceration although we have been forced to cut back on the numbers we served.

Nonetheless we are hopeful that the Council will maintain or restore support to these important programs and all Council funded ATI services. Thank you.

MR. MICK MUNOS: Hello. My name is Mick Munos [phonetic]. Thank you for the time, for taking the time to listen to me and this important panel. I'm here on behalf of the Center for Employment Opportunities, known as CEO. It's an organization that provides immediate, effective and comprehensive employment services exclusively to men and women with criminal records. We're here as part of the ATI Coalition and dedicated to reducing crime, increasing public safety outcomes while saving money for the City and the taxpayers.

CEO has helped people with criminal convictions move successfully into the workforce

for more than 30 years. CEO features a transitional work model. People come to us within days and weeks after release from prison, work on CEO work crews, providing maintenance and repair work on sites throughout the City, getting paid at the end of each work day. This provides them with the needed income and builds a work reference.

CEO also provides job coaching to help people get ready for a permanent job with a private employer. CEO then places individuals in permanent, unsubsidized jobs that best match their skill set and interests. After people are placed in jobs, CEO offers up to one year of retention services to ensure participants will remain connected to the workforce.

Most of our participants who meet with job developers get permanent jobs. In the last 10 years of being an independent nonprofit, we have placed 10,000 people with criminal records in permanent jobs. CEO's programs have been proved to lower rates of recidivism thus increasing public safety and saving taxpayer dollars.

CEO has recently undergone a

rigorous random assignment evaluation conducted by the research organization, MDRC. Based on 1<sup>st</sup> year study results, individuals enrolled at CEO are 50% less likely to return to prison than those in the control group. This impact is an outcome researchers say is rarely seen by similar programs.

CEO provides the government with a substantial return on its investment. Based on the change in recidivism patterns shown by the MDRC study, CEO calculates preventing an average of 2 years of incarceration for approximately 200 people each year. At \$30,000 per person per year, CEO saves taxpayers \$12 million year at a steady rate. CEO saves an additional \$1 million per year in welfare related costs for a total savings of \$13 million per year.

The cost to serve a CEO client through job placement is \$6,000. Serving 200 clients costs \$1.2 million. Therefore CEO yields a net savings of \$11.8 million for 200 people or \$59,000 per person.

In summary, alternative to incarceration programs including CEO are an

excellent way to increase public safety and reduce the cost burden to the City. ATI programs have been proven to reduce recidivism, provide quality hard and soft skills training, and job placement services that help individuals coming home from prison or jail get the second change they need to start their lives anew.

MS. SHERRY GOLDSTEIN: Hello. And thank you, before anything else, because you've supported the work of our Coalition for many, many years. I just celebrated my 20<sup>th</sup> anniversary at Fortune Society.

And I get fired up every time I listen to someone like Brandon talk about coming home as a resource to the community, as opposed to being a deficit. And I think what's true about criminal justice is that you're going to spend. The only question, the only part up for decision is what you spend on and what results you get.

I think what the ATI Coalition shows and has done over decades, it shows that it's possible to spend less and get better results which I think is an important message in a tough, tough budget year because if you spend less and

get better results you have money to put elsewhere, where it's really needed.

We look at our Alternative to Incarceration Programs at Fortune and we run the gamut. We do alternatives to incarceration and we do a lot of reentry work: job development; drug treatment; housing and so forth. And it costs \$1 to save \$3. It essentially costs us \$10,000 to save 1 year of State incarceration at \$30,000. So that's a good investment.

There have been study after study showing that alternative to incarceration programs are as safe as locking people up in terms of recidivism, or safer, because the recidivism is lower.

So I think there are choices to be made and in a tough budget year, they're important choices. Our Coalition took a 1/3 hit last year. For Fortune what that means was that we closed down our Discharge Planning Program at Rikers Island for detainees which was the only Discharge Planning for detainees. And detainees are 80% of the jail population. So we were there. We're no longer there. When people walk in our door we

serve them. But it means most people just simply go home to the same seven neighborhoods that most people locked up come from. And those are the neighborhoods that are hit hardest by the criminal justice system. They're the ones with the million dollar blocks, where that much is invested in one block, I think to very little purpose.

And they're also the communities hit hardest by crime. Harlem has four times the homicide rate of the rest of Manhattan. What we do as a Coalition is work hard to bring people home safely or to supervise people safely in the community. If you do less of those things, you pay multiple times over in dollars and in crime.

But you know that. That's why you've been supporting us for a lot of years. What we want to ask is that you try to make us whole because the programs that got cut don't save money. They spend money and they create damage to communities.

Brandon inspired me. What if a young man coming home from prison comes home to supportive services? To let him go to college; let him get an internship; let him have a job, as

opposed to ending up in a shelter and back in the jail system. I think that if you look at how New York City has invested, you see that crime has gone down and incarceration has gone down. New York State has done similarly.

If you compare us to California where they've chosen to lock up more and more people and seen their crime rates go up, I think you've made wise investments. And in a tough year I think it's a year to try to make those investments in a bigger way. So thank you.

MR. COPPERMAN: Thank you.

CHAIRPERSON WEPRIN: Thank you all.  
Council Member Mendez?

COUNCIL MEMBER MENDEZ: Thank you.  
For the Fortune Society, I'm sorry. You said that you closed your Discharge Planning Center for detainees. What was the cost associated--what was the budget cut or the cost associated with running that?

MS. GOLDSTEIN: We had a \$388,000 City Council grant--

COUNCIL MEMBER MENDEZ:  
[Interposing] Um-hum.



2 MS. GOLDSTEIN: --that was  
3 specifically for that. And it was eliminated and  
4 then we got folded in with some money from the  
5 Coordinator's Office. So we ended up taking 1/3  
6 cut, a cut of 1/3 in the funding.

7 COUNCIL MEMBER MENDEZ: Um-hum.

8 MS. GOLDSTEIN: But it meant we  
9 weren't able to do that staffing any longer so  
10 that program closed. And for all of us I think  
11 we're taking multiple cuts from multiple  
12 directions. And the City Council one is only part  
13 of it.

14 We took overall, better than a \$3  
15 million cut as an agency over the 18 months that  
16 are--the 18 months that started in July, that--  
17 excuse me. Calendar year 2009 through the first  
18 half of calendar year 2010.

19 COUNCIL MEMBER MENDEZ: Uh-huh.

20 MS. GOLDSTEIN: So we have laid off  
21 20% of our staff. That's about 40 people. And  
22 what it means is we're doing less drug treatment.  
23 We're doing less housing. We're doing less  
24 discharge planning. And our organizations often  
25 are the first place where people entering the job

market get that chance at the first job because they get stuck in that vicious cycle that you need work experience to get a job but nobody will hire you if you have a record.

COUNCIL MEMBER MENDEZ: Hum.

MS. GOLDSTEIN: So better than 70% of our staff are people with records. And we were letting go of people into a lousy job market. And there are collateral consequences when people can't earn an income to support their families.

COUNCIL MEMBER MENDEZ: Thank you very much. And thank you for bringing Brandon here. It's certainly great to see your work in action and what it can do. Thank you.

MS. GOLDSTEIN: The truth is, it's his work but we provide the tools. And what we're doing is fighting to keep the amount of tools we have.

COUNCIL MEMBER MENDEZ: Thank you.

CHAIRPERSON WEPRIN: Thank you.

The next panel is Robert Dean for the Center for Appellate Litigation; Rick Jones, Neighborhood Defender Services; Joseph Garber, Civil Service Merit Council; and Josephina Sanfalu [phonetic]

1           FINANCE, FIRE AND CRIMINAL JUSTICE SERVICES<sup>291</sup>  
2           with Latinas Against FDNY Cuts. If there's anyone  
3           else that would like to testify, speak up now,  
4           come up now and fill out a form.  
5                           [Pause]  
6                           CHAIRPERSON WEPRIN: That's it. Oh  
7           sorry.  
8                           [Pause]  
9                           [Witnesses getting settled]  
10                          MR. ROBERT DEAN: Am I up?  
11                          [Off mic]  
12                          MR. DEAN: Okay. My name is Robert  
13           Dean. I am the Attorney-In-Charge for the Center  
14           for Appellate Litigation. We are one of the four  
15           institutional appellate providers in New York  
16           City. The other three are The Legal Aid Society;  
17           the Office of the Appellate Defenders; and  
18           Appellate Advocates. To my left is Elizabeth  
19           Howell who is also from my office. She is my  
20           reentry counsel. She's here because I'm asking  
21           the City Council for the 1<sup>st</sup> time in the 12 years  
22           that we've been in business for money, our  
23           specific proposal which has been--  
24                          CHAIRPERSON WEPRIN: [Interposing]  
25           You couldn't find a better year?

2 [Laughter]

3 MR. DEAN: Unfortunately that's how  
4 it played out. And my specific proposal which  
5 I've already submitted to the Council is actually  
6 attached to my testimony as Exhibit A.

7 My goal and our office's goal in  
8 representing our clients is to represent them each  
9 as if they were paying us a million bucks. And I  
10 think that for the most part we achieve that as do  
11 the other three appellate providers in New York  
12 City.

13 We will take our client's case to  
14 the State Appellate Court. If we lose in the  
15 Appellate Division, we'll try to get the case to  
16 the New York Court of Appeals. If we lose there,  
17 we'll take the client's case into Federal Court.  
18 If we get the case from the Appellate Division and  
19 we decide it's necessary to reinvestigate the  
20 case, we will do so.

21 We also understand that our clients  
22 have needs other than the regular State appellate  
23 process. So that we, over the last 3 years or so,  
24 have developed our On Parole Advocacy Prisoner  
25 Reentry Project to assist our clients when they

reenter society.

And by the way our clients are the ones doing 20 years, 30 years, 40 years in prison. The people who get misdemeanor convictions or probation, they don't appeal. So when our clients are reentering, they're really reentering.

To briefly describe what we do with our reentry program I'd like to turn it over to Elizabeth Howell.

MS. ELIZABETH HOWELL: Our reentry program can begin in one of two ways. Most often it begins with Parole Advocacy. And this is the first point at which we can collect information about an individual who, as Bob said, may have been in prison for 5 or 10 years, maybe for less time than that.

We collect information. We put together a Parole Advocacy letter. And if it's successful the individual comes out and they're enrolled in our Reentry Program. Some individuals come out without going through parole and they're also eligible for the program and we help them as well.

I help them on their legal issues.

2 We also have two social worker interns who are  
3 supervised by a part time social work consultant.  
4 And between the three of us we work closely as a  
5 team and we're able to address housing needs,  
6 employment needs, benefits, birth certificates.

7 We address anything we can right  
8 there in the office and handle it ourselves. We  
9 also refer out a lot. I mean you heard from a lot  
10 of the great agencies today that we refer out to.  
11 But in the first instance we handle whatever we  
12 can right there.

13 MR. DEAN: If the Council has any  
14 questions, I'd be glad to answer them.

15 CHAIRPERSON WEPRIN: Thank you.  
16 Well we'll finish, let's hear from Mr. Garber and  
17 the rest of the panel.

18 MR. JOSEPH GARBER: Good afternoon  
19 Chair Weprin. Deputy Director Grossman, members  
20 of the public. My name is Joseph Garber. I'm a  
21 Director of the Civil Service Merit Council. This  
22 afternoon I'm going to speak in the role as a  
23 member of the Civil Service Merit Council as well  
24 as a civic minded citizen.

25 Let me compliment you, Chair

Weprin, for the in depth derogatory of questioning the Fire Department. And let me start with that.

Even if you have 4 Battalion Chiefs assigned to the 49 Battalions, I'm definitely aware that there are many Battalion Chiefs who are assigned to staff administrative research duties in Borough commands as well as to Metro Tech Fire Department Headquarters.

So therefore, as I've said before, I would suggest that you get a copy of the telephone directory of the New York City Fire Department. You could match it up with the Green Book and look at all the staff units, then ask Human Resources to give you a breakdown of not only how many Battalion Chiefs are assigned to staff units but we have other titles and I quickly want to go up the ladder with you.

You start out as a fire fighter, a lieutenant or captain. Then you have Battalion Chiefs, Deputy Chiefs who are in charge of divisions. You have Deputy Assistant Chiefs, Assistant Chiefs, Super Chiefs, Staff Chiefs and Chief of Operations and Chief of the Department.

I'd say that's very important.

That is very important now. I'm very concerned why Commissioner Scoppetta does not want to release even the location of the units that, god forbid, might have to be closed down. I'm sure from the CIA you could probably get more and better information.

Now yesterday, just I--I have to admit that Mark Page, after all these years, changed. He didn't humor me as much as he does in the past. Okay. On page 5 of Commissioner Scoppetta's testimony, he makes reference to operational knowledge of experienced senior chiefs. I'm curious what level of the senior chiefs he's talking about.

Now you want to see how the Fire Department could save some money? It might be a little. If they would use two-sided pages on their testimony. I don't know what their paper cost is but we could definitely save some money.

Okay now, it says on page 5, how many personnel--

CHAIRPERSON WEPRIN: [Interposing]  
You cut the trees also.

MR. GARBER: Yeah. How many--how



2 many personnel are in the grants unit? Now. The  
3 Commissioner should get a--excuse me, the  
4 Committee should get a copy of the handout to  
5 address critical civilian vacancies, as they  
6 arise. I'm curious to see what they are. Okay?

7 And the reduction of 5 weeks in the  
8 Fire Department Academy I feel is wrong. Because  
9 there's much more that a fire fighter has to learn  
10 now: increased haz mat; bio-terrorism; hazardous  
11 waste. So I think that's a bad--if we have to  
12 save money from that, that's wrong.

13 On page 13, okay, what kind of  
14 important, just a minute please. I couldn't read  
15 my own writing. I wrote so quickly. Just a  
16 minute please. In the City Council briefing, you  
17 make mention of training, of training. What kind  
18 of training are we talking about?

19 Now let me go into Department of  
20 Correction. Okay. Department of Correction, on  
21 page 2, I'm very concerned on the reduction of  
22 civilian staff. But more so it says, and I'm  
23 going to read it into the record: the reduction  
24 will not prevent us from hiring staff that are  
25 needed for reasons of health, safety, trade titles

and for the maintenance and upkeep of our physical plant or the new positions needed to complete civilianization efforts assumed in previous budget cycles.

Now this last quote, what do you mean, if you were given the authority to increase civilianization and you didn't reach it in a few budget cycles, I think this is wrong. This definitely needs oversight.

Now the next paragraph that talks about reduction of the numbers of loaves of bread, it's--I mean this is bad but I could say we can appreciate where in American that they're concerned about feeding. Could you imagine if somebody in a concentration camp would have 12 slices of bread a day, they could have possibly remained living. So this shows that even though it's a prison, we still have America. That realizes you have to feed prisoners.

Now as far as the D of I, I agree that the D of I should try to--you should try to increase their baseline funding. And I wonder if--she talks about MOUs, for some strange reason on the organization chart released on 4/29/09 by the

2 New York City Housing Authority, the Inspector  
3 General who's supposed to technically report to  
4 Rose Gill Hearn is reporting to the Chairman of  
5 the Housing Authority. I believe that is a  
6 violation of Mayor's Executive Order 16 of 79.  
7 Other than that, thank you very much for listening  
8 to my testimony.

9 MR. RICK JONES: Good afternoon.

10 I'm Rick Jones, the Executive Director of the  
11 Neighborhood Defender Service. I've been a trial  
12 lawyer long enough to know there are times when  
13 less is more and shorter is better. So I will  
14 keep this short and sweet.

15 We, as you all know, the  
16 Neighborhood Defender Service--and let me just say  
17 thank you first of all, first and foremost for  
18 your support of the work that we've done over the  
19 last 18 years. We are the 2<sup>nd</sup> oldest provider of  
20 trial level services to the indigent in this City,  
21 other than The Legal Aid Society. And the Council  
22 has been a tremendous supporter for the entire  
23 history of the organization. We appreciate that  
24 support.

25 I would just say that the

2 Neighborhood Defender Service comes today seeking  
3 FY '08 restoration of \$3.25 million. As you know  
4 from all the testimony earlier today, I mean I  
5 just would also say that this is--I think this is  
6 the last--this is the 1<sup>st</sup> time that I've testified  
7 in the last panel of the day and actually the last  
8 speaker of the day.

9 And it actually is a good thing  
10 because I got to hear from Osborn and the Fortune  
11 Society and OAD and all those organizations that  
12 we partner with on a daily basis, and all of the  
13 folks that we do business with and share a  
14 constituency with every day. And so it was good  
15 for me to be here to listen to their testimony and  
16 to see the work that they're doing and to see them  
17 represented.

18 We are, as we sit here today, the  
19 only provider of indigent defense services in the  
20 City that is not baselined. We have anticipated  
21 that there would be an RFP by now, but as you  
22 heard from the Criminal Justice Coordinator that  
23 RFP has been delayed now until 2010. So we are in  
24 the position of having to come back to the Council  
25 once again for 100% of our funding.

2 I am happy to see that our sister  
3 organization and my good friend Rick Greenberg has  
4 been baselined, not to the degree that he would  
5 like to be, but that he has been baselined  
6 somewhat. And so we come as we always do,  
7 together, seeking full restoration, \$800,000 for  
8 him, \$3.25 million for us.

9 As you know when the--we have--the  
10 Neighborhood Defender Service has an international  
11 reputation that we bring to this City. And when  
12 Commissioner Feinblatt says that New York City is  
13 the model for indigent defense, what he's talking  
14 about is the Neighborhood Defender Service of  
15 Harlem.

16 So I appreciate you all being here.  
17 I appreciate you listening to my testimony at the  
18 end of this long day. And I look forward to  
19 working with you and for the support that you've  
20 always shown us. Thank you.

21 CHAIRPERSON WEPRIN: Thank you.  
22 Thank you all for coming. As you know, we have  
23 another two weeks of budget hearings. Then we'll  
24 sit down and the budget negotiations. I would  
25 suggest that you not go on vacation, be around

2 and, you know, hopefully, you know, we'll do the  
3 best we can for you. Thank you.

4 I know it's a tough year but you  
5 guys provide very essential services. And Mr.  
6 Garber, by coming and testifying and showing up  
7 and giving his opinion as well. But on behalf of  
8 the legal services and you guys provide very  
9 important services and it is very much recognized  
10 as we go into budget negotiations.

11 Obviously we wish we had more  
12 money. We wish we had, you know, more of a  
13 surplus. But, you know, we'll try our best.

14 MR. JONES: Thank you.

15 CHAIRPERSON WEPRIN: Thank you.

16 [Pause]

17 CHAIRPERSON WEPRIN: Okay. This  
18 session of the Finance Committee is now adjourned  
19 and we will reconvene tomorrow morning at  
20 approximately 10:00 o'clock with the Commissioner  
21 of Sanitation.

22 [Gavel banging]

23

24

C E R T I F I C A T E

I, Laura L. Springate certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in dark ink on a light-colored background.

Signature \_\_\_\_\_Laura L. Springate\_\_\_\_\_

Date \_\_\_\_\_June 7, 2009\_\_\_\_\_