

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

JOINT COMMITTEES ON FINANCE, PARKS AND PUBLIC SAFETY

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City Hall

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CHAIRPERSON WEPRIN: Good morning and welcome to today's Finance Committee hearing on the Mayor's Executive Budget for Fiscal Year 2010. My name is David Weprin and I Chair the Finance Committee. We are now in the second week of hearings. This morning's budget hearing will be held jointly with the Council's Public Safety Committee, chaired by my distinguished colleague to my right, Peter Vallone, Jr., to hear testimony pertaining to the proposed budgets for the New York City Police Department, the five district attorneys and the Civilian Complaint Review Board. In the afternoon, the Finance Committee will be joined by the Committee on Parks, chaired by my colleague Helen Foster to hear testimony from the Parks and Recreation Department. Let's begin with the NYPD. The NYPD's Fiscal 2010 Executive Budget, which is a little over \$4 billion, is proposed to increase by 7.6% as compared to its Fiscal 2009 adopted budget. Planned spending will increase most significantly in the chief of department program area and in the administration. The funding increases in the budget for administration are primarily due to the fact that

funds for department-wide programs are held in this budget area until the department redistributes them into the appropriate program areas throughout the agency. In the Fiscal 2010 Executive Budget, these funds largely consist of collective bargaining adjustments for various titles throughout the department as well as adjustments for fuel, leases, heat, light and power. By far the funding category receiving the largest increases since the Fiscal 2009 adoption has been collective bargaining. As most of us are painfully aware, the administration sought several programs to eliminate the gap during these last few months. In the Executive Plan, these PEGs are reflected in 395 layoffs in non-public safety titles beginning in Fiscal 2010, which saves the department approximately \$15.4 million and the elimination of 125 Traffic Enforce Agents baseline positions through attrition beginning in Fiscal 2010, saving the department \$4.9 million. This is in addition to the November and January planned PEGs. We will hear from the New York City Police Commissioner Ray Kelly to hear how the Executive Budget and recent PEG actions have affected the

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2 NYPD. We're joined by a few of our colleagues.
3 We have Council Member Sara Gonzalez from Brooklyn
4 and Council Member Helen Sears from Queens. I
5 know we'll be joined by additional colleagues
6 shortly. I'm now going to turn it over to my co-
7 chair Peter Vallone, Jr.

8 CHAIRPERSON VALLONE: Thank you,
9 Mr. Chair. It's a pleasure to be holding this
10 hearing with you. This year we face some of the
11 toughest choices ever when it comes to a budget.
12 It goes without saying that every agency we
13 discuss and we hear from today provides vital
14 services to the city. Ensuring the safety of our
15 citizens I believe is government's number one
16 responsibility. I'll keep this brief. Headcount
17 is perhaps our greatest concern. It appears that
18 the level of safety and the level of headcount
19 that we've become accustomed to is in jeopardy.
20 For the time we anticipate that only 250 cadets
21 will enter the academy this July and the January
22 class will be canceled. In addition, today we
23 discuss the loss of 395 civilian positions from
24 the police department. In June of 2010, based on
25 these cuts, the civilian headcount will be 13,771.

That number was 14,897 last year. That's a loss of 1,126 civilian positions, or 7.6% reduction over the last two years. What's important to know about these cuts is that these civilian cuts will be done through layoffs. I know these are the first layoffs I've heard of since I've been Public Safety Chair in 2002. I believe probably since the 90s this is the first time that we're discussing layoffs to the police department. It's important to remember that when civilian jobs are lost from the police department, it means police officers are taken off the streets to do those jobs. At our preliminary budget hearing in March, Commission Kelly assured us that the NYPD's fight against terror had not yet been affected by the budget. Earlier this month though, President Obama proposed budget cuts in federal spending that will directly affect Homeland Security grant funding. The city relies on funding, such as securing the cities and cops. The Commissioner told us in March he had planned to expand the Lower Manhattan Security Initiative to Midtown with the majority of funding coming from federal Homeland Security grants. So today we'll discuss

how the police department is planning to protect and expand these vital counterterrorism programs with decreased federal funding. In addition to these types of threats, we have to protect the safety on our streets. It also appears the police department is going to be cutting 125 traffic officers from the payroll. Each year, 150 pedestrians and cyclists are killed on New York City streets and today discuss what that number will look like with fewer traffic officers on the streets. I assume that Chair Weprin has no additional comments. Commission, it's always a pleasure to see you. We got started as quickly as we could. We look forward to hearing from you.

RAYMOND W. KELLY: Good morning.

Thank you for the opportunity to discuss the Mayor's Executive Budget for Fiscal Year 2010. Despite the tough economy, I'm pleased to report that major felony crime in New York City continues to fall. In fact, in the first three months of the year, we recorded the fewest number of major crimes of any first quarter since at least the early 1960s. Crime is down by more than 12% so far this year, including an 18% drop in murders.

To place this significant achievement in context, based on the most recently available full year data submitted to the FBI, there were 6 murders per 100,000 population in New York City. In New Orleans, that number was 94.7 or nearly 16 times greater. The rate was 7.5 times greater in Detroit, 3 times greater in Miami and more than double in Chicago, underscoring just how safe New York City is. Crime is also down by 19% in public housing, with double-digit declines in every major category, including a 39% drop in murders. In the transit system, crime is down by 11%, due in part to strategic deployment of police officers during school dismissals and the evening rush hour, which are typically the peak hours for criminal activity. Operation Impact continues to be one of the main drivers of the ongoing crime reduction that we've seen. Through May 10th, major felony crime within the current Impact zones has decreased 25% from last year. So far in 2009, officers assigned to Operation Impact have made nearly 3,000 arrests and issued approximately 10,000 summonses for quality of life offenses. We intend to sustain this program and to assign the

members of the July academy class to it while redeploying a significant number of existing Impact officers to precincts where staffing needs are greatest. Removing illegal firearms from the streets of New York City remains a major priority for the department. While street enforcement and investigations will always serve as the cornerstone of our efforts, we continue to seek new and innovative ways to remove guns from public circulation. As I mentioned during my last appearance before the City Council in March, we have achieved a significant level of success with a new gun buy-back initiative in cooperation with the city's district attorneys and community religious leaders. By holding gun buy-backs inside churches, we hope to attract individuals who were fearful of turning a gun in at a police facility. We also doubled the amount paid for an illegal weapon to \$200. The program has exceeded expectations. Since it began last summer, a total of 4,538 firearms have been recovered. Our most recent event, which took place in the Bronx on April 27th, led to the recovery of 987 firearms, the single highest total of any of the seven

church buy-backs that have taken place so far. We also continue to devote resources and apply creative solutions to other enforcement challenges like a troubling rise in bank robberies. This is a trend we've seen both locally and nationally and it poses a significant risk to public safety. To give you some idea, in 2008 we recorded 444 bank robbery incidents in New York City. This represented an increase of 58% from the prior year and was the highest number of bank robberies in a single year since 1993. The police department devotes extensive investigative resources to every bank robbery, but the fact is we need the cooperation of the banking industry to stem this problem. In January, we hosted a conference with New York City bank executives at which we reinforced the need for banks to adhere to a series of best security practices that we developed with their participation in 2002. We asked the executives for their renewed commitment to these practices and for reevaluation of existing levels of security in retail branches. We know the best security practices, if applied consistently, are very effective in reducing the

number of bank robberies and protecting the public. In fact, we've seen the decline of 19% in bank robberies so far this year. But if this trend is to continue, we must maintain our resolve. On that theme, I applaud the Council's interest in the issue of bank robbery and your introduction of a bill, Intro. 960, that would mandate bullet-resistant barriers in all banks in New York City. Bandit barriers, as they're called, are the cornerstone of a bank's comprehensive security plan to protect customers and employees alike. Not only do they act as a deterrent to bank robberies, they also allow tellers to walk away safely from robbery attempts. We have additional suggestions as to how other best practices can be integrated into this legislation that we'd be happy to discuss with you. The police department engages in a constant review of strategies in order to maximize our resources. That is especially important in these challenging fiscal times when every aspect of our mission must be scrutinized for cost savings, including our vehicle fleet. In addition to utilizing flex fuel and electric vehicles, the

department acquired 120 hybrid vehicles to help reduce emissions and fuel consumption. These vehicles are not currently used for patrol activities, however, we have acquired an additional 40 hybrid vehicles which have been deployed on patrol and are now on our streets. If the program is successful, we will acquire more hybrids for patrol. Turning to the topic of counterterrorism, the police department continues to seek federal counterterrorism funding to enhance our capacity to protect vital assets, including the Financial District, the transit system, bridges, tunnels and ports. From Federal Fiscal Year 2003 through 2008, New York State received and allocated \$1.748 billion, of which \$974.4 million, or 56%, was allocated to the City of New York. Of that amount, \$535.9 million, or 55%, was allocated to the NYPD. To date, including grant funds that did not pass through the state, the department has received a total of 587.6 million in counterterrorism funds from both DHS and the Department of Justice appropriations. A status update on the department's grant submissions for the Federal Fiscal Year 2009

Homeland Security Grant Program, the American Recovery and Reinvestment Act of 2009, and other federal grants is as follows. OMB submitted the city's funding proposal to the State Office of Homeland Security for inclusion in the Federal Fiscal Year 2009 Homeland Security Grant program in March. Included in the submission is the police department's funding request totally \$75 million and is comprised of the following items: Midtown Manhattan Security Initiative, \$21 million; recruit training and personal protective equipment, \$20 million; response mitigation rescue equipment and training, \$9.8 million; joint operations center and emergency operations center integration and equipment, \$5.5 million; Critical Infrastructure Protection Program, \$7.4 million; Joint Terrorist Task Force Overtime, \$6 million; Intelligence Division analysts, \$1.8 million; \$3.7 million for the purchase of new cameras to expand the Argus wireless CCTV system. We anticipate adding another 500 cameras citywide in addition to the 500 cameras already installed. The DHS awards should be announced next month; however it takes some time for the state to receive the official

award documentation from FEMA and funding allocations to filter down to city agencies. With respect to grants which provide stimulus funding under the American Recovery and Reinvestment Act of 2009, applications were submitted for three grants: the COPS Hiring Recovery Program, the Justice Assistance Grant and the Edward Byrne Memorial Competitive Program. First, on April 14, 2009 in coordination the criminal justice coordinator at OMB, an application for 2,000 officers under the COPS Hiring Recovery Program was submitted. However, as I explained in March, this grant process will be highly competitive and will likely result in an award of funds to support hundreds of new officers, not thousands, based on past grant funds allocated to the NYPD from the COPS office. It is anticipated that the award will be released by midsummer. The grant will provide 100% funding for approved entry level salaries and fringe benefits of fulltime officers for 36 months. There is no local match requirement. However, all sworn officer positions awarded under this grant must be maintained for a minimum of 12 months following the 36-month grant

period. Second, regarding the Justice Assistance Grant, the criminal justice coordinator has indicated that the department will receive \$2.5 million in funds to preserve 57 police communication technician positions. PCT positions have been funded by general appropriations under previous Justice Assistance Grants which were not part of the American Recovery and Reinvestment Act. Third, the Edward Byrne Memorial Competitive Grant Program is designed to help communities improve the capacity of state and local justice systems and provide for national support efforts including training and technical assistance programs strategically targeted to address local needs. The department submitted a proposal in two parts on April 27, 2009. The first part seeks \$3.95 million for the technological upgrade to the NYPD's Crime Data Warehouse and Real Time Crime Center. This upgrade will address the capacity growth patterns anticipated for the Crime Data Warehouse and will allow for the integration of additional data to enhance the Real Time Crime Center's capability. This upgrade will provide more in-depth data mining and analysis of crime

data used by investigators in solving crime. It will also increase our disaster recovery capacity. The second part of the Byrne grant proposal seeks \$3.2 million to enhance the department's forensic analysis capabilities through the creation of 13 new positions for the NYPD's Crime Scene Unit and the Forensic Investigation Division Office of Chief Medical Examiner Liaison Unit. This proposal will enable these two units to enhance their forensic and crime scene investigations and meet the projected increase in forensic case workload while increasing the effectiveness of the city's crime fighting strategies and the functioning of the criminal justice system. Under the Port Security Grant Program, the department submitted a \$6.5 million stimulus funding proposal to the Port Authority of New York and New Jersey, the fiduciary agent for the Port Security Grant Program, to rebuild the Harbor Adam Pier which serves as a dock for two NYPD police boats that patrol the south shore of Queens and Brooklyn. This proposal was sent in response to a solicitation for capital projects that may qualify for stimulus funding for review by the Port

Authority of New York and New Jersey, FEMA and the U.S. Coast Guard. The national appropriation is \$150 million and the guidance and application is expected to be released later this month.

Finally, the American Recovery and Reinvestment Act of 2009 also includes \$150 million nationwide in stimulus under the Transit Security Grant Program. The grant guidance and application is expected to be released later this month. The department will review the grant guidance to determine if there are any projects that would qualify for stimulus funds. In addition to the DHS and stimulus funding just mentioned, the department has also submitted an application for \$19.7 million under the Federal Fiscal Year '09 Transit Security Grant Program, \$17.7 million under the FY09 Port Security Grant Program. The department received both of these grants for the first time in Federal Fiscal Year 2007 after persistent lobbying and stressing the importance of our inclusion in these critical programs. Both programs stress regional collaboration and emphasize those projects that most effectively manage risk in the metropolitan area. The

department also actively engages with the DHS Domestic Nuclear Detection Office through the Securing the Cities Initiative. The program is aimed at detecting and deterring any attempt to smuggle an improvised nuclear or radiological device into the region. This program involves not just the NYPD but also a network of over 80 regional law enforcement partners and first responders within a 50-mile radius of New York City whom we train and drill with on a regular basis. The police department will continue to serve as the lead agency in this project and work with regional law enforcement partners to enhance the region's cooperation capability and sustainability to face the threat of nuclear terrorism. DHS awarded the department \$3.25 million in Federal Fiscal Year 2007 to begin the program. This funding is being used to develop an information collection and sharing system which will connect all of the initiative's mobile radiological detection equipment to the Lower Manhattan Security Coordination Center. In Federal Fiscal Year 2008, the city received \$29.5 million to purchase mobile radiation detection and

interdiction equipments, train regional law enforcement personnel in the appropriate use of the equipment, and begin establishing a permanent radiological defensive ring around Manhattan through the insulation of fixed site radiological detection systems at bridges and tunnels. We are currently in the preparation and process for Federal Fiscal Year 2009 funds. We expect to use these funds to expand the fixed site project and begin to wirelessly connect the region's radiation detection equipment. To date, we have procured over 4,600 units of radiation detection equipment that we expect delivery of within weeks.

Following the delivery, we will commence training and exercises with all of our regional partners.

Unfortunately, however, the president's Federal Fiscal Year 2010 budget proposes the elimination of funding for this program. Without funding in the FY10 budget, the Securing the Cities

Initiative will be unable to complete the fixed site radiation detection project and wirelessly connect and monitor all radiation centers as we have always planned to do. In the absence of a federal partner and significant federal funding,

it is uncertain how Securing the Cities Initiative and our regional effort will be able to move forward. We will continue to urge the president, Congress and DHS and FEMA to provide the city with the funding needed to adequately defend itself from ongoing terrorist threats. Regarding the Executive Budget and its impact on the police department, the department's FY10 budget is \$4.35 billion, of which 94% is allocated for personal services and 6% for other than personal service. The FY10 budget is \$217 million lower than this year's budget of \$4.57 billion. This amount reflects several changes to the department's budget, most notably the impact of gap closing programs. In addition, throughout the course of the year, federal, state and private funds will further increase the FY10 budget. During the Executive Plan process, all city agencies were required to submit new budget reduction proposals for FY10. For the NYPD, the target was 5% of the operating budget, or \$20.3 million recurring annually. The past January and November financial plans include budget cuts of \$189.5 million in FY10, \$211 million in FY11, \$157 million in FY12

and approximately \$169 million annually thereafter in addition to this latest round of cuts. A summary of the Executive Plan reductions is as follows. 125 traffic enforcement agent positions assigned to traffic control functions will be eliminated to save approximately \$5 million each year. Civilian staffing has been further reduced by 395 positions in FY10, 315 in FY11, 310 in FY12 and 300 in FY13 and thereafter. This reduction will be realized through layoffs of primarily clerical positions effective July 1, 2009. The employees most affected by these layoffs are provisional police administrative aides. With the loss of these 520 positions, civilian cuts made since January 2008 now total 865 in FY09, which increases to 1,796 in FY10 and remains at approximately 1,710 thereafter. Our fulltime civilian headcount will decrease from 14,809 positions in FY09 to 13,771 in FY10. The FY10 part time staffing of 3,062 includes all crossing guards and police cadets. The total civilian authorized headcount for Fiscal Year 2010 is 16,833. No changes to the department's uniform headcount were included in the Executive Financial

Plan. However, as I stated in my last appearance before you, the January 2010 class has been eliminated. As a result, the department will reach a peak headcount once next year in July 2009 only. Due to lower year to date attrition than previously anticipated, the revised projection for this Fiscal Year is now 1,387, which is 117 positions less than the 1,504 estimated in March. With a class of 275 in July '09, we anticipate reaching and actual peak headcount of 35,846. The revised year end headcounts are 35,571 for June 2009 and 34,304 for June 2010. The budgeted peak headcount for the out years, which was 37,838 in the prior Executive Plan, is now 35,663 in FY11, 36,556 in FY12 and 36,838 in FY13 and beyond. In addition to the gap closing programs previously mentioned, the Mayor's Citywide Fleet Reduction Initiative to reduce the city's vehicle fleet by 15% was implemented in the Executive Plan. The goal of this initiative is to reduce carbon emissions by 30% by 2017 and generate savings towards the FY10 budget gap. The department's FY10 fleet budget was reduced by \$4.5 million in FY10 and \$375,000 in the out years. The savings

will be achieved by reducing 121 light-duty vehicles from our active fleet through the expansion of hybrid and more fuel efficient vehicles, and by expanding our parts salvage program. The Executive Financial Plan provided funding for collective bargaining increases for civilian personnel, overtime for traffic enforcement agents and lease adjustments. Our FY09 overtime spending projection is \$513.2 million, \$22.2 higher than FY08 actual expenditures of \$491 million after adjusting for collective bargaining increases. Approximately \$55.9 million of the FY09 overtime increases will be reimbursed through grants and other revenues. The current FY09 overtime budget plus expected revenues will total \$401.1 million, which leaves an unfunded balance of \$112.1 million. We will cover a portion of these amounts with surplus funds. However, our ability to do this has been limited by past reductions that removed turnover savings from the PS budget. The FY10 overtime budget of \$379.4 million is \$21 million lower than the current FY09 budget. The difference is due mainly to non-city overtime funded programs that

are not yet included in the FY10 budget. As always, we will work to achieve savings in overtime wherever possible. Since calendar year 2002, our uniform deployment to planned events has been reduced, thanks to careful management efforts. As a result, overtime costs for planned events decreased by a cumulative total of \$131.7 million through calendar year 2008. On May 1st, the FY Executive Budget and Ten-Year Capital Strategy was also released. It totals \$1.782 billion for the police department and it covers Fiscal Years 2009 to 2019. In this plan, the department's capital program was reduced by \$286.9 million, or 30% from the levels published in the January Capital Commitment Plan and Preliminary Ten-Year Capital Strategy. This reduction was implemented as follows, \$238.5 million was eliminated from the budgeted amount at \$761.5 million, which includes \$50.2 million in registered contracts in FY08 and is currently in the design process. The revised budget will allow for the construction of the initial portion of the new police academy, which will greatly enhance the ability to train incoming officers and will form

the core of a complete NYPD training facility, serving all members of the service. This initial construction will be designed for expansion and the infrastructure will be provided where appropriate to allow for construction of a complete facility in the future when additional funding is available. \$47.4 million was eliminated from the budgeted amount in Fiscal Year 2009, 2010, and 2013 for the Aqueduct Tow Pound project since this site is not available, and \$1 million was transferred to the Parks Department to fund improvements to a proposed park that will be adjacent to the Site A Tow Pound, which is located on Rockaway Boulevard between Guy Brewer and Farmers Boulevards, adjacent to the airport. The city agreed to fund improvements, or actually fund a new park in order to facilitate the ULURP approval process for Site A. The proposed relocation of the College Point Tow Pound to Site A is currently funded at \$28.7 million. The FY09 to FY19 capital plan maintains funding for the following precinct construction and rehabilitation projects. Design and construction of a new facility for the 121st Precinct, budgeted at \$53.2

million, which supplements \$3.7 million budgeted in prior fiscal years. On March 20th, the construction documents went out to bid and are due back later this month. We expect to award a construction contract in June 2009, with construction to start in July 2009. It is estimated that construction will be completed in December 2011. The restoration and renovation of the landmark Central Park Precinct is moving ahead. The current budget is \$9.9 million, which supplements \$43.8 million budgeted in prior fiscal years. Construction was started in September 2007 with an estimated completion date of March 2010. There are four other precinct replacement projects that are included in the out years of the capital plan. The 40th, 66th, 70th and 110th Precincts are each budgeted for \$30 million in the out years of the capital plan, beginning in Fiscal year 2013. It is estimated that an additional \$32 to \$42 million will be required to complete each of these precincts in the years currently funded. Thank you for the opportunity to discuss these issues and I'm certainly willing to take any questions that you might have.

CHAIRPERSON WEPRIN: Thank you, Commissioner. We've been joined by some additional colleagues. We have Council Member Leroy Comrie from Queens, Council Member David Yassky from Brooklyn, and Council Member Eric Gioia from Queens and Council Member Simcha Felder from Brooklyn.

COUNCIL MEMBER FELDER: Say it again, you missed me.

CHAIRPERSON WEPRIN: And Council Member Simcha Felder from Brooklyn. Commissioner, you referred in your testimony to saving money by eliminating traffic enforcement agents by attrition. Was it 125 agents?

RAYMOND W. KELLY: That's correct.

CHAIRPERSON WEPRIN: We were under the impression that even back in 2002 when we had a fiscal crisis that we actually added traffic agents because they ended up being a net savings because of the revenue associated with them. Why is that not the case in this particular situation?

RAYMOND W. KELLY: These agents would not be from what you would call revenue generation functions. This is largely traffic

control personnel, in other words, the people who are out in the intersections.

CHAIRPERSON WEPRIN: Obviously you need people in the intersections, so isn't it possible that now some of the revenue generating traffic agents will now be assigned to do the traffic, which will still be a decrease in revenue?

RAYMOND W. KELLY: It's possible. Yes. There are financial projections that the traffic enforcement agents might reach, but then again, if they're taken off those duties to direct traffic, they may decrease.

CHAIRPERSON WEPRIN: What I would suggest is maybe you monitor it as it goes along and then I guess we might have the opportunity to readjust it depending on whether the revenue is significantly down from the traffic enforcement agents.

RAYMOND W. KELLY: Yes, sir.

CHAIRPERSON WEPRIN: Although a lot of my constituents may be happy. You went through a whole array of requests for federal stimulus money and programs and that's all good. We're

happy that we can do that. It was kind of hard to follow all the numbers. How does the Obama administration funding and potential funding through grants compare to the Bush administration more recently, and does this mean that we'll be doing better as far as federal grants overall?

RAYMOND W. KELLY: I think, quite frankly, it's too early to tell. Obviously the first area that we're looking at is the stimulus package. I've spoken to people in Washington about the COPS program hiring additional police officers. As I said in my prepared remarks, it is a competitive process. We're not certain what we will wind up with, but the numbers are in the hundreds, as I said in my prepared statements. We're down a significant number of officers, so we are thankful and hopeful that that program will go forward. As I say, it'll be perhaps a couple of hundred officers.

CHAIRPERSON WEPRIN: I know we've done these numbers and I do share Chair Vallone's concern about the significant reduction in headcount since we've been in the Council. I believe prior to 9/11, or shortly after 9/11, the

number of police officers uniform headcount hovered around 40,000. Is that correct?

RAYMOND W. KELLY: Correct. In October 2000, in Fiscal Year 2001, the department was at 40,800 officers.

CHAIRPERSON WEPRIN: I'm happy to see that despite the reduction that crime seems to be going down, but I'm sure that is always going to be the case. You always have spikes of situations and obviously I know you'll be monitoring that. I just want to state for the record that I do share Chair Vallone's concern about that significant reduction and the reduction in the cadet classes and the elimination of the new cadet class. Even though it may appear that crime has gone down, or crime has gone down statistic wise, the public safety and the perception of public safety is often associated with a physical presence of seeing uniform police officers on the street, especially when it comes to tourism and other things. I would hope that you'll do everything in your power to see that even with limited headcount you have the maximum amount of uniform officers on the street on a

regular basis as opposed to doing other things.

RAYMOND W. KELLY: Absolutely.

CHAIRPERSON WEPRIN: I know you mentioned with the cuts in the capital budget that the money for the new police academy in Queens is now being pushed back. I think originally it was supposed to be in Fiscal Year 13, I guess calendar year 12, when would you anticipate the actual new academy now being built?

RAYMOND W. KELLY: It's been put in phases where we are hopeful that the first phase, in essence the academic facility, would be in place by Fiscal Year 2013. And then the rest of the facilities or rest of the entire campus would be built out when money becomes available after that. So, Phase 1, as I say, 2012, 2013, would be the ideal timeframe.

CHAIRPERSON WEPRIN: What about Phase 2?

RAYMOND W. KELLY: We don't have the money lined up for that. I think right now, give the economic environment that we find ourselves in, that this is a prudent approach. I can't tell you when Phase 2 would kick in. But

I'm happy that some aspects of it are moving forward.

CHAIRPERSON WEPRIN: Just try to explain to me or to layman's terms what the actual effect size-wise and personnel-wise is between Phase 1 and Phase 2. What are we really talking about physically?

RAYMOND W. KELLY: If you look at the total plan, there is a large academic facility, a school building for want of a better term. Then there is a firing range component, which would be the next phase. Then there is a driver training facility. So it would be a totally singular training facility for all of our men and women of the department, both recruits and in-service training. That total package would cost over \$2 billion. Because of the financial straits that we find ourselves in that has been put into three phases, as I say. Phase 1 would be largely the academic facility, the classroom component.

CHAIRPERSON WEPRIN: What's the dollar amount attributed to Phase 1?

RAYMOND W. KELLY: That would be

approximately \$1 billion. It's \$700 million in FY09 and 300 million in FY13.

CHAIRPERSON WEPRIN: So it's about half of the overall project?

RAYMOND W. KELLY: I'm sorry?

CHAIRPERSON WEPRIN: It's about half of the overall project then?

RAYMOND W. KELLY: Yes.

CHAIRPERSON WEPRIN: I'm going to turn it over to Chair Vallone, who I know has a number of questions. We've also been joined by some additional colleagues. We have Council Member Diana Reyna from Brooklyn and Queens and Council Member Letitia James from Brooklyn. Did I mention Councilman Simcha Felder is here?

COUNCIL MEMBER FEDLER: No.

CHAIRPERSON WEPRIN: And Councilman Simcha Felder is here. Chair Vallone.

CHAIRPERSON VALLONE: Thank you. Commissioner Kelly will be here until approximately 12 and will be followed by the DAs. There are some Council Members on the list. We will ask you to limit your questions to five minutes, so if you have a lot start prioritizing

now. If we have time we'll come back for a second round. Commissioner, we'll start with headcount. You said in 2001 we had about 40,800 officers. You just testified to a year-end headcount in 2010 of 34,304, which is over 7,000 less officers than you had in 2001. Will you be able to do as good a job with 34,000 officers as you were able to do with close to 41,000?

RAYMOND W. KELLY: We're certainly going to do everything that we possibly can do to continue the record of reducing crime and keeping the city safe. Would I like to have more police officers? Absolutely. This is a significant reduction. But that's the hand that we've been dealt.

CHAIRPERSON VALLONE: You've testified to a low of 34,304. The OMB put out a number about 1,000 lower than that of 33,217. I think you've explained that that's because you're using more optimistic attrition rates than they are.

RAYMOND W. KELLY: We've had this ongoing discussion with OMB about their attrition projections. Attrition has slowed down as a

1
2 result of the economy for the most part. So I
3 think the difference between our projections and
4 their projections have to do with a differing
5 approach to determining attrition.

6 CHAIRPERSON VALLONE: Their number
7 is 33,200 and yours is approximately 1,000 above
8 that. When was the last time we have that many
9 officers in New York City?

10 RAYMOND W. KELLY: I can't
11 remember. It was certainly well before Safe
12 Street Safe City. Don't forget, we had three
13 separate police departments and they were merged
14 in 1995. You'd have to take all of those numbers
15 and put them together, but it's a long, long time
16 ago.

17 CHAIRPERSON VALLONE: In addition
18 to that number, we're losing civilians. When was
19 the last time the police department, as far as you
20 know was forced to fire civilians from its staff?

21 RAYMOND W. KELLY: To the best of
22 my recollection it was sometime in the early 90s
23 where we laid off some custodians.

24 CHAIRPERSON VALLONE: Exactly what
25 titles will you be laying off when it comes to

these reductions?

RAYMOND W. KELLY: The title for the most part that's going to be most significantly affected will be the police administrative aide. These are the people who do clerical for the most part in patrol commands in our housing public safety areas, in our transit districts and in our precincts.

CHAIRPERSON VALLONE: What titles will not be affected?

RAYMOND W. KELLY: What would not be affected will school safety agents and traffic enforcement agents will not be affected. They have kind of a rubric of public safety that has been attached to them, and also, PCTs, police communication technicians in MetroTech.

CHAIRPERSON VALLONE: So you're basically firing the people who are in the precincts doing the clerical work. Now, I assume this clerical work needs to be done in order for you to fulfill your functions, is that correct?

RAYMOND W. KELLY: That's correct.

CHAIRPERSON VALLONE: Who will be doing that work if you have to remove these

civilians?

RAYMOND W. KELLY: We'll make every effort to utilize people on restricted duty, but ultimately there will be, I'm sorry to say, full duty police officers who will be involved in replacing some of these workers.

CHAIRPERSON VALLONE: Approximately how many officers do you think will have to be pulled off the streets to replace these clerical workers?

RAYMOND W. KELLY: It's difficult to say because what we would try to do is some job consolidation and that sort of thing. It's difficult to put a number on it, but it would be a significant number, relative to the 395 number.

CHAIRPERSON VALLONE: So in addition to having an amount of police officers we haven't seen since well before Safe Streets Safe City, you've got 1,000 of those officers doing anti-terror duty, which you've never had before that and now you've got officers taken off the streets to do clerical work, which has also not happened since the 90s. This is a situation we haven't seen in our memory and it's one that

scares the hell out of me quite frankly. It's not something that we can allow to happen. We're going to do everything we can to ensure that it doesn't, but we're up against it here at the City Council that's for sure. Now let's talk about the federal funding. Just about every grant you mentioned you said later this month we'll find out what will happen with that. Well, our budget is due later this month also. What effect is that going to have? For instance, if you don't get the \$21 million for the Midtown Manhattan Security Initiative from the federal government, does that mean you're going to have to shift money around, or is that plan no longer going to exist?

RAYMOND W. KELLY: We clearly need federal money to go forward with the Manhattan Security Initiative. So we would have to defer it if we don't get the federal funding for that program.

CHAIRPERSON VALLONE: You stated that it takes a while for this money to go through the State Department of Homeland Security. Are they still taking their 20% of our funds?

RAYMOND W. KELLY: Yes, they are.

CHAIRPERSON VALLONE: That money that they're taking, have we been able to see any better recently what they're using that money for?

RAYMOND W. KELLY: No, we have not. You and I have had this conversation before, but they take a significant amount of money and we're not clear as to what happens with that money.

CHAIRPERSON VALLONE: I was hoping that would change. And I know that Mike Balboni took over for a while. Who's the new guy? Do you know at this point?

RAYMOND W. KELLY: Yes, I do. His name is Tom Donlon. He a former FBI agent and we have a very good working relationship with him.

CHAIRPERSON VALLONE: And yet they still take their 20% and don't use it as they're required to by law to protect New York City. At least you and I as police commissioner and Public Safety Chair don't know how they're using it to protect New York City. Is that correct?

RAYMOND W. KELLY: That's correct.

CHAIRPERSON VALLONE: You mentioned fleet-related reductions and you said light-duty vehicles. What does that mean?

RAYMOND W. KELLY: A light-duty vehicle is any vehicle under 8,500 pounds. It's basically everything but our heavy trucks, our emergency service trucks, and some big tow trucks.

CHAIRPERSON VALLONE: They're including your patrol cars?

RAYMOND W. KELLY: Yes.

CHAIRPERSON VALLONE: So, again, in layman's terms, what does this mean to the status of the vehicles you're using? Are you going to be relying on your older cars for a longer period of time?

RAYMOND W. KELLY: I'm sorry, say that again?

CHAIRPERSON VALLONE: So this means you'll be relying on the older vehicles for a longer period of time?

RAYMOND W. KELLY: Yes. In general we've been doing that now for a while.

CHAIRPERSON VALLONE: How old will the oldest one be under this new plan?

RAYMOND W. KELLY: It will be four or four and half years.

CHAIRPERSON VALLONE: I'm going to

limit my question to one more area and then try to give everyone an opportunity here. You discussed the traffic enforcement agent reduction. I just want to make clear for everyone involved here; you made a distinction between revenue-generating and non-revenue generating. Correct me if I'm wrong, but there's no difference in training and there's no difference in rank, it's just basically a difference in how they're assigned on a daily basis to whether or not they're revenue-generating or non-revenue generating.

RAYMOND W. KELLY: There is a slight difference. Traffic enforcement agents Level 1 basically issue summonses. Level 2 can issues summonses and direct traffic. Level 3 have more of a technical capacity. They drive tow trucks; they boot vehicles and that sort of thing. Level 4 also does that and does some supervisory work. So there are some differences in rank as far as the functions are concerned.

CHAIRPERSON VALLONE: Are you firing based on level?

RAYMOND W. KELLY: Level 1 is the entry level position.

CHAIRPERSON VALLONE: Are the ones that you'll be firing?

RAYMOND W. KELLY: Yes. We're not firing.

CHAIRPERSON VALLONE: I'm sorry, I got them confused. But we'll be eliminating those positions.

RAYMOND W. KELLY: Right. Let me back up and say the positions that we are eliminating will be traffic control positions. So in theory the positions could be Level 2. Level 1 are for the most part revenue-generation personnel.

CHAIRPERSON VALLONE: But the Level 2 could be assigned either way when they show up in the morning?

RAYMOND W. KELLY: Right.

CHAIRPERSON VALLONE: What you intend to do now is eliminate the people who are at the traffic intersections as opposed to the people who are doing double parking enforcement I guess.

RAYMOND W. KELLY: Reduce them in number, yes.

CHAIRPERSON VALLONE: Didn't we just have a discussion about blocking the box and how that was going to raise some revenue? How is this going to affect that?

RAYMOND W. KELLY: We're keeping the blocking the box personnel in place. That program is going forward.

CHAIRPERSON VALLONE: Without the traffic agent directing the traffic?

RAYMOND W. KELLY: No, we will have traffic agents to do that program, do that function. Blocking the box in essence is a revenue generation program. Giving them a summons now under state law is now considered to be a parking violation, if you block the intersection.

CHAIRPERSON VALLONE: So how will you be able to continue that program, unless you're ramping it down, if you're eliminating the people who are in the intersections enforcing blocking the box?

RAYMOND W. KELLY: They can do both. We're not eliminating that program. We made a commitment to that program. It generates 60 something million dollars a year. We're

keeping those personnel in place. The 125 that are being eliminated are people involved in the function of traffic control, traffic direction, not in revenue generation.

CHAIRPERSON VALLONE: I'm still a little confused, but we'll move on to some of my colleagues. We've been joined by Council Members Gale Brewer and Erik Dilan. We're going to go now to whose first.

CHAIRPERSON WEPRIN: Council Member Sears.

COUNCIL MEMBER SEARS: Thank you, Mr. Chair, and good morning Commissioner. I just have two very few questions. Before I ask them, the capital budget that has really been cut and delayed, does that mean that the 110 Precinct is going back into years and years before it's considered?

RAYMOND W. KELLY: Yes, it does.

COUNCIL MEMBER SEARS: Because I know that the community board there thinks they're expecting to see something, or at least be in the works by 2011, and I didn't think that was possible.

RAYMOND W. KELLY: It's moved to the out years. It is a precinct that definitely needs to be replaced. There's no question about that. But unfortunately, we just don't have the money to do it.

COUNCIL MEMBER SEARS: So is it just set back indefinitely?

RAYMOND W. KELLY: I think I mentioned it in my remarks, I think it's going to 2013.

COUNCIL MEMBER SEARS: That's good enough, thank you.

CHAIRPERSON WEPRIN: By the way, we have a special group in the back I think that's about to leave. That's second-graders from P.S. 278 in Inwood. Welcome.

COUNCIL MEMBER SEARS: The Byrne Grant Proposal that you're hoping to have 13 new positions with that and for the Chief Medical Examiner. My question is, do you handle your part of the medical examiners separate and apart? Because that office is cut drastically, and there are serious concerns about just how much they're going to be able to produce. So if the grant is

not realized, would you look to the medical examiner's office to do some of the work that you may not be able to do?

RAYMOND W. KELLY: The position we talked about I think is liaison between ourselves and the medical examiner. We would do our own share of that work.

COUNCIL MEMBER SEARS: That's what I wondered about because they're just not even able to do the work that they have to do. They've been cut really severely. The second one is that from the Security Coordination Center where you have purchased 4,600 units of radiation detection. But since the Obama administration has cut that program out, my question to you is what use will you have for those 4,600 that you expect delivery?

RAYMOND W. KELLY: What use we have?

COUNCIL MEMBER SEARS: How will you use them if you're not able to receive the additional money to do what you need to do to make them effective?

RAYMOND W. KELLY: We'll use them. We'll deploy them with our officers and other

agencies, not only in New York City but throughout the area. I think I said in my prepared remarks that we're actually engaged with 80 agencies in the region. So, they'll be out there, they'll be used, and they'll be helpful. I think what the cuts in the 2010 federal budget will do is prevent us down the road from putting in these permanent fixed state of the arts sites which we want to put in, not only in the bridge and tunnel entrances into New York City, but in other locations in the metropolitan area as well. We don't see this as a pilot project; we see that as a necessary element to our protecting New York City. It was labeled as a pilot program and they're kind of treating it as a pilot program. We think it is an important and significant program to the protection of New York City. We're hopeful that we can continue to get the funds. I know our congressional delegation is working on this in Washington.

COUNCIL MEMBER SEARS: That explains it. I want to thank you on behalf of my district because they think you are still doing a wonderful job in spite of all the things that you have to face with budget cuts. Thank you, Mr.

Chair.

RAYMOND W. KELLY: Thank you very much.

CHAIRPERSON WEPRIN: Councilman Felder. Did we introduce Council Member Brewer?

COUNCIL MEMBER FELDER: Good morning, Commissioner.

RAYMOND W. KELLY: Good morning.

COUNCIL MEMBER FELDER: Some would say that it's all your fault that the success has allowed them to decimate your department. I echo Councilman Vallone's comments earlier. It is wonderful having you at the helm and doing a super duper job. But the fact is that they're cutting off your limbs and they're leaving you very little to be able to do your job well and we're very, very concerned about that. In your comments you talked about the four precincts that are going to be put out to 2013, which in my mind that's a long time, which may not happen. Would it be fair to say that this has nothing to do with the fact that two out of the four are mostly my district?

RAYMOND W. KELLY: I think it would be fair to say that, yes.

COUNCIL MEMBER FELDER: Separate from that, there used to be many, many officers, or at least it seemed that way, on bicycles. I haven't seen them around as much certainly. Has the program been cut?

RAYMOND W. KELLY: First of all, we have fewer officers. But we leave that for the most part to the discretion of the precinct commanders. It depends on the nature of the command. Park precincts for instance might lend themselves more to bicycle use during the summer months. You'll see them in the 19th Precinct and in the Central Park Precinct as well. You'll see it in the 78th Precinct with Prospect Park. But we have the bikes and we do have officers on patrol. But the reality is that we have significantly fewer officers. We have to man those radio cars. It's a number one priority in terms of providing a capacity response capability.

COUNCIL MEMBER FELDER: Finally, in terms of your numbers, the summonses that are issued for things like double parking or parking at a hydrant or bus stop or any of the summonses, compared to the summonses that are issued for

1 things that I would consider more of life-
2 threatening or dangerous, such as driving without
3 a seat belt or with cell phones, do you have
4 numbers? You don't have to give them to me now.
5 I'm just curious because it seems to me and I
6 guess it would not be popular for somebody who is
7 running for office to say that there aren't enough
8 summonses being issued, so I'm not going to say
9 it. I'll say that Erik Dilan said it. But it
10 would seem that in terms of those types of
11 summonses.
12

13 RAYMOND W. KELLY: It's safe to say
14 that there are significantly more summonses for
15 parking, double parking, parking at a hydrant,
16 those types of summonses, than there are for what
17 we call moving violations. Generally speaking,
18 parking summonses are given by the traffic
19 enforcement agents, and moving violations are
20 given by police officers.

21 COUNCIL MEMBER FELDER: But under
22 the legislation that was passed, the block the box
23 legislation, rightfully you got around that and I
24 know you don't want to start having enforcement
25 agents running around after cars, but you did that

with the block the box. You turned it from a moving violation into something a regular agent can handle.

RAYMOND W. KELLY: A parking violation, that's correct.

COUNCIL MEMBER FELDER: But you obviously would not be in favor of the same thing happening with the type of summonses that I just described.

RAYMOND W. KELLY: I think we'd have to take a very hard look at that.

COUNCIL MEMBER FELDER: Thank you very much.

CHAIRPERSON VALLONE: Thank you, Council Member Felder. I want to correct the record. Council Member Felder, I do agree with you about how lucky we are to have the police commissioner, but the words super duper have never left my lips, I don't believe. I have to disagree with the characterization. I also want to point out thought that ever year that we sit here, headcount goes down, but every year OMB's predictions show that in the out years headcount will go up, just as this new budget says that

we're supposed to be going up in 2011, 2012, and 2013. Based on what we've seen before that's not going to happen. Every time we've sat here we go down. The out years say they're going up. It's never gone up. I just wanted to point that out.

CHAIRPERSON WEPRIN: Let's monitor it. Council Member James.

COUNCIL MEMBER JAMES: Thank you. Good morning, Commissioner.

RAYMOND W. KELLY: Good morning.

COUNCIL MEMBER JAMES: Commissioner, I'm just inquiring about the capital funds that I put in the budget; I believe it was last year or the year prior. It was \$500,000 for security cameras in three precincts. Is there an update?

RAYMOND W. KELLY: We certainly want to do that. The issue is the challenge is to move capital funds into the expense budget and the expense mode so they can be spent to do these cameras. I think it's a very worthwhile project. I wish they were there yesterday. That's the ongoing challenge.

COUNCIL MEMBER JAMES: Bureaucracy?

2 So it's just caught up in bureaucratic paperwork.
3 This year I'm putting in some fund for the 71st
4 Precinct. As you know, in the 71st Precinct, they
5 cannot transfer calls from one officer to another
6 because of the infrastructure, so I believe I have
7 set aside either \$50,000 or \$100,000 for the 71st
8 Precinct to improve their telecommunications
9 service.

10 RAYMOND W. KELLY: You're saying
11 the 71st Precinct?

12 COUNCIL MEMBER JAMES: The 71st
13 Precinct in Crown Heights. At some point in time
14 if a staff person can get back to me.

15 RAYMOND W. KELLY: Tell me again
16 what you think the problem is.

17 COUNCIL MEMBER JAMES: When you
18 call the 71st Precinct and if you want to be
19 transferred to someone on the third floor, you
20 cannot do that. I've called and they've said,
21 "Hold on, let me go get that person." And I said
22 why can't you just transfer me so that I can leave
23 a message on their voicemail.

24 CHAIRPERSON WEPRIN: Commissioner,
25 if you can have a staffer discuss this with the

Council Member after this hearing.

COUNCIL MEMBER JAMES: I was going to suggest that. Perhaps at some point if you can have a staff person contact my office, one to see if the funds that I've set aside are sufficient or if I need to put more money aside for that purpose. The third question is we have seen in the precincts in my district, 88, 71 and 77, a slight increase in burglaries. We have put together a task force. My question is some of the constituents have inquired about Neighborhood Block Watch. At some point in time the department would train civilians. I just wanted to know, what is the status of Neighborhood Block Watch?

RAYMOND W. KELLY: We are revisiting that whole program. We are energizing it. It would be structured so they could be able to send text messages. We're going to make it sort of a start of the art program. But the mayor announced, when he talked about his volunteer programs last month, I think he mentioned that as well. So along with our auxiliary police program that's very, very helpful to us, we are looking to bring back the block watch program and we'll be

making an announcement hopefully in the next three weeks.

COUNCIL MEMBER JAMES: The Neighborhood Block Watch includes training to civilians?

RAYMOND W. KELLY: Yes.

COUNCIL MEMBER JAMES: So, again, I have three task forces in the district who are ready, willing and able to work with you because we recognize in this economic climate there have been cutbacks. The 84th Precinct, you talked about blocking the box. Unfortunately, the 84th Precinct, which has been an ongoing problem, continue to block the sidewalk. Again, if someone can get back to me on how we could work with the 84th Precinct to open up the sidewalk for civilians in that area, I would greatly appreciate it. Community oriented police services, if we are successful in getting stimulus dollars, will we see additional police? I know you're down, but will we see some police on the street policing the community?

RAYMOND W. KELLY: I think what is would you see more foot patrols. Is that what

you're looking for?

COUNCIL MEMBER JAMES: Foot patrols, yes.

RAYMOND W. KELLY: Perhaps. It depends on where the officers go. It depends on what commands need them most. As I said, we're estimating a couple of hundred officers would be funded by the stimulus program.

CHAIRPERSON WEPRIN: Is that per year, Commissioner?

RAYMOND W. KELLY: In an organization that's not going to make a dramatic difference. So we try to put in foot officers and officers working with the community wherever we can. We do that with our Impact program. Every day those officers are instructed to go in and meet with people in institutions and houses of worship and communicate with them. So a lot of that is ongoing, mostly in Impact zones. Now I don't want you to think we don't have officers on foot. Virtually all of the Impact officers, now we have about 1,500 officers, they're on foot patrol. So a lot of it is going on.

COUNCIL MEMBER JAMES: In the

precincts that I represent I don't believe any of them are designated as Impact zones. I don't know if 77 is?

RAYMOND W. KELLY: Yes. And the 71st Precinct has an Impact zone. I got there and I see them out on foot patrol all the time.

COUNCIL MEMBER JAMES: So the 88th Precinct is not Operation Impact. We've had an increase in burglaries. And in fact, just last week there was a burglary in the 77th where the constituent saw the suspect, they called the 77th and allegedly it took three hours for the 77th to respond. There was a big meeting in the community about it last week.

RAYMOND W. KELLY: No, anytime you see a crime in progress, you call 911. I don't know what happened there. But you call 911, that's how you're going to get a fast response. Don't call the precinct.

COUNCIL MEMBER JAMES: I understand. Deputy Inspector Cosgrove [phonetic] is investigating. But again, a number of constituents said it took three hours to respond. NYCHA, are we negotiating the amount of money that

NYCHA pays to NYPD for police services? Is that the subject of any discussions?

RAYMOND W. KELLY: It's always an ongoing issue in terms of what happens in the budget year. I don't think it will impact on your neighborhood if that's what you're concerned about.

COUNCIL MEMBER JAMES: No, I just wanted to know. The impact is on NYCHA, which as you know, is operating in a deficit. One of the reasons why they're operating in a deficit is that they continue to pay for police services.

RAYMOND W. KELLY: Let me say this, irrespective of the amount of money that comes from NYCHA, we will patrol housing facilities adequately. As I said in my prepared remarks, crime is down 19% this year in NYCHA locations. So that is not something that we sit back and say NYCHA cut back X number of dollars so we're going to cut back our patrols. It doesn't work like that. The housing bureau is totally and fully integrated into the department.

COUNCIL MEMBER JAMES: The question is really a fiscal question and whether or not the

agreement between NYCHA and NYPD is being renegotiated, if you know.

RAYMOND W. KELLY: We always have discussions, but I wouldn't call it being renegotiated.

CHAIRPERSON WEPRIN: Can you finish up please, Council Member?

COUNCIL MEMBER JAMES: The last question has to do with the press conference that I'm about to have. The last two years and more consistently within the last six months, 117, which is on Willoughby which is located in 79 but three blocks from the 88th, the students have been victims of harassment, muggings and robberies as they travel to and from the G Train. Violence came to a head on April 3rd when one student was mugged, two other students defended him and then nine or ten students from the neighborhood, presumable from Lafayette Gardens, came into the school, attacked the school safety officers, attacked school personnel, smashed glass and 79 responded. They responded quickly. Unfortunately most of the students see 88 literally two blocks away; you could see it from their door. The

question is whether or not we can have more of a coordinated police force between 88 which is two blocks from the school and 79 and a safe corridor for these children.

RAYMOND W. KELLY: When crime in progress happens, they dispatch cars from other precincts. That happens all the time. So I wouldn't worry too much about that.

COUNCIL MEMBER JAMES: At the time of this incident the only precinct that responded, and again they did respond, was the 79th precinct. Hopefully we could work with the department to get a coordinated response from the 88th, which is only two blocks.

RAYMOND W. KELLY: We coordinate pretty well in that regard. I believe the 88th and the 79th Precinct may be on the same radio frequency too.

COUNCIL MEMBER JAMES: We'll see today at the press conference and the meeting that we're having.

CHAIRPERSON WEPRIN: Thank you, Commissioner. Can I ask the future Council Members to try to stick to issues regarding the

city budget that's been submitted to us? I will go to Council Member Brewer.

COUNCIL MEMBER BREWER: Thank you very much. The 20, 24 Midtown North are wonderful. My question is on graffiti. How does it fit into the budget in terms of removal and trying to figure out ways of sort of fixing the broken window theory? Because I know it does seem to be up. I know you're aware of it and I just didn't know how we could work on it from a budget perspective if that's what it takes.

RAYMOND W. KELLY: We have made a major commitment to fighting graffiti. We have a new database. Well I shouldn't say new, we've had it now for a couple of years. Each precinct has a graffiti coordinator, each borough does. It's run by a chief in the Chief of Department's Office. I think we've made major inroads into the problem of graffiti. Now, in essence, mitigation is something that the department is not involved in. Community groups get together and do that. District boards do that and bring together those efforts. In terms of enforcement, I think we are doing a much more effective job than has ever been

done before, and that's citywide. It is a problem to get those marks off of certain businesses. Some communities, quite frankly, do it better than others. It depends on NGOs, neighborhood groups that address the issue.

COUNCIL MEMBER BREWER: But you feel you're finding the people who are producing the tags more effectively is what you're saying?

RAYMOND W. KELLY: Yes, we are. There are different levels. There's the sort of semi-professional, you know the people that come from Europe to do this sort of thing. But then there are a great number of young people, usually 12 to 17, that are engaged in this. We have a lot of information. As I say, we've developed a database that identifies these marks and helps us with the investigations.

COUNCIL MEMBER BREWER: I'm just saying it's increasing and we'll all have to keep working on it. Number two is NYCWin. Can you give me the status and is there any budget savings there for you in terms of this program? The NYCWin program where you have the ability to have the citywide antennas, and it can help figure out

2 what's going on, with a handheld connection and so
3 on.

4 RAYMOND W. KELLY: You're talking
5 about the wi-fi.

6 COUNCIL MEMBER BREWER: I call it
7 NYCWin, but wi-fi, yes.

8 RAYMOND W. KELLY: It will be
9 ultimately a program that certainly enhances our
10 productivity. Things that you have to go into the
11 station house now to do, you'll be able to do
12 them.

13 COUNCIL MEMBER BREWER: Is there
14 any budget savings there for NYPD?

15 RAYMOND W. KELLY: Probably. When
16 you're acting more efficiently and more
17 effectively there is great potential there. But I
18 don't think we can put a number on it. For
19 instance, you don't have to go into the station
20 house to do things. You can do it right from your
21 radio car. We're hopeful that if there's a bank
22 robbery, for instance, pictures come right from
23 the bank.

24 COUNCIL MEMBER BREWER: Is that
25 happening now? How much is it throughout all

precincts now?

RAYMOND W. KELLY: It's very limited.

COUNCIL MEMBER BREWER: Do you have some date when it might be wholesale throughout all the precincts, when it would be up and running?

RAYMOND W. KELLY: It's really a DoITT project.

COUNCIL MEMBER BREWER: DoITT says it's 90% done. That's why I'm asking you. Maybe it's just in terms of the build out but not the connections.

RAYMOND W. KELLY: It's 90% reach, I think the capacity is what they mean by 90% done.

COUNCIL MEMBER BREWER: Could somebody get back to me at your leisure as to how much it is throughout the precincts at this point?

RAYMOND W. KELLY: Sure.

COUNCIL MEMBER BREWER: Okay. The issue of gangs, I don't know that it's increasing or not. You hear a lot about neighborhoods that are concerned. Is there some allocation of

funding to try to improve the ability to stop them before they start or to deal with, or is that just part of the overall police work?

RAYMOND W. KELLY: We have a gang division that is very active. We also have a gang intelligence unit in our intelligence division. They gather a lot of information. Gang-related incidents are down. I think we saw some rise in gang-motivated. There is a difference between the two.

COUNCIL MEMBER BREWER: I understand; the wannabes and the gangs. I know the wannabes.

RAYMOND W. KELLY: Generally speaking, this city has a small gang issue compared to other cities throughout the country. So we're on top of it. We have an active gang division, as I say, that do both investigations and suppression, uniform patrol in areas where gangs congregate. We have a gang database that now has about 16,000 names in it. Compared to other cities, of course, that's a very small number.

COUNCIL MEMBER BREWER: I hate PSAC

II. I know you love PSAC II. But just think, if you got rid of PSAC II, you could pay for Helen Sears' precinct. You could pay for everything that is on your list. I'm just making a suggestion. Because when the commissioner testified, he indicated that he is putting together a center for many of the city agencies. I just throw this out because I know you don't want to do this. But I throw this out that think about collaborating with whatever DoITT is doing in some of the agencies because then you'd still have redundancy. You could take all that money that was going to be wasted on PSAC II in the Bronx and move it towards taking care of Helen Sears' precinct and everything else. Think about it.

RAYMOND W. KELLY: I think it's apples and oranges. In this world that we live in, we need to make certain that the capacity to handle our communication system is not all in one place. It has to be in another location.

COUNCIL MEMBER BREWER: I agree. I understand redundancy. I'm just saying to you just think about. Just think about it that there

is another redundant center that is going to be built in the near future. So maybe it could combine with PSAC II and bring in some of its own funding.

RAYMOND W. KELLY: I think it's different. You're talking about the places where we keep information basically, right? You're talking about the storage facilities.

COUNCIL MEMBER BREWER: Data warehouses.

RAYMOND W. KELLY: It's very, very different than what PSAC II can deliver. PSAC II has been reduced in cost significantly. About a half a billion dollars has been taken out of the proposed cost of that. But it is necessary. The previous administration thought it was necessary.

COUNCIL MEMBER BREWER: There's a difference of opinion floating around. Just keep an open mind. Thank you.

CHAIRPERSON WEPRIN: Thank you. I'm going to turn it back to Chair Vallone.

CHAIRPERSON VALLONE: Is there an update on PSAC II, Commissioner? We've been dealing with that since we both got into office

here. Is there an update on when that's going to be completed?

RAYMOND W. KELLY: I know that the city is still working to get the property. It's located in the Bronx. It's not our project. It is a DoITT project. But it's been much slower than we would have hoped for.

CHAIRPERSON VALLONE: Commissioner, a few times you've said 200 or so police officers under the COPS program. Is that per year?

RAYMOND W. KELLY: No. That is a one-shot deal. As I said, you have to keep them for 36 months.

CHAIRPERSON WEPRIN: Last chance, anybody have any additional questions?

CHAIRPERSON VALLONE: Wait, I think they're still answering. That's the answer? Just for the record, Ed Allocco is sitting next to you.

RAYMOND W. KELLY: My mistake. Ed Allocco does a terrific job as a deputy commissioner of management and budget.

CHAIRPERSON VALLONE: He does a great job assisting us prior to the hearings also.

CHAIRPERSON WEPRIN: I think

Council Member Sears had a statement.

COUNCIL MEMBER SEARS: I just wanted for the record to thank Councilwoman Brewer for her great attempt for my 110th Precinct. So, thank you. And thank you very much, Commissioner, because I know you're really trying to get that done.

CHAIRPERSON VALLONE: This may be the first time in history we're going to be done early. We know what you have to go back out and face on the street today. I agree with Simcha Felder, although not with the same language. You are stretched to your limit when it comes to fighting crime with the amount of police officers you have. We all know what happens when you stretch something past the limit and we don't want to see it get to that situation. I know that I'm going to fight as hard as I can to prevent cuts to the police department that will affect the amount of officers you have out on the street. I hope that my fellow Council Members will also and I know that many have in the past. So again, thank you for being here today. We look forward to working with you on this budget and in the future.

If there's anything we can do, you let us know.

RAYMOND W. KELLY: Thank you very much.

CHAIRPERSON VALLONE: We're going to start with the district attorneys as soon as they get here, so it may be a little before 12. Thanks.

CHAIRPERSON WEPRIN: So we're going to take a recess and we'll be prepared to reconvene around 11:45.

[Pause]

CHAIRPERSON WEPRIN: Good afternoon and welcome to the reconvened joint Finance Committee and Public Safety Committee. We are about to hear from the five district attorneys as well as the special narcotics prosecutor. As a matter of personal privilege, we want to say since this is District Attorney Robert Morgenthau's last budget hearing that we enjoyed having you and your contributions these last eight years to our budget process. We will certainly miss you in upcoming years. We just want to thank you for your years of service in New York County on behalf of all of our citizens. We have a number of Council Members

here and we're going to be joined by some others. We have Council Member Domenic Recchia from Brooklyn, Council Member Helen Sears from Queens, Council Member Simcha Felder from Brooklyn, Council Member Lou Fidler from Brooklyn, Council Member Diana Reyna from Brooklyn and Queens, and of course Chair Vallone. Did you want to make a statement?

CHAIRPERSON VALLONE: I'm good.

CHAIRPERSON WEPRIN: Why don't we let the senior district attorney start?

ROBERT M. MORGENTHAU: Thank you, Mr. Chairman for those generous words. Thank you, Peter Vallone, for the Public Safety Committee. It's an honor and privilege to have the opportunity to talk to you once again this year. New York County has had \$7.2 million in city budget cuts since 2002 which have not been restored. And although the Executive Budget has increased during Fiscal 09, it's the city's best interest for the Council to fund it as it has in the past, which is \$1.1 million. The increase which you have from the city is \$800,000 in collective bargaining money which we must use to

fund the support staff. The balance of the so-called increase is the result of our revenue program. We have to collect the money in order to get those additional funds. These are complicated cases and individual cases can costs in the millions of dollars to prosecute. I might add that the revenue program also returned \$1.9 million to the other DA's offices. So far in this fiscal year we have returned \$181 million to the city. That's \$181 million that's been returned to the city by the Manhattan DA's Office. Since Fiscal 04 we have returned \$278 million to the city, four times our annual budget. There has been significant crime reduction in the past year. In calendar '08, we had 62 homicides compared to 648 when I became District Attorney, if any of you can remember that far back. So far this year, through 5/10/09, there have been on 13 homicides in New York County. But the workload remains up there, important programs which depend on City Council funding. Since 2003, our arrests are 9.1%, and like I say, in that period of time our budget has been cut by \$7.2 million. The \$1.1 million which the City Council allocated to us

last year is crucial to keeping these programs alive. Our Immigrant Affairs program, which serves nearly 1,000 members of the public in just over a year, is vital to both crime fighting and meeting the needs of underserved. There is no group of people that are more badly treated by the federal government than the immigrant population, both legal and illegal. We also have a Fair Chance Initiative for re-entry services and that is at risk if we sustain cuts. That can prevent crime through rehabilitation of offenders. Finally, we're using that money for organized gang crime initiatives where we gather intelligence and target gangs in residential neighborhoods, particularly in the housing areas. We need money for additional purposes, such as to staff the Child Advocacy Center which has recently opened at 125th Street, for funding the identity theft prosecutions. They're handling about 270 cases per month. Last year we had almost 9% of our cases were identity theft. We've lost \$600,000 in federal funding for that program. All of these matters are extremely important. I appreciate the opportunity to be here today. I know all my

colleagues here are facing similar problems in the coming year. Thank you.

CHAIRPERSON WEPRIN: Thank you.
District Attorney Johnson.

ROBERT T. JOHNSON: Good afternoon.

I want to thank both chairs and all the committee members for your constant attention to the needs and the concerns of the district attorney. I want to add my congratulations and thanks to my colleague Robert Morgenthau for over 30 years of tremendous service as a district attorney. I think he has been a leader that has really been there to show a number of us the way. He's seen a number of changes throughout the counties during his time and he's always been there to share advice and wisdom with us and in particular to help us find our way through City Hall and the City Council which is a little bit daunting at times. I want to be relatively brief today.

First, I want to talk about the nuts and bolts and advise you that our revenue program is not nearly as lucrative as New York County's. So you may look at our budget and see that it appears to be flat and I'll talk about that in a second. Since

the catastrophic events of 2001, there has been a lot of water under the bridge for the City of New York as a whole. There have been a lot of changes in terms of the budget process. Budgets have been cut, which was unprecedented. Even in restoring some of the cuts, they have not been baseline. So while there's a lot of water under the bridge, I find that we are still in 2009, about to enter Fiscal 2010, treading water. We're doing so primarily because of the fact that as you know, a number of the things that we've gotten back have not been baseline. That makes for difficulty in terms of planning and in terms of having some foresight about what we're able to accomplish in the year to come. In addition to that, as I've indicated, our budget appears to be stable. The recent proposal has appeared to last year's modified; however that stability is not real because part of that money is collective bargaining money that was put into our budget for raises that the city negotiated. That gives us no ability to increase personnel without additional funding. So in terms of budget, if you factor out that collective bargaining money, you will see

that our budget remains more than \$600,000 below what it was which is almost exactly the amount that your body has seen fit to restore to our budget, in past years. Once again we ask you to think favorably upon us. I think certainly the Mayor's Office in not imposing further cuts in the last proposal did recognize the amount we have to offer in terms of contributing to the public safety of this city and the amount that public safety has to offer in terms of attracting business and tourism and supporting the fiscal base of this city. So we ask you to continue to recognize that as you have in the past. I also want to point out that we still have not had some of the issues we've been up against throughout the years rectified. In the Bronx, we continue to have an arrest arraignment problem that, as I indicate, is potentially going to cost the city additional funding if there are lawsuits. We have been trying to get a hold of it. Part of it is the fiscal plan, but part of it also has to deal with personnel. The city has never funded us for typists for our complaint room, as has happened in other offices. We've had this conversation with

1
2 them year in and year out. They said they hear it
3 but they have not done it. In terms of our
4 becoming more efficient, we have begun to impose
5 the ICAPs [phonetic] program for complaint
6 drafting. The city funded us \$400,000 for the
7 startup period, but nothing for the actual
8 operation of the program, so that money drops off
9 the table. In a similar fashion in terms of the
10 revenue crime and financial fraud, we were funding
11 with an additional accounting for \$100,000. Well
12 that funding was there for one year, but it is not
13 there as we go into Fiscal Year 2010. I remain
14 greatly concerned. We're doing other things. We
15 have a gang prosecution bureau that the chief has
16 been asking me for additional staffing for more
17 than a year. They are getting more and more into
18 investigations where neighborhoods are crying out
19 for attention about not only the drug sales but
20 the violence that goes along with it. A good deal
21 of this in a number of our neighborhoods is caused
22 by members of gangs. That bureau is the one that
23 is trying to maintain a grasp on that very, very
24 significant problem. While all of this is going
25 on we don't want to give up the other things that

we feel contribute or have contributed to the great reductions in crime. So we want to continue our rehabilitative efforts where in the last three years we've averaged 1,000 narcotics addicted defendants into treatment each one of those three years. We want to continue that. We want to continue our prevention efforts where we partnered with the Eagle Academy, the School for Law, Government and Justice, with the different schools within the Theodore Roosevelt campus, where we've opened up our doors to high school students from around the county for our youth trial advocacy program. These are things that can't afford to be cut, because even though they don't specifically address the management of cases, they do specifically address recidivism and the prevention of crime. So we come to you once again asking for your continued support, understanding that managing a budget is a very, very difficult and tight operation, but asking you to understand that the district attorneys we feel are a key component in the health of this city. Thank you.

CHAIRPERSON WEPRIN: No disagreement there. District Attorney Hynes.

CHARLES J. HYNES: Thank you, Chairman Weprin and thank you Chairman Vallone, and members of the Council. I want to thank you for the opportunity to address the public safety strategies we employee in Brooklyn. With me today is my Chief Assistant Amy Feinstein, my Counsel Lance Ogiste, Rhonda Seward [phonetic] who is the Executive Director of our reentry program, Ken Yang [phonetic] the Director of Training and Michael Peretzky [phonetic] is the Chief of our fiscal department. Let me say at the outset what a pleasure and a privilege it has been for me to serve as a colleague of Robert Morgenthau, who set the standard for prosecutors both on the federal and state level throughout his entire distinguished career. We're going to miss him very, very much. I want to congratulate District Attorney Johnson, who becomes the senior district attorney in New York City, much to my bitterness. We are certainly facing economic travails. There is no option other than doing more with less. Our contributions at reducing costs includes a program that Mr. Peretzky suggested to Mayor Bloomberg and the Office of Management and Budget several years

ago and which was adopted by my colleagues. The initiative saved the Department of Corrections literally millions of dollars by reducing their inmate count. Under an improved version this year, all incarcerated defendants who plead guilty and are to receive state prison sentence are out of our system within two weeks, again at a tremendous cost savings. With the use of new and advanced video technology in the Brooklyn Supreme Court, we have dramatically increased the use of video teleconferencing which makes it unnecessary to bring inmates from Rikers Island, which, again, is another enormous savings to the Department of Corrections. We've implemented both of these initiatives and our results, while preliminary, are quite promising. While these initiatives effectively eliminate our budget cuts for FY 2009 and 2010, we cannot look beyond 2010 because the calculation for baseline monies is unavailable. The effect is a severely negative impact on the retention of assistant district attorneys who have not received a pay raise for two years. While the job market is scarce, many of our assistants are faced with crippling law school and undergraduate

loan debt and have little choice but to actively pursue employment to better their financial position. Despite the belt tightening, I'm pleased to report that working with the NYPD we've had a tremendous reduction in index crimes over the last year. We ended 2008 with a reduction of 2.72% in Brooklyn North and 2.26% in Brooklyn South. This year in the first five months we've had a dramatic increase in crime. Brooklyn North has had an 11.5% reduction in index and Brooklyn South has had a reduction of 15.58%. We continue to have very, very high arrest numbers in Brooklyn. There were 110,000 arrests in 2008, 1,000 more than any other county in the city. To date this year, we have 21,000 arrests, or close to 100 more than any other county. Our inventory in both the criminal court and the supreme court has over the years continued to increase in significant part to staff reductions. We have little choice but to try and do more with less, given the reality that we're losing assistants. By the end of 2006, in criminal court, we had 11,000 cases pending. By the end of 2007, it had rise to 15,000. And last year it was 17,000. In

the Supreme Court, from 2006 to 2008 we've increased our inventory by 50%. Since the beginning of this year we've increased the number of bench trials in criminal court. That has led to a steady decrease in inventory. In addition, we set up a special disposition part in the Supreme Court which is staffed by a senior trial judge and a senior executive in my office and they've been able to reduce the inventory of our Supreme Court cases dramatically. Working with our partners in the courts, I'm confident that we'll be able to further reduce our inventory while safeguarding public safety. In the area of child abuse, as a result of the notorious Nixzmary Brown case, in which both defendants were convicted and received very, very long prison terms, we've had an enormous increase in child abuse reports. And despite our budget cuts and reduced hiring, I've managed to reassign staff to our Child Advocacy Bureau to ensure that each allegation is expeditiously and appropriately investigated. Our domestic violence initiative I take particular pride in, as a survivor of that nightmare. I've had a Domestic Violence Bureau

and the only one in the county for 19 years. As a result of the partnership with Mayor Bloomberg five years ago we opened up the Family Justice Center, which he was kind enough to dedicate to my mother's memory. There is a picture of my mother and I as a child, although Bloomberg had to say that the kid was a sub because I couldn't have looked that good. Not funny. Since we've opened in July 2005, we've provided resources to nearly 22,000 victims of domestic violence and 4,000 of the surviving children. The children have received the healing benefit of a room called Margaret's Place, which is totally funded by Joe Torre's Safe at Home Foundation. His mom Margaret was a victim, as my mother was of domestic violence. His father was a cop and an alcoholic. He used to come home after bouncing around bars after his tour of duty and would harass Margaret and the kids, pistol-whipping them. So it gives us the second prong of the necessary work of the Family Justice Center. The first is you obviously want to eliminate violence in the home. And you're familiar with the Gaelic, Councilman, peace in the home. The second one is obviously that a

large number of people who go to upstate prison are surviving children of that nightmare who feel the same rage and anger and frustration I felt as a kid. I got help and they didn't. So it's another way of increasing public safety. Our center, with the help of a language line, speaks 170 languages and dialogues. It remains our overall strategy to reduce recidivism in my county as a way of elevating public safety. So during the past few years I've dedicated increased investigatory and prosecutorial resources to identify internet predators. At the same time I've launched an educational campaign to alert parents and children on how to better equip themselves to rebuff any attempts by predators and enable parents to better monitor their children's internet activities. As young people become more proficient in the internet and new special networking programs such as MySpace, Twitter and Facebook, we attempt to keep pace with our educational programs. Our comprehensive education strategy includes presentations to civic and community groups about predatory lending, mortgage fraud and foreclosure recovery which I believe is

the same burgeoning scandal as I faced when I became the nursing home prosecutor in the mid 70s. As a result of my making an application to Chuck Schumer, he was able to get in this fiscal year a substantial amount of federal money so that we can have a freestanding mortgage fraud unit within the rackets division. In advance of receiving these funds, I have assigned additional staff to investigate what has become a rapidly growing inventory of complaints we've received. Our strategy of employing a two-prong approach of education and prosecution I believe has a long-term effect on public safety. For example, when I saw gang enrollment and associated violence beginning to rise, I asked the Gang Bureau chief in my office to design strategies to decrease gang enrollment. She came up with a couple of very, very positive ones. For example, she has created Mothers Against Gangs. She has created a gang redirect program where she encourages kids who are arrested in Brooklyn who are members of gangs to take the step to get counseling in some cases to give them safe havens that we have established to try and get them out of gang activities. That has

been a very, very successful program. Another program whose goal is prevention we started ten years ago to address truancy. Truant young people are obviously potential victims and predators. We currently have six truancy centers in Brooklyn. Each center is staffed by personnel from my office, attendance monitors from the Department of Education and New York City police officers. Social workers are assigned to each center to determine the cause for truancy. During 2007-2008, we had an average of 7,000 truant students with a recidivism reduction rate of 3%. In 2008-2009 we had 5,300 kids brought to out centers and about a 5% recidivism reduction rate. To deal with the fact that thousands of formerly incarcerated have come back to Brooklyn each year, we created a reentry we cull community and law enforcement resources together. Did I introduce you Rhonda? All right, Rhonda is the director of our program. It deals with the reality that six out of ten of the formerly incarcerated are re-arrested within three years and more than half go back to prison during that period. What we designed was a relatively uncomplicated program

where we put them together with volunteer agencies giving them computer skills, wraparound services, including Medicaid, as well as job training and job placement, working with the great George McDonald at Ready, Willing, the Doe Fund and other similar transitional employers. What we have demonstrated with an academic analysis by Professor Bruce Weston of Harvard is that not six out of ten are re-arrested within three years, it's more like 2.5. He says that we reduced recidivism by more than half. Let me close with two other programs we're very proud of. It's a re-entry program for young girls, 13 to 18. I guess you know that it costs us about \$200,000 to put a kid in juvenile detention facilities. It is just mind-boggling. We have with our Youth in Congregation in Partnership program working with faith-based organizations, synagogues, mosques, and churches, a program that takes young kids who were prison-bound and rehabilitates them. The recidivism rate for both groups, the young girls and the youngsters from our faith-based program, is about 77%. With our programs and with respect to re-entry for the kids, it's only 20% and 17 for

1 young people who are in the faith-based
2 institutions. Recidivism reduction is all about
3 public safety and that is the goal of our program.
4 The cost of corrections in this city is
5 astounding, \$192 a day, for \$70,000. Why aren't
6 we spending more time and more effort on
7 alternative programs? We have saved the City of
8 New York just with Youth in Congregation and our
9 re-entry program for the young girls, \$2.7 million
10 this past year. So I look forward to get the kind
11 of support that this Council has always given us.
12 I thank you for all of the folks who work in the
13 Brooklyn DA's office for your commitment.
14

15 CHAIRPERSON WEPRIN: Thank you. DA
16 Brown.

17 RICHARD A. BROWN: I, too, want to
18 join with my colleagues in paying tribute to our
19 friend and colleague, Bob Morgenthau. His
20 dedication, leadership and professionalism through
21 the years have been an inspiration to all of us.
22 As Joe Hynes said a few minutes ago, he is someone
23 who has set the standard for all of us to follow,
24 and we will very much miss him at the end of the
25 year. In the meanwhile I assume he'll continue to

provide us with the good counsel that he has always provided to us. I also want to express my appreciation to both of you, Chairman Weprin and Chairman Vallone, to Speaker Quinn and to all of your colleagues for your continued support and for your recognition of the important role that our offices play in maintaining the quality of life within this city and lowering the level of violence. We're grateful for your support and we're hopeful that this year we'll be able to turn the corner and move forward toward stabilizing our budget situation and ensuring that we get the resources that we need to fulfill our statutory and constitutional mandates. Once again, I've provided you with a booklet setting forth in some detail many of our office's accomplishments over this past year. As I've said so many times, I continue to be very proud of the dedication and professionalism of the talented men and women who I have the privilege of working with each day in my office. The major challenges, I'm sure you know and recognize that I and my fellow prosecutors continue to face this year is the impact that the repeated budget cuts that we've

suffered over recent years continue to have on our day-to-day operations. In the aftermath of the events of September 11th, the budgets of the New York City prosecutors were cut by close to 20%, with most of the significant cuts occurring here on the city level. Since that time we've been hit with a number of additional cuts as a result of the economic downturn and the fiscal crisis that's facing the city. Even, however, with the Council's help in recent years in providing us with additional funding to at least partially offset those cuts, and the city's agreement to allow us to defer or offset some of those cuts in return for case processing and other efficiencies, my office is still down nearly \$2 million in our baseline budget from the first round of cuts, the so-called 9/11 cuts, and a little more than \$1.5 million from the cuts that were thereafter implemented. We've also suffered in a number of other ways. The police department, for example, in a cost-cutting move of its own reduced a number of detectives assigned to our office and we've had to make up the difference by hiring more of our own detective investigators to fill the gap. Our

OTPS costs have also steadily been increasing. And beyond that, arrests have continued to rise. They're up in Queens County over 70% since the early 90s. Last year we had 72,000 arrest cases that we had to handle. Our case loads have steadily grown to well over 200 per assistant, with our attorneys having to take on more responsibility at an earlier stage in their careers. In response, we have reduced our costs in order to maintain our core functions. We've reorganized and realigned our staffing office-wide. We've cut OTPS to the bone. We've closed our Family Court Bureau, and given their work over to the City's Corporation Council. We've reduced staffing for some of our community-based youth and anti-violence initiatives. And when we had to, we reduced staffing through attrition and reduced levels of hiring. In the process we've unfortunately lost many of our experienced midlevel assistants, some of our support staff, many of whom moved on to the private sector into higher salaries simple because we could not keep pace. In addition, working with the city, we've implemented a wide variety of new programs and

initiatives that have returned needed revenue to the city and have achieved substantial cost savings as well. But I'd be less than candid with you if I didn't tell you that however valuable these new programs and initiatives are, practically speaking, each has required us to redirect available staffing and resources from other investigative and prosecutorial functions. We continue, however, to work with the city and as a result we've been able to identify a few more areas where cost savings and efficiencies can be achieved. As a result of our agreeing to take on still more initiatives on behalf of the city, each of our offices have been able to offset or defer a number of the newest proposed cuts that have been forthcoming in this fiscal year, or for this coming fiscal year. Our problem is further compounded by the fact that much of the additional funding that we rely on year to year on the state, local and federal levels continues to fall into a non-baseline, or unknown at this time category. Perhaps, most importantly for the purposes of today's discussion, for example, my office has a large unknown from year to year in the nearly

\$540,000 that is non-baseline funding that the council has provided to us each year since fiscal 2006 and which, of course, I would tell you is sorely needed this year again. I hope that you will provide it and that you will baseline those monies. There are also a significant number of unknowns on both the federal and the state level that we're waiting to hear about, including our critical state aid to prosecution and our federal Byrne and JAG funding. While we understand that there may be some new JAG and economic stimulus monies available to us in the coming fiscal year, this too remains in large measure an unknown as well. So what all of this means to us is uncertainty. From a New York City point of view, my office faces a potential loss of nearly \$4.4 million in 2011 alone. The impact of all of this is enormous; as I'm sure you appreciate. The non-baseline nature of the funding simply does not provide us with a stable budgetary plan that will allow us to make intelligent decisions on hiring or on staffing levels, salaries or a myriad of other issues that affect our day-to-day operations. So once again I ask for your help.

We need to stabilize our budget situation, maintain a level of resources that we need to do our job. We need baseline restorations of the cuts that we've suffered and not have to live year to year not knowing what monies we could rely upon. I need especially for you to continue in this year's coming budget and hopefully this year baseline the \$540,000 that I've spoken about in additional support that you have provided to our office each year since Fiscal '06. I hope that this year you can, as you have in the past, assist us. Again, thank you.

CHAIRPERSON WEPRIN: Thank you.

We've been joined by some additional colleagues. We have Council Member Gale Brewer from Manhattan, Council Member Dan Garodnick from Manhattan, Council Member Oliver Koppell from the Bronx, Council Member Helen Sears from Queens and Council Member Bill de Blasio from Brooklyn. Special Narcotics Prosecutor Brennan.

BRIDGET G. BRENNAN: Good afternoon. I have the great good fortune of working for five unique talented district attorneys. But my first boss was Robert

Morgenthau, who hired me in 1983. I would like to recognize his leadership. He's provided a shining example through the years and has a tremendous record of accomplishment. I want to congratulate him on that. I look forward to the next stage of his career. Now, I'd like to discuss the Office of Special Narcotics and our fiscal needs for next year. Many of our needs are similar to the other district attorney's offices, so I'm not going to repeat what has been said. We have a unique situation, however. Once again, my office is counting on the City Council and I'd like to thank Chair Vallone for his support through the years and Chair Weprin and all the members of the City Council who have been very supportive of the district attorney's office and my agency in particular. We receive a grant for \$850,000 from the Council and have for several years. That dates back to the city's dire fiscal times after September 11th. That grant has been renewed by the City Council. The city has never baselined that money, so once again, I'm asking you to renew that grant. The other district attorney offices, too, received a sizable City Council grant,

however, a much larger portion of their grant was baselined. So I am left facing a big deficit each year. This inequity continues. We have talked to the city about it time and time again and yet it hasn't been baselined. So once again, I'm asking you to restore the City Council grant to my office. The Council has been a staunch supporter in the past and I hope we can prevail on your once again to allocate these monies to my office.

Without the Council's assistance, the consequences to my agency will be dire. Before I discuss our specific needs, I'd like to share with you some of our accomplishments this year and some of the trends I see in the city. First of all, I'd like to point out our annual report that I think you all received. The picture on the front cover is a picture of a block on which we did a long-term investigation on 146th Street in Manhattan. This is the way that block looks today. If you look inside the cover you'll see a picture, a surveillance photo, from the operation that we did on that block in 2003. It was a long-term operation. We made many arrests. We worked with the residents of the building. We worked with the

city. We worked with any number of agencies to assure that the success would be a long-term success. The crime rate on that block has remained depressed. In the annual report, we point out other long-term investigations that we've done through the years where we've had great sustained success when we've worked with other agencies. In particular, the model blocks that we worked on with the city police department in the mid 1990s have had a tremendously sustained decrease in criminality since our operations. Our first model block operation was in 1997 on 163rd Street between Broadway and Amsterdam. In 1996, the year prior to our work, there were 36 major crimes reported there, including 2 shootings, 15 assaults, 1 rape, 7 robberies and burglaries. Last year's statistics record 1 felony assault, 1 grand larceny and 1 auto theft. We see this throughout the city when we've worked in a geographic area and we've done sustained work and worked with additional agencies to continue the gains. The law enforcement effort is always just the first step. It requires a lot of concerted effort and a lot of concerted not only law

enforcement effort but work with other agencies.

But when we've done that, we've seen tremendously sustained gains. I'd like to thank the Council for your support in our efforts in that regard.

I'd also like to point out to you a couple of trends that we've seen this year, one of which is quite disturbing and that's the increase in use in heroin that we've seen throughout the city and particularly among young people. Heroin appears to be more available and more widely used. The alarming surge in heroin use has been reported among Long Island youngsters, but we've seen similar increases here in the city. Our 2008 heroin seizures more than doubled those in 2007.

What we're seeing is not just a bulk seizure of heroine, but a lot of smaller heroine operations that appear to be pumping out more heroin into the city. That's a very alarming trend. I don't think young people are currently sensitized to the devastating effects of this drug. I'd like to work with the Council on some sort of public information campaign in that regard. I'd also like to inform you of our work in the area of the internet drug trade. We have seen during the past

couple of years very active drug selling on Craigslist. We've made probably at least 100 arrests and perhaps more of dealers who are openly selling drugs on Craigslist. When I say openly, they're using very commonly known code words to sell cocaine and ecstasy and other drugs. We have met with the CEO of Craigslist to discuss with him ways we think Craigslist could edit the site.

Things that wouldn't be too intrusive and ways we could work with them to reduce this kind of open trade on Craigslist. We just met with them about a week ago and submitted to them a plan that we think will be very helpful in reducing drug trade on Craigslist. They seemed receptive to it and we're waiting to hear back from them. With respect to our new needs, areas that we think would require additional funding in 2009; the changes in the drug laws are going to have some big impacts on my agency. For one thing, I expect that we're going to see increased caseloads.

Because of the way the drug laws are structured, there is not a big incentive to end a case early on. So we may see escalating caseloads because there is really not a particular incentive to

plead guilty or resolve a case early on. So that's one of my expectations. In addition, because of the way the laws are structured, there are a number of new hearings that will be built into the system. Hearings regarding whether or not someone is an addict, should be getting into treatment, any number of new hearings. The new law is quite laden with process and hearings that I think will require a lot more work on part. In addition, there will be re-sentences, again, more work for us. The one aspect of the change in the laws which has not gone into effect yet, but goes into effect June 7th is something called conditional sealing. Again, this is something where the district attorneys are going to be responding to requests for sealing of felony convictions by defendants who have been convicted either of a drug crime or some other designated crimes including burglary, grand larceny, forgery, possession of stolen property, unauthorized use of a vehicle, possession of forged documents, sale of cocaine and heroin, sale of methamphetamine or PCP. Under the new law, a defendant who has been convicted of one of these crimes and several

others is allowed to apply for something called conditional sealing if the defendant has gone through a judicially authorized drug treatment program. If the defendant applies for this conditional sealing, the district attorney has to respond. A defendant is allowed to apply for a limited number of sealings of felony convictions as long as they meet the criteria, as well as three misdemeanor drug convictions through any number of counties at the same time he's applying for a sealing of his felony conviction. The impact of the sealing is to seal off the public record of the felony conviction. Again, the district attorney offices and my office are the responding agency. A particular matter of concern in that regard is that the agencies which are allowed to submit fingerprints will not be able to see that the defendants who have had conditional sealings do have a criminal record. For example, public school teachers are now required to submit fingerprint checks to the Division of Criminal Justice Services. The record that comes back under this new law will not notice the prospective employer that there has been a felony conviction

or a misdemeanor conviction which was conditionally sealed. This applies to foster care, adoptions, burglar alarm installers, taxi drivers, any number of jobs and licensed professions are allowed to submit fingerprints. None of this will come back. So I anticipate it will add quite a considerable workload to my agency to respond to this. In addition, we're looking for money to expand the work that we do in the area of housing. We do a lot of work in the public housing developments and excited to work with the new chairman of the Housing Authority. There's a lot more work we need to do. That's the area where we need to really work very closely with the resources that are available and expand the resources that are available in order to really tamp down all the associated violent crime that goes along with the drug crime there. So, in closing, I would like to thank the Council Members for all their support and ask for your continued support for my agency. Thank you very much.

CHAIRPERSON WEPRIN: Thank you,
Special Narcotics Prosecutor. Now we'll here from
the Chief Assistant DA Master.

DANIEL L. MASTER JR: Thank you very much, Chairman Weprin and Chairman Vallone, for this invitation to address the Committees on Finance and Public Safety regarding the Fiscal Year 2010 Executive Budget. First, I can only join the chorus of praise for District Attorney Morgenthau and applaud his leadership over a long career in public service. I have never had the pleasure of working with him personally, but my boss, District Attorney Donovan did work for him for eight years. To this day he still refers District Attorney Morgenthau as the boss and I don't think that's ever going to change. District Attorney Donovan is attending to his duties as president of the New York State District Attorney's Association, so he's unable to be here today and he apologizes for his absence. I'll try not to be cumulative. I'll try to touch on things that refer specifically to our office and maybe to make some general observations about some comments that have already been made. District Attorney Johnson already alluded to the fact that there is a direct correlation in the City of New York between public safety and revenue to the city.

Some might argue that although we have seen a decline in the economy, there has not been an increase in crime, at least not yet. I would refer these people to the research of Professor Richard Rosenthal, a sociologist at the University of Missouri-St. Louis and he writes, "Every recession since the late 1950s has been associated with an increase in crime, and in particular property crime and robbery, which would be most responsive to changes in economic conditions." Typically there is a year lag between the economic change and crime rates. Thus, according to his research we could still be facing an increase in crime later this year. With respect to the recent article in the New York Law Journal which claim that the combined tax levy funding levels for the city's five district attorneys would be increasing for fiscal year 2010 by 2.5%, the article refers to our office receiving an increase from \$7.3 million to \$7.4 million. I think it was District Attorney Brown who pointed out that these are collective bargaining raises for our non-legal staff and this money cannot be used for discretionary spending. So there has really been

no increase to our budget in that respect and that article was somewhat misleading. With respect to assistant district attorney salaries in Richmond County, our attorneys continue to lag behind the salaries of lawyers working in other agencies and for the other district attorneys. The mayor recently held back funding for managerial raises while employees throughout the city, including unionized attorneys in all city agencies have received two 4% raises retroactive to May 2008. ADAs in my office are currently paid the same salary they were earning two years ago. Applying the same 4% increases given to union-represented titles, the cost of adjusting the salaries of ADAs in my office would be approximately \$289,000 and we believe this money should be added to our budget so that we can simply receive our fair share of funding. We believe this request is fully justified, especially in light of the fact that in calendar year 2008 we experienced a 20% increase in cases filed. During the same period, the number of ADAs in our office decreased by 6%. While the number of cases in Staten Island continues to rise each year, we are now

investigating other newly prevalent crimes which we anticipate will cause an increase in the number of filings even further. Complaints related to mortgage fraud and predatory lending are on the rise and they are extremely labor intensive cases. We're now in a position of having to investigate these complaints without any additional funding. While we'll never neglect the victims of these crimes, the additional workload it is causing it putting a tremendous burden on existing resources. For example, criminal court caseloads on Staten Island have increased from 150-175 cases per ADA to 225-250 cases per ADA. We think these numbers are simply too high. Thank you again for your time and we look forward to working with you closely and other members of the Council to help resolve the important issue of restoring baseline funding to the DA's offices. Thank you.

CHAIRPERSON WEPRIN: Thank you.

I'll address this as generically to all the DAs, but I know it's been particularly successful with New York County DA Morgenthau. But the revenue enhancement program, what would you say would be the pros and cons of it and how, if at all, could

it be changed? Anybody want to take a crack at it first?

ROBERT T. JOHNSON: I think there's obviously a moral benefit in that people who earn money in the city should be paying taxes. I think there's a deterrent benefit to the program also. The third benefit, and there may be others, is that assuming we are successful, it does bring in additional revenues to the city coffers. As I've indicated, it is of some cost to us. It is labor intensive. The city has given us more attention and the Department of Finance has given us more resources. In my office, as I indicated, one of the resources was funding for an additional accountant that does not continue in the next budget. We have had considerable success. We have had a series of arrests in the last few weeks and months. Each returned hundreds of thousands of dollars to the city coffers. So that with the appropriate resources I think that it can be a benefit to the city.

CHAIRPERSON WEPRIN: Anybody else want to address it? In past years when you've come here, there has been an emphasis on starting

1 salaries not being able to compete with even the
2 Corporation Council and I know this is a tough
3 fiscal year to discuss that. I didn't hear a
4 theme this year. Has it been more salary equity
5 or has it been less of a problem?
6

7 CHARLES J. HYNES: It would be an
8 exercise in futility. There is no money. We
9 continue to be locked in at \$50,000 as a starting
10 salary, which is considerably lower than the
11 Corporation Council, and that's the reality that
12 we're dealing with.

13 CHAIRPERSON WEPRIN: And how long
14 has that salary been steady?

15 CHARLES J. HYNES: It's been maybe
16 five or six years. The important thing, as I
17 mentioned in the presentation, is we've been
18 unable to give any compensation increases to our
19 assistants for two years. That's driving them out
20 and we have no way of replacing them.

21 ROBERT T. JOHNSON: I would add to
22 give it some perspective also, and I think Mr.
23 Master from Staten Island alluded to this. During
24 that time there was collective bargaining done
25 with the other staff members so that for all

intents and purposes, most of the people in the employ of the city got some kind additional funding, got something added to their paycheck during the time. In the past, when that collective bargaining has been done, the city has seen fit to give us funding so that we could also bring along the assistant DAs in terms of their inflationary needs. That did not occur this last time.

RICHARD A. BROWN: There is another piece to this as well and that is the fact that our hiring within our offices has changed dramatically as a result of the budget cuts. I will not have a spring class. Normally I take in about ten young assistants in the spring. My fall class will probably be no more than ten new assistants. That impacts greatly upon our teaching and training of young assistants because what it does is it forces the young assistants to begin to handle heavier cases at a much earlier stage in their development. That's something that I think all of us would prefer not to see.

DANIEL L. MASTER, JR: If I may add something by way of anecdote, we had a recent

graduate of the University of Michigan's Law School, an honors graduate from their law school, came to our office. His \$50,000 starting salary didn't qualify him to apply for an apartment in a rather modest apartment building on Staten Island.

CHAIRPERSON WEPRIN: I know a number of you testified as to the annual issue that comes up every year of not having these restorations baselined that we go through every year, which obviously is necessary funding year after year. Again, this is another tough year. In a tough year it makes it even scarier I guess probably from your point of view and from the public's point of view that there's always a possibility that some if not all of the funding won't be reinstated. What discussions have you had either individually or collectively with the administration and with the Office of Management and Budget to baseline some of this, or discussions of baselining, which would obviously make our job a little easier also, but it seems to be an annual theme. Have there been any discussions or is that also an effort in futility?

BRIDGET G. BRENNAN: With respect

to our grant, which is proportionately larger I think that the other DA offices, we've had a number of discussions with the Criminal Justice Coordinators officer, with the OMB, about baselining that funding so it's not a yearly grant that has to be renewed.

CHAIRPERSON WEPRIN: What was the response from them?

BRIDGET G. BRENNAN: They don't have the money to, or it doesn't appear that it's very likely that's going to happen. It certainly didn't happen in this budget. We weren't given any assurance that it would happen in the future.

CHAIRPERSON WEPRIN: Anybody else want to address it? All right, well luckily you have a lot of support in the Council. We'll obviously try our best. This is a tough year, but I know Chair Vallone is a strong advocate and I'm a strong advocate as well as a number of other of our colleagues that are going to be involved in the budget negotiating process over the next six weeks or so. Chair Vallone, did you have some questions?

CHAIRPERSON VALLONE: Yes, thank

you. First of all, DA Morgenthau, it was a privilege and honor to have been able to serve under you and be trained by you for six years and then to work with you for another eight years as Public Safety chair. I think you could owe me a pension soon if we keep this up. There are so many people that you have trained that are out there now in a position to make a real difference, and so many right here, and Bridget Brennan and DA Donovan who is the head of the entire State District Attorney Association, the Public Safety Chair all trained by you, all out there hoping to do their best and continue to make you proud. You really have left a huge legacy which we all know is going to continue. DA Brown, was this the first time you cancelled the spring class?

RICHARD A. BROWN: In 18 years we may have had to reduce the size of it from time to time, but there has never been a full fledged cancellation.

CHAIRPERSON VALLONE: We've got a spring class cancelled and an entire police class cancelled in January. In general, since 2001, how many assistants has each office lost?

2 RICHARD A. BROWN: In my case,
3 we're roughly 300 assistants.

4 CHAIRPERSON VALLONE: Now?

5 RICHARD A. BROWN: Yes.

6 CHAIRPERSON VALLONE: How many were
7 you in 2001?

8 RICHARD A. BROWN: I'll get that
9 figure for you in a second.

10 CHARLES J. HYNES: About 125
11 assistants and I have a different hiring cycle
12 than my colleagues. No one is hired until they're
13 admitted. So we don't have a fall class. We have
14 a January class. I can't afford a fall class.

15 CHAIRPERSON VALLONE: You have 125
16 out of what was the total amount of assistants?

17 CHARLES J. HYNES: We have now
18 about 500.

19 CHAIRPERSON VALLONE: So you used
20 to have about 625?

21 CHARLES J. HYNES: Yes.

22 ROBERT T. JOHNSON: In the Bronx,
23 our assistants are relatively stable, although our
24 classes have been smaller this year. In fact,
25 where we normally hire a few in January and small

spring class of about ten like DA Brown, we hired one person combined for those two months. We've made most of our savings on the support side. But keep in mind at the same time, one of the reasons we're doing this is because we've had record arrest numbers in the last couple of years. So we've chosen to try and keep the assistant DA level up. But we have to take it from somewhere else to do that.

BRIDGET G. BRENNAN: In Special Narcotics, our legal staff is down by 13%, support staff is down by 20%. The total staff is down by 17%, between February 2002 and May 2009.

RICHARD A. BROWN: The figures that I've gotten now is that we've been as high as 315. We're down to about 290 now and we're attriting out by maybe 30 a year and then trying to replace them, but obviously if there's no spring class and I've had to reduce the fall class that number is going to continue to drop down.

CHAIRPERSON VALLONE: DA Morgenthau, did you have some figures on the losses in your office?

ROBERT M. MORGENTHAU: Our ADA

1 staff is down 74 assistants since 2001. The
2 support staff is down 75. So it's a total of 150
3 people that we're down. I want to remind you,
4 which I think you know, that if we can't handle
5 cases expeditiously, number one, that forces us to
6 plea bargain cases on an unfavorable basis to the
7 public. It also means that arraignment times are
8 up, so if we can't handle our case load
9 expeditiously then when the number of our
10 assistants goes down, that puts a financial burden
11 on the entire rest of the system.
12

13 CHARLES J. HYNES: Could I tell you
14 the most extraordinary thing that happened to me
15 in the last three weeks? That one of my former
16 students who I hired as an assistant DA came to
17 see me and said, boss, I've got to go back to my
18 former job. I said as a court officer. He said,
19 yes, I make substantially more money there.

20 CHAIRPERSON VALLONE: My next
21 question then is during this time period where
22 you've all lost assistants, have the amount of
23 arrests in each county continued to rise every
24 year? Because we just heard from the police
25 department and they testified about how at least

five of the seven major crime categories are going down. As we all know, they're doing an excellent job on their end. However, as those five of seven felonies go down, apparently misdemeanors and every other felony is continuing to increase based on the amount of arrests? Is that a correct statement? No one disagrees with that?

DANIEL L. MASTER JR: Our number of arrests on Staten Island when we came to office in 2004 was about 9,000 filings and last year we had 13,000 filings.

RICHARD A. BROWN: I think I pointed out in my prepared testimony that arrests continue in Queens. They're up 70% since the early 90s. Last year we had 72,000 arrest cases to handle.

CHAIRPERSON VALLONE: You mentioned the arrest to arraignment time, DA Johnson. How much has that increased in your office over the last few years?

ROBERT T. JOHNSON: It's currently at 32 hours. You know that 24 hours is what the federal courts are seeking us to comply with. Once again, our arrests have been up 88% since

1990. There is no sign of any change in that figure.

CHAIRPERSON VALLONE: I recall the Republican National Convention when people were kept in jail for about 24 hours or so and everyone was complaining and no one would listen when we said that's about the average for anyone to be in jail. Forget when there are 1,500 arrests within an hour. But right now you're at 32 hours from arrest to arraignment?

ROBERT T. JOHNSON: If you get arrested on a Friday in the Bronx, you're very lucky if you see a court on Sunday.

CHAIRPERSON VALLONE: What new systems are in place now or may be in the future with funding that would lower that number? When I was leaving the DA's office, we started to sit in a big giant booth with cameras all over and speak to the police at the precinct and it was a very difficult procedure. Now every six-year-old has a camera on their computer and knows how to do it.

ROBERT T. JOHNSON: We've been doing some of that. We're also going to a system that I believe Queens has used very, very

successfully where the police are able to draft the complaints. We've expressed a concern about the quality of the complaints. But both they and the criminal justice court have been able to satisfy us to that. They have funded us, as I indicated in my remarks, to implement that plan, but they did not give us funding to actually operate that plan. So we are going to that. One of the things I should say in all fairness is that the Bronx just has a very unique physical plan, and for years the problems with correction space has been a contributing factor. There was not significant enough space to hold the inmates and they were being lodged out to precincts. Getting the right people back in the building whose cases were ready is a dance that went round and round and been very difficult. With the construction of the new Supreme Court building next door, some space has been relinquished in the old criminal court building where arraignments remain. So as construction goes on, hopefully that too will contribute to the reduction in arrest to arraignment. I think that's why the courts have been somewhat understanding because of those

unique problems. However, the personnel needs must be addressed also in order to make the cases flow through smoothly.

CHARLES J. HYNES: I think something that was said by DA Morgenthau deserves to be underscored and that's the fact that so much of this is penny wise and pound foolish. I have alluded I think before this body in the past to a funnel. The system is set up so that in Queens County for example the 72,000 arrest cases are dropped into the large portion of the funnel. And then as soon as you tighten up the stem of the funnel, you back up the system and you end up imposing further costs upon police, corrections, the courts and so forth. That's what happens.

CHAIRPERSON VALLONE: The extra 12 hours or so, or 10 hours that DA Johnson just mentioned or 10 hours that a police officer is probably on overtime waiting around to see an assistant, which is, as you said, penny wise and pound foolish. DA Hynes you mentioned it would be an exercise in futility, which you're right this year, but even in the past when there has been some money in the budget, the Corp Council has

received money for a senior retention program because their top people were getting trained and picked off, especially the minority attorneys, and you received nothing in senior retention, correct?

CHARLES J. HYNES: Always nice to be a friend of the mayor, and Corp Council has always been a friend of the mayor, whoever the mayor is and whoever the Corp Council is.

CHAIRPERSON VALLONE: I guess that's true.

CHAIRPERSON WEPRIN: And if they're not they won't stay as Corp Council.

CHAIRPERSON VALLONE: My last question before we move on to Council Member Fidler, Special Narcotics Prosecutor Brennan, so you're saying that someone who breaks into a home, steals money to buy and sell drugs, gets convicted, could then get a job as a teacher, a school bus driver, a home alarm installer, a day care worker, without anyone knowing that.

BRIDGET G. BRENNAN: It's a little narrower than that. It's burglary in the third degree, which are the commercial burglaries.

CHAIRPERSON VALLONE: So they could

break into a pharmacy to get their drugs to sell.

BRIDGET G. BRENNAN: Right. And drugs don't have to be involved. They do have to be directed to a judicially authorized treatment program, but it doesn't have to be a drug crime. The issue is whether or not the actual conviction is going to be disclosed to a prospective employer who has the ability to ask for a fingerprint check, which is a real narrow number of prospective employers or licensors. They don't have the ability to see that the person has these prior convictions.

CHAIRPERSON VALLONE: But those jobs are some of the ones I mentioned?

BRIDGET G. BRENNAN: Absolutely. They're extremely sensitive jobs. The odd thing is that the initial proposal with respect to this that passed the Assembly did have a provision for these employers who can make a fingerprint request to be able to see if somebody had a conviction for those crimes. Although it did authorize the conditional sealing still for this group, which really targeted vulnerable populations, you know people in very sensitive positions. They were

1 allowed to kind of pierce this veil and see that a
2 person had a prior conviction. That was in the
3 Assembly bill. For some reason it dropped out in
4 the flurry to pass the bill and it's not there. I
5 don't think people realize it quite frankly.
6

7 CHAIRPERSON VALLONE: It was taken
8 out in a middle of the night backroom deal, which
9 is typical of Albany and typical of this bill and
10 is yet another horrible little hidden detail to
11 the repeal of the Rockefeller drug laws, which
12 we're just learning about thanks to you. We'll go
13 now to Council Member Fidler.

14 COUNCIL MEMBER FIDLER: Thank you,
15 Mr. Chairman. I want to also start by
16 congratulating DA Morgenthau on a tremendous
17 career. I never worked with DA Morgenthau but I
18 did maintain a law practice in his jurisdiction
19 for 20 years, so I want to at least thank you for
20 never having prosecuted me. On a much more
21 serious note, I send out over 10,000 budget
22 surveys every spring and we go into this process
23 to my constituents. I think it's fair to note
24 that almost singularly and almost unanimously my
25 constituents volunteer that their priority is

public safety, maintaining public safety. As I've commented before, I watch Law and Order like thousands of other New Yorkers and I know that the criminal justice system has two separate and distinct and equally important parts and you are one of them. I don't buy the hype that crime is in fact down, and I think your testimony today indicating that your arrests and filings are up speaks to the actual truth. There are other crimes, other than the seven major indicators. I guarantee that each of you understands as well as I do that to be a victim of any of the other crimes still makes you a victim and is still a very disruptive thing into your life and very upsetting. Around here during budget season, other on days like today when you are all here, most of the discussion is about the other side of your industry, the criminal defense services, and they're very legitimate needs. But I think your being here and your testimony today just underscores the fact that we need to maintain a balance as we go into this budget process and make absolutely certain that we remember that when your cases names say the People of the State of New

York versus that you're representing the people. We need to keep that in mind when we make sure that you have the adequate resources to protect the public safety. I think that's something that I will take into the budget negotiating room. I think a lot of my colleagues will as well. It is my commitment to you that I will do everything I can to restore the Council funding that we have provided for you in the past because I think you've made a very strong case today that it is as necessary as it's ever been. I have a question and then another comment. Two comments, as long as they'll indulge me. The Executive Budget has a line in it for headcount for fulltime positions. For each of your offices, the Mayor's Office of Management and Budget says that your headcount will remain the same in every one of your offices. Yet, DA Johnson testified right at the beginning that you're subject to a collective bargaining increase that makes it more difficult. Your budget now includes that money; you're obligated to pay it. How could it possibly be that your headcount will remain level with level funding and increased expenses? Do any of you agree with the

2 Mayor's Office of Management and Budget that your
3 headcount will remain the same?

4 CHAIRPERSON WEPRIN: You got the
5 question in there.

6 ROBERT T. JOHNSON: And the answer
7 is no.

8 COUNCIL MEMBER FIDLER: I take it
9 the rest of you don't want to smack down the
10 mayor.

11 CHARLES J. HYNES: If you take a
12 look at the comparison between my county for
13 example and New York County, we seem to have the
14 same money. \$10 million of that goes to a rent
15 that I never see. It's not DA Morgenthau's fault,
16 but it's damn sure someone at OMB's fault to keep
17 saying that we have the same amount of money as
18 New York County. It's a charade.

19 COUNCIL MEMBER FIDLER: We have
20 taken that issue up here at the Council before, as
21 you know, DA Hynes, and it is unfair. We ought to
22 figure out a way to equalize that without hurting
23 New York County. I mean you should be brought up
24 to their level and I don't think we should be
25 looking to take anyone down.

CHARLES J. HYNES: Absolutely not.

COUNCIL MEMBER FIDLER: Moving on to another point. DA Hynes, you actually talked about your re-entry program for young people. I have had a particular interest in the correlation that we know now exists between young people who have had experience with the juvenile justice system and then somehow wind up homeless. We've held over a dozen hearings on runaway and homeless youth at this Council. The study that this Council paid for did in fact confirm that there is a correlation between contact with DJJ and homelessness. So I'm particular interested in that program. I just wanted to let all of you know that yesterday Commissioner Hernandez was here and I was both dismayed and saddened at his testimony regarding DJJ policy regarding gang enrollment of young people while in DJJ facilities. He testified, and I'm not even saying that the policy is wrong, it's just very sad, that they turn, as a matter of policy, a blind eye to gang enrollment within DJJ facilities for the feeling that some young people feel the need to enroll in a gang to feel safer while they're in

DJJ facilities. That then becomes your problem when they're released because you cannot join a gang in jail and leave it when you leave. You may have already confronted this problem. Certainly, in your faith-based initiative that is something that you're going to have to address. It's probably something that I will take up in the future with Commissioner Hernandez. It is a very, very sad comment on our juvenile justice system that that is the case.

CHARLES J. HYNES: Someone should take a look at the initiative that Police Commissioner Bernie Kerik did when he was corrections commissioner. He had the same problem in Rikers Island. He started an intelligence section within Rikers Island and virtually brought the gangs to their knees and eliminated them. What he showed was that if you have a firm purpose and you understand, as you obviously do and your colleagues understand, the inherent danger of permitting that to happen, you can do something about it.

ROBERT T. JOHNSON: You both lead me to one of the unfunded mandates that we have in

the Bronx which is Rikers Island. We were pleased to partner with Commissioner Kerik on that effort, as we do now. We have both our Gang Prosecution Bureau and part of our Investigations Bureau, which includes a Rikers Island component in that bureau monitoring what goes on in Rikers Island. I think it's very, very important, not only for the safety in Rikers Island, but for the safety in the streets, because what begins in jails, and a lot of this gang activity began in jails, ends up on the streets. That's something that has been our responsibility forever and we have never received additional funding for it. I put that in my request when I appeared before Public Safety in March and it remains a concern of mine that we're not paying more attention to that.

COUNCIL MEMBER FIDLER: I'm going to take that issue up with Juvenile Justice Chairwoman Sara Gonzalez and we will look at what was done at Rikers and what was done under Commissioner Kerik to see whether or not DJJ should be taking a different course because certainly the course they're taking now just doesn't seem right. There is just something very,

very wrong about a young person feeling that they need to join a gang for safety while they're in the custody of a corrections facility. Just one final comment and then an offer I guess. I did not do my annual rant about the revenue enhancement program, despite Chairman Weprin's questions about it. I just want to lay out that I think they ought to just fund you. I don't doubt that any one of you would choose to prosecute somebody just for the purpose of collecting the revenue if you didn't think they deserved to be prosecuted. But the mere appearance of making you sing for your supper I think is problematic. I do have a problem with the revenue enhancement program in that sense. Now they have fixed it some by frontloading the money, but the appearance still I think is somewhat wrong and I just know that the day will come when some defense attorney will stand up in a courtroom and point that finger at one of your assistant district attorneys and saying I'm only here because the Office of Management and Budget told them they had to do this and that is the reason for this prosecution. So I think it is problematic. Special Narcotics

Prosecutor Brennan, you referred to the increase in heroin use and addiction. That is extraordinarily troubling to me. You asked to partner with the Council in somehow bringing that issue to the fore. My family has had a very personal and very painful experience with the consequences of heroin addiction. If there is anything that I can do to work with you on that initiative, you have me and please just let me know and I will do anything I can. Thank you.

CHAIRPERSON WEPRIN: Thank you. We've been joined by Council Member Helen Diane Foster from the Bronx. The next questioner is Council Member Helen Sears. Council Member Diana Reyna has rejoined us.

COUNCIL MEMBER SEARS: Thank you, Mr. Chairman. Good afternoon I should say at this point. As I sit here and listen to all of you, it gets a bit more depressing. Things get revealed when we do these hearings. Some of the good things that government does and then some of the things that are not so good that they do. Fortunately, some of us here are on the negotiating committee and I think that after

listening to you that we're certainly going to persevere as much as we can. Because when we begin to take away what you have made to be a better quality of life for people, somehow there's something wrong with that thinking. I agree with DA Hynes. We are penny wise and a pound foolish and we just can't continue to do that, no matter how severe the economy. There's no question, there are cuts and there are cuts and we are at a bad time. Every day we don't know if it's going to get worse or a little bit better. So I hesitate to ask this question, but when you came before us last year, I raised the question of human trafficking and DA Morgenthau was very, very happy to hear that I brought up that issue. It's growing in New York City. It's the second largest revenue raising in organized crime, in the billions. It's growing in New York City and it certainly is growing. That state, finally, after this Council pushed so hard to get a state law which was kind of infamous that it didn't put human trafficking where it belonged. It had it in vice instead of that nature. With all the cuts that we're experiencing, where does it leave that

issue of human trafficking where you are losing staff, you have to cut out certain initiatives, you will not have a January class, where does it leave something that was recognized as hitting the youth, it's growing, it's kidnapping, it's all kinds of things that are not in your jurisdiction, but certainly it is in the terms of its growth.

Will you have to really shrink your efforts in what you started to do as really a fine job?

Anybody can answer that.

CHARLES J. HYNES: I mean, look, there are certain priorities that are going to be addressed in whatever ways we can come up with. For example, we have something called partners in prosecution. Those are associates from white shoe law firms who have been assigned to us by the firms with the benefit that after four or six months they get back someone who is familiar with the trial rung. We can use those folks where needed. For example, we have a joint investigation by our Sex Crimes Bureau and our Rackets Division in precisely the issue you raise. I'm not going to shut that down. I will do whatever is necessary to patch and paste so we

don't lose that effort.

RICHARD A. BROWN: Our Special Proceedings Bureau handles the issue of human trafficking. We have unfortunately too many of these cases in Queens County. Many of them arise in your district, as you well know.

COUNCIL MEMBER SEARS: I know.

RICHARD A. BROWN: Along the Roosevelt Avenue corridor in Jackson Heights. Last year we had the first indictment in the entire state arising out of a human trafficking enterprise in Queens County. We have been very active in prosecuting cases under that statute and promoting prostitution convictions in Queens have been relatively high. We will continue to do everything we possibly can. Some of these young women that are involved, unfortunately, are 12 years of age and younger. It is a sad, sad commentary and it behooves all of us it seems to me to keep the pressure up as much as we possibly can.

COUNCIL MEMBER SEARS: I thank you for that and certainly I do think this is a budget negotiating item when it comes to restoring the

monies that we willingly allocate to the DA. So thank you very much and thank you, Mr. Chair.

CHAIRPERSON WEPRIN: Thank you, Council Member. We are 35 minutes behind schedule, so we're going to end the questioning with Council Member Koppell. Thank you.

COUNCIL MEMBER KOPPELL: Chairman, I don't have a question, but as a representative and lifelong resident of the Riverdale section of the Bronx where District Attorney Morgenthau lived for many years and where his family still lives, I couldn't miss this opportunity to pay tribute to him. When we talk we've had some very distinguished citizens of Riverdale, but none more distinguished than District Attorney Morgenthau and I had to mention that on my own behalf and on behalf of all of my constituents and particularly on behalf of my neighbors, many of whom were neighbors of Bob Morgenthau when he lived in Riverdale. Again, thank you for your service and you will certainly be remembered as a lion of the Riverdale community forever.

CHAIRPERSON WEPRIN: This concludes the District Attorney portion. We want to thank

all of you once again for your outstanding service, and particularly District Attorney Morgenthau for your over 30 years of service to our great city. We will now hear from the Civilian Complaint Review Board, if they could come up.

[Pause]

CHAIRPERSON WEPRIN: Finance is back in joint session with the Public Safety Committee and we're about to hear from the Civilian Complaint Review Board. There is prepared testimony I understand from Chair Hart. Please proceed.

ERNEST F. HART: Thank you, Chair Weprin, Chair Vallone and members of the Finance and Public Safety Committees. My name is Ernest F. Hart. I'm the Chair of the Civilian Complaint Review Board. With me is Joan Thompson, our Executive Director. Of course, we'll be available to answer your questions after my testimony. I wish to thank you for giving us the opportunity to testify today about the preliminary budget for 2010 and its projected impact on the operations of the CCRB. I will speak briefly about CCRB and our

agency's budget history and then discuss some of the specific challenges we foresee for next year. In this testimony, all references to years are to fiscal years. As we testified at the preliminary budget hearing in March, high quality, timely investigations of alleged police misconduct are a value in a number of ways. Officers are held accountable for past misconduct and may be deterred from future misconduct. Investigative records are an important source of information, not just about an officer or an incident, but about patterns or policies within the department as a whole and may lead to improvements in policing practices. Transparent public reporting of statistics gleaned through the investigation of individual complaints provide the public with important information and facilitates informed public debate about policing in our city. As the Council has always recognized, not least by supporting past request for additional resources, institutions are only effective if adequately funded. We are concerned that the successive cuts in our budget run the risk of leaving our city with oversight in name only. From 2004 to 2007,

the City Council provided us with supplemental funding in the amount of approximately \$1 million per year so as to prevent cuts in our investigative staff. In 2008, the administration incorporated this additional amount in the Executive Budget, rendering it unnecessary for us to seek supplemental funding in the adopted budget. In that year we had an authorized headcount of 192 fulltime positions, of which 157, or 82%, were dedicated to the core mission of the agency, namely the resolution of complaints by investigation or mediation. A total of \$863,518 was cut from the agency's 2009 budget through the administration's PEG actions, of which \$668,962 was recurring for 2010 and the out years. This resulted in the loss of 12 positions, reducing our authorized headcount to 180, of which 146 positions, or 81%, are devoted to core functions. Absent restoration, three actions taken in this year's financial plan will impose additional cuts of \$1,491,776. In addition to other reductions, these cuts are projected to result in the loss of an additional 16 investigative and 4 administrative positions, reducing our authorized

headcount to 160, of which 129, or 81%, will be devoted to core functions. In short, the current 2010 fiscal plan for the CCRB shows a loss of \$2,160,738 and 32 positions when compared with 2008. For a small agency such as ours, the cuts which have already been made and the proposed cuts for 2010 are major cuts. The effects of the existing cuts are already being felt, and those of the proposed cuts can be predicted. In the case of 2009, we are able to extrapolate from year to date figures. For 2010, we expect new complaint filings to be 8,200 and we have made our projections based on that figure. This represents an increase of 700 filings compared with the projections we gave you in March. I would like to draw your attention to three indicators: the number of open cases, the number of cases per investigator, and the time taken to complete an investigation. In round figures, the average number of open cases was 3,600 in 2008, is on track to be 4,300 in 2009 and is now predicted to be 5,810, compared to our March prediction of 5,600. This figure is an indicator of the size of the task faced by the agency's investigative staff

at any point in time. The higher the number, the more work there is to be done. The average open docket per investigator was 28 in 2008, is on track to be 33 in 2009 and is now predicted to be 65 in 2010, compared to our March prediction of 59. Of course, the higher the number, the greater the challenge for an investigator to complete all investigative steps in a timely way. The average number of days which it takes for an investigator to complete a full investigation was 306 in 2008, is on track to be 341 in 2009, and is now predicted to be 423 in 2010, compared to our March projection of 404. This figure is important to the complainant, the police officer, the officer's supervisors and to others within the department who may be considering such officer for a transfer or promotion because the decision as to transfer or promotion may be delayed until the results of an open investigation are known. It is also important to the department advocate's office who have told us that the older the case, the more difficult it is to prosecute. In fact, they have said that to have enough time to review our substantiated cases they need to receive them no

later than 15 months after the incident date.

This is because in normal circumstances, charges must be brought against an officer within 18 months of the incident date, and they may need a certain amount of time to evaluate our substantiated cases. Of cases substantiated in 2008, 80%, or 134, were closed in less than 15 months. The year to date figure for 2009 is 62% or 76 cases. We now project that the proportion of cases closed in less than 15 months for 2010 will be 45%, compared with our March projection of 50%. We are, of course, continually looking for ways to streamline our operations, but we believe that we are already conducting such operations very efficiently in a difficult environment. Precisely because we have already cut so many non-investigative positions over the years, we are forced to cut investigative positions when facing cuts of the magnitude which are now proposed. In my introduction, I have already spoken about the value to complainants, police officers, the police department and our city as a whole, of having an effective, independent CCRB. The benefits which a properly funded CCRB can provide include the

thorough and timely resolution of civilian complaints through investigation or remediation, accountability to the actions of police officers, transparency, and through the statistics gleaned from our investigations, improvements in policing practices and an increased level of public trust in our police department. I share the board's belief that these benefits are worth the cost of providing them. Although the budget process is not yet complete, it appears unlikely that any parts of the cuts will be restored by the administration. As a result, we are asking the Council to restore to our 2010 budget enough funding for us to retain 25 investigative positions. This will make a real difference to our ability to handle the significantly increased level of complaints which we are now receiving. Such a restoration will enable us to reduce the average number of days to complete a full investigation from the 423 we are currently projecting to 363. This represents a 60-day reduction which we think will be worthwhile, not least because of the impact it will have on our substantiated cases. It will mean that 59% of our

substantiated cases will be closed within 15 months of the incident date instead of the 45% which we are currently projecting. Although we are aware of the difficult fiscal climate the city faces, we think that such a restoration will strike a fair balance between the city's need for fiscal prudence, and the need to provide the city with effective, independent police oversight. One aspect of the value of such oversight was apparent in the Council's recent Stop and Frisk subcommittee hearing where the CCRB was able to identify and draw to the attention of the Council a number of important statistical trends from data gleaned from CCRB investigations. Thank you for your time. We will be happy to answer any questions.

CHAIRPERSON WEPRIN: Thank you, Chair Hart. It's disturbing to me because I know how small your agency is vis-à-vis other agencies and how a cut of this magnitude, percentage-wise, is even more significant to a small agency like yourself. It's particularly disturbing because in the aftermath of the Sean Bell situation, all of the sudden the public awareness of the Civilian

Complaint Review Board and of the police department in general and the interaction with local communities, in particular communities of color. There was at least a perception of a problem between the local police and the community and the youth of the community. It was kind of highlighted in the aftermath of the Sean Bell case. I know there was strong advocacy on this Council and all of the sudden the administration came up with money for the Civilian Complaint Review Board. It seems to have been forgotten. Do we need another tragedy to get the administration to focus once again? I hope not. I'm making more of a comment in frustration. Do you want to comment on what happened to all the recommendations that came about through this tri-level task force that I was involved in as well as other, highlighting to emphasize that the Civilian Complaint Review Board needed some more teeth and needed money as well?

ERNEST F. HART: Chair Vallone, you know I've benefit here for about--

CHAIRPERSON WEPRIN: [interposing]
I'm Chair Weprin.

ERNEST F. HART: I meant Chair Weprin. I'm sorry. I know your brother well because we had kids in the same soccer league in Little Neck.

CHAIRPERSON WEPRIN: I won't hold that against you.

ERNEST F. HART: I know, that's what he said about you. I've only been here for about six weeks, so I'm not privy to all the discussion that went on. However, I will say that, again, my concern since I've been here for these last six weeks is to really look at our caseload, not only on the investigative side but on the board side as well. It is very different. When there is a reduction in staff, it has a negative effect throughout the entire process. I don't know the details of what you're talking about but it's obvious the six weeks that I've been there what budget cuts do to the agency.

CHAIRPERSON WEPRIN: There's also a number of pieces of legislation that were involved to kind of give you more teeth in your ability to do your job but unfortunately the statute expired on a number of the cases and you weren't able to

1
2 successfully go from beginning to end on a lot of
3 the complaints. Can you give us a status of some
4 of those discussions? There was one specifically
5 about the statute of limitations for your cases.

6 JOAN THOMPSON: The statute of
7 limitations is still 18 months because it has to
8 get to the police department. So we have to try
9 to get all of our cases out hopefully to them by
10 the end of the 15th month, no later than that, so
11 any of our substantiated cases can be prosecuted
12 at that point. So anything over that we run the
13 risk that the statute of limitation will toll and
14 the police department will not be able to
15 prosecute any of the officers.

16 CHAIRPERSON WEPRIN: How many cases
17 do you have pending now, and do you have the
18 resources to complete those cases that you have
19 pending within the period of time?

20 JOAN THOMPSON: The percentage
21 right now is that there is 62% of the cases that
22 are substantiated that are 15 months and older.
23 So right now we've only missed approximately three
24 SOLs, but going forth the numbers will certainly
25 get much worse. Our May prediction, because of

the increase of cases that have been coming, which we first thought were 7,500 will now go to 8,200.

CHAIRPERSON WEPRIN: Can you identify yourself for the record please?

JOAN THOMPSON: I'm sorry. I'm Joan Thompson. I'm the Executive Director of the CCRB.

CHAIRPERSON WEPRIN: Thank you.

JOAN THOMPSON: I was saying that the cases have increased from 7,500. We expect now the number to be approximately 8,200 this coming year. So with the increase in cases we also are looking at the prediction of obviously more cases hitting and tolling the statute of limitation, so that probably 55% of the cases will miss the SOL because of the cut in staff.

CHAIRPERSON WEPRIN: Would additional resources prevent that from happening?

JOAN THOMPSON: Yes, of course it would cut down the number considerably.

CHAIRPERSON WEPRIN: Thank you.
Chair Vallone?

CHAIRPERSON VALLONE: Thank you.
We had an entire hearing not too long ago on the

amount of cases found substantiated by the CCRB, which were then not prosecuted by the police department. One of the reasons they gave was the fact that some of them they got too late to do their own investigation because of the statute of limitations. So it's not just that it may run, you just may not get it to the police department in enough time for them to do what they need to do, correct?

JOAN THOMPSON: That's correct.

CHAIRPERSON VALLONE: So it's an even worse problem than just the statute of limitations running. One of the things you were doing to address the police department's concern was hiring, I think it was a fourth attorney to review this efficiency of the cases. What is the status of that and how is that going to be effected by these cuts? I don't know if that fits into 16 investigative or administration positions.

JOAN THOMPSON: Well, it's a possibility that we may lose some attorneys. There are four that have been hired. Because of the nature of our cuts, with the last cut being \$425,000, we could not just take all investigative

heads. So as a result of that we did decide that we had to take some from administration and the higher senior staff. It's a possibility, although we haven't really come to final determination on that, but it is a possibility that we could lose two attorneys.

CHAIRPERSON VALLONE: So that's 50% of your attorneys?

JOAN THOMPSON: Yes, that's correct.

CHAIRPERSON VALLONE: They would be included under the four administration positions.

JOAN THOMPSON: Yes, they would.

CHAIRPERSON VALLONE: What about mediators?

JOAN THOMPSON: We had to give up one mediation position as well. This was at a time when we are just making a push with the police department as well as the PBA to have more police officers accepting mediation as a way of closing the cases out. So we were doing that on one hand, and then when this final cut just came down, we had to give up a mediation line.

CHAIRPERSON VALLONE: You've

already eliminated that position.

JOAN THOMPSON: It will be coming up in the 2010 budget, yes.

CHAIRPERSON VALLONE: Is that included in the four administrative positions?

JOAN THOMPSON: Yes, it is.

CHAIRPERSON VALLONE: Your testimony was very comprehensive and it answered all my questions, so I'm done, Mr. Chair.

CHAIRPERSON WEPRIN: Council Member Brewer.

COUNCIL MEMBER BREWER: Thank you. You mentioned 25 positions that you would like to retain out of this. Would that include some of the ones that were just discussed by our colleagues?

JOAN THOMPSON: Yes, they would. Most of the 25 positions are all in what we consider the core part of the agency, which would be obviously the investigative staff, the mediation and the attorneys.

COUNCIL MEMBER BREWER: Do you have any vacancies now that are currently in the agency or are you all staffed up?

2 JOAN THOMPSON: We do have some
3 vacancies. We just got approval for five people
4 and then we will be at headcount.

5 COUNCIL MEMBER BREWER: Thank you
6 very much.

7 CHAIRPERSON WEPRIN: If no further
8 questions, thank you. Is the Parks Department in
9 the house? Ask them to come in.

10 [Pause]

11 CHAIRPERSON WEPRIN: Good
12 afternoon. The Finance Committee is back in
13 session and we are now joint with the Committee on
14 Parks and Recreation, chaired by Helen Diane
15 Foster. I'm going to turn it over to Chair Foster
16 for a statement.

17 CHAIRPERSON FOSTER: Good
18 afternoon. Welcome to the Fiscal 2010 Executive
19 Budget hearing for the Committee on Parks and
20 Recreation. As Chair Weprin said, I'm Council
21 Member Helen Diane Foster, chair of the Parks and
22 Recreation Committee. Before we begin, I'd like
23 to introduce my colleagues, Letitia James from
24 Brooklyn, and the rest are on their way. I'm
25 sorry, Gale Brewer from Manhattan who is sitting

right in front of me and if it were a snake I would have been bitten. Today we will hear testimony from the Department of Parks and Recreation about its expense and capital executive budget actions and general agency operations. The department's Fiscal 2010 Executive Budget is approximately \$346 million, including all funds. It includes \$7 million in PEGs, \$3.8 million in revenue PEGs, \$6.7 million in other adjustments and \$6.4 million in new agency needs. The committee looks forward to hearing from the Parks Department about several important issues including the impact the recent 4% PEG program will have on the agency's operations, headcount and service level. Of special concern to this committee will be the effect of a \$1 million cut to pruning budget and further reduction in seasonal employees. The Fiscal 2010 Capital Commitment Plan includes \$2.32 billion in planned commitments in Fiscal 2009-2013 for the Department of Parks and Recreation. This represents nearly 5% of the city's total \$47.11 billion Executive Plan for Fiscal 2009-1013. The agency's executive commitment plan for Fiscals 2009-2013 is 12.42%

less than the January commitment plan, a decrease of \$328.9 million. This committee is anxious to hear how these deep cuts will affect the Parks Department's capital program areas, in particular its PlaNYC 2030 project. Commissioner Benepe, is it your birthday? Come from a wedding?

ADRIAN BENEPE: I'm told to always wear a boutonniere to this committee hearing.

CHAIRPERSON FOSTER: Well I like it. You may proceed whenever you're ready.

ADRIAN BENEPE: Thank you very much. Good afternoon, Chairs Weprin and Foster, and Council Members Gale Brewer and Tish James. I understand Diana Reyna was also in the room. I'm Adrian Benepe. I'm the Commissioner for the Department of Parks and Recreation. On behalf of Mayor Bloomberg and First Deputy Mayor Patti Harris, thank you for this opportunity to discuss and provide an update for you on the status of our Fiscal Year 2010 budget. Joining me today are some of the senior staff of the Parks Department, including our First Deputy Commissioner Liam Kavanagh; Bob Garafola, Deputy Commissioner for Management and Budget; Kevin Jeffrey, Deputy

Commissioner for Public Programs; Therese Braddick, Deputy Commissioner for Capital Projects; Jack Linn, Assistant Commissioner and Senior Counselor; Ed Lewis, Assistant Commissioner for Community Relations; Susan Donoghue, Assistant Commissioner for PlaNYC; Joanne Imohiosen, Assistant Commissioner for Nonprofit Partnerships; Mike Dockette, Assistant Commissioner for Urban Park Services; David Stark, Assistant Commissioner for Budget and Fiscal Management; Fiona Watt, Assistant Commissioner for Forestry and Horticulture; Jonna Carmona-Graf, Chief of Capital Program Management and three of the five borough commissioners; Bronx Borough Commissioner Hector Aponte; Brooklyn Borough Commissioner Julius Spiegel and Manhattan Borough Commissioner Bill Castro. You may cheer as you will, also with us is Mike Schnall, sitting to my left, the Director of Government Relations; Victor Calise, Accessibility Coordinator; Jane Rudolph Woods, Chief of Staff to the Parks Department; and he's not a Parks employee, but he's like family, David Rivel, the Executive Director of the City Parks Foundation, with his lovely daughter just back

from Georgetown. Thank you very much. It's good to see two-thirds of the Rivel Family here. In March we appeared before the Council to talk about how our agency would be doing more with less. Our approach is to avoid causing significant service impacts to the public by becoming more efficient, by embracing technology and by leveraging the help of all of our resources to keep our parks clean and safe. We're busy planning and getting ready for the busy summer season and we want to ensure that you and your constituents understand that even with the budget reductions our core programs are thriving. This is a good time to come out to the parks. As with all the other agencies, we are facing budget reductions. As an agency, we're pulling together to minimize which are noticeably affected. The majority of our reductions are taking place in three areas. First, we decreased our budget for new vehicle purchases and complied with a citywide directive to make fewer purchases. In addition, we reduced our budget for forestry services, including funding to remove stumps and to prune trees and reduced our workforce. Although our budget reductions have been designed

to avoid layoffs, we'll be losing approximately 220 fulltime staff members by the end of Fiscal Year 2010 through attrition. We also reduced our overtime budget by 30%, which is a \$1 million reduction, which will cause the elimination of our greeter program in parks. We will be eliminating the budget line that allowed us to hire some of our temporary Job Training Program participants for an additional six months which will cost us the equivalent of 242 fulltime equivalent jobs. However, the budget for fulltime Job Training Program remains intact. In fact, our April headcount of 2,556 participants is ahead of last year at this time. We will also be adding more Welfare to Work participants through our Work Employment Program, or WEP process. Lastly, through \$2 million in federal stimulus funding allocated to us by DYCD, we will offer 200 members of the city's disconnected youth, young people age 18 to 24 who are neither working or in school to transition into the workforce and learn valuable job and life skills. So they will help to supplement our workforce while receiving on the job training and learning the tools to achieve

self-sufficiency. And more generally, when considering these reductions it's important to keep them in perspective. Our Fiscal Year 2010 Executive Budget is smaller than last year's, that's true, but it's also much larger than the budget from the year this administration first took office in 2002. It's approximately twice the size. If you had told us then we'd eventually have the funding that we have this year, we would have been delighted but somewhat dubious. We believe that thanks to our ability to find cost efficiencies early on in our first few rounds of budget reductions we expect to be able to provide uninterrupted service in most cases. Just as we are making our own agency more efficient to help with lean times, we are doing our best to curb waste outside of our budget. As I said during our last budget hearing, it is imperative that New Yorkers have the same high quality of life that they are used to. One of the things I've noticed in my 30 years with the Parks Department is we spend about 50% of our time picking up litter that people drop, when they could walk a few steps to a litter basket. We have noticed that despite the

increased presence of trash cans and regular cleaning, some less than considerate park users continue to simply drop litter on the grounds. We are looking for ways to change the whole culture of litter and littering in our parks. My hope is that all New Yorkers understand that one way to really help us deal with the budget cuts is to simply put litter in a litter basket. If they treat the parks and the earth with respect, all our parks would be better. We'll be working on a major campaign to try to change people's habits with regard to littering. I'd really love to hear from you, from the City Council members, from your constituents, from your staff any ideas you have about how we can have people just do a better job on that score. Similarly, I testified a few weeks ago about our mission to ensure a high quality of life for park users and to combat the increase in dog owners who choose the blights of canine waste in otherwise clean and safe parks. In response to a problem that we saw cropping up in our inspections reports, we have stepped up enforcement on canine waste and failure to pick it up. In the month of April we issued almost 100

summonses for failure to remove canine waste. Ten more so far in May and that's on top of a record of 71 summonses in the month of March. So we have partnered with the Department of Sanitation to analyze patterns of violations from citizen calls to 311. We just finished working with the Environmental Control Board to raise the fines from \$100 to \$250 per violation to be consistent with the state's health code. This new fine will go into effect in June. We hope it will further deter dog owners who do not stoop to scoop. We think we have a great summer ahead of us, but to make the summer great we will first take care of basic quality of life issues. Beyond that, we want to have the best and newest programming to get people out and into the parks. Since the first playground in North America was built at Seward Park, we have been on the cutting edge of the play movement. As we get ready for summer, we want to make sure our children have the best, safest and most fun places to play, limited only by the extent of their own imaginations. This past month for example we broke ground on Imagination Playground. This is not the

Imagination Playground in Prospect Park, but a new one in Lower Manhattan designed by world renowned architect David Rockwell. He designed it pro bono. This playground breaks free from traditional design and allows for flexible and unbounded play. Children will have the chance to build something, tear it down and start all over again, which is great news for any little godzillas in the audience. Do we have any little godzillas in the audience? The design for Imagination Playground has been to the people of New York pro bono, as I mentioned. Rockwell Group has also raised a \$2 million endowment fund to support the playground's maintenance and its play workers. Once complete, the playground will join our existing program called Imagination Playground in a Box, which was pioneered last summer at the Brownsville Recreation Center. It's a mobile container of play equipment that is bringing the concept of free play to recreation centers and parks. This summer we'll add ten more playgrounds in a box. We have good news that the Mayor, continuing to expand on his investment in our city's future, has baselined \$5.25 million

annually for recreation across all of our five boroughs each year that had to be reallocated. That's welcome news, particularly for our recreation centers and after school programs. It's a wise investment that will benefit New Yorkers for generations to come. We are also trying to continue to be an industry leader in bringing accessible recreation to park users. We have created at least one wheelchair football and softball field in each borough that can host practices and competitions for city teams, as well as clinics for kids from neighboring schools and hospitals. We offer aquatic therapy instruction, wheelchair sports clinics and accessible fitness equipment. We are also partnering with organizations such the United States Paralympics to provide disabled sports programming. As we make major improvements to our recreational facilities or build new facilities, such as the recently completed Al Oerter Recreation Center and Flushing Meadows Corona Park Aquatic Center and World Ice Arena, we make sure these areas are equipped with exercise equipment with swing out seats for wheelchair users, cardiovascular

equipment with high contrast and Braille controls for people with visual impairments. As we replace existing equipment in our recreation centers, accessibility is at the front of our thinking.

And now, as we get ready for the summer, we are going to make sure that all New Yorkers have the ability to enjoy beach and pool season. Over the past two summers, we have installed specially

designed mats at beaches to allow mobility-impaired New Yorkers to experience the beach firsthand. This summer we will be adding another

Queens location, which will bring our total of beach mat locations to nine. These mats have

allowed us to make some of our special events accessible, including the Winter Jam Event we had at East River Park this past winter. Pool

openings are just around the corner. They happen next month. We have installed pool lifts for all of our Olympic size outdoor pools that will allow

people with disabilities to swim and bathe for

free. As you can see, we're doing our best to

make sure beaches and pools are ready for

everyone, unlike some other municipalities or

counties, we are not closing any beaches, we are

not closing any pools. We are getting ready for staycation season and we expect unprecedented crowds to enjoy beaches, pools and summer activities. As I mentioned earlier, we do not expect the budget reductions to significantly hamper our summer operations with our parks, playgrounds or beaches. We are well prepared. In terms of summer programs, our Summer Sports Experience will return for its fourth year teaching children fundamental skills in every sport and encouraging them to pursue sports training and physical fitness training. We already have nearly 1,000 children enrolled in our summer day camps where children can spend their day working with arts and crafts, playing sports, taking field trips and more. I should note we also provide the settings for the City Parks Foundation to continue to do its unparalleled work of providing sports and arts programming for children and families. I want to salute David and his board. They do wonderful golf, tennis and track and field programs, as well as dance, drama, spoken word, music, free music in all our parks, as of course the wonder summer stage show. As we

provide the parks, the City Parks Foundation has been a terrific partner along with some other partners in providing programming. It's hard to believe, it's been kind of cool, but the beaches open in three days. This Saturday all 14 miles of beach open. We want to welcome those who love the sun, sand, water and cool air, and very cold water. Come out and enjoy the beach. There will be several new previews of the beach season at Orchard Beach in the Bronx on May 20th, Coney Island on May 21st and Rockaway on May 22nd. I hope you have swimming suits to come on out and try the water. If that's not enough enticement, we have 54 outdoor pools that will open for the season on June 27th. The beautiful Floating Pool Lady will be returning for her third season and her second on the banks of Barretto Point Park in the Bronx. And of course, Coney Island and Rockaway Beaches wouldn't be nearly the same without their famous boardwalks. These national treasures need to be protected and maintained as world-famous symbols of our magnificent coastline. In recognition of that, we have been fortunate to be the recipient of an extra \$10 million secured by

Assembly Members Brooks-Krasny and Cymbowitz, as well as \$30 in displaced federal stimulus funding for both Coney Island and Rockaway boardwalks. This influx of money means we will be soon installing demonstration projects to help us determine the next iterations of sustainable material that will ensure our boardwalks will last another 100 years. DEP has also given us an extra \$700,000 to fund seasonal crews who will be out to the beaches every day to make sure the beaches are clean. They will help us clean areas of Coney Island and Rockaway Beaches, but also spend this month cleaning beaches throughout Jamaica Bay that collect tidal debris and driftwood. What would a swim in our oceans be without the able-bodied men and women of our municipal lifeguard force? These men and women, whether from New York City, Lithuania, or even New Jersey, comprise the strongest and most dedicated swimming armada in the United States or maybe in the world. For first-year lifeguards, 514 out of 1,402 candidates passed the qualifying test this year, compared to 397 out of 1,108 last year. We don't know how many of them will complete the training and pass

their tests before we'll know exactly how many lifeguards we'll have. Last year we had 220 new lifeguards. In most years 75% of the previous year's lifeguards return. Since we had a record number of lifeguards last year, almost 1,150, we hope to have a record number of returning guards. There is also a chance we will have less attrition than usual due to the job market. Lifeguards who are graduating from school may come back for one more summer before starting their careers. In addition, we have 125 international candidates currently applying for visas. This is much higher than ever before. Not all of them will get visas, many will fail the test, but we hope to ultimately have 50 lifeguards from other countries. So what does all that mean? We are optimistic that we will reach and perhaps surpass our recruitment goal of 1,200 lifeguards, which will be the first time in history we've ever done that. With more and better trained staff and more eyes on our waters, the beaches will be safer and more of them will be open. Let's talk about trees. We have been working to make sure that this summer more blocks than ever before will feature trees and

parks and natural areas will have a larger canopy cover. In March, we told you that the Million Trees Month was set to begin. The verdict is in; we planted more than 38,000 trees in April and most of them by your constituents and other volunteers. Since the inception of MillionTreesNYC, we have planted more than 202,000 trees, that's 20% of our goal. Now with the \$1 million reduction to street tree pruning contracts, we will be relying more heavily on citizen pruners and nonprofit partners for day-to-day care of our 600,000 plus street trees. In doing more with less, we hope to continue to be as responsive as we were in flush economic times and protect our citizens, their property, and we will maintain their safety by pruning on demand for anything that's hazardous and maintaining continued vigilance in pruning trees, bushes and other vegetation obstructing traffic signals or devices in accord with Local Law 12 of 2008.

Thank you for allowing me to share with you a little bit about what we're doing at Parks to keep our city lean, green and a great place to live and play. We look forward to building our terrific

2 relationship with all 51 Council Members. We'll
3 see you at the beaches this weekend and the pools
4 later on. I look forward to answering any
5 questions you may have.

6 CHAIRPERSON FOSTER: Thank you.
7 We've been joined by Council Member Sears from
8 Queens. I have just a few questions from going
9 through the testimony. The Imagination Playground
10 where is that located?

11 ADRIAN BENEPE: That's in Lower
12 Manhattan near South Street Seaport, Burling Slip
13 to be precise, just off South Street.

14 CHAIRPERSON FOSTER: The
15 Imagination Playground in a Box?

16 ADRIAN BENEPE: Those boxes can be
17 taken to almost any playground.

18 CHAIRPERSON FOSTER: So they're
19 transportable?

20 ADRIAN BENEPE: They're
21 transportable. It's basically like a very
22 oversized steamer trunk full of innovative play
23 equipment. We pioneered it last year at the
24 Brownsville Recreation Center. Where are they
25 going to be? We're going to have them at St.

James and St. Mary's in the Bronx to start out and then we hope to add a few more and we'll move them around. The beauty is that they don't need to be fixed; you can move them anywhere you like.

CHAIRPERSON FOSTER: The DYCD federal stimulus \$2 million for the disconnected youth, can you talk a little about that and what type of work they'll be doing?

ADRIAN BENEPE: I'd like to ask our Deputy Commissioner Bob Garafola, who oversees the Parks Opportunity program.

CHAIRPERSON FOSTER: Thank you.

ROBERT L. GARAFOLA: Hi, Councilwoman. Just in terms of what they're going to be doing, they're going to be working in crews approximately four days a week. Actually it'll be three days a week. They'll be in training two days a week and counseling for two days a week. They will be out there and working with crews in terms of doing horticulture work, some security, maintenance and operations and also clerical and administration if they've got the skills to do that. We're planning on having a number of counseling sessions with them. Also, we're going

to have speakers coming in and meeting with them, teaching them life skills, and also a computer program we do have at Parks. Also, we have training with our educational trainers and trying to get them their high school diplomas, GEDs, and also get them enrolled in some community college as well.

CHAIRPERSON FOSTER: Great. So it's really a tangible program as opposed to just picking up trash.

ROBERT L. GARAFOLA: Absolutely. It's a combination of really counseling and building up their skills and also educational skills. One of the things is we really want to see if we can get them in terms of these kind of skills so they can get a job that's going to have benefits, that's going to have a career opportunity and aspirations and really get them into that area for their careers, the career growth. That's what we're going to work for.

CHAIRPERSON FOSTER: That's very good to hear. Maybe this is back to Commissioner Benepe, what do you classify as non-essential vehicles?

ADRIAN BENEPE: That's a good question. I think Commissioner Kavanagh; it's a good thing a lot of smart people work in the Parks Department.

LIAM KAVANAGH: Good afternoon. I'm Liam Kavanagh, First Deputy Commissioner for the Parks Department. Non-essential vehicles are largely sedans and sports utility vehicles that are important to our operation. They move inspectors around. They move people from place to place. But they're not the pickup trucks, the vans, the small dump trucks that we rely on day-to-day to keep parks and playgrounds clean and safe.

CHAIRPERSON FOSTER: So what do you plan to do with getting the inspectors around and on and on?

LIAM KAVANAGH: Well, we will share vehicles better than we have in the past just to make sure that people who need vehicles have access to them. We have been fortunate that we've been able to add electric carts to our fleet which don't technically count as vehicles which we can use in large parks. They transport people around

in a very clean and efficient way. So we don't need a pickup truck in those places. So we can do some swapping a little bit to make up for some of the losses.

CHAIRPERSON FOSTER: Some carpooling within Parks Department where people are going around?

LIAM KAVANAGH: Where it makes sense, where they have the same mission and they're going to the same places. A lot of our inspectors work on individual assignments and it doesn't make sense to pair them up. But wherever we can carpool and make the most efficient use of a vehicle we certainly will.

ADRIAN BENEPE: We have also ordered 70 bicycles to give to managers and supervisors, particularly of large parks. When the weather is good you can just use your bicycle to get around and inspect. I offered that to anybody who wanted them who is a supervisor or manager. So far we have 70 takers.

CHAIRPERSON FOSTER: Great. Tell me a little bit about the seasonal works, the positions that are being eliminated and then what

1 impact that's going to have on the department's
2 operation and the numbers that are being
3 eliminated.

4
5 ADRIAN BENEPE: Primarily what we
6 had for people who are in our job training
7 program, Job Training Participants, who serve on
8 six month assignments, for the last few years we
9 would have about 600 of them extended for another
10 six months doing basic work. So it was basic
11 maintenance work, it might be cleaning, sweeping,
12 painting, working at swimming pools during the
13 summer. Some of them were assigned as assistants
14 in our Park Enforcement Patrol. So it's really
15 sort of across the board just general Parks work.

16 CHAIRPERSON FOSTER: So how does
17 that impact the department's overall operation and
18 in total what is the number?

19 ADRIAN BENEPE: Effectively you'll
20 see about 450 or so fulltime equivalent
21 reductions. That's against the base of what used
22 to be about 7,500. So we'll go from about 7,500
23 FTEs to about 7,000 FTEs, maybe a little bit lower
24 by the end of the next fiscal year. Again,
25 because there are so many people you can spread

around; the losses are not concentrated in any one area. I don't expect to have a visible impact. We're not closing any recreation centers. We're not reducing hours. We're not closing pools or beaches. If anything, we'll probably have more areas of beach open this year because we hope to have more lifeguards and we'll be able to meet the state and city health code. So it's hard to say. I hope that we won't see any sign that our staff has gone down. We have to remember that we were cutting from an all-time sort of modern high in terms of our staffing and budget. So we were able to build up over the first six years or so of the administration and add a lot of staff. As you remember, our expense budget more than doubled. So, to take these cuts, we fully expect with maintaining the Job Training Program intact and continuing to have the great assistance of tens of thousands of volunteers through the Partnership for Parks Program, continue to have nonprofit organizations like the Bronx River Alliance and others working out in the parks, my expectation and my hope is that park users, even the more users that we expect taking staycations, will not

see any deterioration of conditions in the parks.

CHAIRPERSON FOSTER: That would be my hope also. My concern realistically across the board is our ability to maintain the level of performance with playgrounds, the level of cleanliness and things like that. Those are the quality of life issues for park users that are huge to them.

ADRIAN BENEPE: I think what you've touched on is exactly right. The most basic thing we do is cleaning playgrounds and making them safe. That's at the core and that will continue to be at the core of what we do. Our park inspectors will continue to aggressively inspect and let us know when we're not meeting our own very high standards. And also, we have a lot more real time information coming in through 311 and through the city's website. We're much more prone to know about conditions that our inspectors might not pick up because of the immediacy of the information that we get. So, again, I hope that by the time the summer is over people will look back and say considering the world financial crisis we've been through, the parks in New York

look pretty good.

CHAIRPERSON FOSTER: We've been joined by Council Member Crowley from Queens. I'm just going to ask one more question because many of my colleagues have questions. Let's talk about tree pruning. What were the delays in the tree pruning? And then how, with these different cuts, does that affect the pruning cycle in general? One of the consistent things that I've heard as being on this committee and especially from Queens' members is the need for tree pruning. So anytime I hear that there's a delay or we're cutting, it makes me concerned.

ADRIAN BENEPE: The one delay we had was a contract in Queens, a tree pruning contract, was delayed for procurement reasons and getting started. I think we've caught up on that particular contract.

LIAM KAVANAGH: Yes, we've resolved the differences with the contractor and we fully expect to not only spend all the money we planned, but prune all the trees that we planned this fiscal year.

ADRIAN BENEPE: Again, I'd like to

ask Commissioner Kavanagh and if he needs some additional consultation with Commissioner Watt, he can tell you all about what the impact of the cuts are likely to be on the pruning program.

LIAM KAVANAGH: We've been fortunate over the last two fiscal years to enjoy the highest level of pruning that I've known in my 25-year history in the Parks Department. We pruned approximately 80,000 trees in each of the last two fiscal years, which puts us in a much better position than we were just a few short years ago. Reducing the pruning budget was a difficult decision to make, but we had to absorb our share of reductions, as did every city agency. We will still be pruning a substantial number of trees next year through our Block Pruning Program, but certainly nowhere near the 80,000 we have enjoyed the last two years. It's hard to say what cycle that puts up in right now because obviously it is a year to year process. If you look at just the last two years and next year, we would still be close to an eight or nine-year pruning cycle, all things considered. If the level of pruning support at next year's level for several years,

1 obviously the cycle would drop off some more.
2 We're hoping that as the economy improves, city
3 revenues rebound, we'll be able to restore pruning
4 to the levels we've enjoyed over the last couple
5 of years.
6

7 CHAIRPERSON FOSTER: What does that
8 mean in terms of Mr. and Mrs. Joe and their trees,
9 or complying with the law in terms of traffic
10 lights? I understand in theory we hope everything
11 works out, but what's the reality of those type of
12 situations?

13 LIAM KAVANAGH: The reality is we
14 have three programs for pruning trees. The
15 biggest and the most important is the block
16 pruning program. It is a systematic management
17 approach to the city's street tree resource where
18 we go block by block through neighborhoods pruning
19 all of the trees. In many cases, the trees were
20 planted at the same time, they're roughly the same
21 size, they have the same sort of conditions in
22 them. It's the most cost-effective way of
23 managing that resource. We have two other
24 programs. We address the traffic law pruning and
25 we track that very carefully. We will maintain

the standards that were prescribed in the law and we don't see any diminution in that level of service. Our third program is something that we call on-demand pruning. The trees are not machines. They don't develop entirely in predictable patterns. Sometimes trees do need pruning, whether they have significant deadwood or are causing structural damage to a building or another piece of infrastructure, and we try to prune those trees based on an inspection by one of our foresters when there is a legitimate need for it. We expect to continue that program as well so that if there is a circumstance that requires more immediate attention than the block pruning program to deliver it, we'll be able to address those situations.

CHAIRPERSON FOSTER: Lastly, with the Executive Budget there was \$1 million related to a delay in PEGs for pruning. Was that contract that you just settled?

LIAM KAVANAGH: I don't think so. There was a reduction in the preliminary budget to our tree pruning program. I think there was an additional \$1 million PEG at the executive

adoption. So I think that's the \$1 million PEG that you might have seen. I don't think it was tied to the current fiscal year's pruning contract in Queens which was delayed at the start of the fiscal year.

CHAIRPERSON FOSTER: I'll come back to that. Council Member Sears.

COUNCIL MEMBER SEARS: Thank you, Madame Chair, and good afternoon, Commissioner. In terms of the NYC30 and the public schools that will be coming local playgrounds, can you tell me what the status of that is? I heard indirectly that the program has been stopped for a while because of the budget. So could you just give me some information on that status?

ADRIAN BENEPE: Thank you, Council Member Sears. The program is continuing. As with virtually everything else in our capital program, it did take a cut. Originally we had planned to do a total of 290 schoolyard to playground transformations. I think it's in the neighborhood of 250 now. Is that right, Sue? For budget cut reasons, we trimmed 36. Now, it's not clear we would have been able to do all of those 36 because

in many cases, after looking at the site, we realized that the physical conditions were such that it couldn't happen or there was a tremendous amount of neighborhood resistance to having that project take place and we didn't want to do it in the face of a great deal of resistance. So the pruning of the budget in that particular instance as not a terrible thing because it's probably a number we would not have been able to do anyway.

COUNCIL MEMBER SEARS: I see.

ADRIAN BENEPE: There are several dozen that will be completed this summer in fact. That will be completed this summer in fact. So 18 will be completed this summer. This is Susan Donoghue who's running PlaNYC for us, our assistant commissioner.

COUNCIL MEMBER SEARS: Because fortunately my area has a couple that are happening and I just wanted to be sure that was the case. So the vast majority will continue. In fact, all the ones that were likely to have been done will be done.

COUNCIL MEMBER SEARS: I also have to bring back the PEP program. Are you cutting

the PEP program substantially?

ADRIAN BENEPE: We are not cutting the PEP program at all. As with any of the other workforces in the Parks Department, they will be subject to losses through attrition. But there are no cuts to the fulltime PEP program.

COUNCIL MEMBER SEARS: Do you anticipate when you might add some? Because through attrition, and I understand what that means, it certainly means that you will have fewer PEP officers.

ADRIAN BENEPE: As Commissioner Kavanagh mentioned, we remain hopeful that as the economy continues to improve that the tax collections will improve and that we'll be able to put some more money back in the budget for the things that are important to you and your constituents. I know PEP has always been important to the City Council and the tree pruning is important and playground associates.

COUNCIL MEMBER SEARS: Yes, it has. And the PEP is particularly important where there are the playgrounds and that's all that is available, because particular in these times where

people are not traveling or spending much money for entertainment, they do go to those playgrounds because that's all that they have. That means that those playgrounds are so overcrowded seven days a week. And not to have the sufficient amount of enforcement makes the unusable.

ADRIAN BENEPE: I agree with you and that's why we're grateful that you, the City Council, and the mayor expanded the PEP program by about 60 officers or so a few years ago. We're still coasting on that expansion. We've been able to address quality of life issues more readily in the neighborhoods. Again, we're trying to be more efficient. I recently spoke with Commissioner Jeffrey and Commissioner Dockett and said look, only enforce, none of the standing at attention at official events. Let's get all the PEP officers out doing enforcement. I love meeting them at official events, but I'd rather not shake their hands at events and rather see them out enforcing the rules and making quality of life better for neighbors.

COUNCIL MEMBER SEARS: I appreciate that, thank you. Thank you, Madame Chair.

2 CHAIRPERSON FOSTER: Next, Council
3 Member Brewer.

4 COUNCIL MEMBER BREWER: Thank you
5 very much. On the schoolyards, we found a great
6 solution. Somebody found the key to a schoolyard
7 and it's just open.

8 ADRIAN BENEPE: That's the west
9 side I take it?

10 COUNCIL MEMBER BREWER: Yes, we're
11 very happy. And nobody seems to know anything.

12 ADRIAN BENEPE: The playground was
13 liberated.

14 COUNCIL MEMBER BREWER: Yes, it's
15 fabulous. It's packed on the weekends. I have a
16 question again about the PEP officers, seasonal
17 workers. What it says here is on the urban park
18 service, the Executive Budget \$12.2 million for
19 the urban park service program area, a decrease of
20 \$326,000 compared to the preliminary budget. Then
21 it says that the actual headcount in '08 was 291
22 and the Executive Budget is 179. So that includes
23 PEP officers and others? The reason I ask is
24 because that's a pretty big decrease. I guess
25 that includes seasonal workers, PEP, and I don't

know if it was anything else. I just ask because I want to know, again, about the seasonal and the PEP, even though it's just attrition, how many actual bodies will not be.

ADRIAN BENEPE: Council Member, I believe the difference between the numbers is that the lower number does not include the grant-funded PEP officers. So for example, we provide on a grant basis, the security for Hudson River Park and Battery Park city parks. There is no city funding of those, the funding comes from other sources, but we provide the uniform staff and the training and so on. So those grant-funded lines are not included in that number.

COUNCIL MEMBER BREWER: How many fewer seasonal workers will actually be in the parks this summer? Maybe you mentioned that in your testimony. Do you have any sense of that? Not from any of the programs for the city but actual Parks employees?

ADRIAN BENEPE: I think we're looking at the equivalent of about 327 fulltime employees as seasonals.

COUNCIL MEMBER BREWER: Fewer?

2 ADRIAN BENEPE: Fewer, yes.

3 COUNCIL MEMBER BREWER: That's
4 quite a lot. That would be compared to last
5 summer as an example?

6 ADRIAN BENEPE: Compared to last
7 summer, yes.

8 COUNCIL MEMBER BREWER: How do you
9 hope to try to make that up in terms of all the
10 work that needs to get done? Obviously litter-
11 free parks, good luck, but we'll all try. What
12 other ways are you going to make that up?

13 ADRIAN BENEPE: As mentioned
14 earlier, fortunately the Parks Opportunity
15 Program, Job Training Program, has not been cut.
16 We're actually a little bit higher than we were at
17 this time last year. We hope that that will
18 continue to be the class. We have had some
19 additional funding put in for some of these
20 special programs. We got the additional money
21 from the Department of Agriculture for the Million
22 Trees green jobs training program. That will add
23 some additional staff. So in bits and pieces
24 we're making it up. The other thing that we've
25 seen happen is an increase also with federal

stimulus money in the SYEP program.

COUNCIL MEMBER BREWER: They take supervision though. I mean they're great, but they take supervision.

ADRIAN BENEPE: We're able to provide the supervision. I talked to Commissioner Mullgrav and said we will take as many as you can send our way. Often the nonprofit groups who run these don't have a work location and we have the work location and we'll provide the supervision. So we're looking forward to hosting 1,000 or maybe 1,500 of the SYEPs out of their increased workforce. That would more than make up for the losses we had in the seasonal budget if that were the case. So we're aggressively pursuing that. I've asked Commissioner Garafola to work at the highest possible level to provide as many work locations as we can. So to the extent there has been another silver lining with the expansion of SYEP funding we will provide good positive work locations for as many as we can.

COUNCIL MEMBER BREWER: I hope that next summer if there's more money you go back to your 327, because as somebody who has 45 interns,

2 I love them, but I'd rather have 327.

3 ADRIAN BENEPE: Right.

4 COUNCIL MEMBER BREWER: The other
5 day I was at the Brooklyn Navy Yard and there's a
6 wonderful program, Lights in the Park, the solar
7 and the twirly windmill, which is part of the
8 street park lamp. Apparently this saves a lot of
9 money. Are you going to buy those?

10 ADRIAN BENEPE: We're going to try
11 those out.

12 COUNCIL MEMBER BREWER: Where are
13 you going to try them out?

14 ADRIAN BENEPE: Try to find a windy
15 place, maybe Riverside Park.

16 COUNCIL MEMBER BREWER: They said
17 that you hadn't tried them out yet.

18 ADRIAN BENEPE: We're going to.
19 I've asked our staff to look into that.

20 COUNCIL MEMBER BREWER: Do you
21 think that will save money, because you don't have
22 to run any kind of fiber or lines.

23 ADRIAN BENEPE: It might save in
24 the long run. All city agencies are sort of
25 covered for the electrical expenses out of a

1
2 separate budget. So it would not impact our
3 specific agency budget but it would save the city
4 in the long run. If these turned out to be
5 feasible it would save the city as a whole a lot
6 of money. We try to pride ourselves on being a
7 green agency, so anything we can do we're happy to
8 try out. We're hoping to do some experiments
9 later on with some water-powered power and some
10 wind-powered power. If we can do some windmills
11 at Freshkills Park because that park has got a
12 developer that's going to do that. Anything you
13 can think of that's environment we're willing to
14 give a try.

15 COUNCIL MEMBER BREWER: Do you have
16 a budget for rat abatement? There are more rats
17 than ever.

18 ADRIAN BENEPE: I don't think we
19 have a separate budget for rat abatement, but we
20 do have people who work for us as exterminators.
21 We're working very closely with the Health
22 Department on targeting areas where we have rats.
23 We're actually seeing a decline in rats in many of
24 the locations where we've targeted.

25 COUNCIL MEMBER BREWER: You're the

only one. Everybody else have more. But you have a decline?

ADRIAN BENEPE: Commissioner Kavanagh, among his many areas of expertise, rats happens to be a very specific area of expertise. I'd like to ask him, and he has a fulltime rat czar working for him.

LIAM KAVANAGH: As Commissioner Benepe said, we work closely with the Department of Health on our rodent management strategies. Some of the data that the Department of Health has generated from last year shows a decline in rat sightings and rat activities in a number of parks around the city. That said, it's not across the board. There are places that still have significant rodent problems. We are adopting strategies recommended by the Health Department. They have a nationally renowned expert, Dr. Robert Corrigan.

COUNCIL MEMBER BREWER: We know Robert. We know the Rat Man.

LIAM KAVANAGH: He's a great guy.

COUNCIL MEMBER BREWER: He's a great guy.

2 LIAM KAVANAGH: All of our
3 exterminators are going through the DOH's Rodent
4 Academy.

5 COUNCIL MEMBER BREWER: I went
6 through it.

7 LIAM KAVANAGH: You went through
8 it? Good, so you know how intense it can be.
9 They have helped us identify very specific
10 strategies in our most problematic parks to help
11 us reduce the numbers. So it is a tough urban
12 problem to tackle but we're working on it.

13 COUNCIL MEMBER BREWER: On the 79th
14 Street Rotunda, the DOT has money. Do you have
15 any money for renovating that very big project?

16 ADRIAN BENEPE: No. I think we at
17 one time had some federal money.

18 COUNCIL MEMBER BREWER: That went
19 away.

20 ADRIAN BENEPE: That went away?
21 Well perhaps it will come back maybe in the form
22 of stimulus money.

23 COUNCIL MEMBER BREWER: So
24 somebody's focusing on it?

25 ADRIAN BENEPE: We try every year

to get it.

COUNCIL MEMBER BREWER: So you need \$25 million?

ADRIAN BENEPE: I'd say, yes. I would hate to see that place collapse because it would bring the West Side to a standstill.

COUNCIL MEMBER BREWER: So was there some timeframe that you're thinking about getting the \$25 million?

ADRIAN BENEPE: As soon as we can, Council Member. It's our highest priority for capital funding.

COUNCIL MEMBER BREWER: I doubt that.

ADRIAN BENEPE: No, it is.

COUNCIL MEMBER BREWER: I didn't see it on any list here.

ADRIAN BENEPE: That's because it's too big a number to put on your list. That would have to come from a major funding source like the federal government.

COUNCIL MEMBER BREWER: The final issue is I know in Central Park there is a renovation going on for the police department,

2 what about the horses?

3 ADRIAN BENEPE: Are you talking
4 about horses that people can ride?

5 COUNCIL MEMBER BREWER: I haven't
6 given up on that, but what about the police horses
7 and your horses?

8 ADRIAN BENEPE: Two separate
9 issues.

10 COUNCIL MEMBER BREWER: There are
11 three kinds of horses: big horses, your horses and
12 regular horses.

13 ADRIAN BENEPE: Let's start with
14 the big horses.

15 COUNCIL MEMBER BREWER: The police
16 horses, yes.

17 ADRIAN BENEPE: We actually do have
18 some funding, which we got out of the Claremont
19 Stables closing, to build a small stable right
20 next to the Central Park Zoo to house PEP, which
21 is the Park Enforcement Patrol.

22 COUNCIL MEMBER BREWER: What's the
23 status of that?

24 ADRIAN BENEPE: We have a design,
25 it's ready to go. It was approved by the Art

Commission. The bids came in about 30% higher than the estimate. So we're now trying to put together a little bit more public money and a little bit of private money. But we're ready to go into construction. We're just about \$200,000 short of being able to build that. As far as public riding in the park, as you know there is riding now in four boroughs but not in Manhattan. The way we make up for that, because of the closing of Claremont Stables, is the riding academy up in Van Cortland Park will trailer down horses that people reserve in advance. But ultimately, if we can secure a large private donation, there is a plan to possibly build a riding stable and horse education place at the north end of Central Park. We'd need private money for that.

COUNCIL MEMBER BREWER: The horses don't like the bumpy ride.

ADRIAN BENEPE: I know they don't. That's why it would be nice to bring the horses back. We've had 150 years of horses in the park and we want to make sure they stay there.

COUNCIL MEMBER BREWER: I want

those horses back.

ADRIAN BENEPE: Good.

COUNCIL MEMBER BREWER: Finally, thank you, Mike Schnall, for the trees in front of Beacon High School. Thank you very much.

MICHAEL SCHNALL: You're welcome

CHAIRPERSON FOSTER: We've been joined by Council Member Jackson from Manhattan, and now, Council Member James.

COUNCIL MEMBER JAMES: I'll be brief, I've got to run off. Commissioner Benepe, we love the Brooklyn Commissioner. I think he's more popular than Marty Markowitz, but don't tell Marty I said that. There is a report that was prepared by the City Council and it talks about supplemental tables. There is an indication in here that there were signs for Fort Greene Park that were decreased in last year's budget and in this year's budget they're zeroed out. I didn't know anything about Fort Greene's signs funds decrease. Anyone know anything about that?

ADRIAN BENEPE: I'm seeing a lot of shaking heads and looks of mystery. I think we'll have to find out about that and get back to you.

2 COUNCIL MEMBER JAMES: My second
3 question is we love the zoo in Brooklyn. The
4 question is whether or not the admission price is
5 going to increase and if so, by how much?

6 ADRIAN BENEPE: Commissioner
7 Garafola, who is not only in charge of our budget,
8 but also sits on the board of the Wildlife
9 Conservation Society for us.

10 ROBERT L. GARAFOLA: In terms of
11 the fee for Prospect Park Zoo, it would be for
12 adults it will go from \$6 to \$7 and for children
13 it will go from \$2 to \$3, and for senior citizens
14 from \$2.25 to \$4.

15 COUNCIL MEMBER JAMES: And group
16 sales and prices for schools, is there an
17 increase?

18 ROBERT L. GARAFOLA: Schools are
19 the same I believe are the same as the children
20 price.

21 COUNCIL MEMBER JAMES: How much do
22 we anticipate will be generated as a result of
23 this increase?

24 ROBERT L. GARAFOLA: We believe in
25 all three zoos, because we're also doing it for

Central Park Zoo and Flushing Meadow Zoo, it should be about \$1.5 million.

COUNCIL MEMBER JAMES: Is there any way, Commissioner, that this can be averted?

ADRIAN BENEPE: The issue is all the money for the zoos comes from the city's Executive Budget. So that would mean another \$1.5 million cut to some part of our operation. Still, even with the increases, it remains a much better value than things like movies or any other form of entertainment you can do.

COUNCIL MEMBER JAMES: Is it possible that we could try to find a private donor?

ADRIAN BENEPE: We've been working on that. The problem, as you know, in addition to the economy hitting very hard at our budgets, it's hit very hard at the endowments of the nonprofit organizations and at their earned revenue and at their fundraising. Most of the nonprofits, and I sit on 68 boards, have minimally a 30% reduction in their fundraising ability. While in theory that would be something we could do, in reality it would be unlikely we could get that money from

private donors. Many of the foundations are unable to give grants this year because they've lost so much value on their holdings. I think in flush times that might make sense, but probably not right now.

COUNCIL MEMBER JAMES: Staying on the subject of the Wildlife Conservancy, how are they treated in this year's budget, again focused on specifically Prospect Park Zoo, but I don't want to exclude the others. How are they treated in the budget?

LIAM KAVANAGH: They're going to be the same. There is not going to be any cut in terms of service. With this increase in price we should be able to cover the same service at all the zoos.

COUNCIL MEMBER JAMES: Thank you. I read somewhere or I heard that there were some stimulus funds focused on tree planting. As you know, in Fort Greene the association, we have put together a tree planting initiative, a greening initiative for Fort Greene and Clinton Hill. We've identified blocks that do not have a significant number of trees, they don't have any

trees. I have put some capital money in the budget for this purpose, for tree beds as well as for trees. Were the stimulus funds parked in your budget for this purpose or DOT? Is it competitive or how is it distributed?

ADRIAN BENEPE: To our knowledge, Council Member, there are no stimulus funds for tree planting anywhere in New York City. We think it's valid and a good use. Unfortunately, during this development of the stimulus legislation, they specifically exempted parks. Trees were not included. The only stimulus money we got was for boardwalks under the sort of general area of transportation and some other transportation-related enhancements. There is some non-stimulus federal funding from the Department of Agriculture for the Million Trees training program where the 25 or 26 participant in the youth training program for green careers are getting some extra money.

COUNCIL MEMBER JAMES: Was there a green streets initiative that's being funded by stimulus, which is not through your agency, but through DOT?

LIAM KAVANAGH: There is a trees

and sidewalks program. It's a program of the Parks Department that's existed since 2005.

Because of the stimulus funding the city was able to divert \$3.7 million in additional funding to trees and sidewalks.

COUNCIL MEMBER JAMES: That's what I heard.

LIAM KAVANAGH: It doesn't directly come from the stimulus funding from the federal DOT, but it's been added to our budget to fix sidewalks that have been damaged by tree roots.

COUNCIL MEMBER JAMES: To fix sidewalks damaged by trees. Can the local community board or can a civic association identify said sidewalks?

LIAM KAVANAGH: Absolutely. You can just simply call 311, give us a location, we'll go out and do an inspection. We rate the sidewalk according to some objective criteria that we established back at the beginning of the program. We do the repairs in priority order. We do the worst ones first. We try to spread the work as evenly as possible both across the city by borough, and within a borough by community board.

2 COUNCIL MEMBER JAMES: We've
3 compiled a list. Can I submit it to you?

4 LIAM KAVANAGH: Yes.

5 COUNCIL MEMBER JAMES: The tree
6 beds, is that capital eligible? I propose to put
7 \$100,000 in the budget for tree beds in Fort
8 Greene and Clinton Hill and Prospect Heights and
9 Crown Heights.

10 ADRIAN BENEPE: Yes, it is capital
11 eligible. A number of elected officials,
12 including the Borough president of Brooklyn have
13 funded improvements to tree beds over the last
14 several years. We've used the money to enlarge
15 tree beds, which is critical to the long-term
16 health and survival and actually helps prevent
17 sidewalk conflicts down the road, and to install
18 fences around the trees to protect them from
19 damage by vehicles, foot traffic, stray dogs and
20 things like that. So it's been a very successful
21 program.

22 COUNCIL MEMBER JAMES: I look
23 forward to working with you and the Fort Greene
24 and Clinton Hills Civic Association in Prospect
25 Heights and Crown Heights. Like I said, we have

identified a number of areas where tree beds are necessary and I will be funding it through my capital budget. To what extent is your capital budget focused on handball courts? There has not been much mention about handball courts. Is it in the ten-year capital plan?

ADRIAN BENEPE: Handball courts are sort of routinely done whenever we do a playground renovation. If there's a handball court we'll renovate that. Handball courts can also be renovated through our requirements contracts for playgrounds. Though we've taken some cuts to those, they remain intact. We still have a significant requirements contract program. So we will continue to renovate handball courts both as part of specifically funded projects and also through our requirements contracts.

COUNCIL MEMBER JAMES: So, as opposed to me funding a couple of handball courts in my district, I can just call you and you can fund it through the requirements contract and I can remove it from my capital budget and do something else?

ADRIAN BENEPE: I think that

depends how fast you want it done.

COUNCIL MEMBER JAMES: So my money is faster than yours?

ADRIAN BENEPE: It could be. It depends where we are in the budget. Is the contract finishing up, is it starting up, do we have money left in the contract. We could also sort of, you do one and we do the other one or something like that. We'll do a 50/50.

COUNCIL MEMBER JAMES: So we'll talk.

LIAM KAVANAGH: We've also expanded our ability to do sort of interim maintenance on handball court walls. It's not a full capital rehabilitation, but we can do a pretty nice restoration depending on the condition of the walls. So if you have something specific in mind, we can take a look at it and see if it can be treated that way at least for the interim.

COUNCIL MEMBER JAMES: Again, if my request is fully honored, hopefully we can go forward with that skate park in Commodore Barry Park. I want to thank Commissioner Julius Spiegel. I also want to thank Commissioner Julius

Spiegel for resolving an issue between soccer players and moms in the playground at Fort Greene Park.

ADRIAN BENEPE: He's going to get the Nobel Peace Prize for that.

COUNCIL MEMBER JAMES: Yes, he is. That was major. That was all over the blogs. In fact that generated more entries than any other issue in Fort Greene. Hopefully we can resolve the conflict between moms and the soccer players in Fort Greene Park. Thank you for all that you do. In this report that was provided to me by the City Council, I'm always interested in how much funds Central Park gets. There was a funding adjustment to Central park for this year. It appears that Central Park is the only park in the city that's receiving funds. Is that a technical error, or are my eyes lying to me?

ADRIAN BENEPE: All the parks in New York City receive city funds. Central Park has a contract with the city whereby when it spends a certain amount of money privately that it raises, the city contractually pays it effectively a management fee. So it costs about \$25-\$30

million a year to run Central Park. 85% of that is raised privately. The city pays a management fee of about \$5 million a year, which is a percentage of the cost of running Central Park. Most of the other city parks are in fact paid for 100% by the city.

COUNCIL MEMBER JAMES: But according to this table those funds were eliminated last year and in Fiscal Year 2010 they've been put back.

ADRIAN BENEPE: No, I don't think any funding was eliminated for Central Park. It was probably the increase.

COUNCIL MEMBER JAMES: So the increase for last year was what?

ADRIAN BENEPE: What was the increase, David? This is David Stark, who is our Assistant Commissioner and Chief Fiscal Officer.

COUNCIL MEMBER JAMES: Thank you, Mr. Stark. I just want to make sure that all parks are being treated fairly.

ADRIAN BENEPE: Central Park gets a lot less public funding on a per capita and any other basis than most parks.

DAVID L. STARK: It's really a technical issue. Since it has nothing to do with programs, I can respond to you. What happens is every year 50 cents of the revenue raised there above \$6 million, they get a piece of that. So we have to adjust since they're paid based on the prior year. So they put the increment in and then take it out and we adjust each year. So you'll always see money coming in and out of the budget.

COUNCIL MEMBER JAMES: Just making sure. I love my Manhattan colleague but I love Brooklyn colleagues and my constituents more. Thank you. Happy Memorial weekend.

ADRIAN BENEPE: Thank you.

CHAIRPERSON FOSTER: Council Member Cowley.

COUNCIL MEMBER CROWLEY: Thank you, Chairwoman Foster. Good afternoon, Commissioner. Interestingly enough, today as I left my house, the trees on my block were getting pruned. I've lived there about seven years and that was the first time that I could remember, which was nice.

ADRIAN BENEPE: Right on time, a seven-year pruning cycle.

COUNCIL MEMBER CROWLEY: However, I'm curious to know what the cost benefit is of contracting it out? I believe you do contract out the majority of the work.

ADRIAN BENEPE: All of the block tree pruning is done through contracting out. You can get a lot more bang for your buck if you just go down a block and just prune, prune, prune and you have one crew going down as opposed to hit or miss pruning. We do pay prevailing wage and it's all monitored by and enforced by the controller's office. So we do exactly what we're supposed to do based on all the applicable procurement and prevailing wage laws.

COUNCIL MEMBER CROWLEY: Have you examined or thought about hiring a number of workers from within the Parks Department or expanding your forestry?

ADRIAN BENEPE: We did expand quite dramatically through PlaNYC. What's the expansion, Fiona? We had a 25% growth in our fulltime sort of civil service city staff taking care of trees. We added both climbers and pruners and foresters. We added 40 foresters against a

base of 20. So we tripled the number of foresters. These are people who oversee the planting and pruning programs. We had a 25% increase in our permanent forestry workforce. It has gone up and we think they're terrific. If the budget allowed, we'd like to do more.

COUNCIL MEMBER CROWLEY: Is that part of your green jobs training program? You mentioned that earlier. I'd just like to know a little bit more about that particular training program.

ADRIAN BENEPE: It is. In fact, when we had a press conference with the Secretary of Agriculture and Mayor Bloomberg up in the Bronx, I was very impressed to see some of our relatively new trainees zipping up the trees. The idea we hope is that as part of the Million Trees green jobs training program, the young men and women who are participating that some of them will graduate into fulltime jobs. We will have an opportunity through that federal funding to hire seven or eight at the Parks Department alone. There will be another seven hired at the New York Restoration Project and then at other nonprofit

organizations through that federal funding. We think this is one good source of potential climbers and pruners going forward.

COUNCIL MEMBER CROWLEY: But it's a relatively small class. If there are people in my community that are interested in that type of work, is there a place that they could apply for training?

ADRIAN BENEPE: We'll see if the training program gets funded again. This was originally funded through private grants. It's been very successful so we're going to try to get more private funding to come into the program and see what we can do.

LIAM KAVANAGH: In addition to that, one of our nonprofit partners in the Million Trees initiative, an organization called Trees New York, they run a tree climbing school in which they take novices, people who have no experience in climbing trees and doing tree work and teach them the basics. It's actually taught by a former Parks Department forestry manager. It's been a successful program. I don't know when their next class starts.

2 COUNCIL MEMBER CROWLEY: Where is
3 the school located?

4 LIAM KAVANAGH: They actually train
5 in parks throughout the city.

6 COUNCIL MEMBER CROWLEY: In a
7 particular borough, or it just travels?

8 LIAM KAVANAGH: They've traveled
9 around a bit. I know they've trained in Manhattan
10 and in Queens on occasion. I'm not sure what
11 their schedule is, but it is a possible place
12 where people can get started in that field.

13 ADRIAN BENEPE: In terms of the
14 green jobs training program, Commissioner Donoghue
15 has just told me that we're funded to do another
16 class beginning in October and you can apply
17 online. There will be about another 25-30
18 positions for the green jobs training program.

19 COUNCIL MEMBER CROWLEY: The
20 application is open right now? These are good
21 jobs, right? They're like \$40,000 a year?

22 ADRIAN BENEPE: Not in the training
23 program.

24 COUNCIL MEMBER CROWLEY: No, upon
25 graduation.

2 ADRIAN BENEPE: They can ultimately
3 if you become a climber/pruner, these are good
4 jobs.

5 COUNCIL MEMBER CROWLEY: My last
6 question is about rodents. I imagine raccoons
7 fall in that department? No?

8 ADRIAN BENEPE: Technically,
9 raccoons are not rodents.

10 COUNCIL MEMBER CROWLEY: They're
11 not rodents?

12 ADRIAN BENEPE: They're not
13 rodents.

14 COUNCIL MEMBER CROWLEY: But some
15 of them have rabies, right?

16 LIAM KAVANAGH: I don't know if
17 anyone in New York City do. Raccoons have been
18 known to carry rabies.

19 ADRIAN BENEPE: There have been no
20 reports of rabid raccoons.

21 COUNCIL MEMBER CROWLEY: No?

22 ADRIAN BENEPE: No.

23 LIAM KAVANAGH: Not that I'm aware
24 of.

25 COUNCIL MEMBER CROWLEY: I'm

getting reports in my communities from homeowners. One particular homeowner is an elderly woman who has a dog and she's been afraid on a number of occasions to leave her house. She lives near Juniper Park. I've spotted a raccoon myself. I live near Forest Park. I'm wondering, is it alarming to the Parks Department? Is there a need to chase these raccoons away?

ADRIAN BENEPE: The raccoons were here long before we were. The raccoons are not new arrivals to the city. Long before the Native Americans and even Europeans, the raccoons they were all over. It's a sign of a healthy forest. I think if you pretty much leave them alone, they'll leave you alone. The fact that you see them in the daytime does not mean they're rabid. It just means they're more accustomed to being around humans. The most raccoons I've ever seen are right around where I work in Arsenal Central Park. There must be 10 or 15 raccoons who sort of circle around at night. They even come into our offices. The Health Department would know and would alert us if there were a problem with rabies in the raccoon population. I think people should

2 sort of treat raccoons with the same respect you'd
3 treat any form of wildlife that you would
4 encounter. They don't just live in parks. They
5 live in backyards and front yards and they're
6 around us. Just be careful with them. I wouldn't
7 try to pet a raccoon.

8 COUNCIL MEMBER CROWLEY: Is there a
9 way to get rid of them? What can I suggest to the
10 lady?

11 ADRIAN BENEPE: There is no program
12 to remove raccoons. They're not considered to be
13 a threat to public health. I think trying to
14 share the planet is probably the best possible way
15 to deal with raccoons and treat them with respect.
16 Don't leave garbage around. Cover your garbage
17 up. Have a tightly fitting lid. They'll come
18 after garbage. So I think if you keep your
19 garbage indoors until it's time to be picked up or
20 you have tight-fitting lids on garbage cans,
21 that's the best way to deal with the raccoon
22 population.

23 COUNCIL MEMBER CROWLEY: Do they
24 have like a home? Do they make a nest for
25 themselves?

2 ADRIAN BENEPE: They tend to live
3 in the hollows of trees.

4 COUNCIL MEMBER CROWLEY: Thank you
5 very much.

6 ADRIAN BENEPE: You're welcome.

7 CHAIRPERSON FOSTER: Thank you. I
8 have just a few more questions. In the Executive
9 Budget it includes revenue of \$800,000 from the
10 Yankee Stadium lease. What are the terms of the
11 lease? Why don't you just stay up here?

12 DAVID L. STARK: The least for the
13 new Yankee Stadium is not being managed by the
14 Parks Department. It's being managed by the
15 Industrial Development Agency. A sub group of the
16 IDA is managing the license. The payment comes
17 through the Parks Department because the stadium
18 is on parkland. Macombs Dam Park remains
19 parkland. It was never alienated. So as the
20 owner, there is an \$800,000 lease payment
21 throughout the course of the lease terms that
22 comes through the Parks Department. We just pass
23 it on to the general fund.

24 CHAIRPERSON FOSTER: You pass the
25 \$800,000 on to the general fund?

2 DAVID L. STARK: All revenue that
3 comes to the Parks Department by charter goes to
4 the general fund.

5 ADRIAN BENEPE: We don't keep any
6 of the revenue from any of the licenses or leases,
7 such as the parking lots, the cafes, the hotdog
8 carts. It all goes to the general fund. It's
9 about \$90 million or so a year, which pays for
10 basic city services like teachers and firefighters
11 and so on.

12 CHAIRPERSON FOSTER: Tree pruning.

13 ADRIAN BENEPE: Tree pruning. Even
14 a piece comes back to the Parks Department.

15 CHAIRPERSON FOSTER: What portion
16 is the Parks Department getting from the auction
17 of Yankee Stadium?

18 ADRIAN BENEPE: The Parks
19 Department is not getting any of that. That's
20 also going to the general fund.

21 CHAIRPERSON FOSTER: That doesn't
22 make you mad?

23 ADRIAN BENEPE: No.

24 CHAIRPERSON FOSTER: Let me turn it
25 around.

2 ADRIAN BENEPE: It's the city law.
3 If we took the money then that would be against
4 the law.

5 CHAIRPERSON FOSTER: We'll turn it
6 around. If the charter were changed, how much
7 would you enjoy being able to keep a portion of
8 the money raised by concessions in the Parks
9 Department?

10 ADRIAN BENEPE: That money gets
11 counted towards the general tax levy and the needs
12 of the city. Look, I think any agency is you said
13 we'll add \$90 million to your budget and not take
14 it out the other side, that'd be great. But all
15 that money is fungible. So I don't think OMB
16 would want to have a \$90 million hole in the
17 city's budget. I speak to some of my colleagues
18 in other cities, for instance in Chicago.
19 Everybody says Chicago is great because they get
20 to keep their revenue. But they depend on the
21 separate tax levy for the park district. They
22 always have problems because they say you've got
23 enough revenue, why should we give you any more
24 money. So the mayor never adds money to the parks
25 budget because it all comes from this separate

taxing source. Here's the worry I think theoretically. If somebody said to the Parks Department you get to keep all of the revenue you can earn on the parks. You thought, well let me balance my budget by bringing in a lot more revenue. I think there would be a lot more aggressive pursuit of revenue on parkland. Some people have a sensitivity to that issue. If we were required to balance our budget by seeking to put up more parking lots or do more things in parks to get a lot more income in, there would be a temptation to do that, as you see in other cities.

CHAIRPERSON FOSTER: I think there is a conversation that can be had for New York City leading the way and showing other cities how it can be done without the negatives attached to it. But nonetheless, let me ask my last question. Has there been a drop-off in private funding to the parks?

ADRIAN BENEPE: I'd say yes. The ten major organizations that support parks, that includes the Central Park Conservancy and the Prospect Park Alliance, like all the other

2 nonprofits have seen a fall off in funding. The
3 City Parks Foundation has seen a fall off in
4 funding. Everyone has seen a fall off in funding.
5 Those who depend on large endowments have seen a
6 big decrease in the value of their endowments. So
7 as with the entire economy and all nonprofits,
8 there has been a fall off in income.

9 CHAIRPERSON FOSTER: Thank you very
10 much.

11 ADRIAN BENEPE: Thank you very
12 much.

13 CHAIRPERSON FOSTER: Our last
14 panel, David Rivel, Sheila Feinberg and Robert
15 Cook.

16 DAVID RIVEL: Thank you. Tell me
17 when you're ready.

18 CHAIRPERSON FOSTER: I'm ready, I'm
19 listening.

20 DAVID RIVEL: I'm David Rivel. I'm
21 Executive Director of the City Parks Foundation.
22 Commissioner Benepe put the relationship quite
23 well. The Parks Department is in charge of
24 building parks and keeping them clean and safe and
25 the City Parks Foundation is in charge of doing

programs in parks and making sure that citizens are productively involved in their parks. We have a leadership request before the City Council of \$200,000. In order to be able to preserve our free programming for kids, adults and seniors in parks all summer, we would very much need this money. As Commissioner Benepe said, our private fundraising is down. Last year we raised about \$6 million and this year we expect to raise no more than \$5 million and perhaps less. So we are trying very much to continue our sports programs, our education programs, our arts and cultural programs in parks all around the city. We currently work in about 850 parks, reaching 600,000 people, particularly in low and moderate income neighborhoods, people who in this economy you could argue need our services more than ever before. Most important, what we do is we work with community groups that are working to support their local park. In a time when government doesn't have as much money to spend in parks, it's these local friends groups that are going to be the ones that are going to really keep their parks active, healthy and safe. So we would very much

1 appreciate your advocacy of our leadership request
2 with the Speaker. It's just \$200,000 for every
3 council district total around the city and we'd be
4 very grateful.
5

6 CHAIRPERSON FOSTER: Thank you.
7 Sheila?

8 SHEILA FEINBERG: I'm Sheila
9 Feinberg from New Yorkers for Parks. I just have
10 a couple of comments to make. The Executive
11 Budget for FY 2010, the mayor has proposed only
12 \$256 million for the Parks Department. Although
13 the Parks Department budget has increased slightly
14 since the preliminary budget was released, this
15 additional funding only covers collective
16 bargaining and increases for gasoline, et cetera.
17 None of the essential programs that were cut in
18 January's budget, like seasonal staffing and tree
19 pruning have been restored. In fact, those cuts
20 have worsened since the January plan. If the
21 Mayor's Executive Budget is passed, the Parks
22 Department will have lost \$25 million in
23 operations funding since 2007. This would
24 represent the greatest consecutive cut in over 15
25 years to the Parks Department. I just have to put

in a plug for some of our work. As you can see in our newly released City Council District profiles, which I can make available to you, and the others when they come later, we can get that information out to you so you can see how the funding has actually decreased in the past two years.

Unfortunately the gains in funding that we did see at the beginning of the Bloomberg administration are being lost. Without restoration of

maintenance programs, the improvements that our parks have seen will be endangered. I want to get to the restorations. We would like the City Council to restore the following central programs.

For seasonals, we would that you restore this funding for \$10 million, and for tree pruning that you restore this funding for \$3.5 million. I

think everyone has stated the case before me for those two essential programs. In conclusion,

among the many benefits, urban parks help relieve stress, provide free recreation opportunities for families and offer solace and comfort, all

benefits that are even more pronounced during a time of layoffs and fiscal stress in this city.

We respectfully ask that the City Council

sufficiently fund Parks this year so that New Yorkers may continue to rely on the public space that is clean, safe and green. Again, we're asking that you restore seasonal staffing at \$10 million and tree pruning at \$3.5 million. Finally, I just want to say that this morning we had Parks Advocacy Day and we had about 150 park advocates. You'll be hearing from them as well. Thank you.

CHAIRPERSON FOSTER: Thank you.

ROBERT COOK: Good afternoon.

Thank you very much for giving me the opportunity to testify. I'd like to speak a little bit about the Executive Budget for FY10. My name is Dr. Bob Cook. I'm the Executive Vice President and General Director of the Living Institutions for the Wildlife Conservation Society. Since 1980, the Wildlife Conservation Society and the New York City Parks Department, through a management agreement, have worked together to ensure quality zoo management at the Prospect Park, Queens and Central Park Zoos. Together we provide an important public good for nearly a million and a half city residents annually, particularly in

their boroughs. We provide our citizens with a vital link to the natural world through state of the art exhibits, affordable wholesome family recreation, informal science and environmental education and economic stability and growth. Our environmental education extends beyond our fences, reaching out into the local under-served neighborhoods of the Bronx with the creation of the Urban Assembly School for Wildlife Conservation, now in its second year. We are educating the next generation of biologists, veterinarians, horticulturalists, landscape artists, and designers through a unique partnership with the Department of Education, Urban Assembly and the Phipps Community Development Corporation. In Brooklyn, we're working with the Rachel Carson School for Coastal Studies to reach similar goals for teaching children in the hopes of creating future generations of conservation-minded adults. We have the continued support of Mayor Bloomberg, Speaker Quinn, the New York City Council, the necessary operating funds to the New York City Department of Parks and Recreation in this year's

executive budget will continue to provide general operating support for the three city zoos. This funding is critical to daily operations and maintaining the level of service to our visitors. Especially now as the economic crisis continues to diminish salaries and jobs, New York City residents are looking for recreation venues closer to home. As a result, the zoos are experiencing increases in attendance which we believe will continue throughout the summer. Compared to last year at this time, attendance at Central Park has increased 4%, the Queens Zoo has increased 7% and the Prospect Park Zoo has increased 6%. So Central Park's attendance may appear to be growing more slowly, it is just the opposite, as we have experienced totals of over a million guests per year for the last three years. The Parks Department in collaboration with the Office of Management and Budget continue to provide essential capital infrastructure funds for our aging facilities. These funds support the refurbishment and maintenance of these parks which will improve the guest experience, increase attendance, protect the health of our animals and

support the work of WCS. This collaboration exemplifies the importance of these zoos to their respective boroughs, the diverse communities they serve and New York City as a whole. We are happy to announce that the snow leopard exhibit at the Central Park Zoo will open on June 11th, 2009 and the jaguar exhibit at the Queens Zoo is currently in design. Each of these cats is a critically important species and continues to be a focus of WCS' Big Cat Conservation Program. We hope you will continue to champion the Prospect Park, Queens and Central Park Zoos by supporting future capital funding for new exhibits and by maintaining the support for the Parks Department. These are terrific and iconic zoological parks which provide a unique and important service to our citizens and to our many visitors from around the world. New York City's continued investment is critical to the future of these zoos. Thank you very much.

CHAIRPERSON FOSTER: Thank you.

CHAIRPERSON WEPRIN: Thank you.

We're now going to hear from the remaining individuals, if you can come up. It's kind of two

groups but you might as well all come together because there are only five of you. Josefina Bastidas from the Center for Community Alternatives, Tracie Gardner from the Legal Action Center, Joel Copperman from CASES, Eddie Rodriguez, President of Local 1549 of DC 37 and Ralph Palladino, Vice President of Local 1549.

JOEL COPPERMAN: I'm Joel Copperman. I'm the Director of CASES. I'm here on behalf of the Alternatives to Incarceration and Re-Entry Coalition. As you know, we are seven programs and some information about those programs are in the material that we have given you. I want to talk about two issues today that I think are particularly important at this point in time. One is savings and the other is public safety. First, it's important to know when people think about our programs, we think about correctional savings. There are other savings that are achieved from our programs as well. For example, in the mental health program that CASES runs, we have reduced psychiatric hospitalizations by 56%. There are savings in emergency rooms and shelters. We're finding people jobs. They are paying taxes.

CEO, one of the organizations in our coalition, their clients have paid a million dollars in child support. So there savings achieved by our programs that are outside of the correctional world. Then, of course, there are the correctional savings. People who come into our programs tend to get out of detention more quickly than others, saving the Department of Correction detention beds. We operate as an alternative to incarceration. So there's cost avoidance for the people we serve in either city jails or state prisons. Other savings that we produce are tied to recidivism, which is of course, also about public safety. The individuals who come into our programs are less likely to commit new crimes. For example, two programs that are run by CASES, one program with young people who all have committed a felony walking into our program. You should not that they are in their high crime years when they come into our program. These are teenagers. For our graduates, 80% of them are crime free two years after their graduation. If you don't include misdemeanors, then it's 88%. So then everybody has committed a felony when they

come into our program, two years later, 80% have committed no crimes, another 8% have only committed a misdemeanor. In our mental health program, these are all people who have serious and persistent mental illness. We did a study of those individuals. They, too, have all committed a felony when they come into our program. During the course of a one and a half year study, 72% had no re-arrests, and 82% had no criminal convictions. So the point I'm trying to make here is that the ATI and the re-entry programs make an important contribution to savings for the city, immediate savings for the city, and we also enhance public safety in the city. Thank you. You've heard me before though.

CHAIRPERSON WEPRIN: You're third time this week.

JOEL COPPERMAN: Do you have another hearing coming?

GEORGIA LERNER: Good afternoon. I'm Georgia Lerner, the Executive Director of the Women's Prison Association and a member of the ATI Coalition. I appreciate having the opportunity to share with you the importance of the city's

alternative to incarceration programs as vehicles for responding to crime and improving public safety at a lower cost than jail and prison.

While our programs are more economical than incarceration, they are not free. So I am here to impress upon you the importance of continued support for these initiatives. After several years of reduced and then level funding, our dollars were cut significantly, by almost 40% last year, and we were forced to cut essential staff and to reduce the number of people we serve. Our programs could not survive another such reduction.

The significant short and long-term benefits of investing in ATI extend beyond criminal justice to many areas of city life. ATI and the re-entry program save money because a day in any of these community programs is less expensive than a day in prison or jail. These programs save money because people graduate from these programs in less time than they would have spent in prison. One woman who spends a year in an intensive residential ATI program instead of four years in prison, saves the city and state well over \$100,000 in incarceration costs alone. ATI and re-entry programs save money

because graduates of ATI programs are less likely to be arrested and convicted of new charges than their peers who go to prison, 20% compared with about 70% of people who go to prison. Re-entry programs save money by connecting people with immediate and concrete assistance upon release from jail and prison. The risk for re-arrest is great during the first weeks and months after release, so it's especially important to help people weather this unstable period. Connecting with people before they leave prison and jail to plan what they'll do when they get out not only assures that someone has a place to go, it also let's her know that there are people in the community who are interested and care what happens to her. When a woman comes home, she needs a place to stay, a legal way to get money, drug treatment and other health and mental health care and she wants to connect with her family. To get these things a woman needs identification and usually temporary public assistance. Re-entry programs, including WPA's Community Linkage Unit help people obtain these things and program leaders have been instrumental in helping to

change jail and prison practices so that it's sometimes possible to get these things immediately upon release. 75% of women in prison have children and most want to reconnect with and care for those children when they return home. Often they're at risk for losing their rights if they don't act quickly. Our re-entry programs help people connect with their families while saving courts in family court. Women as ATI programs deserve a particular focus because the potential for savings are great. Women in prison generally have poor educational histories and a lack of work history. In an ATI program a woman can advance her education while also getting vocational training and also learning independent living skills that would help her sustain herself in employment. Our graduates participate in the workforce, pay rent, care for their families and live law-abiding lives. Their experiences in ATI programs give greater self-awareness and the new experience of getting positive results through their own constructive behavior. WPA and the entire coalition of ATI providers appreciate and encourage the Council to maintain its investment

in these programs that are so critical to the safety and well-being of New Yorkers.

CHAIRPERSON WEPRIN: Thank you.

TRACIE GARDNER: I'm Tracie Gardner with the Legal Action Center. I'm the Director of New York State Policy there. I've submitted remarks but really you don't have to read them. I want to talk a little extemporaneously in the three minutes about the crucial role that City Council funding has played historically and continues to play for ATI and re-entry programs, and especially given whether you believe or don't believe the true impact of Rockefeller Drug Law reform, the reality is that it was public policy that destroyed families, that made communities weaker and we have done some historic reform that's going to change how business is done in the state. The point I would make about the occasion of Rockefeller Drug Law Reform is that the ATI Coalition, the ATI and re-entry programs have been on the front line of work with the communities who have been hardest hit by Rockefeller Drug Laws and will be instrumental in all collateral areas that Rockefeller will seek to improve, whether it's

drug treatment, whether it's alternatives to incarceration or programming in communities. We are now addressing addiction as a public health issue, less so as a criminal justice issue and employing the expertise that's in the criminal justice system to meaningful address the impact of these laws. That's whether it's CASES and their work with the young people who are coming from families that have been affected by drug law, or WPA and CCA who have unique women's programs, CEO which puts people to work right away, in very specific ways we've been able to address what people's needs are. We've been able to engage across systems, whether it's child welfare, probation, parole, or judicial to help address people's issues in their life so they can successfully reintegrate back into their home and community. That need will be especially great as we move forward toward Rockefeller reform implementation. We would not have the capacity, the expertise or the experience without critical support from the City Council. We are able to be a resource to the state and to localities because of City Council support. So in that sense, to

2 ensure what we believe will be a successful public
3 policy change, we hope that we can continue to
4 rely on your support. It certainly affects the
5 five boroughs uniquely in the state. Thank you.

6 CHAIRPERSON WEPRIN: We've been
7 joined by Council Member Alan Gerson from
8 Manhattan. No questions, thank you. We'll now
9 hear from Eddie Rodriguez, President of Local 1549
10 and Ralph Palladino, Vice President of Local 1549
11 of DC 37.

12 COUNCIL MEMBER GERSON: Excuse me,
13 if I may, Mr. Chair, I just want to emphasize my
14 declination of asking questions reflects my
15 awareness of and support for the ATI programs for
16 all the reasons the witnesses expressed.

17 CHAIRPERSON WEPRIN: Mr. Rodriguez.

18 EDDIE RODRIGUEZ: Thank you. Good
19 afternoon. My name is Eddie Rodriguez. I am the
20 President of Local 1549, District Council 37. I
21 represent 18,000 members. I want to thank you for
22 giving me this opportunity to speak with you
23 today. Approximately 3,000 of my members are
24 assigned to the police department in civilian
25 titles of police administration aide and senior

police administration aide. In September 2004, the union prevailed in arbitration proceeding where the arbitrator, Marice Benewitz, directed the police commissioner to immediately desist and cease assigning clerical and administration to able-bodied uniform personnel. He ruled that those duties must be assigned to police administration aides and senior police administration aides. In 2005, the New York State Supreme Court confirmed the award, which was again appealed. In 2007, the Appellate Division upheld the union's confirmed arbitration decision. I'm not going to read everything. I'm going to just make it short and sweet. Adding insult to injury, the police department has also not complied to two arbitration awards citing that the traffic enforcement agents and school safety officers were doing clerical and administration work and that this practice should cease immediately. These difficult economic times demand that these clear cost savings to the city must be fully implemented without further delay. As the union has prevailed in the arbitration and two court cases, the only legal remedy left is to commence a contempt

proceeding against the city, the police commissioner and the Office of Labor Relations. It's our belief that such action should be unnecessary. It is time for the city to realize the true costs savings which may be obtained through civilianization. To best learn about what civilians do, I would like to invite you and the committee to a PAA/Clerical Chapter meeting and hear from my members about the police administration working in payroll, roll call, telephone, switchboard and also Integrity Control Office. In conclusion, I know that you have the best interests of the citizens in this great city. I know you will investigate this matter fully. I am sure your findings will surprise you. Again, thank you for giving me this opportunity to bring this most serious matter to your attention. I would be glad to answer any questions at this time. Sorry, I'm a little nervous. I also attached a list of my members who have taken the exam, called the police administration aide list that was published April 1st. Hopefully it will be out by June. There are people on this list that can do the job.

CHAIRPERSON WEPRIN: Absolutely. I know the hard working men and women of your union work very hard for sometimes not the best of wages. We appreciate that work and you have very strong support here in the Council.

EDDIE RODRIGUEZ: Thank you.

CHAIRPERSON WEPRIN: Mr. Palladino.

RALPH PALLADINO: Good day, Chairman Weprin and Council Member Gerson. Civilianizing the NYPD makes sense from a public safety and finance point of view. We have documented 3,500 civilian positions that are being occupied by uniform officers. That's why we won the arbitration against the NYPD. Police officers make twice the annual salary than do clericals. Controller Thompson and former Controller Hevesi both estimated cost savings by civilianizing. The Hevesi savings was \$36.2 million over a decade ago. We estimate the cost savings to taxpayers at \$127 million a year. Think of the tax dollars that could have been saved over the last 20 years if the city had listened to us then. More officers on the street instead of behind desks means safer streets. This is exactly what Suffolk

County did and when it successfully civilianized the police department a few years ago. The NYPD has submitted an application for funding to hire 2,000 uniformed officers through President Obama's CPPS Hiring Recovery program, designed to both enhance public safety and jobs. Sadly, the NYPD plans to use the new officers to either directly fill the reduced clerical positions or use the new officers to replace current officers who will do so. Most of these officers don't even live in New York City. Nearly all the clericals in the NYPD and on the current civil service list do. DC 37 and Local 1549 support the hiring of more police officers. We want to make the city safer. We support getting stimulus funding to do it. But we cannot support using those funds directly or indirectly to aid and abet the city in reducing jobs of New York City residents who need them. There is a need for jobs in the city. Having able bodied New Yorkers working in clerical positions in the NYPD would help reduce unemployment, mean more working people would spend more money in the local businesses and they would pay taxes. By the way, they would also be able to pay for their

homes and their rent. The City Council could avert these reductions by supporting Speaker Quinn's proposal for a wealth tax. Revenue raising, ending wasteful contracting out and committing to civilianizing all the uniformed agencies saves money in the long run. That is the way to balance the city's budget. It also means job creation. Just one last point, the NYPD is not the CIA, it's not the army, it's not the FBI, it is a civilian agency. It should be definitely held to accountability to the people of New York and clericals taking statistics and things like that, you need to have civilians doing that. Having police officers watching their own backyard is not the way to go in our opinion. We think Ray Kelly is wrong. Thank you.

CHAIRPERSON WEPRIN: We appreciate your comments, Mr. Palladino and it's something that we're concerned about as well. We've been talking about this for a number of years. But if there were ever a need to save money in the budget, this is the year.

RALPH PALLADINO: Think of what we could have saved way back when.

2 CHAIRPERSON WEPRIN: Absolutely.

3 Thank you for consciously coming year after year.

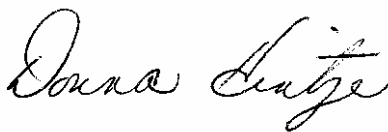
4 We do appreciate it.

5 RALPH PALLADINO: Thank you. Thank
6 you for staying.

7 CHAIRPERSON WEPRIN: No problem.
8 Would anybody else like to testify? Going once,
9 going twice, okay, we're going to adjourn this
10 Finance Committee hearing. There will be a
11 Finance Committee meeting tomorrow at 11. Not a
12 budget hearing, but a meeting to take up a
13 transparency resolution in the budget. The next
14 budget hearing will not reconvene until this
15 coming Thursday at 3 p.m. right here in the
16 chamber where we'll hear from the School
17 Construction Authority. Other than we're
18 adjourned.

C E R T I F I C A T E

I, Donna Hintze 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, reading "Donna Hintze", is written over a light gray rectangular background.

Signature_____

Date _ June 15, 2009 _____