

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON FINANCE
COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES

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May 14, 2013
Start: 1:10 p.m.
Recess: 5:17 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E: DOMENIC M. RECCHIA, JR.
ELIZABETH S. CROWLEY
Chairpersons

COUNCIL MEMBERS:
Gale A. Brewer
Leroy G. Comrie, Jr.
Lewis A. Fidler
Helen D. Foster
Robert Jackson
G. Oliver Koppell
Darlene Mealy
Diana Reyna
Joel Rivera
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A P P E A R A N C E S

COUNCIL MEMBERS:

James G. Van Bramer
Vincent M. Ignizio
James S. Oddo
Mathieu Eugene
Vincent J. Gentile
Peter F. Vallone, Jr.
Ydanis A. Rodriguez
Rosie Mendez

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

Salvatore Cassano
Commissioner
New York City Fire Department

Dora Schriro
Commissioner
New York City Department of Corrections

John Feinblatt
Criminal Justice Coordinator
Mayor's Office

Stephen Banks
Attorney in Chief
Legal Aid Society

CHAIRPERSON RECCHIA: Good

afternoon. Good afternoon, Commissioner. What better way to spend a beautiful, sunny May day, right? Council Member Crowley and I look forward to hearing from you. We welcome you to the City Council's hearing on the mayor's executive budget. This is our fourth day. My name is Domenic M. Recchia, Jr. I am the chair of the Finance Committee. I am here with my co-chair, Liza Crowley, and we have been joined by Council Member Peter Vallone, Council Member Leroy Comrie, Council Member Al Vann and other council members will be coming in. Yesterday we heard from the Department of city-wide services, the Board of Elections, the Office of Administrative Trials and Hearings and the Law Department and the Campaign Finance Board. Today the Finance Committee will be joined by the Committee on Fire and Criminal Justice Services chaired by my colleague, Council Member Liz Crowley. We will hear from the Fire Department of New York City, Department of Corrections, the Criminal Justice Coordinator, and the Legal Aid, which means that we will be here for the next five hours. Before we get started, I

1 want to remind everyone that the public hearing
2 will allow the public to testify on the fifth day
3 of June, the last day of budget hearings at four
4 o'clock. The public sessions will be in these
5 chambers. For members of the public who wish to
6 testify, but cannot make it on that day, you can
7 submit your testimony and fax it over to my
8 lawyer, Tanisha Edwards at 212-788-7061. Today we
9 will begin our executive budget hearing with the
10 Fire Department of New York. The Fire
11 Department's budget totals \$1.7 billion dollars,
12 which reflects an increase of 2.1 million from
13 last year's adopted budget. Part of the increase
14 is from the funding of new ambulance tours as well
15 as other new needs included projected deficits in
16 the headcount of EMS workers and fire marshals.
17 Also this budget does not include the Council's
18 restoration of 20 fire companies and again
19 proposes to eliminate 20 engine companies, which
20 would cost \$59.2 million to preserve. I am
21 looking forward to hear from the commissioner to
22 learn more about the ways this executive budget
23 affects the fire department, but before we hear
24 that, I would like to turn the mic over to my co-

1 chair, Liz Crowley.

3 CHAIRPERSON CROWLEY: Thank you,
4 Chair Domenic Recchia, Chair of Finance. Good
5 afternoon. My name is Elizabeth Crowley. I am
6 the chair of the Fire and Criminal Justice
7 Services Committee here at the Council. I'd like
8 to thank Commissioner Cassano and all the chiefs
9 and all the people here from the Fire Department
10 for coming today to testify. My greatest concern
11 with the budget proposal for the Fire Department
12 is the revived plan to close 20 fire companies.
13 The threat of closing fire companies has appeared
14 in budgets for four consecutive years. Each year
15 the Council has kept these companies open.
16 Details of this year's proposed closures and its
17 impact has not been fully disclosed to the
18 Council. Among the other concerns I have is that
19 of current operations. With the full complement
20 of the present resources available including the
21 20 fire companies subsidized by the Council how
22 often is the Department not operating with enough
23 resources? I understand the Department enters
24 into fallback more regularly and that most of the
25 boroughs--boroughs often such as Staten Island and

1
2 Queens they happen to go into this fallback mode,
3 which becomes more prevalent across the city
4 during emergency wide situations such as recent
5 super storm Sandy. I am also concerned about
6 reports of a shortage of EMS operators and
7 implementation of excessive mandatory overtime for
8 these operators. According to the Daily News just
9 last week recently May 6th, 2013 article entitled
10 New York's 911 Emergency Call Center Suffering
11 from Major Shortages in Operation. It said in
12 that article that it is critically low amongst
13 dispatchers handling emergency medical calls,
14 forcing the FDNY to impose mandatory overtime and
15 pulling operators from one shift to cover other
16 shifts. These working conditions prolong response
17 times and compromise the safety of New Yorkers.
18 While emergency calls go unanswered, who helps?
19 When operators are fatigued or overstressed, how
20 does that affect their quality of work? We will
21 now further explore the Department's 2014 budget.
22 I look forward to hearing what the commissioner
23 will testify today, and unless my co-chair has any
24 further statements - - recognize any more
25 colleagues who have come?

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2 CHAIRPERSON RECCHIA: Mathieu
3 Eugene--we have been joined by Council Member
4 Mathieu Eugene and Jimmy Oddo and Vincent Gentile.
5 Commissioner, you're on.

6 COMMISSIONER CASSANO: Okay. Good
7 afternoon, Chairpersons Crowley and Recchia and
8 council members. Thank you for the opportunity to
9 speak with you today about the executive budget
10 for fiscal year 2014 for the New York City Fire
11 Department. I am joined this afternoon by our
12 chief of department, Edward Killduff [phonetic],
13 our first deputy commissioner, Don Shacknye
14 [phonetic], assistant commissioner for budget,
15 Steve Rush. Also here is our chief of fire
16 operations, James Esposito, chief of EMS
17 operations, Abdo Lamode [phonetic] and other
18 members of my senior staff. Before turning to the
19 budget, I wanted to update you the Committee on
20 our firefighter hiring. The first class of
21 probationary firefighters in nearly five years
22 entered the fire academy in January and will be
23 graduating this Friday. I am enormously proud of
24 the success of this class, all EMS promotees
25 [phonetic], who spent 18 weeks at the fire

1 academy. I am also extremely proud that this is
2 the most diverse class in FDNY history--40 percent
3 of the graduates are people of color, 5 are women.
4 We expect our classes of new firefighters during
5 the next five years to be similarly diverse.

6 Turning to the budget, I can say that despite the
7 budget cuts of the last several years, we have
8 many achievements in the past 12 years including
9 record low fire fatalities and the fastest
10 response times in history despite an all-time
11 higher number of EMS incidents. As we look
12 forward to the next fiscal year however, we again
13 face the budget challenges including the proposed
14 closure of 20 fire companies. As you have heard
15 me testify at previous budget hearings, we have a
16 definite difficulty maintaining our performance
17 standards if we close that many companies. Every
18 community in the city will be affected, and I hope
19 this does not happen. Working with OMB we do have
20 several new needs that have been funded. As I
21 mentioned, we have resumed firefighter hiring
22 after four and a half years. As a result of the
23 stepped up hiring both fire fighters and EMS
24 personnel, additional PS and OTPS funding in the
25

1 amount of 1.2 million was needed in human
2 resources and health services. Similarly to
3 address the increased demand for firefighter
4 uniforms and equipment, 5.4 million OTPS funding
5 has been added for our new quartermaster to ramp
6 up its operations. The budget also includes
7 \$400,000 for PS funding for long term planning and
8 maintenance of our risk based inspection system
9 ARBUS [phonetic]. With ARBUS our fire companies
10 are now able to focus their inspections on the
11 highest risk buildings and management can monitor
12 the timeliness and effectiveness of those
13 inspections. As I discussed with you at the
14 budget hearing in March, we are also equipping all
15 of our EMS ambulance crews with a mobile
16 electronic patient care record, EPCR, an
17 electronic tablet that transmits patient
18 information to receiving hospitals and to the on
19 duty FDNY physicians. In FY '13 one million for
20 expense and 5.9 million in capital has been added
21 to support this initiative. These funds will
22 cover the cost of mobile data terminals, training
23 and other equipment and supplies. City-wide
24 rollout is expected before the end of this year.
25

2 We have 1.3 million of funding approved to replace
3 firefighters' safety equipment including ropes,
4 harnesses, descenders [phonetic] and face pieces
5 that have reached the end of their useful lives.
6 The FDNY is also adding 24 new EMS positions to
7 replace six ambulance tours previously operated by
8 Westchester Square Hospital in the Bronx. The
9 cost of assuming these tours is 1.2 million
10 expense for FY '14. On the revenue side, total
11 EMS revenue in FY '14 is projected to be 203.9
12 million, almost a million more than FY '13 due
13 again to the increase in the EMS tours as I
14 mentioned. We forecast an increase in the Bureau
15 of Fire Prevention revenue generated from the
16 inspection of in building radio communication
17 systems, fire alarm systems, and licensed places
18 of public assembly. On the capital budget side,
19 the Department continues to deal with capital
20 funding constraints, but is facing no new
21 reductions. The city has increased funding by
22 more than 100 million. The Health and Hospitals
23 Corporation's ten year plan for the purchase of
24 more ambulances; over the next two fiscal years,
25 we will produce 200 new ambulances. Funding was

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2 also secure for enhancement of our fire house
3 alert system including 17.7 million in funding
4 over the next four years beginning in FY '13. We
5 thank this Committee and the entire City Council
6 for their ongoing support and at this time, I
7 would be happy to take any questions.

8 CHAIRPERSON RECCHIA: Thank you,
9 Commissioner. That was short. That is the way
10 that we like it. We have lots of questions. My
11 colleagues I am sure have a lot of questions. I
12 just want to first start off by addressing the
13 issue of the 20 fire companies. Again, this is
14 something that we put the money back in in the
15 City Council every year. What have your
16 conversations been or what are you doing to try to
17 make this money base lined, so it doesn't have to
18 come in and come out? What can we do to make
19 this--this has to stop. These 20 engine
20 companies--it is not fair. It is not fair to the
21 people who work in these engine companies. It is
22 not fair to the tax payers. One of the engine
23 companies is in my district--one in Jimmy Oddo's
24 district and Debbie Rose's district--I can go on.
25 But what could we do to stop this? How...?

2 COMMISSIONER CASSANO: Councilman
3 Recchia, I have been given a budget. I have been
4 asked to operate under the constraints of that
5 budget, which right now calls for the closing of
6 20 fire companies. If it has to be done, and I
7 appreciate the Council support in the past, but if
8 I do have to close the 20 fire companies, I will
9 select the 20 companies that will have least
10 impact on our operations, but as I said in my
11 testimony, if 20 companies are closed, there will
12 be no place in the city that will not be affected
13 operationally because if a company is closed in
14 one area, and we need to send support over there,
15 it is going to pull from another area. That is
16 why the entire city would be affected by the
17 closure of 20 fire companies.

18 CHAIRPERSON RECCHIA: You know, you
19 say that no area would be affected by the closure-

20 -

21 COMMISSIONER CASSANO:
22 [interposing] Unaffected.

23 CHAIRPERSON RECCHIA: Unaffected,
24 but yet, when super storm Sandy came and you took
25 fire companies from Brooklyn to go to Staten

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2 Island and my area was affected because there
3 weren't enough support from the Fire Department
4 and for you to come here and say that it won't be
5 affected, I have to disagree with you because I
6 experienced it, and so I think you can say it
7 won't be unaffected, but when we had a crisis
8 super storm Sandy was affected. Alright, and by
9 your testimony today I am a little bit upset that
10 you didn't discuss anywhere in your testimony
11 about capital funding for those fire houses that
12 need help in my district. When are we going to
13 get the money? How are we going to get the money?
14 The firehouses go under every time there is a
15 flood in Coney Island, so what are we doing about
16 that?

17 COMMISSIONER CASSANO: After the
18 last hearing when you brought that question up--
19 let me just go back for one second. I said every
20 area will be affected. There will be no area that
21 is not affected. Every area of the city if we
22 close 20 fire companies will be affected. During
23 super storm Sandy when there was a lull in
24 Bensonhurst and we needed more companies in Staten
25 Island, we had to send companies over there. I

1
2 couldn't leave companies where they weren't
3 running around when Staten Island was affected
4 tremendously, but I understand your concern. Now
5 the firehouses that you say experienced the
6 flooding, we are doing a study on those firehouses
7 to see how we can prevent the waters from coming
8 over and affecting 318 on Surf Avenue, 245. We
9 are doing that. My buildings unit is doing that,
10 and we are going to come up with a plan, and when
11 we come up with a plan that works, I will ask for
12 the funding for it.

13 CHAIRPERSON RECCHIA: Well, I just
14 want you to know, I put in a response to the
15 mayor's proposal, and in my response--it is
16 online, I don't know if you had an opportunity to
17 see it--I put pictures in there. I put pictures
18 of the firehouse, and in my opinion and the
19 engineer that we hired to give us an opinion said
20 that if we build a wall along the water across the
21 street from this firehouse, that will prevent a
22 lot of the flooding into that firehouse in
23 addition to upgrade the sewer system. We can talk
24 more about this, but something has to be done, and
25 I know my colleagues they have lots of questions,

2 and I am sure they are going to bring up the other
3 issues affecting the Fire Department. My co-
4 chair, Liz Crowley?

5 CHAIRPERSON CROWLEY: --Council
6 Member Recchia. Good afternoon, Commissioner.
7 Thank you for your testimony. One of the
8 questions Chair Recchia asked had to do with the
9 budget, and I think you said something to the
10 effect that you do what you can do with the budget
11 that you are given.

12 COMMISSIONER CASSANO: I have to do
13 with the budget that I am given--not can do. I
14 have to.

15 CHAIRPERSON CROWLEY: Are you aware
16 that in comparison to the overall city budget year
17 by year the percent that the Fire Department gets
18 has been decreasing? While it may look like each
19 year you may have more operating funds, but in
20 comparison to other city agencies, you are getting
21 less. Do you think that is fair?

22 COMMISSIONER CASSANO: The budget
23 that I get I operate with. We haven't loss many
24 resources--we lost a lot of civilian hires, which
25 I am getting to hire some of them back. My budget

2 is my budget. What OMB gives me, I will run the
3 Department as best I can.

4 CHAIRPERSON CROWLEY: You maintain
5 your position that if you were to close--the Fire
6 Department was to close 20 fire companies it would
7 drastically impact the safety of the people of New
8 York?

9 COMMISSIONER CASSANO:
10 [interposing] I didn't say that.

11 CHAIRPERSON CROWLEY: Your ability
12 to run the Department--

13 COMMISSIONER CASSANO: I didn't say
14 either one of those. I said it would affect
15 operations city-wide; however, the companies that
16 I select will be the companies that will least
17 affect operations.

18 CHAIRPERSON CROWLEY: Could you
19 tell me how it would affect operations if you
20 close 20 fire companies?

21 COMMISSIONER CASSANO: If I close
22 20 fire companies, if there is a fire in one area,
23 we would have to relocate to that area, so you
24 would have--in the districts that we close, you
25 had an increase in response times.

2 CHAIRPERSON CROWLEY: Will you be
3 able to give the adequate number of apparatus to
4 an alarm to multi-alarms?

5 COMMISSIONER CASSANO: Yeah, we
6 will fill in. Sure, of course.

7 CHAIRPERSON CROWLEY: But
8 currently, and I requested this after our last
9 hearing, and I was hoping to get the information
10 back before today's hearing what I mentioned in my
11 opening statement had to do with going into the
12 fallback mode. Many of my colleagues may not know
13 what the fallback mode is. Can you speak to what
14 the fallback mode is and give us your best
15 estimate as to how often the Department goes into
16 that mode?

17 COMMISSIONER CASSANO: Sure.
18 Fallback mode occurs when it is extremely busy in
19 a certain section of the city. We usually get
20 fallback mode when there is a storm where there is
21 a lot of trees down and we are responding to a lot
22 of incidents, and it happens very infrequently.
23 We do not keep statistics on fallback because it
24 happens very infrequently. It doesn't happen
25 every day. It doesn't happen every week.

2 CHAIRPERSON CROWLEY: But it
3 happens sometimes when there isn't a severe storm
4 happening, and it happens more frequently in the
5 borough I represent. It happens more frequently
6 in Staten Island, two of the boroughs that
7 currently have the highest response times, and
8 probably don't have the level of protection that
9 other boroughs have because their response time is
10 greater.

11 COMMISSIONER CASSANO: It doesn't
12 happen frequently. I said it happens very
13 infrequently.

14 CHAIRPERSON CROWLEY: But you are
15 not keeping statistics?

16 COMMISSIONER CASSANO: We don't
17 keep statistics on it, no.

18 CHAIRPERSON CROWLEY: Can you let
19 me know exactly what is going on with your EMS
20 operators and how you felt about that Daily News
21 report?

22 COMMISSIONER CASSANO: Sure. We
23 are down some staffing in our EMD. A couple of
24 different factors--one of the factors, we had a
25 training site set up. It went to an arbitrator.

2 We had to get it ready ergonomically. It's
3 actually up and running now. We are training in
4 One Metrotech Center. So we are 16 EMD operators
5 under headcount at the present time--emergency
6 medical dispatchers--EMD.

7 CHAIRPERSON CROWLEY: How many is
8 optimum level?

9 COMMISSIONER CASSANO: We should
10 have 242 as our headcount, so we have 216, ten
11 more in training--that would bring us up to 226,
12 so 16 under headcount. We have another 20
13 scheduled as soon as this class gets out in July,
14 and that will bring us over headcount, and we have
15 another 20 after that scheduled. We have asked
16 for volunteers to take the position. We haven't
17 been getting a lot of volunteers, so what I will
18 be doing is taking people from the field,
19 detailing them offline for a year to fill those
20 positions and they will be trained, so if we need
21 to pull more people in--we are going to go over
22 headcount.

23 CHAIRPERSON CROWLEY: From the
24 field? Can you explain what that means?

25 COMMISSIONER CASSANO: Sure. We

2 have people that are in the field working, and we
3 will take them off, out of the field--

4 CHAIRPERSON CROWLEY: [interposing]
5 What is their title when they are in the field
6 working?

7 COMMISSIONER CASSANO: Excuse me?
8 - - EMTS. Oh, these are EMTS.

9 CHAIRPERSON CROWLEY: You are going
10 to put EMTS--

11 COMMISSIONER CASSANO:
12 [interposing] We do that now. We have EMTs in the
13 EMD - - dispatch. Those are EMTs.

14 CHAIRPERSON CROWLEY: Okay.

15 COMMISSIONER CASSANO: So we can't
16 get volunteers to take those positions, so we are
17 going to have to take people offline and staff
18 them.

19 CHAIRPERSON CROWLEY: And you have
20 enough EMTs to staff the number of ambulances you
21 have?

22 COMMISSIONER CASSANO: We do and
23 then we will hire overtime in the field--spread it
24 out a little bit.

25 CHAIRPERSON CROWLEY: In that

2 article I think Frank Dwyer [phonetic], is he a
3 spokesperson for the department?

4 COMMISSIONER CASSANO: He is one of
5 them.

6 CHAIRPERSON CROWLEY: He said that
7 this problem with the call taking and the dispatch
8 hasn't affected the average response time.
9 Response time still is six minutes and 30 seconds.

10 COMMISSIONER CASSANO: That was
11 last year's response time.

12 CHAIRPERSON CROWLEY: But the
13 article said that many people are making phone
14 calls and they are not getting answered, so there
15 is not only a problem with the EMD, right, the
16 medical dispatch, but there is also a problem
17 before they even get there. Are you hearing that?
18 Are you experiencing that from your medical
19 dispatchers that they are saying people have been
20 trying to make multiple calls or have been waiting
21 a long time before they even get to speak to me?

22 COMMISSIONER CASSANO: Those are
23 911 operators--I am not dealing with the 911
24 operators, but I do know that we get them from an
25 EMD. There is also a system of a relay when they

1 will come to us directly through a computer. A
2 lot of those relay calls actually come from the
3 field as far as either police officers call them
4 in or somebody where there is no callback number.
5 There is a lot of moving parts, but the staffing
6 issue, which is under our control, I am taking
7 care of so that we always have an abundance of
8 people that can fill in when we need them.
9

10 CHAIRPERSON CROWLEY: But you would
11 agree with me in saying that although your
12 department will say it's at an all-time low being
13 six and a half minutes that there is time that is
14 not calculated into the response because the call
15 goes unanswered, such as the people who were
16 waiting 20 minutes or the call doesn't get taken
17 at all--

18 COMMISSIONER CASSANO:
19 [interposing] I don't know about 20 minutes. I
20 don't know where--

21 CHAIRPERSON CROWLEY: But it
22 affects the job of your EMTs. Doesn't it make it
23 all that or your engine companies that are
24 responding to these emergencies because the level
25 of need becomes much greater, especially somebody

1 who is in cardiac arrest. There is real
2 emergencies happening, and healthcare is needed
3 right away.
4

5 COMMISSIONER CASSANO: We are
6 concerned with making sure that we get as many
7 calls as quickly as possible. That is why I am
8 beefing up my staffing in EMD and in July, when
9 that class gets out, we will be over headcount.

10 CHAIRPERSON CROWLEY: I understand
11 there was some type of decision from the U.S.
12 Court of Appeals today issued regarding your
13 hiring. You may have not had time to review that
14 or...

15 COMMISSIONER CASSANO: The appeal
16 which I haven't had time to be briefed on, we were
17 getting as we were coming over, but it doesn't
18 affect the hiring. The hiring will continue. We
19 have a class that is graduating Friday, and then
20 the next classes are scheduled from July 29th.
21 That is going in and hopefully we will have a
22 class right after that. It is not going to affect
23 the hiring. It affects so many intentional
24 discriminations that was overturned, but I don't
25 want to get too much into it until I am briefed.

1
2 CHAIRPERSON RECCHIA: You are
3 lucky. Yesterday, Mr. Cardozo sat right in that
4 chair. He is lucky that that decision came out
5 today.

6 CHAIRPERSON CROWLEY: I am just
7 going to wrap up my rounds of questions for now,
8 and I will come back later. I just don't
9 understand if you are operating right now with
10 City Council funds maintaining the 20 fire
11 companies and you are experiencing emergency
12 situations and having to go into fallback mode or
13 getting a lesser percentage of the overall budget
14 than you were when the mayor became the mayor in
15 light of us living in the time of terror and being
16 the number one target for terrorists, I just don't
17 understand the rationale in terms of getting less
18 for the Department. Should have at least been
19 able to maintain your percentage of the overall
20 budget, and in doing that, we would be able to put
21 more resources to the Department.

22 CHAIRPERSON RECCHIA: We have been
23 joined by Council Member Fidler, Council Member
24 Eugene, Council Member Helen Diane Foster, and
25 Council Member Cabrera. Alright. We have some

1 FINANCE WITH FIRE AND CRIMINAL JUSTICE SERVICES 26
2 questions. We have Council Member Vallone,
3 Council Member Oddo and Council Member Fidler in
4 that order. We recognize Council Member Vallone.

5 COUNCIL MEMBER VALLONE: Thank you,
6 Chair Recchia. First of all, congratulations,
7 Chief to you and--

8 CHAIRPERSON RECCHIA: [interposing]
9 Oh, Diana Reyna also.

10 COUNCIL MEMBER VALLONE: Sorry--
11 what was that?

12 CHAIRPERSON RECCHIA: We recognize
13 Diana Reyna and Karen Koslowitz. Sorry.

14 COUNCIL MEMBER VALLONE: I
15 recognize Diana too. How are you doing?
16 Congratulations to you, Commissioner, and all the
17 men and women of the FDNY who had been accused of
18 intentional discrimination, a hateful charge with
19 absolutely no evidence and found guilty by a judge
20 with a vendetta. Today that ruling was overturned
21 and vacated, and it vindicates what you and I have
22 been saying all along about that decision and
23 about the actions of the firemen and women of the
24 FDNY. I congratulate you on that. Of course the
25 - - impact ruling still stands. That was not

1
2 appealed, and I don't believe there is any city
3 agency or private one that could withstand that
4 sort of an accusation. Congratulations also to
5 people like Rebecca Wax [phonetic], who is sitting
6 behind you, who was on the first list 112 years
7 ago that you were able to hire the last time you
8 hired and who has been waiting for five, six years
9 now to become her life's dream. She was at the
10 top of that list, and she was unable to be a
11 firefighter for all these years, and now she will
12 be hopefully she scored again very well and be
13 hired in January. Regarding firehouse closings,
14 as I said last hearing I won't dance, don't ask
15 me. Fool me once, shame on you. Fool me five
16 years in a row, shame on me. So I'm not going to
17 ask questions about that, and we will once again
18 do what needs to be done to prevent that from
19 happening, but the reason for those closings is
20 budgetary, so let me ask you about some fees that
21 could potentially prevent that. What is the
22 status of uncollected ambulance fees? I am told
23 there is over 100 million last year, and that
24 would be more than enough to keep those companies
25 open. So what is the status this year, and what

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have we been doing to collect those fees?

COMMISSIONER CASSANO: I am going to have my commissioner for budget just answer that one.

MALE VOICE: Currently through insurance we collect approximately 80 percent on all claims. There is 80 percent of all payers in the mixed - - there is 20 percent of personnel, and we have to believe they don't have insurance because we have gone to the hospitals, both the Health and Hospitals Corporation and the volunteers hospital in the greater New York health network, and they have provided us with insurance information where they have had it. Where they do not have it, we are unable to collect. We do afford patients the ability to do settlements. That has had very limited success. It has just started with a pilot program that the comptroller approved. That is going on now for a year. We are collecting an extra 50,000 per month, but it's not much. The issue that you face and all ambulances provided across the country face this is when personnel do not have insurance in most cases you are not going to get payments. That is

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what is going on here.

COUNCIL MEMBER VALLONE: Well, how much is there outstanding in uncollected fees?

COMMISSIONER CASSANO: If you did the numbers at the current rates, it would be about 100 million.

COUNCIL MEMBER VALLONE: Is that for the current year?

COMMISSIONER CASSANO: That would be for a typical fiscal year--this fiscal year in question because the rates have gone up as well, which makes your receivables look even worse.

COUNCIL MEMBER VALLONE: So there is 100 million in uncollected fees and you are basically throwing your hands up and saying there is nothing we can do about it. Can we do something to help you when it comes to the law? What needs to be done to change them?

COMMISSIONER CASSANO: Well, the affordable care act may provide some relief in that more people will be insured hopefully in the future, and that will be in 2014. Beyond that we have also contracted - - debt in the past. That contract that we had in place had limited success

2 as well. The vendor basically pulled the plug on
3 it, so it is difficult debt to collect on because
4 people don't the means to pay it. That is
5 frankly--and we are a - - ambulance provider. We
6 are going to pick up the patients and take them to
7 the hospitals because they need to go there, but
8 if they do not pay, we are going to do the best we
9 can to collect, but beyond that you would need
10 essentially some kind of secondary payer to cover
11 the additional costs, and they are not out there.

12 COUNCIL MEMBER VALLONE: How much
13 are we saving by closing the firehouses?

14 COMMISSIONER CASSANO: The savings
15 that OMB has approximated is \$59 million.

16 COUNCIL MEMBER VALLONE: I'm sorry?

17 COMMISSIONER CASSANO: The savings
18 that OMB has said is \$59 million.

19 COUNCIL MEMBER VALLONE: 59
20 million.

21 COMMISSIONER CASSANO: Associated
22 with the 20 companies.

23 COUNCIL MEMBER VALLONE: So there
24 is more than enough in collected fees. I
25 understand that there is going to be occasions

2 where you can't find the money, but I have also
3 spoken to ambulance drivers who tell me that there
4 are people out there using your ambulances as a
5 bus service, as a taxi service, and that has to
6 stop. We can't have \$100 million in fees, and at
7 the same time talk about closing firehouses, so
8 let's work together to let us know what you need
9 us to do because we can't allow that to continue.
10 I know there is a lot of people waiting to ask
11 questions, and I have a million more, but I will
12 save those for now. Thank you, Mr. Chair.

13 COMMISSIONER CASSANO: Thank you,
14 Council Member Vallone.

15 CHAIRPERSON RECCHIA: Okay.
16 Council Member Oddo then Council Member Fidler.
17 If any council member would like to ask questions,
18 please give your name to John Lisansky [phonetic].

19 COUNCIL MEMBER ODDO: Thank you,
20 Mr. Chairman. Commissioner, good afternoon.
21 Thank you to you and your staff, and the men and
22 women of the Department for everything you do.
23 Just on that note, who for the record decided to
24 tweet all of the all hands fires that the
25 Department responds to. Is there an individual

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who came up with that idea?

COMMISSIONER CASSANO: I'd like to take credit because you are going it's a good idea, right?

COUNCIL MEMBER ODDO: Yes, I am.

COMMISSIONER CASSANO: Okay. I can't take credit. It came from my press office. They thought it would be a good idea to let people in the neighborhoods know what is going on.

COUNCIL MEMBER ODDO: I think it's a great idea. I think every day those of us who are addicted to twitter get to see how often your department comes to the rescue of New Yorkers, so whoever in the press department thought it was a good idea, kudos to him or her. I will join my colleague, Peter Vallone, in being a wallflower this year in not engaging in the dance to this degree--I think it's critically important given how many things happen on a daily basis that we take a moment to sort of reflect back and Peter Vallone is right. Last year this was part of the dance, but the first two years, there was no dancing, and I just want the record to reflect but for this speaker, Christine Quinn, and this

1 Council firehouses, engine companies would have
2 been closed, and if anyone doesn't believe that is
3 true, they need to just look at 2003 or 2004
4 whatever it was where firehouses closed. The
5 first two years, it was absolutely on the table,
6 and this Council put a line in the sand, and
7 frankly I think the fight and I'll put fight in
8 quotes this year was won in that first year when
9 the Speaker said not on my watch. I have to say
10 this I wish my 401k grew at the rate that the OMB
11 number grows for 20 engine companies. Was ten
12 million, 15, 19, 25, 30, 50, 59, if we were
13 playing bingo right now we would have a winner,
14 but that is all I want to say on closings because
15 I think Peter is right. My only question,
16 Commissioner, is following up on Chair Recchia's
17 comments about the need to rob services from
18 Brooklyn unfortunately and bring them to my home
19 borough from Vinny Gentile's district, from
20 Domenic's district, the Friday before Sandy hit, I
21 remember the mayoral press conference when Mayor
22 Bloomberg announced in anticipation of the high
23 winds coming and the potential closing of the
24 Verrazano Bridge that the Department was going to
25

1 shift resources onto Staten Island. Could you
2 walk us through that decision making process when
3 it was made, why it was made, suggestion it was?
4 How does a decision like that get implemented?
5 Why?

7 COMMISSIONER CASSANO: Prior to the
8 storm being hit, we had started meeting on that
9 Thursday talking about the resources that we may
10 need in each borough, and in fact, what we thought
11 actually did happen, and where we went to a
12 decentralized command where each borough was going
13 to be really handling the incidents that they were
14 faced with the resources because we wouldn't be
15 able to pull from other areas if it got that busy.
16 So what we did is we staffed all of our reserve
17 apparatus, which there are a number of them on
18 Staten Island. We didn't send resources from
19 Brooklyn to Staten Island prior to the storm. We
20 just staffed all of our extra apparatus, so we had
21 a number of engine companies, ladder companies.
22 In fact, we had the rescue company, rescue five,
23 stay on Staten Island, so we put another rescue
24 company on the Brooklyn side to handle Brooklyn
25 besides Rescue 2. We kept the division, the eight

2 division [phonetic] on the Staten Island side, and
3 we put another division in Brooklyn, so we thought
4 whatever we thought we would need if the bridge
5 did close we would be able to handle the borough,
6 and that is the way we staffed that. We didn't
7 pull pre-storm, but as the storm hit when Staten
8 Island really got very, very busy, we had reports
9 of people trapped and we weren't getting those
10 reports in the areas of Brooklyn that we pulled
11 from. We decided to send companies over there,
12 and then if we had to pull them back, we would
13 pull them back, but there were no companies moved
14 prior to the storm. We staffed all of our reserve
15 apparatus in all of Staten Island. All the engine
16 companies had extra staffing on the rigs. We had
17 an extra battalion staffed so that if we couldn't
18 get resources there, they would be there, and that
19 came from our operations people working with me
20 and the chief of department.

21 COUNCIL MEMBER ODDO: So why prior
22 to the storm, why do you make the decision to
23 staff all available bodies or more available
24 bodies on Staten Island? What was the...

25 COMMISSIONER CASSANO: If we had

1
2 the unprecedented storm that we thought we might
3 get we knew we were not going to have enough
4 resources. That was just a fact of life.

5 COUNCIL MEMBER ODDO: And when as
6 the storm is hitting, when do the first Brooklyn
7 companies or Brooklyn personnel--

8 COMMISSIONER CASSANO:
9 [interposing] I think they went over after 7:30 or
10 so. I am not exactly sure. High tide was at
11 eight o'clock, but prior to eight o'clock we
12 started to get water coming over the dam so to
13 speak, so they went after the start of the tour
14 when it got really busy and I know it got busy on
15 Staten Island around 6:30, seven o'clock and the
16 height of the storm was at eight, and then from
17 eight until...

18 COUNCIL MEMBER ODDO: It was a
19 difficult period, but I thought my recollection
20 was in that press conference on Friday the
21 rationale given was anticipation of the closing of
22 the Verrazano Bridge and the wind, which we on
23 Staten Island took as a recognition of much more--
24 it's a much more frequent event than I think folks
25 like to admit how often we in the smallest borough

2 rely on our neighbors in Brooklyn to bail us out,
3 and you know what I am driving at. I am driving
4 at the bigger point of I think I represent a
5 community as Chair Crowley mentioned with some of
6 the highest response times. I think I am
7 underserved by the FDNY, so any discussion in the
8 past or in the future of reductions to my borough
9 is bewildering to us because we believe--I see
10 them. I see the numbers coming over the Verrazano
11 and I am on Staten Island streets. I see numbers
12 that I know aren't my local companies, and it's
13 just amazing that we have talked the last four
14 years--maybe the first two - - last two contrived
15 about reducing service in this borough when we
16 have high response times and we are underserved to
17 begin with, and then to hear that prior to the
18 storm sort of confirmed what a lot of us have
19 believed.

20 CHAIRPERSON RECCHIA: Thank you,
21 Council Member. Just to follow up on what Council
22 Member Oddo was saying, Commissioner, after
23 hearing your testimony and seeing fire companies
24 going over the bridge to Staten Island constantly
25 from my district, why is it that Staten Island, it

2 is not its own division? How come you just don't
3 make Staten Island its own division, and then give
4 it the resources that it needs located on Staten
5 Island, so it could work together and it could
6 really unite together as a borough so when there
7 is a crisis everybody is working together not that
8 you have to take it from Brooklyn to get over to
9 Staten Island, you make it its own division, you
10 give it everything that it needs. Deputy Mayor
11 Cas Holloway on the radio two weeks ago said that
12 oh, we did a study. We found that we need more
13 boats. We need more certain motor vehicles that
14 go through water, and so forth on the radio. It
15 is all well and good, but if you don't have the
16 places ready on Staten Island, the buildings and
17 their rescue centers, now is the time to do it,
18 and we have to stop taking from Brooklyn to bring
19 there, so why is it that Staten Island cannot be
20 its own division?

21 COMMISSIONER CASSANO: Staten
22 Island has a division on Staten Island, which is
23 the eighth division. It covers three battalions
24 on Brooklyn side, the 40, Sunset Park, the 42,
25 Bensonhurst, the 43, Coney Island, Sheepshead Bay.

2 CHAIRPERSON RECCHIA: Right. It
3 shouldn't have to cover Brooklyn. It should be
4 its own for Staten Island. That is the point I am
5 trying to make here. Is it a money thing? Is it
6 a budget? Talk to us.

7 COMMISSIONER CASSANO: Sure. There
8 was a reduction in 1995. There was a division on
9 the Brooklyn side. It was the 12th division, and
10 that would handle those battalions that we were
11 talking about. In 1995, there were reduction in
12 the budget. The 12th division was done away with.
13 The eighth division on Staten Island picked up
14 some of the responses that the 12th division would
15 have. It was a budget reduction in 1995. It
16 works unless you get a storm of the century and
17 that is what happened. That is why before the
18 storm we put a division on the Brooklyn side so we
19 wouldn't have to take the eighth division off of
20 Staten Island, but that was a 1995 budget
21 reduction with the 12th division being done away
22 with that would have covered those battalions on
23 the Brooklyn side.

24 CHAIRPERSON RECCHIA: So what will
25 it take to bring it back to pre-1995 so that

2 Staten Island is its own division and Brooklyn--it
3 doesn't have to share.

4 COMMISSIONER CASSANO: It's going
5 to take more money in the budget.

6 CHAIRPERSON RECCHIA: How much
7 more?

8 COMMISSIONER CASSANO: I'd have to
9 get that. We would have to work all that out.

10 CHAIRPERSON RECCHIA: We would like
11 if you could get that back to the Committee, we
12 would like to know exactly what that is because
13 this is a big issue. Council Member Fidler, then
14 it will be Council Member Gentile and then Council
15 Member Vann. We have been joined by Council
16 Member Ydanis Rodriguez and Joel Rivera. If any
17 Council Member has any questions please submit
18 your name to John Lisansky.

19 COUNCIL MEMBER FIDLER: Thank you,
20 Commissioner and thank you for what the men and
21 women of your Department do for us every day. I
22 am not--I am kind of amazed having be preceded by
23 two of my more public safety minded colleagues,
24 who have poo poed this notion that the mayor's
25 budget is nothing to be concerned about, that the

1 fact that both the preliminary and executive
2 budgets call for the elimination of 20 companies--
3 we are not going to take that seriously, and
4 obviously, the media doesn't take it seriously
5 either. I mean we had a camera here for the Board
6 of Elections, yet we have no cameras here today.
7 I wonder whether there are reporters in the room
8 right now, I have no idea, but the fact of the
9 matter is if people took this story seriously, it
10 would be front page news, and to me, the
11 consequences involved whether you take it
12 seriously or not are so much more severe for the
13 public that it can't be ignored. It can't be
14 trifled with as well, this is just the budget
15 dance. We all know the cavalry is coming over the
16 hill and we will restore the money for you so that
17 you can have it in your budget, but I am
18 concerned, Commissioner, do you take it seriously?
19 Have you done anything thus far to establish
20 criteria and decision making process for which 20
21 companies you close if we don't come over the hill
22 and restore the money this time?

24 COMMISSIONER CASSANO: I think if
25 you have heard me before, I take it very

1
2 seriously. I have been in this Department almost
3 44 years, and it is never ever pleasant when you
4 close a fire company. I was in an engine company
5 that was closed. I was in a division that was
6 closed. I was in another firehouse. Yeah, it is
7 very serious, and I do take it very seriously.
8 The criteria that we use is criteria such as
9 response time, structural workload, medical
10 response time, distance between companies,
11 companies that only respond in one way. We have a
12 very, very methodical way that we would select
13 companies based on their performance, and it is
14 nothing political; it is nothing about who you
15 know; it's nothing about who is going to call you.
16 It is all about operational issues and how they
17 will affect the way this Department performs, and
18 I take it very seriously.

19 COUNCIL MEMBER FIDLER: And
20 Commissioner, I believe that you believe it is
21 going to be that way should it ever happen. So
22 let me ask you, what would the effect be on
23 response time? You have criteria; you must have
24 figured something out here. What would the effect
25 be on response time, should those companies close?

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2 COMMISSIONER CASSANO: Response
3 times city wide is not affected tremendously
4 because when you do 500,000 runs and the companies
5 that you select do one percent of those runs, it
6 won't affect the overall city response time;
7 however, in the areas that you take a company
8 from, the response time could be affected by 30,
9 45, or 50 seconds.

10 COUNCIL MEMBER FIDLER: Out of how
11 much? What is your present response time?

12 COMMISSIONER CASSANO: Five
13 minutes, four and a half minutes, some of the
14 companies--

15 COUNCIL MEMBER FIDLER: So response
16 time could go up as much as 20 percent in the
17 lucky - - areas?

18 COMMISSIONER CASSANO: But that is
19 why you select the areas that have the response
20 times that even when we increase it will still be
21 way under the city average. That is why we do
22 this analysis, and nobody likes a closed company.
23 As the chief of operations and chief of the
24 department, I did not like to close companies.

25 COUNCIL MEMBER FIDLER: I am not so

2 sure about that because the mayor has now asked us
3 to close companies, what, four or five years in a
4 row? So somebody wants to close those companies.
5 I am almost tempted even though it would be
6 utterly irresponsible, I am tempted to say, you
7 know what? You want to close companies? Go
8 ahead. You be responsible for the people that
9 die. Somebody is--some neighborhoods are going to
10 be in the situation where their response time is
11 going to go up and we are sitting here laughing it
12 off today because it's part of the budget dance,
13 but someone has proposed this, not once, not
14 twice, but four or five times. Has anyone told
15 you just to make clear on the record that if the
16 Council were to restore this money that you would
17 not be allowed to keep those companies open, that
18 in fact it would be used for the purposes that we
19 would intend it for?

20 COMMISSIONER CASSANO: You are
21 going to have to repeat that question.

22 COUNCIL MEMBER FIDLER: I want to
23 be sure--we can only put money in your budget, but
24 you know, the kind decides whether or not the
25 prince can spend the money as we directed. Have

1
2 you been told by anyone that if we restore the
3 money for the companies that you can spend it on
4 keeping the companies open?

5 COMMISSIONER CASSANO: That is what
6 we have done the last three years--

7 COUNCIL MEMBER FIDLER:
8 [interposing] I know we have done that the last
9 three years. I am asking whether or not anyone
10 has told you that in their goodbye year they are
11 not going to let you do that?

12 COMMISSIONER CASSANO: I am not
13 going to talk about my conversations with the
14 mayor.

15 COUNCIL MEMBER FIDLER: Listen, we
16 are not deciding whether to restore \$60 million to
17 your budget for the express purpose of keeping
18 these companies open. I think it's a fair
19 question to ask you whether anyone has told you
20 that if we restore \$60 million dollars to your
21 budget that it may be spend on keeping the
22 companies open.

23 COMMISSIONER CASSANO: I am
24 assuming if you put the money back in the budget
25 for the companies, the companies are going to stay

1 open.

2
3 COUNCIL MEMBER FIDLER: So no one
4 has told you it can't be?

5 COMMISSIONER CASSANO: I am going
6 to assume that companies are going to stay open if
7 you put the \$59 million back in the budget.

8 COUNCIL MEMBER FIDLER: I don't
9 understand why that is not a yes/no question.
10 I'll move on because I like you too much to beat
11 up on you that way.

12 CHAIRPERSON RECCHIA: Council
13 Member, I'll tell you one thing. As long as I am
14 the Finance Chairman, if we are going to put \$59
15 million it is going to go to the fire companies.
16 I am going to make sure of that.

17 COUNCIL MEMBER FIDLER: You are
18 unfortunately not the king.

19 CHAIRPERSON RECCHIA: I know I am
20 not, but--

21 COUNCIL MEMBER FIDLER: I know what
22 we intend. I am just--I want to--

23 [crosstalk]

24 COUNCIL MEMBER FIDLER: Just two
25 other things briefly. Councilman Vallone brought

1
2 up the issue of unreimbursed ambulance runs. I
3 understand that some people get brought New York
4 City Health and Hospitals or any hospitals by our
5 ambulance as a result of incidents that result in
6 lawsuits. Health and Hospitals imposes a lien on
7 any recovery in order to get some of their money
8 back from uninsured patients who then sue some
9 third party and they get a recovery. Does the
10 fire department do that as it relates to the
11 emergency vehicle fees and if not, why not?

12 COMMISSIONER CASSANO: Okay. Can
13 you answer that? We do some of the third party
14 suits as well. The city does do that, but I will
15 let Steve explain it a little more in depth.

16 STEVE RUSH: My understanding from
17 our legal division is the city does pursue if
18 those persons are doing claims that they pursue
19 the balance as due. That is my understanding.

20 COUNCIL MEMBER FIDLER: is that
21 done together with HHC or do you have to have your
22 own separate unit for that?

23 COMMISSIONER CASSANO: This would
24 be separate and apart from HHC.

25 COUNCIL MEMBER FIDLER: I might

2 suggest to you that there might be an economy of
3 scale, and I realize these are separate
4 departments. The checks would have to be split.
5 Why do the work twice and - - .

6 STEVE RUSH: My point is the Law
7 Department handles these cases. They will ask us
8 for information if there is any and through our
9 legal division we will provide that information to
10 them. They may be working with HHC. That I am
11 not aware of.

12 COUNCIL MEMBER FIDLER: I think we
13 need to find out the answer to that because I
14 think that the amount of uncollected fees is
15 extraordinary and I think if we could be more
16 efficient about it--

17 COMMISSIONER CASSANO:
18 [interposing] We will look at that for sure.

19 COUNCIL MEMBER FIDLER: Thank you.
20 The last question is immediately or shortly before
21 Hurricane Sandy we had an incident in - - basin
22 where an oil pipeline underneath the basin
23 ruptured and the fire department responded and
24 unfortunately what I believe contrary to your own
25 protocols washed the oil back into the sewage

2 system, which merely sent it back into the waters
3 of the basin. At the time you had agreed that
4 you would inquire as to what happened and report
5 back to us. We recognize of course that Hurricane
6 Sandy intervened. It still was a very, very
7 serious incident as far as the ecology of all the
8 communities that I represent surrounding the - -
9 basin, and I am wondering whether or not that
10 report was ever completed, and if it could be
11 shared with us.

12 COMMISSIONER CASSANO: It was
13 completed up to the incident that we got back from
14 the field. We have been working with Con Ed.
15 When we went there we were told that this was not
16 going to contaminate any water ways. We still are
17 doing part of that AAR, and as soon as it's
18 completed, we will get it back to you. We have
19 looked into it, and we are still--

20 COUNCIL MEMBER FIDLER:
21 [interposing] We are concerned, Commissioner, that
22 regardless of what Con Ed tells you, it is not
23 really Con Ed's decision. It would be DEP. We
24 know the basin for many weeks had an oil filter
25 floating on top of it because water came back into

2 the basin. We also know that somebody washed the
3 water back in instead of taking appropriate
4 protocols to absorb the water without it going
5 back into the basin. So I am interested in a full
6 report on that. We promised our constituents
7 that, and I think you would want to know whether
8 or not if your own protocols are being followed.

9 COMMISSIONER CASSANO: We sort of
10 got interrupted. We were doing it. Sandy came,
11 and we are still finishing up with Sandy, and then
12 we are going to take up on it.

13 COUNCIL MEMBER FIDLER: When do you
14 think we can get that report?

15 COMMISSIONER CASSANO: I will get
16 back to you as soon as we figure out what stage we
17 are in.

18 COUNCIL MEMBER FIDLER: I
19 understand that Sandy was a tremendous interrupt,
20 but this is also important, and we would like it
21 as soon as possible.

22 COMMISSIONER CASSANO: Sure, and we
23 did some preliminary. We just haven't finished it
24 up yet.

25 COUNCIL MEMBER FIDLER: I look

2 forward to your follow up report. Thank you.

3 CHAIRPERSON CROWLEY: Thank you,
4 Council Member Fidler. Commissioner, at our last
5 hearing the preliminary budget we spoke a little
6 bit about span of control. We got into an
7 arbitrated decision that needed some actions on
8 the fire department, actions of hiring more or
9 responding in some ways. Is there any update on
10 what actions the Department has taken with
11 complying with the national incident management
12 system?

13 COMMISSIONER CASSANO: The
14 arbitrator said that we would have to get a
15 ruling from FEMA's national integration center,
16 and we have made an inquiry to them. We gave them
17 our headcount. We gave them our supervision.

18 CHAIRPERSON CROWLEY: Just for the
19 purpose of the committee members who didn't hear
20 about our discussion earlier, this is part of
21 homeland security, right?

22 COMMISSIONER CASSANO: Yes. - -

23 CHAIRPERSON CROWLEY: The reason it
24 came up at the last hearing was during super storm
25 Sandy there was a need for greater span of control

2 and that was part of the reason there were many
3 difficult situations that EMTs were faced with, so
4 nothing is happening yet?

5 COMMISSIONER CASSANO: We are still
6 waiting for a decision from the national
7 integration center, the arbitrators at the center
8 there to look at our span of control, and it is
9 not quite what the numbers you said it was--
10 remember when I told you it was--the span of
11 control that we have right now is 11 and change,
12 but when you are talking about a span of control
13 on the fire side, we have an officer for four
14 firefighters. They are working directly with
15 those firefighters. When you have an ambulance
16 you have two people on an ambulance and they are
17 responding to incidents. We will send a
18 conditions or a supervisor to certain responses,
19 and that supervision can be directly one in three,
20 one in four. We can't send a supervisor to every
21 run. That is just--

22 CHAIRPERSON CROWLEY: I wouldn't
23 ask for that, but I think a span of control that
24 is within the federal guidelines or somewhere
25 close to the federal guidelines, especially in

2 emergency situation times needs to be adhered to.

3 COMMISSIONER CASSANO: And look, we
4 have followed the arbitrator's ruling in that make
5 the case to the national integration center and
6 see what they come back with.

7 CHAIRPERSON CROWLEY: We spoke at
8 the last hearing, you also said that you were
9 going to give the committee the incident action
10 plan that was put out before super storm Sandy,
11 but we haven't received it.

12 COMMISSIONER CASSANO: I thought we
13 sent it over to you. We will get it over to you.

14 CHAIRPERSON CROWLEY: For both the
15 fire department's fire suppression and EMT.

16 COMMISSIONER CASSANO: It's all
17 part of the same incident action plan.

18 CHAIRPERSON CROWLEY: Okay.
19 Council Member Vincent Gentile for questions?

20 COUNCIL MEMBER GENTILE: Thank you,
21 Madam Chair. Commissioner, it appears that last
22 year we put in something around almost \$44 million
23 to restore the 20 firehouses, and I would assume
24 that unless you tell me otherwise we are dealing
25 with the same list of 20 firehouses again, but now

2 the budgeted cost is almost \$60 million for those
3 same 20 firehouses. It is almost \$17 million more
4 for the same 20 firehouses. I am just
5 flabbergasted on how that could be.

6 COMMISSIONER CASSANO: I think the
7 number was the same for last year's budget. It
8 was 59 million. A couple of budgets ago, it was
9 44 million, but now it had to be staffed with
10 overtime, so it has gone up--

11 CHAIRPERSON RECCHIA: [interposing]
12 Yeah, the 59.1 million is including the overtime.
13 Last year we worked it out with the
14 administration. We worked something out where
15 they picked up some of the overtime.

16 COUNCIL MEMBER GENTILE: So the
17 59.2 million--

18 COMMISSIONER CASSANO: Includes the
19 overtime.

20 COUNCIL MEMBER GENTILE: I see.
21 Okay. Are we dealing with the same 20 firehouses?

22 COMMISSIONER CASSANO: unless there
23 is a drastic change in the responses in which we
24 are looking at or will look at, pretty much the
25 same 20 fire companies, not fire houses, fire

1
2 companies--a combination of engines and ladders
3 depending on which way we go. Pretty close.

4 COUNCIL MEMBER GENTILE: Do you
5 plan on putting out the list at some point?

6 COMMISSIONER CASSANO: If we have
7 to close those companies, we will have to send out
8 a 45 day notice prior to closing any fire
9 companies, which we will.

10 CHAIRPERSON RECCHIA: I think they
11 are adding another firehouse in your district,
12 Councilman Gentile.

13 COUNCIL MEMBER GENTILE: Thank you,
14 Councilman Recchia.

15 CHAIRPERSON RECCHIA: It's only a
16 joke.

17 COUNCIL MEMBER GENTILE: Let me
18 just argue the issue of reallocation of resources
19 that Councilman Recchia and Councilman Oddo have
20 been arguing from the Staten Island side arguing
21 it from the Brooklyn side of the Verrazano Bridge.
22 Now I understand the reallocation of resources
23 during super storm Sandy, and we all understand
24 that issue, but it is my understanding that the
25 reallocation of resources preceded the super storm

1
2 Sandy by a long time and our reallocation from
3 Brooklyn to Staten Island has happened on a
4 regular basis thereby leaving the parts of
5 Brooklyn that I represent less well-covered if not
6 covered at all during the times that those units
7 are over in Staten Island.

8 COMMISSIONER CASSANO: Previous
9 years, we have done it for an incident like the
10 marathon where the bridge is completely closed
11 down. We have relocated resources from Brooklyn
12 prior to the start of the marathon. As soon as
13 the bridge is open, we would send them back, so we
14 have done that, but during the storm, we did not
15 pull resources pre-storm. We staffed all of our
16 reserve apparatus, had an extra rescue--well, we
17 kept the rescue five on Staten Island--we had a
18 rescue in your area in that part of Brooklyn and
19 an extra division, and we actually put a squad
20 company on Staten Island as well, which doesn't
21 have a squad normally. The workload isn't there
22 for a squad yet, and so they had their own squad,
23 their own rescue, their own division plus all of
24 their reserve apparatus staff prior to the storm.
25 Having even done that, the activity just went

2 through the roof because of flooding in South
3 Beach and Midland Beach and Foxwood Beach, New
4 Dorp Beach and all the way out on the South Shore.
5 We had to send companies out there that were
6 available.

7 COUNCIL MEMBER GENTILE: We are not
8 arguing that. We understand that, but in normal
9 days, normal times, I understand the companies are
10 still reassigned to Staten Island on a regular
11 basis.

12 COMMISSIONER CASSANO: Regular
13 meaning if there is a second alarm--

14 [crosstalk]

15 COUNCIL MEMBER GENTILE: Several
16 times a week then from what - - .

17 COMMISSIONER CASSANO: It is
18 infrequent, but it does happen. Yes. For a
19 second alarm, you would get companies from
20 Brooklyn going over there relocating.

21 COUNCIL MEMBER GENTILE: And so
22 therefore, you potentially put properties in that
23 part of southwest Brooklyn at greater risk for
24 longer response times. Am I correct?

25 COMMISSIONER CASSANO: If we pull

2 resources, yes, absolutely, we would if we had to
3 pull resources. We don't pull resources every
4 day. It is infrequent, but on those times,
5 response times would go up in those areas where we
6 put resources, yeah.

7 COUNCIL MEMBER GENTILE: That is
8 probably something that we have talked about, and
9 something that again, I bring to your attention
10 because it puts the constituents I represent at
11 greater risk.

12 COMMISSIONER CASSANO: When we have
13 to do that and cover other areas, we do this
14 citywide, not only in your area. If there is a
15 fire in Brooklyn and we have to send Queens units
16 there, it is a way of managing our resources when
17 they are not at optimal level because of activity.
18 We could do that in all parts of the city
19 depending on the activity.

20 COUNCIL MEMBER GENTILE: Let me ask
21 you in the few minutes I have left--just a minute
22 or so--you mentioned funding to replace or update
23 firefighters' safety equipment and you mentioned
24 several different things in your testimony about
25 that, but one thing I didn't hear you say was

2 about the RFID firefighter locator system, and to
3 be used as a locator system so we don't have any
4 Joe Graffinino Jr. [phonetic] happening again--
5 the use of that system for firefighter safety.

6 COMMISSIONER CASSANO: We are still
7 working on it. We have a pilot program that we
8 have expanded into other areas, and we have
9 something--I don't know how much we have in the
10 budget, but we do have money in the budget. We
11 have grant money, but I don't know if it is fully
12 funded yet... not fully funded yet. We have grant
13 money that we got for RFID. We are continuing.
14 We have expanded the pilot, and when we are
15 absolutely sure that it works, we just did a huge
16 - - Seven World Trade Center using our RFID and it
17 went very well. As soon as we are sure that it is
18 the system that we want, it will go city wide, but
19 it is on the front burner, definitely not on the
20 back burner.

21 COUNCIL MEMBER GENTILE: So it is
22 going forward, and you predicted a time table on
23 that?

24 COMMISSIONER CASSANO: As soon as
25 we are comfortable with that--the system that we

2 are using is the right system we will go city wide
3 with it.

4 COUNCIL MEMBER GENTILE: And the
5 money now is grant money.

6 COMMISSIONER CASSANO: It is grant
7 funded from homeland security for firefighter
8 safety and firefighter tracking.

9 COUNCIL MEMBER GENTILE: But there
10 is nothing in the budget for it at this point.

11 COMMISSIONER CASSANO: It is not in
12 the budget. It is being grant funded.

13 COUNCIL MEMBER GENTILE: Grant
14 funded. Right. So what is in the budget that
15 would be a breakthrough of technology or
16 innovation that would go specifically for
17 firefighter safety?

18 COMMISSIONER CASSANO: We have the
19 electronic command board, which is where if you
20 remember on September 11th, when the buildings
21 collapsed, we lost all of our command boards - -
22 not be able to track our units the way that we
23 would like to. We started a process that called
24 for an electronic command board, and the
25 electronic command board actually will tell us

2 where our units are in the building transmit it
3 wirelessly back to headquarters, so we have that
4 information. It is a huge project, but it will be
5 tied into RFID. It will be tied into the
6 firefighter tracking. That is a multi-million
7 dollar project where we have gone--we have just
8 about gone at the contract with it, and that is
9 what we are going to tie in there with the RFID
10 firefighter tracking. We are making an
11 announcement on our risk based inspection program
12 tomorrow, which is now city wide.

13 COUNCIL MEMBER GENTILE: What is it
14 called?

15 COMMISSIONER CASSANO: Risk based
16 inspection program where we will be inspecting our
17 buildings based on the risk of having a fire,
18 having an emergency in there and certainly that
19 goes to firefighter safety because the more you
20 inspect buildings based on risk, the safer it
21 should be for the firefighters and the public--it
22 gets us into those buildings more frequently,
23 allows us to familiarize ourselves with the
24 buildings and that is one way of keeping our
25 firefighters and the public safe, and those are

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two big projects.

COUNCIL MEMBER GENTILE: So right now the command board situation is not resolved?

COMMISSIONER CASSANO: It's resolved--it's RFID - - the command board.

COUNCIL MEMBER GENTILE: The command board.

COMMISSIONER CASSANO: The command board is resolved. We are just finally going into--the pilot has been done. We are going into city wide contract with Raytheon and who else, Don? IXP. Okay. Those are good projects that will tie into firefighter safety along with ARBUS. We also are looking at new handy talkies [phonetic] that are going to be funded through the city wide--our budget. RND [phonetic] is checking out different handy talkies, which will be more interoperable, more operational, friendly for firefighters for - - , a couple of different handy talkies through RND.

COUNCIL MEMBER GENTILE: RND. Okay. Thank you so much. Thank you.

CHAIRPERSON RECCHIA: Thank you, Council Member Gentile. We have been joined by

2 Council Member Jimmy Van Bramer and Council Member
3 Rosie Mendez to ask questions. Next it will be
4 Council Member Vann followed by Jackson, Van
5 Bramer and Cabrera.

6 COUNCIL MEMBER VANN: Thank you,
7 Mr. Chair. Good afternoon, Commissioner,
8 gentlemen. Commissioner, how many--what is your
9 man and woman power right now? How many
10 firefighters do you actually have?

11 COMMISSIONER CASSANO: I'll give
12 you a headcount--we are down about 650
13 firefighters. We are down 645 firefighters. We
14 expect to have a class in July, which will be
15 about 320 and a class after that, so we are trying
16 at bringing that staffing back to normal. We
17 graduate 285 in the academy on Friday.

18 COUNCIL MEMBER VANN: What is
19 normal? What would be your normal count?

20 COMMISSIONER CASSANO: Our normal
21 count is 8278. We have 7633.

22 COUNCIL MEMBER VANN: What
23 percentage are African American?

24 COMMISSIONER CASSANO: Three to
25 four percent African American, less than one

1
2 percent women.

3 COUNCIL MEMBER VANN: Latino?

4 COMMISSIONER CASSANO: Excuse me?

5 COUNCIL MEMBER VANN: Latino?

6 COMMISSIONER CASSANO: Six percent.

7 That is why this class is 40 percent people of
8 color, five women, that is going to raise those
9 numbers somewhat, and we think every class will be
10 the same.

11 COUNCIL MEMBER VANN: Right. Okay.

12 A little while ago my colleague Council Member
13 Vallone congratulated on being vindicated in that
14 he said the federal court had overturned the lower
15 court decision ruling concern whether there was
16 intentional discrimination of the hiring practices
17 and so forth. My understanding as what was
18 reported concerning that ruling there is really no
19 reason to celebrate just yet. I understand that
20 the court--that the case has been referred back to
21 another judge where this issue will continue to be
22 litigated as I understand it, and also my
23 understanding that they have kept in place the
24 court appointed monitor to oversee the hiring that
25 is going on in house, so it doesn't seem as if it

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2 has been a complete overturn in as much as it has
3 not really been resolved because it has been
4 referred back to another judge in the court to
5 deal with that issue. Is that--

6 COMMISSIONER CASSANO: I haven't
7 been briefed yet. We just got this ruling on our
8 way over here, and that is what I was telling
9 Council Member Vallone. I haven't been briefed.
10 I don't know all the particulars of the judges,
11 the panel. The only thing that I was told is that
12 the intentional discrimination has been
13 overturned, and I think that is what Council
14 Member Vallone is referring to in that all along I
15 have said this department has not intentionally
16 discriminated. I am not talking about the 99 and
17 2002 exam, just the intentional discrimination. I
18 spent over 40 years in the department. I never
19 saw intentional discrimination.

20 COUNCIL MEMBER VANN: Right, and
21 for point of clarification the ruling as I
22 understand it as was reported to me is that it's
23 not overturned in as much as the case has been
24 resolved. It may be overturned in that it has
25 been referred back to another judge in the lower

1 courts, so there is no closure to - - .

2 COMMISSIONER CASSANO: We are not
3 getting into all the - -

4 COUNCIL MEMBER VANN: Yeah, I just
5 want clarification what was reported.

6 MALE VOICE: Based on my quick
7 reading before we got over here, that is correct,
8 but that is what always happens when a judge in
9 the lower court has made a mistake, so the
10 appellate court reversed that finding and said it
11 was inappropriate to give summary judgment to the
12 plaintiffs and remanded it back to a different
13 judge for a possible trial if the plaintiffs
14 choose to pursue that.

15 COUNCIL MEMBER VANN: Thank you, so
16 it is not closed as yet. It depends on what the
17 lower court decides if it will be tried again by
18 another judge.

19 MALE VOICE: if there is to be a
20 trial on the issue of intentional discrimination,
21 it would be in front of a different judge.

22 COUNCIL MEMBER VANN: Right. Okay.
23 Thank you. I wanted clarification on this very,
24 very important ruling. I wanted to know exactly
25

1 FINANCE WITH FIRE AND CRIMINAL JUSTICE SERVICES 67
2 what it called for. Thank you.

3 CHAIRPERSON RECCHIA: Thank you,
4 Council Member Vann. Council Member Jackson will
5 be followed by Van Bramer then Cabrera.

6 COUNCIL MEMBER JACKSON: Thank you,
7 Chair Recchia and Chair Crowley. So good
8 afternoon, Commissioner and staff. So first let
9 me thank you on behalf of all of the people that I
10 represent because the number one issue for my
11 constituents is safety and security, and when we
12 are in trouble, we dial 911 and the first to
13 arrive from a city wide perspective is NYPD and
14 FDNY, so it is extremely important overall that we
15 maintain the level of safety and security of our
16 city where constituents can be satisfied with the
17 services that we receive, so let me say that on
18 behalf of all of the people that I represent.
19 Then I have a question about this particular
20 budget, and obviously the concern that I have just
21 like the concern that you have and others is the
22 restoration of the 20 fire companies that are on
23 the chopping block, and as Chair Recchia said have
24 been on the chopping block for several years, but
25 I guess my question is is there anything in your

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budget for proposed raises for FDNY staff?

COMMISSIONER CASSANO: Union contracts would have to be settled by the unions, and that goes through the bargaining process. That is what - - right now they have a contract that expired, but that contract stays in place. That is what is going on right now.

COUNCIL MEMBER JACKSON: So there is nothing in the budget for increased raises for your staff?

COMMISSIONER CASSANO: There is a couple of different things that go on like for firefighters and officers, you get raises every year up until you become - -

COUNCIL MEMBER JACKSON: I'm not talking about the step increases. I am talking about salary increases overall, so for example, if they reach an agreement for a three year contract or a four year contract, is there a four percent, five percent increase?

COMMISSIONER CASSANO: There is nothing in place for that. Those are all expired.

COUNCIL MEMBER JACKSON: Whatever is in the contract as far as normal step

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increases, those continue. Is that correct?

COMMISSIONER CASSANO: They
continue. Sure.

COUNCIL MEMBER JACKSON: But there
is nothing in there as far as project raises for
staff?

COMMISSIONER CASSANO: Not yet.

COUNCIL MEMBER JACKSON: Okay, can
you give me an update whether or not with respects
to the EMS station in Washington Heights? I
represent--I live in Washington Heights. I
represent Washington Heights. I drive by there
periodically, and I see EMS, FDNY wagons out
there, but can you give me a status of that?
Where do we stand with that?

COMMISSIONER CASSANO: Well, the
station is in place. We opened it up maybe about
a year ago, and the response times have in that
area because it is such a very busy area that is
why we relocated the ambulances up there.
Response times have decreased because now they
don't have to go back and change tours someplace
else. They go right there. It has been very
successful. It is a very busy area. That is why

2 we needed that station there. It is in place. It
3 is operating and performing very well.

4 COUNCIL MEMBER JACKSON: From a
5 capital point of view are you building an EMS
6 station there, and if so, is that in your capital
7 budget this year.

8 COMMISSIONER CASSANO: It's not.
9 Right now those trailers that we have made there,
10 thy are temporary, but they are for permanent
11 right now. We don't have money in our capital
12 budget, but they are operating very well there.

13 COUNCIL MEMBER JACKSON: Okay.
14 Trailers normally last 10, 20 years depending on...
15 One of the things I think I read in your statement
16 is that the number of calls or runs have
17 decreased. Am I correct in reading that?

18 COMMISSIONER CASSANO: I'd have to
19 see. What part are you on? Our calls haven't
20 decreased.

21 COUNCIL MEMBER JACKSON: Record low
22 fire fatalities.

23 COMMISSIONER CASSANO: Last year we
24 had 58 fire fatalities. That is the lowest since
25 we have been keeping statistics.

2 COUNCIL MEMBER JACKSON: So you are
3 talking about last calendar year or fiscal year?

4 COMMISSIONER CASSANO: It was
5 calendar year. Yeah, 2012 the number of
6 fatalities were 58. The lowest number before that
7 was 62. That is since we have been keeping
8 records in 1916.

9 COUNCIL MEMBER JACKSON: Since
10 1916?

11 COMMISSIONER CASSANO: Yeah, yeah.

12 COUNCIL MEMBER JACKSON: So is that
13 due to what - - doing educational outreach or what
14 are you I guess--

15 COMMISSIONER CASSANO:
16 [interposing] A lot of factors. I can go over the
17 factors with you.

18 COUNCIL MEMBER JACKSON: What are
19 one or two or three major factors?

20 COMMISSIONER CASSANO: Certainly
21 the response times that we have, I think the
22 concerted effort that we have made to educate the
23 public. We are out there. We talked to 600,000
24 people last year to talk about fire safety,
25 importance of smoke detectors, the importance of

2 carbon monoxide detectors, what to do to report a
3 fire, what to do if you have a fire. I mean it's
4 a direct outreach to the public to keep them safe,
5 and that is part of it, the medical care that we
6 provide through our EMS command as the
7 firefighters may take somebody out of a building
8 and they hand them off to our EMS commander,
9 training that we do together. You can go to the
10 best hospital, but if you don't get there alive,
11 it doesn't do you any good, so that is the
12 training that we do together as fire and EMS--our
13 response times and our fire safety education,
14 along with giving out smoke detectors and
15 batteries twice a year. I think those are the
16 main factors.

17 COUNCIL MEMBER JACKSON:

18 Commissioner, I have noticed myself that driving
19 around Manhattan, New York City is getting tougher
20 and tougher, and it is getting more congested with
21 segregated bike lanes and everything which
22 decreases, and segregated bus lanes. I guess it's
23 positive, but I find that there is more congestion
24 than when I hear or see an ambulance or fire
25 truck, I believe it is taking much longer to get

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2 to their location as a result of this traffic
3 congestion. Do you have an opinion on that?

4 COMMISSIONER CASSANO: Our response
5 times are--last year we had a response time for
6 EMS ambulance was 6 minutes and 30 seconds. That
7 is a record time. We went to a program called
8 modified response where on certain calls the first
9 engine, first ladder would respond and everybody
10 else would respond at a reduced speed to avoid
11 that traffic congestion, less accidents, keeping
12 people closer so that when a signal comes in they
13 are in service right away.

14 COUNCIL MEMBER JACKSON: So once
15 the first unit gets on there, then the others that
16 are responding are not in such a hurry.

17 COMMISSIONER CASSANO: The first
18 two units would respond on certain calls.
19 Everybody else gets out to response on a reduced
20 rate, and that overcomes some of those traffic
21 congestions, accidents for sure, accidents that we
22 see, accidents that we don't see. So those are
23 some of the things that we are doing to overcome
24 the traffic congestion in the city.

25 COUNCIL MEMBER JACKSON: I have

1
2 this list here, which is the May 2011 proposed
3 closures. Is this the current list of proposed
4 closures if in fact closures take place?

5 COMMISSIONER CASSANO: It's close
6 to it, but may not be the same units because we
7 still have to look at the 2012 statistics and run
8 the same numbers that we ran for that, but I don't
9 think it is going to be much different.

10 COUNCIL MEMBER JACKSON: I believe
11 and I speak for all of my colleagues that we would
12 want to see no fire companies close, but if in
13 fact when must you promulgate a list because
14 obviously that will have an impact on all of us in
15 New York City, but also more specifically for
16 example a fire company in my district was closed,
17 my constituents would be raising all kinds of hell
18 about that, so when do you as a commissioner must
19 submit a list to either the mayor or the City
20 Council?

21 COMMISSIONER CASSANO: 45 days
22 prior to the closing is when we are mandated to
23 send that list out.

24 COUNCIL MEMBER JACKSON: And that
25 would not be my understanding before we finalize

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the budget?

COMMISSIONER CASSANO: We would have to know how many companies we would have to close.

COUNCIL MEMBER JACKSON: Okay. Alright. Well, let me thank you again on behalf of all of the people of New York City, but more specifically my constituents and obviously I say to you I co-chair the New York City's black, Latino and Asian caucus and the issue of the litigation in which I heard what your response to my colleague, Council Member Al Vann, that is clearly a concern of the caucus--understanding the statistics and numbers overall with respects to the diversity of our great city, and I will just leave it like that.

COMMISSIONER CASSANO: Thank you.

COUNCIL MEMBER JACKSON: Thank you.

CHAIRPERSON RECCHIA: Okay. Thank you. Council Member Jimmy Van Bramer will be followed by Council Member Cabrera, and if any other council member would like to ask a question please submit your name to John Lisansky. Council Member Jimmy Van Bramer?

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2 COUNCIL MEMBER VAN BRAMER: Thank
3 you very much, Mr. Chair and good afternoon,
4 Commissioner. The list, which is maybe not final,
5 but is close to final continues to include ladder
6 128 in my district, and it is the third year in a
7 row should you not remove it that ladder 128 is
8 being terminated if you will. Needless to say I
9 disagree with that. We will fight it. We will
10 win it, but I wanted to ask you in terms of morale
11 because I have been to ladder 128 on multiple
12 occasions, I am sure you have as well, there are
13 terrific people who work there, who are fighting,
14 who are risking their lives, what does it say to
15 them every year when we say we are going to close
16 your firehouse, you are not needed, it's not that
17 important? These are brave people. Don't you
18 think it's bad for morale? Don't you think
19 sending that message is the wrong message to send
20 to our firefighters?

21 COMMISSIONER CASSANO: I don't
22 think it says we don't need you, you are not
23 wanted, you are not appreciated. If people
24 understand that it is a risk based closure, and
25 that is what they would understand. In fact I'm

1
2 doing a press conference with 128 tomorrow, that
3 is how much we like that firehouse. It is not
4 that they are not appreciated. It is a matter of
5 I would have to pick the companies that I think
6 would least affect our operation. I am not saying
7 that they are not going to be missed. Of course
8 they would be. Any company that would close would
9 be missed.

10 COUNCIL MEMBER VAN BRAMER: So let
11 me just say I have great respect for your decades
12 of service to the city of New York, but if they
13 were needed, we wouldn't close the firehouse.
14 They are needed, and we shouldn't close the
15 firehouse, and I don't necessarily believe that
16 you want to close it, but I think the mayor is
17 dead wrong for even suggesting it year after year
18 after year. Clearly, we need it. Clearly ladder
19 128 is important. Clearly they are important
20 enough for the mayor and yourself to have a press
21 conference there tomorrow, so imagine if you close
22 ladder 128, you wouldn't have to have the press
23 conference tomorrow. I just want to say you know
24 this, the proximity to the LIE of ladder 128 makes
25 it incredibly important. They would be the first

2 to respond in emergencies, and I just want to say
3 again, it is the wrong thing. I hope next year,
4 we are not sitting here proposing to close ladder
5 128 again. We should take it off the table. We
6 should take all of these off the table once and
7 for all, and not tell our firefighters that they
8 are not needed, that they are not important, they
9 are not appreciated. If they are risking their
10 lives, which they are, every day, we should never
11 propose to close the firehouses.

12 CHAIRPERSON RECCHIA: Thank you,
13 Council Member Van Bramer. Council Member, the
14 Commissioner probably won't be here next year.

15 COMMISSIONER CASSANO: Thank you.

16 CHAIRPERSON RECCHIA: I just want
17 to say Commissioner, I have one question before I
18 ask Council Member Cabrera to ask you questions.
19 Does the borough of Staten Island have its own
20 battalion chief?

21 COMMISSIONER CASSANO: We have
22 three battalions out there. 21, 22 and the 23.
23 Three different sections of the city--South Shore,
24 North shore and Mid Island.

25 CHAIRPERSON RECCHIA: But does it

2 have a division chief?

3 COMMISSIONER CASSANO: Yes, it has
4 the eighth division. That is with engine 160 on
5 Clove Road.

6 CHAIRPERSON RECCHIA: Now is that
7 in charge of Staten Island and Brooklyn?

8 COMMISSIONER CASSANO: It's in
9 charge of Staten Island and three battalions in
10 Brooklyn--as I said the 40, the 42 and the 43.

11 CHAIRPERSON RECCHIA: Okay, but it
12 doesn't have its own chief for Staten Island?

13 COMMISSIONER CASSANO: No, it
14 covers part of Brooklyn also.

15 CHAIRPERSON RECCHIA: Okay.
16 Council Member Cabrera?

17 COUNCIL MEMBER CABRERA: Thank you
18 so much to both chairs. Welcome, Commission, and
19 to your fine incredible department. I have just
20 three quick questions. The first one, we usually
21 ask questions after catastrophes occur. I am just
22 curious to know if there were to be an earthquake
23 in new York city, God forbid, coming from a
24 pastor, God forbid, but if we were to have one, I
25 have been in earthquakes--a terrifying experience

2 to say the least--how prepared are we in light of
3 what was mentioned before regarding certain
4 battalions being in certain boroughs? Do you
5 have to give enforcements? I would imagine that
6 having four boroughs, they are surrounded by water
7 that the bridges and tunnels will be shut down, so
8 my question is to you are we fully prepared for an
9 earthquake?

10 COMMISSIONER CASSANO: Obviously,
11 there is no warning for an earthquake. We take an
12 all hazards approach to the way we handle
13 operations, so we would staff our units as needed.
14 I am sure we would have to have a recall depending
15 on the size of - - , I mean calling people from
16 home. We would have extra rigs in areas that we
17 would have to staff, but again, that is something
18 you don't prepare for as far as we prepare for it
19 in the way we handle it, but we are not going to
20 know about it until it happens, but depending on
21 the severity, we are going to have to staff extra
22 rigs, call people from home.

23 COUNCIL MEMBER CABRERA: We do have
24 a plan in place, right?

25 COMMISSIONER CASSANO: We have an

1
2 all hazards plan, yeah.

3 COUNCIL MEMBER CABRERA: Okay. I
4 am just trying to compare to--

5 COMMISSIONER CASSANO:
6 [interposing] We have done drills, but an
7 earthquake, there is no preparation. It happens
8 and then we respond.

9 COUNCIL MEMBER CABRERA: How would
10 you get units to--if the bridges were to be closed
11 down and tunnels deemed to be unsafe, how would
12 you get them across the other side if you need
13 reinforcements?

14 COMMISSIONER CASSANO: We would
15 have to staff extra rigs. We would have to recall
16 people--if Staten Island was on its own, we have
17 plenty of people who live on Staten Island, we
18 would call them in, we would recall them, they
19 would staff the units that we have there, that we
20 would put into operation.

21 COUNCIL MEMBER CABRERA: Would you
22 have enough trucks?

23 COMMISSIONER CASSANO: Well, we
24 have a reserve apparatus on Staten Island.
25 Depending on the size of the earthquake--I don't--

2 COUNCIL MEMBER CABRERA: Hopefully,
3 we won't have any.

4 COMMISSIONER CASSANO: Hopefully,
5 we won't.

6 COUNCIL MEMBER CABRERA: Okay.
7 Second question is there is a new policy I noticed
8 for non-profits in terms of certificate occupancy
9 and public assembly. I don't know if you are
10 aware--

11 COMMISSIONER CASSANO: Fees?

12 COUNCIL MEMBER CABRERA: No, there
13 is a new procedure in terms of every year, your
14 department is to go to everyplace where they have
15 a certificate of occupancy and a public assembly,
16 and they are to - - the inspections, so there is
17 going to be two different ones, one given by the
18 Department of Buildings and one given by the fire
19 department. Are you familiar with what I am
20 talking about?

21 COMMISSIONER CASSANO: We do
22 inspections annually for licensed places of public
23 assembly, and we check for the C of O, we check
24 for the PA permit. We do that now. - -

25 COUNCIL MEMBER CABRERA: There is

1 something completely new, and I could tell you
2 because--

4 COMMISSIONER CASSANO: I'm sorry.
5 You mean the legislation that we are going to pick
6 up some of the Buildings Department work and do
7 that ourselves, if that is what you are talking
8 about? We do that every year now, it is just that
9 Buildings was doing some. They are giving it to
10 us, and we are going to do the whole inspection.

11 COUNCIL MEMBER CABRERA: Okay.
12 Maybe we can have an offline discussion. The last
13 thing I was just perusing through the Daily News
14 little article here regarding the decision that
15 just came out, and I know you haven't had in all
16 fairness to you, Commissioner, talk about timing,
17 but it does say the appellate decision left in
18 place most of the judges remedy--previous judge
19 Garaufis' - - remedies to cure the disparate
20 treatment, and again, it is not listed exactly
21 what it is. What is it about the previous judge's
22 decision that you are in agreement with and what
23 is it that you are not in agreement with and what
24 policies do you think we should have in the fire
25 department so we could have a fire department that

1
2 truly resembles--and you are going the right
3 direction right now--that truly resembles the
4 population in New York City?

5 COMMISSIONER CASSANO: I certainly
6 wasn't in agreement with the intentional
7 discrimination that the judge ruled on. I wasn't
8 in agreement with any of the judge's decision in
9 fact, but we ruled that the 2002 and the '99 exam
10 had disparate impact, and that was ruled upon, and
11 that is in place. That is not going to change.
12 We are going to have priority hires due to that
13 disparate impact. That is in place, that is being
14 forward now. We are processing a number of those
15 candidates right now. So we are going to move on
16 to that. The concern that I always had was is
17 that we always have a candidate that is qualified,
18 and the candidates that are coming on will have
19 passed an exam, taken a physical, taken a medical,
20 taken a psychological, and they are still going to
21 have to go through probie school [phonetic], and
22 if they go through probie school, they have the
23 ability to be a good firefighter. I am in
24 agreement with that part of it. And then we will
25 move on with the rest. I am not exactly sure what

2 was said and what wasn't said, but I do know that
3 the intentional discrimination was overturned, and
4 I certainly didn't agree with Judge Garaufis on
5 that.

6 COUNCIL MEMBER CABRERA: thank you
7 so much.

8 CHAIRPERSON RECCHIA: Thank you,
9 Council Member Cabrera. Council Member Liz
10 Crowley? Does any other Council Member have any
11 questions for the Commissioner? Sure, Council
12 Member Jackson before we are going to have Liz
13 Crowley.

14 COUNCIL MEMBER JACKSON: So
15 Commissioner, I was just thinking about the fact
16 that all of the new recruits are now coming out.
17 How would that impact the staffing of the
18 companies considering the fact that the amount of
19 money that is projected to save the 20 fire
20 companies that \$59 million includes a lot of
21 overtime, so with the new recruits coming in, do
22 you or your budget people predict that it would be
23 like for example instead of 59, 40 million or
24 something like that? Have you looked at that yet?

25 COMMISSIONER CASSANO: I mean the

2 overtime is still going to--we are short over 800
3 firefighters, so we are bringing this class in, so
4 it is going to reduce it somewhat, but not
5 drastically not from--not \$19 million a year, but
6 it will--

7 COUNCIL MEMBER JACKSON: You are
8 short 800, and this class will bring in how many?

9 COMMISSIONER CASSANO: 285, so we
10 are around 645 after this class. I mean the class
11 is in there, so we still need help, but again,
12 that is why we are having a class in July and then
13 we have a class hopefully either by the end of the
14 year or the beginning of next year, and that will
15 take place every 18 to 22 weeks.

16 COUNCIL MEMBER JACKSON: Your
17 normal retirement and/or for whatever reason
18 reduction per year is about how many?

19 COMMISSIONER CASSANO: About 300,
20 350. It has gone down because the seniority level
21 isn't up there to retire, and the, you know... We
22 are trying to keep ahead of it, and that is why we
23 are hiring 600 firefighters a year to keep ahead
24 of that and then catch up by 2015.

25 COUNCIL MEMBER JACKSON: Okay.

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Thank you.

CHAIRPERSON CROWLEY: Thank you, Council Member Jackson. Commissioner, back to questions I had earlier about the overall budget and the Department's percent of the overall budget decrease, so today you have 2.5 percent. It doesn't seem like a lot, but it is a significant part of a \$70 billion budget, and years ago when the mayor became the mayor the Department had three percent, so going down from three percent to 2.5 percent is almost a 20 percent cut. Do you feel that cut in your operations? Before when the mayor was not the mayor, we have a previous mayor Giuliani, what was your position in the fire department?

COMMISSIONER CASSANO: In 2001, I was an assistant chief. I was one of the city wide tour commanders. If you look at the last 12 years, our fire deaths have dramatically decreased, and that is a number that--

CHAIRPERSON CROWLEY: Right, but the department is working harder than ever before.

COMMISSIONER CASSANO: --however it has decreased.

2 [crosstalk]

3 CHAIRPERSON CROWLEY: That is great
4 and the amount of people you save every year has
5 also increased, and the number of New Yorkers has
6 increased, so your Department is doing a terrific
7 job. I am not disputing it. I am just saying in
8 terms of apparatus or expenses or number of
9 firefighters you have working day in and day out,
10 those numbers are decreasing. It is clear the
11 Department's headcount, you are below operational
12 headcount.

13 COMMISSIONER CASSANO: We closed
14 six companies in 2003. We opened up one in 2004.
15 So we have five less companies in the last - -

16 CHAIRPERSON CROWLEY: But you have
17 less divisions and part of what Council Member
18 Recchia was getting at is why doesn't Staten
19 Island have its own division? So that span of
20 control in Staten Island is not as great as it
21 once was, and I imagine the same situation is true
22 for Queens. That is part of the reason we have
23 such a high response time.

24 COMMISSIONER CASSANO: It's 1995
25 when those divisions were closed.

1 CHAIRPERSON CROWLEY: But there
2
3 were no divisions closed under the mayor?

4 COMMISSIONER CASSANO: No, no
5 divisions, no battalions.

6 CHAIRPERSON CROWLEY: So the only
7 cuts were in staffing were in the fire companies.

8 COMMISSIONER CASSANO: - - staffing
9 case, which we reduced the staffing of a fifth
10 firefighter on the 60 engine companies.

11 CHAIRPERSON CROWLEY: Which is big
12 when you are responding to a fire emergency.

13 COMMISSIONER CASSANO: The
14 statistics that we use are proving that we have
15 done a great job, and again, that is a testament
16 to the people in the field.

17 CHAIRPERSON CROWLEY: It is tough
18 to understand the statistics when it is hard to
19 calculate what the actual response time is. Do
20 you know what the response time is outside of when
21 the fire dispatcher dispatches out the emergency?
22 Do you know what the response time is when that
23 911 call is made? Are you given those statistics?

24 COMMISSIONER CASSANO: No, we count
25 the response times, we have always counted the

2 response time from when the time the call comes
3 into the Department.

4 CHAIRPERSON CROWLEY: I know how it
5 is calculated, but today it is done differently
6 ever since by the - -

7 [crosstalk]

8 COMMISSIONER CASSANO: It will be.

9 CHAIRPERSON CROWLEY: It has been.
10 The calculation is done differently because the
11 911 call taker is gathering more information
12 before it is then given to an emergency medical
13 dispatcher or a fire dispatcher, so it is done
14 differently today, and it is calculated
15 differently today than it was prior to 2009. I
16 mean that has been testified by countless chiefs,
17 the chief of the NYPD has said it takes sometimes
18 a minute and a half to process that, and other
19 times prior to 2009, it was in 20 seconds or a
20 fraction--

21 COMMISSIONER CASSANO:

22 [interposing] You asked how we calculate response
23 times, and we - -

24 [crosstalk]

25 CHAIRPERSON CROWLEY: Do you know

2 does the Department know what the response time is
3 once that 911 call is made?

4 COMMISSIONER CASSANO: No.

5 CHAIRPERSON CROWLEY: You don't
6 have that information.

7 COMMISSIONER CASSANO: We count it
8 from the time it comes in. We don't have that
9 number. We never did.

10 CHAIRPERSON CROWLEY: You never had
11 that number?

12 COMMISSIONER CASSANO: No. No.

13 CHAIRPERSON CROWLEY: Unfortunately
14 last month Boston experienced a horrible bombing,
15 a terror attack, and the city had to shut down
16 cell service. Are you aware--has the Department
17 been made aware of what was happening in Boston
18 just in case something like that happened?

19 COMMISSIONER CASSANO: We are
20 sending a team of people up tomorrow to meet with
21 the Boston folks while they do their after action
22 and then come back, and we are going to discuss
23 lessons learned from Boston and see what we need
24 to do in case something like that would happen.
25 We are sending a team up there tomorrow.

2 CHAIRPERSON CROWLEY: Right.

3 Because I think it was a cellphone that detonated
4 the bomb or they thought that maybe. I only bring
5 that up because God forbid, we didn't have cell
6 service in the city if there was a terror attack,
7 we would then need to use landlines. Most New
8 Yorkers don't have landlines, or a significant
9 amount. I don't have a landline. I know many
10 people who don't use landlines. I bring that up
11 because of the callboxes, and back in December I
12 wrote a letter after Sandy. You had said at the
13 hearing approximately 25 percent of the callboxes
14 were not working, and if we had to turn down
15 cellular service, those boxes would still be
16 working. In a time of a great emergency they
17 would be needed by New Yorkers, and at the
18 previous hearing, we disagreed on the importance,
19 but it is not our choice--we don't have the
20 position to decide whether they are important or
21 not. A federal judge has mandated that they are
22 on they need to be maintained, so can you just
23 bring me up to speed where you are with fixing
24 those that were damaged by Sandy and how many of
25 the boxes are currently working, and will you

2 replace those that are damaged by Sandy with the
3 ones that you can actually talk into?

4 COMMISSIONER CASSANO: We are again
5 due to Sandy we had a lot of our facilities, we
6 needed to take care of the facilities first,
7 replace underground wiring, and it diverted our
8 attention away from the alarm boxes. Having done
9 most of those repairs to our facilities, we are
10 going to make a concerted effort to get as many of
11 the alarm boxes back working as we can. It is
12 about 26 percent of the alarm boxes are out of
13 service, and we will work on that to get them
14 down--

15 CHAIRPERSON CROWLEY: You will
16 probably have to hire or subcontract.

17 COMMISSIONER CASSANO: No, we have
18 overtime. We have the staff to do it if we can
19 devote it to that project. We just couldn't.

20 CHAIRPERSON CROWLEY: How many were
21 working prior to the super storm?

22 COMMISSIONER CASSANO: I would have
23 to get you those numbers. I don't know how many
24 electricians we have in all. I'll get you the
25 numbers.

1
2 CHAIRPERSON CROWLEY: I have seen
3 the numbers. I have seen numbers that were
4 alarming prior to the storm and that the current
5 staff that you have allocated to maintain these
6 boxes was and is not sufficient, so I just don't
7 understand how that staff is going to fix the
8 boxes that are broken--

9 COMMISSIONER CASSANO: Well, they
10 were.

11 CHAIRPERSON CROWLEY: --if we are
12 not hiring or subcontracting - -

13 COMMISSIONER CASSANO: We won't
14 subcontract. If we have to hire, we will hire,
15 but our goal is to fix them as we can.

16 CHAIRPERSON CROWLEY: It is a false
17 protection if New Yorkers believe that they have a
18 callbox that is functional and they go to it, it
19 does not work. Council Member Recchia?

20 CHAIRPERSON RECCHIA: Yeah. We are
21 joined by Council Member Koppell and Council
22 Member Darlene Mealy. Commissioner, I just want
23 to ask you, during Sandy you put a fifth
24 firefighter on the trucks?

25 COMMISSIONER CASSANO: On the

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engines in the areas that were flood prone.

CHAIRPERSON RECCHIA: Okay, now has that order been lifted?

COMMISSIONER CASSANO: We had it up until we need it, and then we went back to the four freighter engine companies.

CHAIRPERSON RECCHIA: And is there any way that we could put back the fifth firefighter on the trucks or..

COMMISSIONER CASSANO: Not in the budget that I have. No.

CHAIRPERSON RECCHIA: Not with the budget that you have.

COMMISSIONER CASSANO: We have procedures in place where two companies will stretch a line. Now we put the fifth firefighter on due to the flooding conditions. If there is a blizzard where people have trouble actually responding and walking we will put an extra person on the rig, but in normal times, under normal conditions the procedures that we have in place are sufficient to stretch that line and get water on the fire.

CHAIRPERSON RECCHIA: Okay. I just

1 want to switch my questions to the fire
2 operations--the 911, the call operators. We
3 received some complaints that the overtime is a
4 big problem and that a lot of times they are
5 forced to work overtime and they work 12 hour
6 shifts, work longer shifts, and sometimes they
7 have to go pick up their kids and they can't
8 'cause they have to work overtime. Has your
9 overtime increased over the last past three years
10 from year to year?

12 COMMISSIONER CASSANO: There are
13 two different things, 911 operators do not come
14 under the--EMD? Okay. I just want to make sure
15 we are talking about the same. It has increased
16 somewhat. We have always had to hire. That is
17 why I am going to go over headcount. I am going
18 to have extra staffing in there so that due to
19 medical leave, due to people maybe have to go to
20 therapy, due to certain types of vacations, we
21 will have extra staffing. I hear about it. There
22 will be extra staffing our EMD.

23 CHAIRPERSON RECCHIA: Okay, because
24 that has been an issue--

25 COMMISSIONER CASSANO:

1 [interposing] But you understand why we have to
2 order overtime, we have to staff.

3 CHAIRPERSON RECCHIA: Of course,
4 somebody has to work. We understand that, but it
5 is to the point now where it is affecting people's
6 lives, their family, and so we hear the
7 complaints.

8 COMMISSIONER CASSANO: We are going
9 to staff it with extra people.

10 CHAIRPERSON RECCHIA: So we have to
11 address that. I just want to make sure it is
12 being addressed, and I just want to go into the
13 training. Are you expediting the training and
14 create permanent training programs for the
15 operators?

16 COMMISSIONER CASSANO: Yeah, we
17 have the training center up and operating right
18 now, One Metrotech, and we have ten people in
19 there. We are going to have another 20 people
20 come in in July and then after that class comes,
21 we are going to have another 20 people, so we
22 should have 50 extra people that would be able to
23 do the job for us as we can train them. We are.

24 CHAIRPERSON RECCHIA: And the
25

1 training facilities, are they adequate for the
2 training?
3

4 COMMISSIONER CASSANO: Now they
5 are. We had a complaint about the ergonomics and
6 all and we had to fix it up and we did, and now we
7 are back into where we started and yeah, they are
8 now.

9 CHAIRPERSON RECCHIA: Okay.
10 Council Member Darlene Mealy, you have questions?

11 COUNCIL MEMBER MEALY: Good
12 afternoon. I just have two questions really--the
13 voluntary dispatch fee, it generated you \$8.1
14 million. Which hospital are they currently
15 participating in that?

16 COMMISSIONER CASSANO: I am just
17 going to let my budget commissioner handle that,
18 but we did work with HHC. They gave us additional
19 information that would allow us to collect more
20 money, so the eight million dollars is not eight
21 million anymore, it is less. Less because they
22 gave us money--information that we could make more
23 collections, and I will let Commissioner Rush just
24 elaborate on that a little bit.

25 COUNCIL MEMBER MEALY: Okay. Thank

2 you.

3 STEVE RUSH: Okay. Ambulances that
4 are run by the greater New York hospitals, the
5 voluntary hospitals - - they would be sharing the
6 cost of our dispatch system because right now the
7 city of New York fire department is bearing all of
8 those costs. The original number was
9 approximately .7 million dollars. Due to an
10 insurance information sharing program, where the
11 hospitals are giving us insurance information
12 where they have it, that reduces the cost by three
13 million dollars. There is also a plan to reduce
14 it by an additional 2.1 million for hospitals that
15 are considered safety net hospitals, so ultimately
16 the reduction would be the participation of cost
17 sharing would be about 3.6 million dollars.

18 COUNCIL MEMBER MEALY: Out of 8.7
19 million - - ?

20 STEVE RUSH: Well, because three
21 million would be realized through revenue, so we
22 are still collecting 6.6. There would be a
23 reduction of 2.1.

24 COUNCIL MEMBER MEALY: Okay. That
25 is good. And what is your budget - - do you have

2 a specific budget when you are called out to
3 buildings that are leaning or need demolishing?
4 I see a lot of times when people call 911, the
5 fire department shows up first, and decides
6 whether the building should be knocked down or - -
7 ?

8 COMMISSIONER CASSANO: We respond
9 and - -

10 COUNCIL MEMBER MEALY:
11 [interposing] Will that take anything out of your
12 budget?

13 COMMISSIONER CASSANO: That is our
14 normal response, and then if the building looks
15 unstable we call the Building Department and they
16 will make that call. That is a Building
17 Department call.

18 COUNCIL MEMBER MEALY: So if a
19 Building Department--if the community keep calling
20 in regards to a building such as that and nothing
21 is ever done, what is the next step for a
22 community?

23 COMMISSIONER CASSANO: I mean if
24 the Building Department goes and says that the
25 building is stable and doesn't need to be

2 demolished then they have made that determination.
3 That is something the Building Department handles,
4 not us. You can send a complaint to the fire
5 department and we will look at it, and we have to
6 refer it, we will refer it.

7 COUNCIL MEMBER MEALY: Okay. Well,
8 I will be calling you again. It is a building
9 that is leaning, detached, and we keep calling
10 the fire department. - - Thank you. 29 Buffalo
11 Avenue. Thank you.

12 CHAIRPERSON RECCHIA: Does any
13 other council member [off mic]

14 CHAIRPERSON CROWLEY: Just a few
15 more questions, and then we will wrap up the fire
16 department section of today's budget hearing, but
17 if you could--this is EMS related and billing--I
18 would like to describe the process of billing the
19 hospitals for the dispatch. I really want to
20 understand how you bill New Yorkers. Where are
21 you losing money? Are you losing money.. I mean
22 how much money are you making every year off of
23 these runs where people are being picked up, and
24 how much money are you losing, the monies that you
25 should be making when people aren't paying for the

2 service?

3 STEVE RUSH: There are in revenue
4 approximately \$200 million every - - in revenue
5 from ambulance collections directly and through
6 Medicaid support for HHC.

7 CHAIRPERSON CROWLEY: How much do
8 you bill?

9 STEVE RUSH: We bill a much higher
10 number than that, but don't forget when we bill
11 Medicare for instance, one of our primary payers,
12 Medicare pays a set rate, which is far less than -
13 - .

14 CHAIRPERSON CROWLEY: If you would
15 put aside the Medicare rate...?

16 STEVE RUSH: Same thing for
17 commercial insurers, depending on their policy,
18 they will pay a set rate. Same thing for
19 Medicaid, HMOs. A Medicaid HMO for instance if we
20 bill for \$700 for a BLS transport, they may pay us
21 \$200. We have to accept that as the full payment,
22 and so there are all these factors that go into
23 it, but as I said earlier to Council Member
24 Vallone 80 percent of our customer base is covered
25 through insurance, and therefore we do collect

2 money. The limited number of people that are
3 uninsured, 20 percent, it is very difficult if not
4 achievable so far we have seen--and I have been
5 doing this for 17 years--to achieve the additional
6 revenue from them.

7 CHAIRPERSON CROWLEY: Some private
8 hospitals sell that bad debt to collection
9 agencies. Has the fire department thought of
10 doing that?

11 STEVE RUSH: We have done that in
12 the past.

13 CHAIRPERSON CROWLEY: How has that
14 worked out?

15 STEVE RUSH: The commercial
16 enterprise basically said they didn't want to do
17 the business after a certain period of time.
18 Medical debt as I have said in past hearings is a
19 very difficult debt to collect. Most of these
20 people do not have insurance or the means to pay.

21 CHAIRPERSON CROWLEY: The overall
22 cost of running EMS tours in relation to the
23 revenue that comes in does it balance itself?

24 STEVE RUSH: No, EMS fully loaded
25 throwing everything but the kitchen sink, about

2 \$380 million.

3 CHAIRPERSON CROWLEY: So about
4 approximately 50 percent of it, a little greater
5 than 50 percent is covered, but at the same time,
6 the Department is looking to take on more and more
7 tours from private hospitals or putting these
8 dispatch fees onto private hospital runs, which
9 would burden the private hospitals more and likely
10 eventually give you more tours to run, which will
11 likely burden the department with higher expenses.

12 COMMISSIONER CASSANO: I think it's
13 incumbent upon the department to pick up tours as
14 they are let go by hospitals.

15 CHAIRPERSON CROWLEY: Right. Could
16 you do a cost benefit analysis - - time you do a
17 tour, you are doing it at a rate where you are
18 only able to recover 50 percent of the cost of
19 running that tour whereas does it really make
20 sense to put fees on private hospitals that could
21 run these tours without a cost to the city of New
22 York, without a cost to your Department. I am
23 just trying to figure out the logic behind
24 charging these voluntary dispatch fees if it means
25 ultimately the Department will likely lose money

2 based on prior practices.

3 COMMISSIONER CASSANO: I don't
4 think the hospitals are closing because of the
5 fees we have put on them. It is a lot less than
6 it started out as and hospitals are closing all
7 over the country, but--

8 CHAIRPERSON CROWLEY: [interposing]
9 Sometimes the hospitals just close the tours and
10 they depend on the city to bring in the patient.

11 COMMISSIONER CASSANO: It is
12 incumbent upon us to pick up--if we don't pick
13 them up one for one, we will pick up a certain
14 amount of tours depending on where they are in
15 respect to our tours, so we don't pick them up one
16 for one, but we will continue to pick them up.

17 CHAIRPERSON CROWLEY: My last
18 questions is just to recap, I know some of the
19 question was asked before. You plan to hire I
20 believe 600 new firefighters in the budget year
21 2014. Is that correct?

22 COMMISSIONER CASSANO: Well, we are
23 going to have a class of 320 or 30 in July, and
24 then when that class gets out, we will do another
25 class so we would have two classes a year.

2 Hopefully, throw in another class when we can.

3 CHAIRPERSON CROWLEY: Which you
4 imagine will positively affect your budget in that
5 you will save money and overtime costs?

6 COMMISSIONER CASSANO: Once we get
7 them out into the field, yes.

8 CHAIRPERSON CROWLEY: And do you
9 have a figure on how much overtime costs would be
10 saved?

11 COMMISSIONER CASSANO: I tried to
12 explain to Councilman Jackson, I don't know how
13 much it would save. This is going to be \$285
14 people in the field.

15 CHAIRPERSON CROWLEY: Part of the
16 reason you don't know is because the Department
17 does not know exactly how many firefighters will
18 retire?

19 COMMISSIONER CASSANO: 285, some
20 are going to retire prior to them getting out to
21 the field, but we will know. We can project
22 somewhat. It is not going to be a - - , and it is
23 not going to reduce it that much yet 'cause we are
24 still 645 short.

25 CHAIRPERSON CROWLEY: Is there a

2 way that you could--

3 COMMISSIONER CASSANO:

4 [interposing] Steve is working on it.

5 CHAIRPERSON CROWLEY: --make those
6 classes larger?

7 COMMISSIONER CASSANO: No, we can't
8 handle any more than what we have in there because
9 we won't be able to train the members the way we
10 want to with a class that size.

11 CHAIRPERSON CROWLEY: That
12 concludes my questions. I want to thank the
13 Department for being here today--

14 CHAIRPERSON RECCHIA: [interposing]
15 Wait. Hold on. Darlene Mealy.

16 CHAIRPERSON CROWLEY: My questions.
17 My questions. I am not going to ask any more
18 questions. Thank you.

19 CHAIRPERSON RECCHIA: Okay.
20 Council Member Darlene Mealy has a question.

21 COUNCIL MEMBER MEALY: Thank you.
22 I am sorry. Out of the 225 persons, do you know
23 what percent is minority coming in?

24 COMMISSIONER CASSANO: 40 percent
25 of this class is people of color. 40 percent, and

2 five women. It is moving up.

3 COUNCIL MEMBER MEALY: Wait a
4 minute. I know you didn't say five women.

5 COMMISSIONER CASSANO: Five women.

6 COUNCIL MEMBER MEALY: That is it?

7 COMMISSIONER CASSANO: Well, that
8 is more than we have had in the last--

9 [crosstalk]

10 COMMISSIONER CASSANO: Each class
11 will. We will get more in each class.

12 COUNCIL MEMBER MEALY: Okay. Watch
13 it. I may be applying. Thank you so much.

14 COMMISSIONER CASSANO: You're
15 welcome.

16 COUNCIL MEMBER MEALY: Thank you,
17 chairs.

18 CHAIRPERSON RECCHIA: Okay. Thank
19 you. Does any other council member have any
20 questions? Seeing no questions, I want to thank
21 you commissioner for coming in. We look forward
22 to working with you. We will take a five minute
23 recess before we have the Commissioner of the
24 Department of Corrections.

25 [long pause]

2 CHAIRPERSON RECCHIA: We will now
3 resume the City Council hearing on May's executive
4 budget 2014. The Finance Committee and the
5 Committee on Fire and Criminal Justice. I have
6 just heard from FDNY. We will now hear from the
7 Department of Corrections whose budget FY '14 is
8 \$1.05 billion, which reflects a \$15 million
9 increase from the adopted budget mostly due to
10 overtime increase, new needs and the peg
11 restoration. At this time, I am joined by my
12 colleague, Liz Crowley, co-chair, and we have
13 Council Member Diana Reyna, Council Member Rosie
14 Mendez.

15 CHAIRPERSON CROWLEY: Thank you,
16 Co-chair Domenic Recchia. I am Elizabeth Crowley,
17 chair of the Fire and Criminal Justice Services
18 Committee here at the Council. I don't want to
19 repeat too much of what has been said already
20 about the size of the budget by my colleague. I
21 do want to say that I am encouraged that the
22 expense budget does include an increase of 275
23 correction officer positions. I think this is
24 good news. The uniformed headcount is now--will
25 be closer to the level it needs to operate its

2 security posts on straight time, which is
3 encouraging, and so I thank the commissioner for
4 being here today and for the chief of the
5 department and the leadership of the Department of
6 Correction, and I have no further remarks at this
7 time. And back to my Co-chair, Mr. Domenic
8 Recchia.

9 CHAIRPERSON RECCHIA: Now we will
10 hear from the Commissioner.

11 COMMISSIONER SCHRIRO: Good
12 afternoon. For the record my name is Dora
13 Schriro. I am the Commissioner for the New York
14 City Department of Correction, and I am joined
15 today by chief of department, Evelyn Mirabel
16 [phonetic], our first deputy commissioner, Mark
17 Cranston [phonetic], and our senior deputy
18 commissioner, Ari Wax. You have before you our
19 written submission, and I will just briefly recap
20 from that. In short this presentation is really
21 going to very much mirror our conversation in
22 March. There are just a few small changes, but I
23 will highlight some of the important things that
24 we receive as a result of this budget. As the
25 chair had mentioned, our appropriation is \$1.07

2 billion of which the vast majority is for
3 personnel services. That is a full 88 percent and
4 the authorized headcount is up. It is 10,440 and
5 as the chairs had identified that reflects an
6 additional 275 additional uniformed positions as
7 well as the corresponding salaries for those
8 officers. The executive budget also includes the
9 additional 25 million to fund overtime expenses in
10 the current year. The actual headcount net
11 increase is 293 because that also includes 18
12 positions that were restored in the November 2013
13 plan, so it is a total of 293, which is even
14 better news. I just want to recap a little bit
15 about the way in which we are bringing overtime
16 down and increasing the headcount, and that has to
17 do with a really important change that we receive
18 when that was approval so as to be able to hire
19 uniformed staff on a continuous basis consistent
20 with the rate of anticipated resignations and
21 retirements, which effectively eliminates the
22 surges in overtime spending that we used to
23 experience when we had to secure in advance
24 approval each of the classes before they would
25 start. The additional headcount of 293 in

1 combination with the hiring schedule really
2 enables us on average to fill 110 additional posts
3 than we did before on straight time so that is a
4 nice change from posts that we previously funded
5 on overtime and it represents now catching up on
6 80 percent of those longstanding posts that we had
7 been carrying on overtime that were always
8 acknowledged, but never formally funded. Later
9 this month the next class, which will be
10 approaching 350 in size, one of our largest in
11 quite some time, will enable us to catch up on all
12 of the 293, and they will report to the academy,
13 and from what I understand it also involves a
14 young lady who works in the City Council right
15 now, she is in our incoming class. So we are
16 picking good people. All of these changes are
17 important and they are significant. It means that
18 we have caught up with the hiring and now we can
19 continue to keep pace with attrition. It also
20 means on average that over the course of a year we
21 will fill our vacancies right away and that means
22 we will continue to bring overtime expenditures
23 down. Let's see. The changes in the staffing
24 also means that the officer to inmate ratio

2 continues to improve. In 2008, it was one
3 correction officer to every 1.34 inmates, and it
4 is better now--one correction officer to 1.23
5 inmates, and so we continue to go in the right
6 direction. The executive budget also includes new
7 funding for projects to help our staff succeed in
8 their duties in other ways, most notable the
9 ability to bring in consultants to help us to
10 update and to consolidate all of our written
11 instruction, which is all the guidance upon which
12 officers rely when they are going through training
13 and making their decisions in the field, and so we
14 will have a new policy and procedure manual
15 produced in the near future. Of course the budget
16 reflects any number of investments in our
17 infrastructure and they include the ongoing
18 implementation of the fire alarm systems in our
19 facilities and also as I reported in March, the
20 department is continuing to demolish the vast
21 majority of the remaining temporary structures
22 both modular units and sprung [phonetic] that are
23 well beyond their useful life and all of these
24 will occur in the next several years. The capital
25 budget includes for the next ten years

2 considerable infusions first to maintain our
3 existing facilities, that is 1.07 billion total
4 and so there is 154 million for fire safety, 181
5 million for major infrastructure projects and they
6 include heating, ventilation, plumbing and other
7 structural upgrades, 65 million for IT
8 infrastructure projects, that also includes 7
9 million for installation of additional cameras
10 throughout our facilities which aids in safety and
11 security, as well as 25 million for critical
12 security equipment and the acquisition of
13 additional state of the art radios, personal body
14 alarms, to enhance officers' safety and well-
15 being. I am very pleased to say that in just a
16 few months we are going to open our interim
17 centralized intake facility. These are temporary
18 quarters. We will have our first opportunity to
19 consolidate the activities of five intake units
20 that are in the jails throughout Rikers Island
21 into one integrated operation. That is going to
22 appreciably improve our ability to classify and
23 assignments to housing areas and also enhance our
24 efforts to identify individuals as being gang
25 involved at the earliest opportunity in their

1 incarceration. Also, this fall we are going to be
2 breaking ground for a new 15000 bed facility and
3 that will be the permanent central admission
4 center, which will replace the interim facility
5 that will be operating the next several years.
6 that facility features a 220 bed infirmary, which
7 will replace a very old and antiquated infirmary
8 on Rikers as well as an expanded detoxification
9 unit so as to address individuals who come in to
10 the system still addicted to drugs and at risk of
11 undergoing shock. During the first phase of the
12 project there will be site preparation and at that
13 point 20 of those 65 H modular structures will be
14 demolished to make room for the new facility. I
15 am pleased to say that this capital project also
16 includes in a large central storage facility,
17 which will hold inmate property, and that will be
18 located immediately adjacent to the Benjamin Ward
19 central visit building, a facility that we just
20 dedicated yesterday and we were pleased to have
21 Chairwoman Crowley present for that ceremony, and
22 that will improve the storage and retrieval of
23 inmate property. Specific to technology, which is
24 a huge concern of ours and a resource upon which
25

1 we rely heavily we will finally have the
2 opportunity to upgrade our aging technology
3 infrastructure and to develop new data systems to
4 support core functions. Most significant among
5 these is our jail management system, which we
6 refer to as JMS, it will replace our longtime
7 legacy inmate information system. The executive
8 budget also includes monies to complete this
9 project. Let's see. The other IT project that is
10 of great interest to us is our DOC real time
11 correction intelligence center. It's a data
12 reporting repository. These are monies that were
13 funded through stimulus funds several years ago
14 and will be coming online in the near future. We
15 are also investing in the latest security
16 technology, and this includes acquiring additional
17 full body scanners as well as handheld drug
18 detection equipment. Specific to inmate
19 management and reentry efforts so in addition to
20 investing in our resources both in our officers
21 and in the infrastructure, we have been adding
22 inmate programming consistent with evidence based
23 practices both to reduce idleness and to provide
24 the population with the tools that are critical
25

1
2 for their successful return to the community, and
3 I have touched on several of these before and just
4 briefly recap we have first the individualized
5 correction achievement program, which we call
6 ICAN. That is a replacement for RIDE [phonetic]
7 and that is discharge planning whether you a pre-
8 trial or city sentenced for all of the adults in
9 the system who are identified to be at risk of
10 return to jail. We believe that this initiative
11 will help us to reduce recidivism amongst the
12 adult population by ten percent. These contracts
13 are entirely performance based where the providers
14 receive payment only for achieving milestones.
15 For the adolescent population, we have an equally
16 compelling initiative. This one is funded with
17 monies that are provided through the private
18 sector through a unique mechanism referred to as
19 the social impact bond [phonetic]. I am very
20 proud again to say that not only is New York City
21 first in the country to adopt social impact bond
22 funding, but it is the Department of Correction
23 that is first in the city to pursue this effort,
24 and so through this activity, we have sufficient
25 funds to reach all of the adolescents in all of

1 the three jails on Rikers Island, so any of those
2 who are with us 20 more days will have access to
3 behavioral opportunities not only to improve their
4 conduct in jail, but to ready them for release to
5 the street again with the expectation that we can
6 reduce recidivism amongst this population by ten
7 percent as well. Specific to the mayor's recent
8 formation of the steering committee on justice
9 involved mentally ill, I am also very pleased to
10 say that the borough based court and efforts where
11 we are going to identify inmates early in their
12 incarceration both for division pre-trial and also
13 in lieu of sentencing back to the street and
14 directly to community based treatment as well as
15 supervision is in the process of getting set up,
16 and that too will open later this fall, and that
17 will be in each of the five boroughs. Just
18 yesterday, you may have seen an announcement in
19 the paper that another initiative that is include
20 in the fiscal '14, but the monies are appropriated
21 to DOH, but it is our joint initiative, so I am
22 just very proudly going to touch on that for a
23 moment for those inmates who are identified by
24 DOHMH and having mental illness, but are also
25

2 infracted for the majority who have behavioral
3 diagnoses, they will go to a replacement
4 initiative for the MAUII, which is the mental
5 health assessment unit for infracted inmates, so
6 in lieu of MAUII, they are being replaced with
7 restricted housing units where again there is a
8 behavioral program, self-paced through which they
9 will participate, and upon satisfactory completion
10 and good institutional conduct can earn a
11 conditional discharge earlier than the sentence,
12 the penalty that was imposed. For those who are
13 seriously mentally ill, and this is the really
14 significant reform, we are differentiating between
15 their cognition and volition and they will be
16 referred instead to secure clinical settings
17 operated within the Department of Correction, but
18 staffed primarily by DOHMH, and so the
19 appropriation goes to them for the purpose of
20 expanding their staffing resources so as to
21 provide the intensive clinical services for this
22 population. The length of stay in that unit would
23 be based on their need as assessed by the mental
24 health professionals. The goal is to mainstream
25 those individuals back to the general population

2 as quickly as they demonstrate themselves as ready
3 to do that. It is relatively small segment of our
4 population that are actually seriously mentally
5 ill. Of all of the inmates who incur infractions
6 it is a third who have any kind of diagnoses and
7 it's just a third of a third who are seriously
8 mentally ill, so it's about one-ninth of all who
9 have infractions would be targeted for that
10 particular unit. So as you can see, it has been a
11 very busy year, and we anticipate quite a bit of
12 activity as we move towards fully executing all of
13 these initiatives through the summer and into the
14 fall, and with that, I will pause. Thank you for
15 your attention, the opportunity that you have
16 given us to be here today, and take your
17 questions.

18 CHAIRPERSON RECCHIA: Okay. I am
19 just going to start off with a few questions, and
20 then I'm going to let my colleagues ask questions.
21 I just want to talk to you about the clinical
22 alternative to the punitive segregation unit that
23 you just spoke about. So according to what we
24 know about it is that you are going to transfer
25 the mentally ill inmates to an internal clinic - -

2 they will get psychiatric and other counseling
3 help. Is that correct?

4 COMMISSIONER SCHRIRO: It's pretty
5 close. It will be two housing units, so it's--

6 CHAIRPERSON RECCHIA: [INTERPOSING]
7 On Rikers Island?

8 COMMISSIONER SCHRIRO: On Rikers
9 Island, so it's a secure setting. It is staffed
10 by correctional officers, but there is a
11 significant infusion of clinical staff, far more
12 than we have in any setting within the Department.

13 CHAIRPERSON RECCHIA: And the
14 psychiatrists and the therapy and the counseling
15 that they are getting, who is paying for that?

16 COMMISSIONER SCHRIRO: That is the
17 appropriation that goes to the Department of
18 Health and Mental Hygiene.

19 CHAIRPERSON RECCHIA: So it is
20 coming out of the Department of Mental Health and
21 Hygiene's budget?

22 COMMISSIONER SCHRIRO: Right, that
23 is an appropriation that they will be receiving in
24 the next fiscal year.

25 CHAIRPERSON RECCHIA: And do they

2 bill Medicaid for that? Do you know?

3 COMMISSIONER SCHRIRO: I am not the
4 person to ask. I am sorry.

5 CHAIRPERSON RECCHIA: Okay, so the
6 Department of Health and Mental Hygiene they are
7 coming in and they are providing all of these
8 services, and is this new program costing you any
9 additional money?

10 COMMISSIONER SCHRIRO: Our
11 department is not incurring any additional
12 expense. We are reassigning officers who were
13 previously assigned to other housing units where
14 these inmates had been to this unit.

15 CHAIRPERSON RECCHIA: And the
16 transportation of those inmates, is there any
17 additional fees for transporting from building to
18 building or they just walk?

19 COMMISSIONER SCHRIRO: We have a
20 transportation division, and so we move inmates
21 for a variety of reasons both on Rikers and to and
22 from the courts and other places in the community.

23 CHAIRPERSON RECCHIA: Okay. and is
24 this unit already built or it is going to be
25 built?

2 COMMISSIONER SCHRIRO: It is not
3 new construction. We are repurposing. We are
4 routinely moving populations from housing unit to
5 housing unit and matching housing units with the
6 best programmatic and security purposes.

7 CHAIRPERSON RECCHIA: And this is
8 just for mentally ill?

9 COMMISSIONER SCHRIRO: Well, the
10 unit we were just describing is for seriously
11 mentally ill, and that is a compendium of
12 diagnoses that the mental health professionals
13 make and these are diagnoses that are defined in
14 the DSM, which are diagnostic materials. It would
15 include for example, when we are talking about the
16 seriously mentally ill, individuals who are
17 diagnosed as being bi-polar or schizophrenic or
18 having a major depression disorder.

19 CHAIRPERSON RECCHIA: And how are
20 these inmates being treated now before this
21 program?

22 COMMISSIONER SCHRIRO: Well,
23 currently they are combined with the others--

24 CHAIRPERSON RECCHIA: [interposing]
25 With the general population?

2 COMMISSIONER SCHRIRO: No, I'm
3 sorry, with the others who are generally diagnosed
4 under the bigger umbrella of mentally ill. They
5 are currently in the MAUII unit, which is the
6 current alternative placement to punitive seg for
7 any individual with mental illness. So in that
8 setting they are managed much more like
9 traditional punitive seg, which means that there
10 is basically a 23 hour lock in with an hour a day
11 opportunity to come out for group work as well as
12 a minimum of an hour a week for individual work,
13 but it is not a clinical setting, and there is
14 concern for this population that that is the wrong
15 - - .

16 CHAIRPERSON RECCHIA: So it's more
17 like solitary confinement.

18 COMMISSIONER SCHRIRO: That is
19 exactly what it is. Yes.

20 CHAIRPERSON RECCHIA: So you are
21 changing that, and they will have more open air
22 space and more time.

23 COMMISSIONER SCHRIRO: It's a
24 individually paced program and so the time out of
25 cell is largely determined by the clinical staff

2 based on their ability to move without incident in
3 the unit and a lot of the out of cell time is
4 spent for group work, but also for related
5 activities that support the clinical
6 interventions.

7 CHAIRPERSON RECCHIA: Okay. I'll
8 come back. Council Member Liz Crowley?

9 CHAIRPERSON CROWLEY: Thank you,
10 Council Member Recchia. Commissioner, I have some
11 questions about overtime spending. How much is
12 budgeted to be spent this year, planned 2013
13 before we finish the year? We are about a month
14 and a half out.

15 COMMISSIONER SCHRIRO: How much do
16 we - - We anticipate that we will spend \$155
17 million, which is currently a decrease of eight
18 million dollars from when we appeared before you
19 in March, and that is a result of continuing
20 management on our part to make the - - best use of
21 the monies.

22 CHAIRPERSON CROWLEY: So with the
23 additional 293 positions how much less do you
24 think will be spent on overtime next year?

25 COMMISSIONER SCHRIRO: Next year,

2 we will considerably close the gap. By the end of
3 fiscal '14, so a year out from now, we will be
4 able to operate fully within the appropriation,
5 but for next year, we anticipate still incurring
6 slightly less than \$15 million more than the
7 appropriation, and the reason for that as I had
8 mentioned is--

9 CHAIRPERSON CROWLEY: [interposing]
10 I am sorry. How much is the appropriation?

11 COMMISSIONER SCHRIRO: For next
12 year it is just short of 75 million.

13 CHAIRPERSON CROWLEY: Now that 75
14 million and if it increases to 90 million or
15 changes to any other amount, how much of that is
16 known to be an expenditure beforehand? I
17 understand that you have to put a certain amount
18 aside for situations that might come about that
19 were unexpected, but how much of that do you
20 already know for sure you are going to have to put
21 officers on or other staff to do those tasks that
22 you don't currently have manpower to do.

23 COMMISSIONER SCHRIRO: I would
24 answer the question in two parts or two ways. As
25 I mentioned the testimony we have closed the gap

2 to resolve 80 percent of the overtime that we used
3 to spend on staffing shortages, which is your
4 question. By the end of next year by bringing on
5 the--resolving all of the gap between attrition
6 and being at full staffing on a continuous basis,
7 we will be able to live within our means, so it is
8 just one more year of catching up, and by that I
9 mean even when we bring new staff on board, so we
10 are paying their salary but for the first 16 weeks
11 that they are employed, they are in the academy,
12 and so they are not available to fill that post,
13 and that is why the overtime overage was greater
14 this year because we were further away from
15 meeting that goal. By the end of next year, we
16 will have met it I full.

17 CHAIRPERSON CROWLEY: And how many
18 more officers are you projecting to hire in the
19 plan for 2015?

20 COMMISSIONER SCHRIRO: Well, 2015,
21 we don't know yet. For 2014, we will be bringing
22 on the 293, which includes the 275 new staff as
23 well as the 18 that we got in the prior budget but
24 go into effect next year.

25 CHAIRPERSON CROWLEY: Okay. I am

2 going to recognize Council Member Vallone for
3 questions.

4 COUNCIL MEMBER VALLONE: Thank you.
5 Just quickly thank you for the tour the other day
6 of your most secure facilities, which I was
7 thankful to get out of. I am just amazed at what
8 you and your staff have to work with every day out
9 there at Rikers especially. The questions I had
10 were asked. Congratulations on the 293 officers.
11 We need them. I saw why we need them. That
12 wasn't my first tour, but it was a heck of a
13 reminder. You said something on the tour though,
14 and I forget the exact amount, and I think the
15 committee should know this. What is the
16 percentage of mentally ill as - - to the
17 generation population at Rikers?

18 COMMISSIONER SCHRIRO: Right now,
19 and it is increasing over the last number of
20 years, but at this point in time as part of the
21 average daily population, 38 percent at diagnosed
22 with a mentally illness or as we know here in New
23 York City are part of the Brad H [phonetic] class.
24 There are some groups where the percentages are
25 actually higher. When you are looking at the

2 adolescents in the 16 to 18 it is approaching 50
3 percent and for the women it is approaching 60
4 percent.

5 COUNCIL MEMBER VALLONE: That is an
6 amazing statistic, and I am not sure people were
7 aware of that. There is a huge underlying problem
8 that we can't deal with today, but perhaps in the
9 future, so thank you and the men and women who
10 work for you for the work that you guys do every
11 day.

12 COMMISSIONER SCHRIRO: Thank you.

13 CHAIRPERSON RECCHIA: A few more
14 questions. How much does a CPSU cost compared to
15 housing an inmate in the general population?

16 COMMISSIONER SCHRIRO: Well, the
17 difference in cost are the escort officers that
18 are assigned to do escorts both within the housing
19 unit and anywhere outside of the unit. So it is--
20 those six posts which is basically escorts on all
21 three of the tours represents an additional
22 \$600,000 per year.

23 CHAIRPERSON RECCHIA: So an
24 additional \$600,000 per year?

25 COMMISSIONER SCHRIRO: Yes.

2 CHAIRPERSON RECCHIA: What is the
3 timeline in which we can expect to see a further
4 reduction for CPSU?

5 COMMISSIONER SCHIRO: Well, as a
6 result of both the movement of the seriously
7 mentally ill out of that housing altogether that
8 will represent changes, but in addition to that ,
9 the Department has for the last several years been
10 working on other practices that will bring the
11 average daily utilization down and those I have
12 touched on in the past and just briefly, it
13 includes conditional discharges as I had mentioned
14 with the RHU for successful program completion in
15 good conduct in those housing units, so that is on
16 the back end. On the front end, we have been
17 reviewing historical backlogs in time that had
18 been imposed but never served, and so much of that
19 historical time that had been pending has been
20 expunged, and then last, to impose further
21 uniformity in the imposition of the - - we have
22 adopted the equivalent of a state sentencing grid
23 to make the penalties imposed more uniform, so we
24 anticipate that better utilization will decrease
25 by about 40 percent and that should occur within

2 the next year.

3 CHAIRPERSON RECCHIA: What was the
4 number in beds?

5 COMMISSIONER SCHRIRO: In its
6 entirety we have still online 997 beds. We are
7 actually on any day anywhere between 150 to 100
8 are not utilized and that is the effect of already
9 the early efforts that are being made.

10 CHAIRPERSON RECCHIA: So that is
11 150 subtracted from the 950?

12 COMMISSIONER SCHRIRO: Well, they
13 are still showing on the count, but they are not
14 filled on a given day, yeah, and we expect that
15 will continue to decrease.

16 CHAIRPERSON RECCHIA: Commissioner,
17 you said that the RHU is not solitary confinement.
18 Why don't you consider that solitary confinement?

19 COMMISSIONER SCHRIRO: Well, I
20 hadn't said that before, but you are correct. The
21 restricted housing units are for the larger number
22 of mentally ill inmates with the behavioral
23 diagnoses, and so they are placed in RHU as an
24 alternative location for the imposition of the
25 penalty, so they are subject to the infraction

2 being served, but it is done differently
3 consistent with their diagnosis so they start out
4 up to the first week in a largely locked down
5 situation, but by the end of the first week are
6 coming out for group work and then through the
7 self-paced three phase program, increasing spend
8 more time out of cell in the housing unit and
9 again, have the opportunity for a conditional
10 release when that program is satisfactorily
11 completed.

12 CHAIRPERSON RECCHIA: So I was
13 correct 'cause yesterday didn't you make the
14 statement that the RHU is not solitary
15 confinement?

16 COMMISSIONER SCHRIRO: I was
17 referring to what we were calling CAPS, which is
18 the unit for the seriously mentally ill.

19 CHAIRPERSON RECCHIA: You talked
20 about court intervention resource teams. How will
21 it likely divert mentally ill defendants from
22 entering the DOC custody. DOC?

23 COMMISSIONER SCHRIRO: That is
24 another great question. They actually don't.
25 They have already come to us, so I think the big

2 benefit to both the two diversion opportunities
3 that it affords us we usually think about
4 alternatives to incarceration as a decision you
5 make only before someone comes to jail and that
6 you then stop looking for other opportunities to
7 divert them once they are in our system. This
8 affords us two more chances to evaluate them.
9 There is a segment of those who have a mental
10 health diagnosis come to jail, but evidence low
11 risk of failure to appear which means they are
12 suitable for a pretrial diversion while they are
13 still undergoing the disposition of their case.
14 That is the first group, and we believe we can
15 divert a number of them within the first week or
16 two of incarceration. There is a second group
17 also mentally ill, who present more risk of
18 failure to appear, but would be appropriate for a
19 diversion for a different kind of sentencing. So
20 they would have the opportunity for an expedited
21 plea to a community based placement where they
22 would get treatment, but in both places move out
23 of jail far more quickly than if these diversion
24 opportunities weren't created.

25 CHAIRPERSON RECCHIA: Does anybody

2 else have any other questions? Council Member
3 Crowley.

4 CHAIRPERSON CROWLEY: Thank you,
5 Council Member Recchia. I have a question about
6 the fire life safety systems and the capital
7 commitment towards that 37.6 million. I know you
8 testified a little bit in your opening statement,
9 but are you going to renovate the entire system,
10 and this is enough money to do that?

11 COMMISSIONER SCHRIRO: So by the
12 end of this year, we will have commenced, we will
13 have started fire alarm installations in all of
14 our jails, and in completion of installation in
15 all the jails is expected both between 2014 and
16 2015 so by the end of 2015, those systems will be
17 in place in all facilities.

18 CHAIRPERSON CROWLEY: Are
19 facilities operating currently with fire safety
20 equipment that is working?

21 COMMISSIONER SCHRIRO: No, that is
22 why these installations are occurring. There are
23 just several jails that currently have these
24 mechanical systems in place, but there are other
25 measures that have been in place for a number of

2 years that serve as an interim strategy and will
3 continue to be an important part of what we do
4 going forward, most noticeable all of the officers
5 that we have on post throughout the system all of
6 them having personal body alarms and radios so
7 that they can summon if there is any detection of
8 smoke or smell that would indicate that there was
9 a fire.

10 CHAIRPERSON CROWLEY: But there is
11 no alarm that would sound in some of the jails.

12 COMMISSIONER SCHRIRO: Most systems
13 not now, and that is why these installations are
14 underway.

15 CHAIRPERSON CROWLEY: Under
16 previous administrations was there a plan? Why is
17 it taking so long to make the jail safe?

18 COMMISSIONER SCHRIRO: This is
19 something that we saw and addressed, and so we
20 have been working on it with the support of the
21 Council over the last several years. I can't
22 speak to prior to that. Commissioner Wax was here
23 before, I don't know if you are familiar with
24 that.

25 CHAIRPERSON RECCHIA: Please

2 identify yourself.

3 COMMISSIONER WAX: I am sorry.

4 Yes. Senior deputy commissioner, Ari Wax. It has
5 been a long time developing project both in terms
6 of planning design funding and implementation. It
7 has only been under Commissioner Schriro's regime
8 that we have been able to actually move it forward
9 to both get it funded and get it started and we
10 are at the point--

11 CHAIRPERSON CROWLEY: Why is it
12 such a complicated system? Most of your
13 facilities are low level - - ?

14 COMMISSIONER WAX: Much of it was
15 funding based more so than the complication of
16 actually doing the work.

17 CHAIRPERSON CROWLEY: And why was
18 it not considered a priority?

19 COMMISSIONER WAX: I can't speak to
20 what it was before.

21 CHAIRPERSON CROWLEY: I have no
22 further questions.

23 CHAIRPERSON RECCHIA: Alright. Not
24 seeing any further questions, thank you,
25 Commissioner. Thank you to your staff. We will

2 take a recess. The next will be the criminal
3 justice coordinator, which will begin--I
4 understand he is running a few minutes late--so
5 approximately 4:05, 4:10. Thank you. Take a
6 little break.

7 [pause]

8 CHAIRPERSON RECCHIA: All rise.
9 Liz Crowley has just entered. You can start now.

10 [pause]

11 CHAIRPERSON RECCHIA: Good
12 afternoon. We will now resume the City Council's
13 hearing on the mayor's executive budget for FY
14 2014. The Finance Committee and the Committee on
15 Fire and Criminal Justice Services has just heard
16 from the Department of Corrections. We will now
17 hear from the criminal justice coordinator. After
18 the criminal justice coordinator, we have one more
19 agency to hear from--that would be Legal Aid. So
20 in the interest of time, I will forgo an opening
21 statement, and recognize my Council Member Liz
22 Crowley. Would you like to say something?

23 CHAIRPERSON CROWLEY: Good
24 afternoon, Council Member Elizabeth Crowley. I
25 will also forgo my opening statement, and turn it

2 back over to Council Member Domenic Recchia.

3 CHAIRPERSON RECCHIA: Okay.

4 Commissioner, we are here to listen to what you
5 have to tell us.

6 JOHN FEINBLATT: Thank you very
7 much. I am here today joined by Laurence Bushing
8 [phonetic], by - - Vallows [phonetic], and by
9 Emily Portner [phonetic]. I want to update you on
10 the budget for indigent defense, our ATI contracts
11 and a few select other criminal justice
12 initiatives. When I testified before you in
13 March, I noted that even in difficult fiscal times
14 we were able to strengthen both defense and
15 prosecution, which is important to a sound
16 criminal justice system. The fiscal year 2014
17 indigent defense budget totals 262 million, which
18 is an increase in overall funding of four percent
19 from fiscal year 2013, and a 65 percent increase
20 if you look at the budget at the beginning of the
21 Bloomberg Administration. It includes \$88.4
22 million in funding for the Legal Aid Society, and
23 that includes an increase of 1.7 million from last
24 year to cover increases in health insurance,
25 pension obligations and other contractually

2 required costs. You had asked about this funding
3 in March. I said that I expected we would be able
4 to provide this funding and I can now report that
5 it has been included in our budget. Also in
6 addition we have put just over one million dollars
7 for institutional providers in family courts who
8 represent indigent parents and guardians in
9 article 10 abuse and neglect cases for staff to
10 tackle some of the increased workload. As you
11 will recall, this was an initiative that we began
12 during this administration to provide
13 institutional providers in family court to
14 represent parents, something that we had heard
15 both from the Council and from the family court
16 administrators was severely lacking. Last month
17 we finalized awards for alternatives to
18 incarceration contractors selected through RFP.
19 Now that those new contracts are in place, we are
20 increasing mayoral funding by 63 percent from 6.8
21 million to 11.1 million, and expanding available
22 slots by about 46 percent. Two of the new ATI
23 programs that we have added include the women's
24 prison association's justice home, which allows
25 women facing non-violent felony charges in

2 Manhattan, Brooklyn and in the Bronx to remain at
3 home with their families while they receive
4 supervision and services and the other is the - -
5 common justice project in Brooklyn, which targets
6 16 to 24 year old offenders charged with robbery
7 and assault. The program includes a restorative
8 justice model in which victims are able to
9 confront defenders and have a role in shaping
10 strictly monitored supervision and service plans.
11 We soon will be awarding contracts to
12 institutional providers to handle approximately
13 26,000 conflict cases annually. The executive
14 budget now includes 14 million for institutional
15 providers to start these services. We expect this
16 effort to save approximately six million dollars
17 annually. Evaluations of the proposal are
18 ongoing, and we expect to conclude them in the
19 next two weeks. Services we anticipate will begin
20 over the summer. We are also moving forward with
21 new projects directed at assisting victims of
22 crime. We will expand our network of family
23 justice centers, which were begun in this
24 administration by adding a Manhattan location this
25 fall, and are now developing plans for a fifth

1 family justice center in Staten Island in
2 collaboration with District Attorney Donovan that
3 will mean that we have established or planned to
4 establish family justice centers in all five
5 boroughs. This fall we will also begin
6 construction of a child advocacy center in the
7 Bronx joining the CACs that currently exist in
8 other boroughs. This network will provide child
9 victims of violence and abuse in all five boroughs
10 with multi-disciplinary teams and support from a
11 team of health professionals, social workers,
12 investigators and prosecutors. We are continuing
13 to develop our data driven evaluation tools for
14 indigent defense services. In march I shared some
15 early findings showing that conviction rates on
16 non-homicide felonies for 18B attorneys and
17 institutional providers were about the same--59
18 percent for institutional providers compared to 58
19 percent for 18B. I also reported that 18B cases
20 took about 47 percent longer to reach disposition
21 than those handled by institutional providers. At
22 your request, we took a further look at two
23 questions--the impact of trials in driving the
24 longer average case duration for 18B and the
25

1 ability of the providers to resolve felonies by
2 securing more favorable convictions to
3 misdemeanors or violations. Our findings are as
4 follows: we found that trials have a minimal
5 impact on average disposition time for both 18B
6 and institutional providers. As I reported in
7 March average case duration for non-homicide
8 felonies was 293 days for 18B and 200 days for
9 institutional providers. When we excluded trial
10 cases average case duration for 18B was 282, which
11 was only 11 days shorter than their overall
12 average including trial cases and for
13 institutional providers it was 194 days, only six
14 days shorter than their overall average duration
15 telling us that there isn't a vast different
16 between time to disposition for cases that go to
17 trial versus cases that don't. we also learned
18 that 18B trial cases accounted for only six
19 percent of the total days it took their cases to
20 reach disposition, compared to three percent for
21 institutional providers. Even though 18B handles
22 a somewhat higher percent of trials than
23 institutional providers, the percent of cases that
24 go to trial is so small that it doesn't have a
25

1 substantial impact on average case duration.

2 Taking a deeper look at your second question,

3 which were the conviction rates on felonies, we

4 found that institutional providers had more

5 success securing pleas to charges below the felony

6 level than 18B. We found for felony cases that

7 resulted in conviction, institutional providers

8 secured pleas to non-felony cases charges 80

9 percent of the time compared to 61 percent for

10 18B. For violent felonies institutional providers

11 secured non-felony pleas 68 percent of the time

12 compared to 48 percent for 18B, and in class A, B,

13 and C felonies the most severe, institutional

14 providers secured non-felony pleas 50 percent of

15 the time compared to 35 percent for 18B. We are

16 continuing to analyze this data and we expect to

17 release more results over the summer. We will

18 continue our data driven approach to measuring

19 performance in other areas of indigent defense in

20 criminal justice. Our new contracts for ATIs

21 increase requirements providers to deliver data on

22 program intake, on compliance, on recidivism, and

23 through the upcoming Article 10 RFP, we will

24 require providers to report uniform data about

25

2 their cases outcomes and processing times to
3 enable us to make apples to apples comparisons.
4 We are proud we have been able to consistently
5 fund indigent defense services and support our
6 other criminal justice programs in New York and
7 look forward to continuing to work with the
8 Council to ensure that low income clients continue
9 to have access to high quality representation. We
10 have been able to do this in an atmosphere with
11 crime continuing to decrease. Major crime during
12 the administration is down 31.4percent, homicides
13 are down 35.4 percent and if you compare the 11
14 years before the administration to the 11 years of
15 this administration, there were 7,378 fewer
16 homicides. That is good news for everyone. I am
17 happy to take any questions.

18 CHAIRPERSON RECCHIA: Thank you,
19 Commissioner, and I have a few questions. The
20 family justice centers opening up in New York
21 County, who is funding that?

22 JOHN FEINBLATT: We are through the
23 city funding it.

24 CHAIRPERSON RECCHIA: And how much
25 is that?

2 JOHN FEINBLATT: I will get you the
3 exact figure. I don't have it off the top of my
4 head.

5 CHAIRPERSON RECCHIA: Okay. you
6 said you are developing plans for a justice center
7 on Staten Island?

8 JOHN FEINBLATT: Yes, that is
9 correct. So we will have one in all five
10 boroughs.

11 CHAIRPERSON RECCHIA: What?

12 JOHN FEINBLATT: We will have one
13 in all five boroughs.

14 CHAIRPERSON RECCHIA: When do you
15 expect to open up the one in Staten Island?

16 JOHN FEINBLATT: I don't know. We
17 are just working with the DA right now on those
18 plans. We hope to do it as quickly as possible,
19 and to provide the funding so that it is in place.

20 CHAIRPERSON RECCHIA: The Staten
21 Island delegation in the City Council has been
22 putting a lot of pressure on me to fund this.
23 They feel they have been left out.

24 JOHN FEINBLATT: I don't think they
25 have been left out. I think that I can't dispute

2 that they are last, but they certainly aren't left
3 out.

4 CHAIRPERSON RECCHIA: They feel
5 that they are last--right now they have no family
6 justice center and they have no family court
7 providers either.

8 JOHN FEINBLATT: What does that
9 mean no family court providers?

10 CHAIRPERSON RECCHIA: Programs..

11 JOHN FEINBLATT: We are looking
12 for--we anticipate in the RFP to include a Staten
13 Island provider for this and Manhattan and Staten
14 Island people often complain that <Manhattan is
15 the first, well, in this case, they were fourth,
16 and Staten Island is the fifth, and I think the
17 important thing is that this is a new initiative
18 of this administration, and we will ensure that
19 all five boroughs have one.

20 CHAIRPERSON RECCHIA: Will you
21 consider, will you put the money in - - for the
22 family justice center and funding for family court
23 providers in Staten Island?

24 JOHN FEINBLATT: Well, we are
25 looking at that right now, and I want to be clear

2 that in each instance before we have put up a
3 family justice center, we put together something
4 called a domestic violence response team and that
5 has often been the precursor before we put up the
6 family justice center and we certainly created
7 that.

8 CHAIRPERSON RECCHIA: What do you
9 call that again?

10 JOHN FEINBLATT: It's called a
11 domestic violence response team, and it is
12 precinct based, and we established one in Staten
13 Island. I don't recall whether it was last year
14 or the year before last, which is often the
15 precursor to creating the family justice center,
16 so they have not been without services, and this
17 has been in the planning for some time.

18 CHAIRPERSON RECCHIA: Okay. So do
19 you think you will be able to get the money to
20 this year's budget?

21 JOHN FEINBLATT: I hope so.

22 CHAIRPERSON RECCHIA: Alright, and
23 how can we address the issue with the family court
24 providers in - - give funding?

25 JOHN FEINBLATT: I mean the problem

2 is that apparently we issued this RFP twice and
3 haven't gotten any viable proposals, and that has
4 not been for lack of trying, and certainly we
5 would be happy to sit down and talk to anybody you
6 think appropriate about this issue because it is
7 important that it is provided.

8 CHAIRPERSON RECCHIA: We will
9 definitely take you up on that, follow up on that,
10 and maybe there is somebody we can work with to
11 see what they can do. Now, your little study on
12 18B comparison to legal aid, these figures are
13 based on FY '12?

14 JOHN FEINBLATT: Yes.

15 CHAIRPERSON RECCHIA: Okay. And
16 where do we stand with the 18B RFP?

17 JOHN FEINBLATT: The RFP we are now
18 evaluating proposals and expect to have reached
19 conclusions in the next several weeks, next couple
20 of weeks, and would hope that we would be
21 operational sometime over the summer.

22 CHAIRPERSON RECCHIA: Are the
23 awards going to come out sometime before the
24 budget is adopted or after?

25 JOHN FEINBLATT: Likely before, but

2 I am not certain. I don't think the negotiations
3 will be concluded probably before the budget.

4 CHAIRPERSON RECCHIA: Alright. I
5 am going to turn it over to my colleague, Liza
6 Crowley.

7 CHAIRPERSON CROWLEY: Good
8 afternoon, Mr. Feinblatt. I have questions about
9 the 18B panel. How does one get qualified and
10 what are the different levels for an attorney to
11 be qualified on certain panels?

12 JOHN FEINBLATT: Those are set by
13 the first department and the second department.

14 CHAIRPERSON CROWLEY: So if I want
15 to be 18B attorney and handle homicide cases, what
16 should my experience be?

17 JOHN FEINBLATT: It is set by the
18 first department second department that is not in
19 our purview.

20 CHAIRPERSON CROWLEY: Right, but
21 you have this RFP for conflict cases that would
22 have otherwise been handled by 18B attorneys.

23 JOHN FEINBLATT: It doesn't include
24 homicide cases.

25 CHAIRPERSON CROWLEY: Okay. How

2 about--what is the level of experience needed for
3 felony non-homicide cases?

4 JOHN FEINBLATT: Set by the first
5 department and the second department.

6 CHAIRPERSON CROWLEY: Can you
7 ensure that every attorney that would be working
8 for one of these alternative providers that is
9 handling a case that would have otherwise been
10 handled by an 18B attorney be qualified as much as
11 one would need to be qualified?

12 JOHN FEINBLATT: I am pretty
13 confident that Legal Aid Society and the
14 alternative providers do a very good job, and
15 certainly if you look at the outcomes they get, I
16 think any--

17 [crosstalk]

18 CHAIRPERSON CROWLEY: --in the
19 other case, it doesn't appear that you are
20 requiring 100 percent of the attorneys that handle
21 these cases--in light of the RFP and in the RFP it
22 says there is 50 percent of the attorneys in the
23 firm that is responding to these RFP need to be
24 qualified to the level.

25 JOHN FEINBLATT: Councilwoman, I

2 know you have strong feelings about this, but if
3 you were a--

4 [crosstalk]

5 JOHN FEINBLATT: If you were a
6 defendant and defendants are the customer here,
7 not you or I, and you were told you could have a
8 choice between having an 80 percent chance that
9 your felony would be disposed of through a
10 misdemeanor or a 61 percent chance that your
11 felony would be disposed of by a misdemeanor,
12 which would you choose?

13 CHAIRPERSON CROWLEY: I am not sure
14 you answered the question I asked.

15 JOHN FEINBLATT: I am answering the
16 question. The point is I have given you data
17 about outcomes. Outcomes are what matter to
18 people who have been accused of crimes.

19 CHAIRPERSON CROWLEY: - - that if
20 somebody needs representation that they are going
21 to get the level that the state requires them to
22 have, and based on your RFP, it does not state
23 that 100 percent of the attorneys working on the
24 case would be qualified to the level of 18B
25 attorneys being qualified today who handle those

2 types of cases.

3 JOHN FEINBLATT: Are you
4 suggesting, Councilwoman, that Legal Aid Society
5 does an inferior job?

6 CHAIRPERSON CROWLEY: I am not
7 talking about the Legal Aid Society. I am not
8 sure who answered your RFP. Who answered the RFP?

9 JOHN FEINBLATT: They are likely to
10 be one.

11 CHAIRPERSON CROWLEY: One. Okay.
12 Who would be the others?

13 CHAIRPERSON RECCHIA: Is Brooklyn
14 Defender Services one of them?

15 JOHN FEINBLATT: Many people are
16 applying--look, you clearly--what do these hand
17 motions mean?

18 CHAIRPERSON CROWLEY: I want to
19 know who applied. Can you tell us? We are going
20 to be voting on a budget that you are giving 14
21 million... how much is it? - - 26,000 cases being
22 handled, average case costing what? Less than or
23 around \$500. I want to be guaranteed that if
24 somebody commits a crime and they need an
25 attorney, they are indigent, that they will

2 receive a qualified attorney based on the statute
3 that the state sets forth. Your RFP does not say
4 that - - 50 percent of the - -

5 JOHN FEINBLATT: Councilwoman, you
6 clearly have a bias here, and we have given you
7 metric after metric showing you that in fact 18B
8 has poorer outcomes and takes longer. You somehow
9 don't think that is a legitimate evaluation of the
10 18B. I do. So we have a disagreement.

11 CHAIRPERSON CROWLEY: Right, but
12 the state sets forth the rules and the experience
13 that an 18B attorney has to have in order to be
14 qualified to sit on that panel. Correct?

15 JOHN FEINBLATT: That doesn't mean
16 that their result is going to be good because they
17 have--

18 CHAIRPERSON CROWLEY: [interposing]
19 I just want to make sure that we follow the state
20 regulations, and it doesn't appear they are - - .

21 JOHN FEINBLATT: There are no state
22 regulations that apply to the other providers.
23 You know that. I know that.

24 CHAIRPERSON CROWLEY: How much of
25 the \$14 million comes from the state budget?

2 JOHN FEINBLATT: Look, the RFP
3 states clearly that the organization must have at
4 least 50 percent of their attorneys felony
5 certified, that is a floor. That is a floor. So
6 I know what we will do is what we do now, which
7 will be that we will look at the metrics. Are
8 they getting convictions? At what rate are they
9 getting convictions? Are there convictions to
10 misdemeanors or felonies? How long are they
11 spending in jail? How long are the cases taking?
12 Those are the metrics that if you were a defendant
13 that you would want to be judged by.

14 CHAIRPERSON CROWLEY: I am not
15 going to ask any further questions. I am not
16 bias. I believe that if somebody is charged with
17 a crime that they are entitled to fair
18 representation under the Constitution of the
19 United States of America, and if our state is
20 providing dollars as well as our city to fund
21 their defense that they are getting an attorney
22 that is qualified to defend them. I don't believe
23 that your RFP guarantees that 100 percent of the
24 time.

25 JOHN FEINBLATT: There is a basic

2 principle in jurisprudence in this country which
3 is justice delayed is justice denied. It is sort
4 of a basic thing that one learns in civics class.
5 It is a basic thing that one learns in law school,
6 and what I find difficult to grasp is how you
7 continue to defend 18B to the exclusion of other
8 providers when for non-homicide felonies, they
9 take nearly 100 days longer than other providers.
10 To me, excuse me, that violates the most basic
11 principle. That means that in many of those
12 instances that it could be 100 days longer in
13 jail, that means 100 days longer where they stand
14 accused of a crime that they may or may not
15 commit, that means 100 days longer if they are out
16 that they are taking time off from work, that
17 means 100 days longer they could be incurring
18 expenses for childcare. Those are values that
19 everybody who is concerned about the
20 administration of justice should be very very
21 concerned with.

22 CHAIRPERSON RECCHIA: I just want
23 to say something. This report, these graphs that
24 you presented to us, this study, your office put
25 this together. Is that correct?

2 JOHN FEINBLATT: That is correct.

3 CHAIRPERSON RECCHIA: Okay. So
4 this is your opinion. I have not had an
5 opportunity to discuss this with the other side,
6 so this is your opinion, so what you say about the
7 100 days I would like to go back and talk to the
8 18B attorneys and see what they have to say about
9 this because this is your opinion, so for you to
10 come in and say this is 100 days delay, 100 days
11 for justice, if you are so concerned about justice
12 and you want to move cases through the court
13 system and you want to move people out of Rikers
14 Island, then I am all for it. Let's sit down and
15 discuss it. Let's start off by giving the
16 district attorneys the money that they need to
17 prosecute the cases instead of them being
18 underfunded since you want to move cases so quick
19 and let's fund the police department the way they
20 need to be funded. Let's hire more police
21 officers so we can get them going in the right
22 direction, and since we are so concerned about
23 moving cases--I mean this is your opinion about
24 this. I did not have an opportunity to discuss
25 with 18B attorneys.

2 JOHN FEINBLATT: Councilman, I have
3 great respect for you, but this is not an opinion.
4 This is we require quarterly reports of all
5 disposed cases within a fiscal year and a fiscal
6 quarter from each provider and from OCA, and that
7 is the basis of this. This is based on data, and
8 as a result of the last time I testified in March,
9 my staff sat down with Councilwoman Crowley and
10 with members of the Council's fiscal team to go
11 over this data because we knew that you had some
12 concerns about it. Then we actually crunched more
13 data at the request of the Council, and so in
14 fact, we have been responsive and transparent.

15 CHAIRPERSON RECCHIA: I am not
16 disagreeing with you, but data is good, and
17 everyone interprets different ways. I can show
18 you data. You will interpret it one way. I will
19 see the same data interpret it another way. So
20 what I am just saying is I personally did not have
21 a chance to talk to 18B lawyers to see what they
22 have to say about this. To move it along, okay,
23 my whole issue here is to make sure that we get
24 funding properly for all parts of the criminal
25 justice system, and I will just leave it at that.

2 CHAIRPERSON CROWLEY: Mr.

3 Feinblatt, when you have this chart comparing
4 numbers of non-homicide felonies and the outcomes
5 in comparison to institutional providers versus
6 18B, wouldn't you agree that 18B handled more
7 difficult cases? They are the conflict cases.
8 They are harder to settle. They are more likely
9 to go to trial. Do you have the numbers? They
10 are handling difficult cases, correct? - -

11 JOHN FEINBLATT: We excluded
12 homicide cases from this analysis as you know, and
13 then we divided them in every way that we thought
14 possible to actually make the comparison. So we
15 looked at all felonies and compared them. Then we
16 looked at non-violent felonies and compared them.
17 Then we looked at violent felonies and compared
18 them. Then we looked at violent felonies. Then
19 we looked at A, B and C felonies.

20 CHAIRPERSON CROWLEY: Right, but if
21 you were handling a conflict case there is usually
22 a number of defendants, and you are probably more
23 likely when you are handling it as an 18B attorney
24 to get a conviction I would think if you had
25 people in the other column, maybe under the

2 institutional providers that - - witnesses. When
3 you are looking at your whole, you have to look at
4 just the conflict cases. Are you looking at the
5 whole of all the felony cases that are non-
6 homicidal?

7 JOHN FEINBLATT: So here is the
8 thing, I think what you are arguing is are multi-
9 dependent cases more difficult?

10 CHAIRPERSON CROWLEY: Are you
11 including multi-defendant cases in this chart--

12 JOHN FEINBLATT: every time there
13 is a multi-defendant case, this is a non 18B
14 lawyer on it.

15 CHAIRPERSON CROWLEY: Sometimes
16 institutional providers and the majority of the
17 time they are not providing to people who are
18 multi--

19 JOHN FEINBLATT: [interposing]
20 First, let me say this--

21 CHAIRPERSON CROWLEY: It's just one
22 basic question. It is a yes or no answer. Are
23 you comparing apples to apples or apples to
24 oranges?

25 JOHN FEINBLATT: Many 18B cases are

2 not multi-defendant cases because judges assign
3 18B--

4 CHAIRPERSON CROWLEY: What is the
5 percentage?

6 JOHN FEINBLATT: I don't have the
7 percentage on me, but I would be glad to provide
8 it to you. A complex multi-defendant case is one
9 could argue is a case with three or more. Two is
10 so commonplace. There are only two and a half
11 percent of cases in the entire criminal justice
12 system have three or more defendants, so it is de
13 minimus [phonetic], and I don't know any actual
14 data that would suggest, having represented many
15 multi-defendant cases--

16 CHAIRPERSON CROWLEY: I don't think
17 it's fair to compare--

18 JOHN FEINBLATT: --more
19 complicated.

20 CHAIRPERSON CROWLEY: They are more
21 complicated cases than the 18B - -

22 JOHN FEINBLATT: Can you explain
23 how, Councilwoman?

24 CHAIRPERSON CROWLEY: Because there
25 is usually and the majority of the time and you

2 cannot give statistics, there are more than one
3 defendant.

4 JOHN FEINBLATT: That doesn't make
5 them more complicated.

6 CHAIRPERSON CROWLEY: I would think
7 it's more complicated. You have more than one
8 person being tried - - .

9 [crosstalk]

10 JOHN FEINBLATT: Councilwoman,
11 three percent of these cases go to trial. That is
12 a--

13 CHAIRPERSON CROWLEY: And what is
14 the percentage of cases that go to trial for the
15 institutional providers?

16 JOHN FEINBLATT: We went over that
17 last time. It is one percent, but there is no
18 difference--

19 CHAIRPERSON CROWLEY: [interposing]

20 - -

21 JOHN FEINBLATT: Councilwoman, you
22 tried to make that point last time; however, if
23 you look at the length of time--

24 CHAIRPERSON CROWLEY: [interposing]

25 - -

2 JOHN FEINBLATT: Councilwoman, may
3 I answer your question? If you look at the length
4 of the time non-trial cases take versus trial
5 cases, there is hardly any difference, so this
6 theory that trial cases take longer is false.

7 CHAIRPERSON RECCHIA: Okay.

8 CHAIRPERSON CROWLEY: I am wrapping
9 up. I have no further questions. Thank you.

10 CHAIRPERSON RECCHIA: Let's move on
11 to some more pleasant topics. The Bronx DA
12 requested funding for a Rikers Island unit, which
13 was granted; however, they are in need of 371,000
14 to hire ten additional staffers - - ten police
15 officers to the complaint room. Are you planning
16 to support this additional funding?

17 JOHN FEINBLATT: We provided
18 \$600,000 for the Rikers Island unit. If you look
19 at the funding of the Bronx DA's office
20 proportionate to the case load, it is exactly
21 proportionate to the caseload.

22 CHAIRPERSON RECCHIA: So I guess
23 the answer is no, but is that \$600,000--

24 JOHN FEINBLATT: [interposing] The
25 answer is we provided \$600,000 for the Rikers

2 Island unit because we thought that they as a
3 function of them having to prosecute crimes that
4 come out of Rikers Island that that was unique to
5 the borough and therefore, we wanted to provide
6 funding that was sensitive to their unique
7 situation.

8 CHAIRPERSON RECCHIA: Alright. We
9 will ask the Bronx DA when he comes here next
10 week. Again back to Staten Island, the center for
11 community alternatives sentencing and employment
12 services--

13 JOHN FEINBLATT: [interposing] I
14 also will note that I think that that request that
15 you are referring to was a request they made of
16 the Council, and not of us.

17 CHAIRPERSON RECCHIA: What is that?

18 JOHN FEINBLATT: The additional
19 money that you are referring to beyond the Rikers
20 Island unit.

21 CHAIRPERSON RECCHIA: The \$371,000?

22 JOHN FEINBLATT: Whatever it was.
23 It didn't come to us as a request.

24 CHAIRPERSON RECCHIA: In the
25 preliminary budget I believe the DA said they

2 needed 371,000. He didn't say well I want it from
3 the Council.

4 JOHN FEINBLATT: They usually come
5 and meet with us and give us an actual proposal,
6 which is the standard that way that we generally
7 respond to requests.

8 CHAIRPERSON RECCHIA: So they
9 didn't ask you for 371, - - 600

10 JOHN FEINBLATT: Not that I am
11 aware of.

12 CHAIRPERSON RECCHIA: They just
13 asked you for \$600,000?

14 JOHN FEINBLATT: I don't know that
15 they had a dollar figure, but we have had lots of
16 discussions with them over the time about the
17 Rikers cases.

18 CHAIRPERSON RECCHIA: We will
19 follow up with them. I have just been told they
20 asked for \$798,000.

21 JOHN FEINBLATT: For which?

22 CHAIRPERSON RECCHIA: For you? The
23 Bronx DA... for this unit, for the Rikers Island--

24 JOHN FEINBLATT: They got 600,000
25 out of 798,000. Not bad.

2 CHAIRPERSON RECCHIA: Not bad.

3 They are still short. Okay. We will discuss it
4 with the Bronx DA next week. Getting back to
5 Staten Island, the center for community
6 alternatives sentencing and employment services,
7 CASES, was discontinued. You discontinued this
8 funding for fiscal 2014. Why did you discontinue
9 the funding?

10 JOHN FEINBLATT: This was actually
11 a program that was funded through NYCHA, and we
12 are actually working with them to look for
13 additional funding. I should say that we have
14 also increases CASES funding by 65 percent.

15 CHAIRPERSON RECCHIA: What?

16 JOHN FEINBLATT: We have increased
17 CASES finding by 65 percent through ATI.

18 CHAIRPERSON RECCHIA: Yeah for the
19 other five boroughs, not for Staten Island. The
20 program is being discontinued on Staten Island, so
21 my question is how do we get it not to be
22 discontinued?

23 JOHN FEINBLATT: We are looking to
24 see if there is alternative funding. This was
25 funding through NYCHA not through the Mayor's

2 Office.

3 CHAIRPERSON RECCHIA: Okay, it was
4 through NYCHA. This is something we might want to
5 talk to you more about.

6 JOHN FEINBLATT: This is something
7 that we have offered to carry some of the freight
8 on if we can. We would like to make sure we find
9 a way to see if this can continue, so we would be
10 happy to discuss it with you.

11 CHAIRPERSON RECCHIA: Okay.
12 Alright. Alright. I have no further questions.
13 Alright. Thank you, Commissioner. Legal Aid is
14 up next.

15 [pause]

16 CHAIRPERSON RECCHIA: We just heard
17 from the criminal justice coordinator, which is
18 very good. Now we will hear from Legal Aid. I
19 want to thank everyone for staying. Take a deep
20 breath, relax. Council Member Crowley, would you
21 like to say something.

22 CHAIRPERSON CROWLEY: I want to
23 thank Legal Aid for being here today. I am going
24 to forgo my opening statement.

25 CHAIRPERSON RECCHIA: Alright. We

2 will now resume the Council's hearing on the
3 Mayor's FY 2014. This part is the Finance
4 Committee with the Fire and Criminal Justice. We
5 will now hear from Legal Aid. Mr. Banks, welcome.

6 STEPHEN BANKS: Thank you very
7 much. For the record, my name is Stephen Banks.
8 I am the attorney in chief for the Legal Aid
9 Society.

10 CHAIRPERSON RECCHIA: You are not
11 going to read ten pages?

12 STEPHEN BANKS: I am not going to
13 read ten pages. I may not even read one page. I
14 am here today with Seymour James, who is the
15 attorney in charge of our criminal practice and
16 also the president of the State Bar, and with
17 Judith Goldiner [phonetic], who is the attorney in
18 charge of the law reform proactive in our civil
19 practice. Adrian Holder [phonetic], the head of
20 the civil practice could not be here today, and I
21 know you are familiar with both - - and Ms.
22 Goldiner. As indicated, you have our testimony
23 for the record, and we wish to simply highlight a
24 few items, and welcome questions from you. As you
25 know we provide both criminal defense and civil

2 legal services as well as juvenile rights
3 representation in all five boroughs and provide
4 comprehensive services to New Yorkers. Annually
5 we handle about 300,000 legal matters. Our staff
6 is represented by the Association of Legal Aid
7 Attorneys of the UAW, and 1199. The criminal
8 justice coordinator present in great detail the
9 funding for our criminal practice, and we are--

10 CHAIRPERSON RECCHIA: [interposing]

11 He loves you. He loves legal aid.

12 STEPHEN BANKS: As does the Council
13 based upon your past support for us, which we
14 greatly appreciate. I would be remiss in not
15 thanking you, Council Member Recchia as well as
16 you Council Member Crowley and the Council staff
17 for all of the help you have brought over the
18 years in the various budget disputes that have
19 arisen with respect to our funding level, and we
20 are very grateful for the joint efforts of the
21 administration and the Council to provide the
22 funding that we currently have and criminal
23 justice coordinator referred to the fact that
24 issue came up during the preliminary budget
25 hearing with respect to what our funding would be

2 for FY '14 and those matters were addressed in
3 terms of our increased healthcare costs and
4 contractual responsibilities - - requirements, so
5 I appreciate that those were met, and we too are
6 awaiting the discussions with respect to the
7 allocation of conflict cases. As you know, the
8 Legal Aid Society joined and supported the city's
9 plan in the state court litigation based upon our
10 view that was upheld by the court of appeals that
11 the state statute permitted the assignment of both
12 non-conflict and conflict cases to the Legal Aid
13 Society so that clients could benefit from the
14 comprehensive services that we provide, and we
15 appreciate the support the council has always
16 given us in these matters, notwithstanding some
17 dispute about the role of 18B vis-à-vis the role
18 of the Legal Aid Society, but we appreciate your
19 support, and we understand that you understand our
20 perspective on these matters. I am happy to
21 answer questions on any of those issues and our
22 role and support of the city's position that
23 litigation if that would be helpful. On the civil
24 side unfortunately we are here again to tell you
25 once again that all of the very critical funding

2 that the Council put into the budget last year--

3 CHAIRPERSON RECCHIA: [interposing]

4 Yeah, you got a lot of money last year--with the
5 immigration money you got a lot.

6 STEPHEN BANKS: We appreciate your
7 support in all four of the programs that you have
8 provided us money. One area is immigration and
9 there we received the special funding from IOI,
10 \$585,000. That was critical money. The Council
11 was very thinking forward when it provided that
12 money because then shortly after the adoption the
13 federal government adopted the deferred action for
14 children program and the Legal Aid Society ended
15 up submitting 1,000 applications--the most in the
16 state of any entity, and we couldn't have done
17 that without those dollars. There continue to be
18 demands in that program, and then as you know,
19 there is likely to be a change in federal
20 immigration law after adoption, and so this
21 funding is critical. In fact, there is certainly
22 a need for looking at whether there should be more
23 funding, but we clearly need the restoration, the
24 \$585,000. There are three other programs that the
25 Council has historically supported. One is the

2 city wide civil legal services program, and this
3 was critical to enabling us to provide the legal
4 assistance that we have to victims of the super
5 storm Sandy. As you know from the conversations
6 that we have had, we recently brought litigation
7 to prevent the termination of hotel placements
8 that Ms. Goldiner has been leading that effort for
9 several hundred families. We have brought the
10 litigation to address the food stamp--denial of
11 food stamps to constituents based upon the city's
12 implementation of a very arbitrary plan, and more
13 overall, we have helped some 5,000 households with
14 Sandy related problems. These are on top of the
15 normal work that we have done, so this year, we
16 will be handling as a result of this additional
17 services for Hurricane Sandy victims some nearly
18 50,000 legal matters, and the way that we have
19 been able to do it frankly is that you provided us
20 with city wide civil legal services funding, which
21 has flexibility. We used it to provide
22 constituent service related assistance when
23 Council Members seek that help in all five
24 boroughs. It is a program that used to be funded
25 at 3.6 million. It has been funded at 1.5

2 million. We are asking in view of the increased
3 needs resulting from the super storm Sandy that
4 that be restored to three million dollars--not the
5 3.6 that it used to be at, and not the 1.5 that it
6 is at this year, but three million to deal with
7 the increased post hurricane needs. There is the
8 additional UI SSI program. It is a million
9 dollars. That was totally eliminated. That is
10 pennywise and pound foolish since as you know, it
11 gets people off of public assistance and gets them
12 federal disability benefits or enables people to
13 get unemployment benefits rather than be on public
14 assistance, and certainly in a period of
15 continuing significant economic dislocation,
16 including post storm, it is important to restore
17 this one million dollars. And last but not least,
18 there is the HPD anti-eviction program funded at
19 two million dollars that helps prevent evictions
20 throughout the city. Both the UI and the HPD
21 programs have been significantly cut since the
22 economic meltdown in FY 2008, 2009 and we clearly
23 understand what some of the drivers were there,
24 but we really would urge you to look this year at
25 increasing the civil wide civil legal services

2 funding in view of the hurricane issues. There is
3 the last program that is enabling us to help is
4 anti-gun violence initiatives is part of the
5 Council's initiative, and we would hope that the
6 Council would fund that initiative, which has been
7 providing funding to the Legal Aid Society to help
8 - - .

9 CHAIRPERSON RECCHIA: And that was
10 600,000?

11 STEPHEN BANKS: 625,000. I would
12 be happy to answer any questions and further
13 describe the increased needs that we are seeing.

14 CHAIRPERSON RECCHIA: I have got
15 lots of questions. Let's talk about the civil end
16 first.

17 STEPHEN BANKS: I'd be happy to
18 start with civil.

19 CHAIRPERSON RECCHIA: Anti-gun
20 violence initiative that we started to date, how
21 many people have you represented?

22 STEPHEN BANKS: The funding for us
23 was actually not intended to provide
24 representation to individuals but was to--

25 CHAIRPERSON RECCHIA: [interposing]

2 For victims, for people who got questioned--they
3 were called in to be questioned from the police
4 department.

5 STEPHEN BANKS: What we have been
6 doing with that funding actually is providing--the
7 first step that we have been doing is to provide
8 know your rights information to try to break down
9 the barriers between the communities and us. We
10 have done a lot of education in the schools. I
11 can get you specific statistics of the number of
12 people that we provided assistance to in the
13 schools and directly in the community.

14 Unfortunately, many of our programs as you know
15 operate year to year. This was a new program, and
16 so it did take some start up time given the fact
17 that there hasn't been a contract in place, but we
18 can provide the Council with additional data on
19 that.

20 CHAIRPERSON RECCHIA: Okay. My
21 question is how many people or victims did you
22 actually represent, have a lawyer go with the
23 victims to be questioned by the police department?

24 STEPHEN BANKS: I am going to get
25 you all of that data, but I want to just

2 highlight, and I don't want to mislead you, our
3 primary focus was on providing know your rights
4 information in the communities in addition to
5 providing individual work, but I am going to get
6 you the data.

7 CHAIRPERSON RECCHIA: I understand
8 that, but when we discuss this funding the reason
9 why a lot of council members supported it was
10 because victims who would get called in would have
11 representation by legal aid and council members
12 would be able to call legal aid. Is there a
13 certain phone number that was set up for this
14 program?

15 STEPHEN BANKS: We have our normal
16 direct routes that council members always contact
17 us on. I know Council Member Williams contacted
18 us a lot about a number of issues in his community
19 as have other council members, but I am happy to
20 give you a complete report on that program.

21 CHAIRPERSON RECCHIA: I don't want
22 a complete report. All I want to know is how many
23 victims did you actually go in with. I need to
24 see that before we do the funding, and that is
25 number one, and number two, I also would strongly

2 recommend that you print up some kind of card so
3 council members could know where to call and what
4 exactly the service that legal aid is going to be
5 able to provide. I believe a lot of my colleagues
6 are not aware that if you get a call and somebody
7 gets called into the police department you can
8 call legal aid for free representation.

9 STEPHEN BANKS: Okay. We can
10 certainly address that. Actually one of the
11 things that we were sending out to your shortly is
12 some know your rights videos that you can actually
13 play in your own offices, and we will include in
14 that the information that you are asking for.

15 CHAIRPERSON RECCHIA: That is a big
16 issue. The other thing I want to ask you about is
17 the IOI money. You have \$585,000. Do you
18 represent undocumented workers?

19 STEPHEN BANKS: Yes, we do.

20 CHAIRPERSON RECCHIA: And you
21 represent them in all the proceedings?

22 STEPHEN BANKS: We represent them
23 in a range of legal problems that are presented to
24 us. The most common problems are withholding of
25 wages and withholding of related benefits or

2 failure to pay overtime. We also represent
3 individuals in those cases where they are
4 potentially going to face immigration
5 consequences, so we provide comprehensive services
6 both on the employment side of the problem as well
7 as the potential immigration problems that could
8 result from such an individual. We have no
9 restrictions in providing those kinds of cases
10 representation.

11 CHAIRPERSON RECCHIA: So you
12 represent all immigrants in all types of cases?

13 STEPHEN BANKS: Correct. We have
14 no limitation. I think just for the record I
15 would say the Legal Aid Society gave up its
16 federal legal services corporation funding in 1996
17 in order to be able to provide comprehensive
18 services to immigrants because if we had accepted
19 those dollars we would have been limited in the
20 services that we could provide. We were an
21 organization that was founded to provide services
22 for immigrants, and it would have been
23 antithetical to our work to take such dollars, and
24 so we don't, so we are able to provide
25 comprehensive representation. I believe that

2 there was a chart that we had submitted which we
3 could resubmit that shows every category that you
4 would want immigration assistance in, we are able
5 to provide it, and that was one of the issues that
6 arose with DACA last August that we were able to
7 do the screening because as you know, a number of
8 the young people coming forward had uncertain
9 immigration status and unlike some others, we were
10 able to screen everybody because we have no
11 restriction on providing those kinds of services.

12 CHAIRPERSON RECCHIA: Getting back
13 to the anti-gun violence, did you put a brochure
14 together or something that you hand out about
15 knowing your rights?

16 STEPHEN BANKS: We have a range of
17 materials that we provide, which I am also happy
18 to provide you at some point as well.

19 CHAIRPERSON RECCHIA: Yeah, I would
20 like to see a copy of that. This is the first
21 time I am ever hearing about it. I think we are
22 going to have to meet, and we are going to have to
23 figure out how--so every council member knows
24 exactly what they can get. You were here earlier
25 when the criminal justice coordinator talked about

2 this little study he did which compared 18B to
3 legal aid or other providers like you.

4 STEPHEN BANKS: We are the primary
5 providers, so I think that a lot of the comparison
6 is to us.

7 CHAIRPERSON RECCHIA: Have you had
8 an opportunity to see this?

9 STEPHEN BANKS: Yes, it was
10 discussed at the preliminary budget hearing I
11 believe.

12 CHAIRPERSON RECCHIA: But did you
13 have an opportunity to study this, and go over it
14 in great detail?

15 STEPHEN BANKS: I look at it. I
16 believe it represents an accurate presentation of
17 the data. The data that is presented here is data
18 that is available from the court system. For the
19 Legal Aid Society we don't keep separate legal aid
20 data. Our data is based upon the data the court
21 system has, so in other words when we are
22 reporting to the criminal justice coordinator's
23 office, we are not reporting data that we
24 prepared. Our data is the same data that the
25 Office of Court Administration has, and I believe

2 it is the same data for 18B attorneys as well.

3 CHAIRPERSON RECCHIA: So this data
4 the criminal coordinator got from the court
5 system, from OCA?

6 STEPHEN BANKS: I am not sure where
7 the city got it from, but I know that it is
8 available, and I know if you looked at our case
9 load, so length of stay, the length of duration of
10 our cases, the outcome of our cases, that is all
11 objective data. It is not subjective legal aid
12 reporting in saying oh, we think the case lasted
13 this number of days versus that number of days.
14 It is subjective information that we have no
15 control over either embellishing or taking any
16 other subjective approach.

17 CHAIRPERSON RECCHIA: Okay. Ms.
18 Crowley, do you have some questions?

19 CHAIRPERSON CROWLEY: Thank you,
20 Chair Recchia. I have a question about your civil
21 services?

22 STEPHEN BANKS: Sure.

23 CHAIRPERSON CROWLEY: Approximately
24 what percentage of those in need are you able to
25 serve?

2 STEPHEN BANKS: Well, regrettably,
3 we are able to serve only one out of every nine
4 people that come to us, and that is a very
5 distressing statistic for us, and the situation is
6 likely to have gotten worse as a result of the
7 circumstances of the hurricane. I think that what
8 our front line staff see every day is the
9 difficulty of having to make triage decisions with
10 people. These are all people--the nine people are
11 all people that have meritorious cases, and so we
12 are only really able to take one of those cases,
13 and that is reflective of the increased need that
14 there is out there. If we were to lose all of the
15 money that the Council provided, it would be that
16 much worse, but we think given the impact of the
17 hurricane and the continuing economic downturn
18 that this is a critical year to look at restoring
19 the city wide civil legal services program beyond
20 the level that it was restored to last year.

21 CHAIRPERSON CROWLEY: Last year, it
22 was 1.5 million?

23 STEPHEN BANKS: 1.5 and we are
24 asking to go to three million. That is still less
25 than what it had been at 3.6 million.

2 CHAIRPERSON CROWLEY: And is that
3 the extent of coverage you have from government
4 for funds going towards civil services?

5 STEPHEN BANKS: We receive a
6 combination of other funds, but this is a critical
7 component of our funds.

8 CHAIRPERSON CROWLEY: In terms of
9 civil services and as it relates to the state or
10 federal government?

11 STEPHEN BANKS: We don't receive
12 any federal legal services corporation dollars,
13 but we do receive some funding from the Office of
14 Court Administration, from the - - account fund,
15 which as you know has suffered tremendous losses.
16 The amount that we get from the - - lawyers
17 account fund is substantially less than what we
18 got before the interest rates dropped, and we
19 receive private funding, but all of those other
20 resources have limitations on the availability to
21 provide us with those funds, and here is a program
22 that we know has a proven track record of helping
23 us help people, and so we would urge you to take a
24 look at increasing it.

25 CHAIRPERSON CROWLEY: So there was

2 no federal government dollars put towards civil
3 services?

4 STEPHEN BANKS: Well, in particular
5 I think this is a discussion that we had had that
6 I think maybe is important to put on the record,
7 which is that there isn't any FEMA funding
8 available for the kind of disaster relief legal
9 services that we have provided. When there have
10 been disasters around the country, not just this
11 locality, but all around the country, people have
12 made the argument that you need to provide FEMA
13 funding to support legal services, and it has
14 never been permitted at the federal level, so
15 there is no ability to obtain additional FEMA
16 support to bridge this gap that is being caused as
17 a result of the hurricane.

18 CHAIRPERSON CROWLEY: I have no
19 further questions. I hope that the Council can
20 fund your budget requests. I know that I will be
21 advocating, and I thank you and the folks who are
22 here today from legal aid, and all your staff
23 attorneys and staff for the work that they do for
24 all New Yorkers. Thank you.

25 STEPHEN BANKS: We really

2 appreciate that.

3 CHAIRPERSON RECCHIA: Thank you.

4 Before we leave, I just want to just to be clear,
5 when do you think you could have the list of the
6 victims or the people--

7 STEPHEN BANKS: [interposing] The
8 information. If I can get it by the end of the
9 week, we will. It may be the beginning of next
10 week. I am just not sure what the status of the
11 data is.

12 CHAIRPERSON RECCHIA: Just so I am
13 clear, we want to know how many victims or how
14 many people you went to the actual precinct and
15 you had an attorney there.

16 STEPHEN BANKS: I understand.

17 CHAIRPERSON RECCHIA: Okay.

18 Alright. Thank you very much. Any other
19 questions? Thank you very much. This concludes
20 today's hearings. I have got to read my
21 statement, make it official. This concludes
22 today's hearing. The Finance Committee will
23 resume executive budget hearing on Friday, the 17th
24 day of May at ten a.m. The hearing will be held
25 in the chamber Friday. It will be joined by the

2 Committee on Economic Development chaired by Karen
3 Koslowitz and the Committee on Small Business
4 Services chaired by Council Member Diana Reyna.

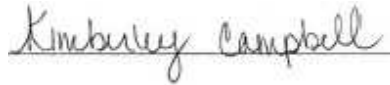
5 As a reminder, public will be allowed to testify
6 on June 5th. All the public that would like to
7 testify at four o'clock on June 5th, you come and
8 testify. If you cannot make it on June 5th, you
9 can submit your testimony to my attorney, Tanisha
10 Edwards, by faxing a copy of your testimony to
11 212-788-7061. Thank you. This hearing is now
12 adjourned until Friday.

13 [gavel]

C E R T I F I C A T E

I, Kimberley Campbell 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.

Signature

Handwritten signature of Kimberley Campbell in cursive script, written over a horizontal line.Date _____ 5/28/13