

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON FINANCE JOINTLY WITH THE COMMITTEE ON
PUBLIC SAFETY

-----X

May 23, 2013
Start: 10:03am
Recess: 2:33pm

HELD AT: Council Chambers
City Hall

B E F O R E:

DOMENIC M. RECCHIA, JR.
PETER VALLONE, JR.
Chairpersons

COUNCIL MEMBERS:

Council Member Gale A. Brewer
Council Member Leroy G. Comrie, Jr.
Council Member Lewis A. Fidler
Council Member Helen D. Foster
Council Member Robert Jackson
Council Member G. Oliver Koppell
Council Member Darlene Mealy
Council Member Diana Reyna
Council Member Joel Rivera
Council Member Julissa Ferreras
Council Member Karen Koslowitz
Council Member James G. Van Bramer
Council Member Vincent M. Ignizio

A P P E A R A N C E S

COUNCIL MEMBERS:

Council Member Michael C. Nelson
Council Member Daniel R. Garodnick
Council Member Charles Barron
Council Member Mark Weprin
Council Member David G. Greenfield
Council Member Jessica S. Lappin
Council Member Vincent J. Gentile
Council Member Deborah Rose
Council Member Melissa Mark-Viverito
Council Member James Vacca
Council Member Margaret Chin

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

Ray Kelly
Commissioner of Police
New York City

Vincent Grippio
Deputy Commissioner Management and Budgets
New York City Police Department

Robert Johnson
District Attorney
New York City, Bronx

Daniel M. Donovan
District Attorney
New York City, Staten Island

Bridget G. Brennan
Office of the Special Narcotics Prosecutor
City of New York

Dan Alonzo
Chief Assistant District Attorney
New York City, Manhattan

Amy Feinstein
Representative
District Attorney Charles Hynes, Brooklyn

Jack Ryan
Chief Assistant District Attorney
Queens County

Daniel Chu
Chairman
CCRB

Marcos Solaire
Acting Executive Director
CCRB

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

Bishop Mitchell Taylor
Board Member, Chair of Outreach Committee
CCRB

1
2 CHAIRPERSON VALLONE: I think after
3 11 years I'd figure out not to hit the rubber mat,
4 hit the wood. So, open up the meeting. Welcome,
5 everyone to our, to my final budget hearing and to
6 our hearing on the Committee on Public Safety
7 regarding the Police Department Executive Budget.
8 I was just talking to the Commissioner, I think,
9 one standard that we have set that will probably
10 never be beat is the fact that every hearing we've
11 ever held with the Commissioner and I has started
12 exactly on time. and I think that's our legacy
13 that will last a long time, Commissioner
14 [laughter]. So, good morning. As always, we will
15 hear today from Commissioner Ray Kelly and his
16 staff and we'll also hear from the District
17 Attorney's and the Special Narcotics Prosecutor.
18 Today we will not be hearing from OEM or the,
19 well, that's the only one not here? No OEM
20 because it's, their budget remains unchanged and
21 we'll also be hearing from the Civilian Complaint
22 Review Board. At the preliminary budget hearing
23 we discussed the record of crime is in decline
24 over the last 20 years and the fact that there
25 have been some slight upticks in some of those

1
2 crimes. We talked about the need for the police
3 to maintain and increase its numbers in order to
4 keep crime down. At our March hearing we were
5 very upset to hear that the average headcount is
6 going to be 500 fewer than it is now. But we're
7 pleased that after we discussed this with the
8 Commissioner that the two classes were switched
9 and 500 classes from, 500 cadets were moved into
10 the incoming class in July, which should go a long
11 way to resolving that but I want to hear specifics
12 about that and especially what's going to happen
13 in July when that small class comes in. with the
14 high attrition rates that we are expecting in the
15 NYPD. Another serious staffing issue that I
16 discussed yesterday on the steps is that of 911
17 operators and dispatchers. Our NYPD call takers
18 play a vital role in getting emergency services to
19 New Yorkers swiftly. But we, they can't
20 accomplish that if there are not enough of them.
21 Right now the plan calls for hiring 110 call
22 takers but we need to ensure that this is actually
23 happening and this is enough. Over the last few
24 years, calls to 911 have gone up 20 percent while
25 the number of call takers has either stayed the

1
2 same or diminished and the overtime that's worked
3 by these people during these vital job is just
4 tremendous. I mean, I've seen the timesheets
5 where they can go from doing an eight hour shift
6 with just a few hours notice to doing another
7 eight hour shift. And doing that up to three
8 times a week. I couldn't do that and I'm not
9 taking emergency calls. So, that's a topic we're
10 going to discuss. Also, civilianization, we
11 discussed for 11 years and we'll discuss again.
12 The fact that there are 500 able bodied police
13 officers doing jobs that, behind desk, that can
14 come out right now and are sorely needed on our
15 street. Finally, we're going, we want to commend
16 the NYPD again for its response concerning motor
17 vehicle collisions. The accident investigation
18 squad, which is now called the collision
19 investigation squad, which will respond to more
20 and different types of accidents. And however,
21 there's no money being added to that unit so I'd
22 like to find out how that's going to be
23 accomplished. And obviously, we want to discuss
24 the ordinance cameras again also. So, there's a
25 lot of topics and co chair Domenic Recchia sends

1
2 his regrets, he's in Washington right now. I'm
3 going to say he's fighting for more Federal
4 funding but I'm not actually sure what he's doing
5 in Washington but we're going to go with that one.
6 So, Commissioner, as always, for the last 11
7 years, it's been an honor to work with you and to
8 hold this hearing with you and we look forward to
9 your testimony. Thank you.

10 COMMISSIONER RAY KELLY: Thank you
11 very much, Mr. Chairman. We do appreciate
12 starting on time. I'm accompanied by our Deputy
13 Commissioner and Manager of Budget, Vincent Grippo
14 and our Citizen Commissioner of Management Budget,
15 Franke Doken. Thank you for this opportunity to
16 discuss the Mayor's Executive Budget for fiscal
17 year 2014. Since I testified in March overall
18 crime has continued to fall by three percent this
19 year among more than 35 percent since 2001. After
20 a year in which New York saw the fewest homicides
21 since at least 1960, murders are down by 28
22 percent in 2013. Shootings are down by 25 percent
23 and shooting victims are down by 27 percent
24 compared to the same point last year. Much of the
25 reduction in crime this year can be attributed to

1
2 Operation Crew cut [phonetic] which we began last
3 October. As you may recall, we've been
4 concentrating on the loosely affiliated gangs or
5 crews, as they're called, that are responsible for
6 30 percent of the shootings in New York City. As
7 part of this effort we've expanded the size of our
8 gang division. We are also monitoring social
9 media sites for signs of retaliatory shootings and
10 reaching out to young crew members and their
11 families to keep them from getting involved in a
12 life of crime. Our precinct youth offices are
13 making home visits, meeting with parents and
14 providing them with information about after school
15 programs, job training and other social services.
16 So far Operation Crew cut has been very successful
17 and combined with other proactive strategies like
18 Operation Impact it has helped us to build on the
19 gains we've made in reducing violent crime and
20 getting dangerous weapons off the street. As
21 highlighted in the report released by the National
22 Center for Disease Control last month, New York
23 has the lowest ratio of teenagers carrying guns in
24 the entire country. A separate report from the
25 City Department of Health showed that the current

1
2 overall firearms fatality rate is less than half
3 the US rate. During the past decade firearms
4 related deaths in New York fell by 32 percent
5 while nationally they remained flat. We are using
6 every means at our disposal to make New York even
7 safer, including the distribution of new smart
8 phones to 400 officers on patrol. They link
9 directly to our real time crime center. With the
10 help of these phones our officers can obtain
11 instantaneous information about a potential
12 suspects criminal history. They can verify an
13 individual with identification through access to
14 arrest files, police photographs and State DMV
15 databases. The phones are especially helpful in
16 domestic disputes. They enable officers at the
17 scene to know if police have previously been
18 called to the residence, provide them with the
19 details of those incidents and let them know
20 whether or not there are any active warrants or
21 orders of protection. As part of our pilot
22 project we are evaluating how well the device has
23 delivered information for expanding their use on
24 patrol. In March I discussed the substantial
25 impacts of the thefts of personal electronic

1 devices and especially Apple products on the
2 City's crime rate. To give you some idea, this
3 year 40 percent of all grand larcenies from a
4 person involved Apple devices. That's up from 37
5 percent last year. Meanwhile, 27 percent of all
6 robberies involve Apple products are from 23
7 percent last year. I've testified previously
8 before the Council about the strategy put in place
9 about this print. These include assigning
10 additional officers in the transit system,
11 conducting decoy operations, enlisting cell phone
12 carriers to permanently disable a phone once it's
13 been stolen and implementing a widespread campaign
14 with the public to register phones. In addition,
15 we've entered into discussions with Apple on ways
16 to improve the subpoena process and our ability to
17 track stolen phones with the help of a company's
18 data. While the measures I have described have
19 been helpful the ever increasing supply of these
20 products on the market will pose a constant
21 challenge. In addition to maintaining our focus
22 on conventional crime we're also addressing the
23 health and safety threats posed by prescription
24 drug abuse. Between 2004 and 2010 the rate of New
25

1
2 York City emergency room visits related to
3 painkillers nearly tripled. The unintentional
4 death rate also rose significantly. Last week it
5 was reported that Staten Island, which was one of
6 the focal points of our efforts, saw a 261 percent
7 spike in prescription opioid overdoses from 2005
8 to 2011. This wider trend was the subject of our
9 recent panel discussion I took part in at New York
10 University with President Bill Clinton who is
11 playing a leading role in this issue. At this
12 event I presented the Police Department's core
13 strategies to combat prescription drug abuse which
14 are outlined and detailed before the Council in
15 March. In brief, we've enhanced training for our
16 police officers, we've created a special task
17 force with the Drug Enforcement Administration,
18 we've established a database of area pharmacies so
19 that we can share best security practices with
20 them. We also distributed bait bottles to
21 pharmacies containing placebo oxycodone pills and
22 GPS tracking devices to track thefts and identify
23 stash locations. Finally, we've a long stated
24 comprehensive program of outreach to high school
25 and college students to raise awareness among

1
2 young people. Let me also say a word about hate
3 crimes and in particular, the recent series of
4 bias motivated assaults against members of the
5 lesbian, gay, bisexual and transgender community,
6 primarily in Manhattan. NYPD is bringing full
7 resources of our hate crime taskforce to bear in
8 investigating these cases. We are collaborating
9 closely with the City and five District Attorney
10 offices to ensure that when an arrest is made in
11 any crime of this nature the perpetrators are
12 charged with a hate crime. In addition, the
13 Police Department's three LGBT liaisons, two from
14 our Community Affairs Bureau and one from my
15 office, have been visiting with victims,
16 precincts, elected officials, community leaders
17 and LGBT groups to gather as much information as
18 possible and raise awareness in an effort to
19 prevent similar crimes from occurring. Later
20 today I'll be meeting with members of the Police
21 Department's LGBT Advisory Council to discuss
22 additional steps we can take to heighten awareness
23 and protect the public. We have these meetings on
24 a quarterly basis. The Police Department is
25 equally committed to protecting the citizens who

1 travel on our roadways and the proper
2 investigation of traffic accidents. Here to,
3 we've made significant progress. In the last ten
4 years traffic accidents are down by 14 percent.
5 Traffic related injuries are down by 33 percent
6 and traffic related fatalities are down by 29
7 percent. Recently, we expanded the role of our
8 accident investigation squad. In the past
9 officers from AIS responded only to cases in which
10 a victim was killed or seriously injured and
11 likely to die. We're now expanding these criteria
12 to include victims who suffer a critical injury as
13 determined on the scene by EMS personnel. These
14 include individuals receiving CPR, in respiratory
15 arrest or requiring life sustaining support. In
16 addition, when the extent of injuries or unique
17 circumstances of a collision warrants such action
18 the Duty Captain may also determine that an
19 investigation is necessary. We've also made
20 significant changes to the accident investigation
21 squad as well naming it the Collision
22 Investigation Squad or the assigning additional
23 personnel to the unit. They are provided with
24 new, specialized equipment and enhanced collision
25

1
2 investigation training. We also continue to do
3 everything in our power to deter another terrorist
4 attack. In the wake of the bombings at the Boston
5 Marathon last month the Police Department took a
6 number of steps to protect New York City. And for
7 good reason as we subsequently learned that the
8 Tsarnaev brothers planned to drive to New York and
9 detonate their six remaining bombs in Times
10 Square. Immediately after the explosions in
11 Boston we conducted perimeter searches of hotels
12 and increased security around landmarks and subway
13 stations here. We also assigned a lieutenant and
14 two sergeants to the Regional Intelligence Center
15 to gather information. To help that, we already
16 had a longstanding relationship with the Boston
17 Police Department which is part of our Operation
18 Sentry Program. Through this initiative we share
19 training and information with more than 140 law
20 enforcement agencies throughout the Northeast, Mid
21 Atlantic, and other parts of the United States.
22 21 Boston police officers are here in New York on
23 a three day visit to the NYPD. We also dispatched
24 a lieutenant from the Intelligence Division to
25 Youngstown, Ohio, to meet with the executives from

1 Phantom Fireworks. This is the company that
2 unwittingly sold the fireworks to both the
3 Tsarnaev brothers and - - Ahzad [phonetic] who
4 attempted to detonate a car bomb in Times Square
5 in 2010. We want Phantom to spread the word to
6 its employees, 1,200 locations nationwide that
7 their products could be exploited by individuals
8 seeking to build explosive devices. We're asking
9 them to deny or flag suspicious purchases and to
10 alert us that if they believe there are possible
11 links to terrorism. Ideally, through a strong
12 partnership, good intelligence and expert analysis
13 we'll identify threats in their earlier stages.
14 New York presents no shortage of high value
15 targets for terrorism so we have to focus our
16 efforts on those areas that terrorists are most
17 likely to hit. Certainly, the World Trade Center
18 site tops that list. Contrary to what some of its
19 critics have said the World Trade Center campus
20 security plan designed by the department does not
21 isolate the area from the Lower Manhattan
22 community. Pedestrians and bicyclists will be
23 able to enter the site and travel its streets and
24 sidewalks freely. Taxis, cars and tour buses
25

1
2 having business at the site will have access after
3 screening to guard against the threat of a vehicle
4 bomb. Delivery trucks will be diverted from, for
5 a separate screening. This is a reasonable
6 precaution to take after the 1993 truck bombing of
7 the World Trade Center claimed six lives and
8 caused an additional thousand casualties. The
9 destruction of the Twin Towers on 9/11, truck
10 bombing, the requisite protection of the memorial
11 to the nearby, the nearly 3,000 dead and the fact
12 that New York City has continued to be the target
13 of multiple terrorist plots over the last decade,
14 are all important considerations in striking the
15 balance between safety and access that we believe
16 has been achieved with the supply. Technology
17 also has a big role to play in our counter
18 terrorism efforts and especially our network of
19 cameras to protect Lower and Midtown Manhattan.
20 By the end of the summer we expect to have 5,000
21 cameras operated by the private sector and NYPD
22 tied into the Lower Manhattan Security
23 Coordination Center. Thanks to the City Council
24 we are also in the process of adding hundred of
25 new surveillance cameras to our - - network of

1
2 anti crime cameras throughout the City. We've
3 determined the appropriate locations for the
4 cameras and will be forwarding that list shortly
5 to the Council. Location was selected based on
6 the analytical review of crime data, counter
7 terrorism risk assessments and to a degree
8 possible, recommendations from Council Members.
9 Now we're awaiting approval from the City
10 Comptroller's Offices. We'll do everything we can
11 to install the new cameras as quickly as possible
12 as soon as this is received. If all goes
13 according to the plan we're beginning installation
14 within the month of the Comptroller's approval.
15 We expect all of the cameras to be installed,
16 hopefully within a year from that time. we also
17 want to note that this summer to better understand
18 how our biological, chemical or radiological
19 attack could impact the, New York City, we're
20 teaming up with the US Department of Energy for
21 the largest urban airflow study to be conducted.
22 We'll install monitoring equipment on subway
23 platforms and lamp posts and deploy a harmless gas
24 in the subway system and onto the streets.
25 Researchers from Brookhaven National Laboratory

1
2 will then collect air samples to track its
3 movement and concentration. The Police Department
4 will use this data to optimize our emergency
5 response in the event either an intentional or
6 accidental release of hazardous materials. The
7 success of our public safety mission depends most
8 of all on developing strong community
9 partnerships. We have an entire Community Affairs
10 Bureau devoted to this function. It conducts
11 extensive outreach to New York City's diverse
12 communities and oversees a range of programs for
13 young people. In addition to collaborating with
14 the public through 76 precinct community council's
15 we have a broad based partnership with members of
16 the clergy throughout the City. We also created a
17 special strategies and Tactics Advisory Committee.
18 The Committee is made up of prominent New Yorkers
19 and community leaders including the Reverend
20 Calvin Butz [phonetic] the Reverend Herbert
21 Daugherty [phonetic] Jeffrey Canada [phonetic] and
22 Arver Rice [phonetic]. We conduct quarterly
23 meetings at police headquarters on a variety of
24 issues, everything from gang violence to
25 reasonable suspicion encounters, gun trafficking

1
2 and drug related crimes. Our discussions have
3 been wide ranging and constructive and we'll
4 continue to consult with the committee on a
5 regular basis moving forward. We also meet
6 quarterly with the Muslim Advisory Council that
7 provides guidance to the Police Department on all
8 aspects of our public safety mission. Its members
9 are also prominent spiritual and community leaders
10 including Daisy Kahn, Executive Director of the
11 American Society for Muslim Advancement, Iman
12 Tahir Kohkiri [phonetic] he's the leader of the
13 Albanian Islamic Cultural Center on Staten Island,
14 and Mustafa Al Sheik [phonetic] Founder and
15 President of Ameripeace [phonetic], who provide
16 social services to the Arab/Muslim community in
17 Queens. With the help of these and other
18 individuals we intend to build on the foundation
19 of trust that we worked so hard to establish with
20 the City's Muslim community over the last 11
21 years. Turning to the Mayor's Executive Budget
22 for fiscal year 2014. The Department continues to
23 apply for and obtain Federal assistance to protect
24 members of the public and vital assets including
25 the Financial District, the Transit System and

1
2 Bridges, Tunnels and Ports. Federal fiscal year
3 2003 through 2012 awards the amount of \$3.5
4 billion in counter terrorism grand funding
5 allocated to New York State. Approximately \$1.95
6 billion of 56 percent of this amount was allocated
7 to New York City. With that amount, \$1.5 billion
8 or nearly 59 percent of the funds received by the
9 City was allocated to the NYPD. As I've discussed
10 at the preliminary budget hearing this past March
11 the Federal fiscal year 2013 Department of
12 Homeland Security Preparedness Grants, which total
13 \$1.4 billion nationally were reduced by nearly \$1
14 billion as compared to the Federal fiscal year
15 2011 appropriation. This resulted in a net
16 decrease in funding of the five major grants that
17 support the Department's ongoing counter terrorism
18 programs. The Ordinary Security Initiative, the
19 State Homeland Security Program, Law Enforcement
20 Terrorism Prevention Grant, the Transit Security
21 Grant Program and the Port Security Grant Program.
22 Compared to 2011 the total funding for Federal
23 fiscal year 2012. Under these programs would
24 decrease by \$655 billion, or 40 percent,
25 nationwide. By \$87 million or 25 percent for New

1
2 Your State, by \$24.6 million or 13 percent for New
3 York City and by \$19.1 million or 16 percent for
4 the NYPD. Despite this cut, it's worth noting
5 that the City's share of Homeland Security Grant
6 funding decreased far less as a percentage than
7 other localities. That is due in large part to
8 the support of Secretary of Homeland Security,
9 Janet Napolitano and the Chairman McCall of the
10 Homeland Security Committee and, of course, Peter
11 King, whose been a consistent champion of the City
12 when it comes to grant funding. They have
13 consistently advocated for the strongest possible
14 level of funding for New York as the nations
15 number one terrorist target. The \$19.1 million
16 decrease in funding was attributable to reductions
17 in both the Transit Security Grant Program as well
18 as the Homeland Security Grant Program. The TSGP
19 Grant Award was less because it reduced funding
20 for the integration of CCTV, camera feeds from New
21 York City Transit Stations into the Domain
22 Awareness System and for other transit programs
23 such as the Explosive Detection K9 Teams. The
24 reduction to the HSGP limited the purchase of
25 specialized personal protective equipment such as

1 heavy ballistic vests and response vehicles. We
2 have recently had a funding request for these
3 critical initiatives part of our 2013 grant
4 proposal for both grant programs. In total, the
5 Department was awarded a total of \$99 million
6 under the five Federal fiscal year 2012 Department
7 of Homeland Security Preparedness Grants for the
8 continuation and expansion of various counter
9 terrorism projects and initiatives. The amounts
10 awarded under these five programs are as follows.
11 Under the Homeland Security Grant Program, which
12 includes the Urban Area Security Initiative, Law
13 Enforcement and Terrorism Prevention Grant and
14 State Homeland Security Program, a total of \$86
15 million was awarded. Funding under the Transit
16 Grant Program totaled \$8 million. The Port
17 Security Grant Program was awarded \$5 million.
18 Last week FEMA released a Federal fiscal year 2013
19 application guidelines for each grant program. As
20 in the past, the Department's submission will
21 request funding under these grants to allow for
22 the continuing build out of the Lower and Midtown
23 Manhattan security initiative as well as for the
24 purchase of critical explosive and radiation
25

1
2 detection equipment, personal protective equipment
3 mitigation and rescue equipment. Funding will
4 continue to support the deployment of officer for
5 anti terrorism teams throughout the City,
6 including the Transit system and underwater
7 tunnels, covering the salary course of Intelligent
8 Research Analysts, over time costs for counter
9 terrorism training and continued maintenance and
10 support costs for our counter terrorism projects
11 and equipment. Exact funding allocation to the
12 NYPD are still unknown at this time, however,
13 optimistic that our share of DHS Preparedness
14 Grants will increase from last year. This is
15 based on conversation with Federal officials and
16 the recent announcement that nationwide
17 allocations for the 2013 Urban Area Security
18 Initiative and the State Homeland Security Grant
19 Program will include approximately \$23 million in
20 additional funding to New York City. As the
21 Council is aware we also utilize funding from DHS
22 and Domestic Nuclear Detection Office under the
23 Security In the Cities Program to construct a
24 radiation alarm system around New York. The goal
25 of the system is to prevent a nuclear weapon or

1
2 dirty bomb from entering the City. As the lead
3 agency in this program the NYPD administered funds
4 across three states and 12 jurisdictions. The
5 total amount received, funding awarded to the NYPD
6 under this program was \$18 million in 2012, an
7 increase of \$1.5 million from the \$16.5 million in
8 2011. We anticipate funding under this program
9 will continue at the same level for Federal fiscal
10 year 2013. The Department's cumulative costs for
11 Hurricane Sandy now total \$89 million which
12 includes \$91 million for overtime, cash and comp
13 time, \$59 million in pension and City benefit
14 costs and \$39 million OTPS costs for facility
15 repairs and clean up, vehicle replacements and
16 repairs, information technology and communications
17 equipment and supplies. To date, FEMA has
18 reimbursed the City \$105 million of the
19 Department's total cost. Our office was
20 significant and temporarily disabling in many
21 areas. Just some examples include the 60th
22 Precinct, the 100th Precinct, PSA 1, the Erie Basic
23 Property - - Facility the Pier 76 Facility, the
24 Floyd Benefield [phonetic] Hanger, Edwards Hall,
25 the Quartermaster Facility, Manhattan South

1
2 Narcotics and the Bomb Squad Facility at the
3 Outdoor Range. The hurricane caused structural
4 damage to some facilities as well as utilities,
5 life saving systems, telecommunications equipment
6 as well as back up and emergency support systems.
7 Despite these conditions the Police Departments
8 continue to respond effectively during and after
9 the storm thanks to the courage and skill of our
10 police officers. In addition, as highlighted in
11 the Mayor's Hurricane Sandy After Action Report,
12 the City's 911 emergency call taking system
13 functioned as designed throughout the crisis and
14 did not fail or drop any calls. This, despite
15 reaching its highest hourly call volume ever,
16 20,000 calls per hour at the peak of the storm.
17 Our response capacity will only be strengthened by
18 the eminent changeover on May 29th from the Legacy
19 Sprint 911 system to the new Computerized Aided
20 Dispatch or CAD system. The Sprint system, which
21 was introduced in 1969 is no longer sufficient to
22 accommodate the City's enhanced 911 operations.
23 In contrast, CAD gives us dynamic new capabilities
24 including more precise measurement of response
25 times and enhanced mapping abilities that can

1
2 provide latitude and longitude readings for events
3 where no address is given. In addition,
4 dispatchers will be able to view drugs and unit
5 status in real time using only one monitor.
6 They'll no longer have to use two different
7 software systems to run license plates and perform
8 name checks nor will call takers have to continue
9 memorizing more than 500 radio codes. These are
10 all provided in drop down menu box in the CAD
11 system. Now, these are just a few examples among
12 many of how much more efficient and
13 technologically advanced the new system is.
14 Regarding an executive financial plan and its
15 impact on the Police Department, the Department's
16 fiscal year 2014 budget is \$4.7 billion, 93
17 percent of the amount is allocated for personal
18 service, and seven percent for other than personal
19 services. Fiscal year 2014 budget is \$300 million
20 lower than this year's budget of \$5 billion. This
21 decrease reflects an amount for non City funds
22 that have not been added yet to the fiscal year
23 2014 budget. There were no expense reductions
24 during this plan, however, critical new needs for
25 cost were funded as follows. Funding in the

1 amount of approximately - - and \$26,000 FY14 and
2 \$267,000 in the out year were provided to the
3 collision investigations squad for start up and
4 ongoing operational costs. This was due to an
5 expansion of the number and type of cases that
6 were being investigated by the squad. As I
7 mentioned previously, this is part of our efforts
8 to strengthen the investigation of traffic
9 collisions and road safety for the general public.
10 City funds were provided in the amount of
11 approximately \$486,000 beginning in FY14 for auto
12 vehicle locaters communication car. This
13 technology will provide real time geographical
14 position to up to 3,000 patrol vehicles. AVL
15 technology can be leveraged by the Department to
16 achieve greater levels of efficiency and
17 visibility around the management of its fleet and
18 day to day operations. Additionally, AVL's can be
19 utilized in various crime fighting and counter
20 terrorism efforts to achieve greater situational
21 awareness. Beginning in FY 14 and annually
22 thereafter \$1.4 million was provided for a wide
23 area network line that provides end to end
24 disaster recovery. Due to the failure of primary

1
2 communication data circuits during Hurricane Sandy
3 an end to end telecommunications solution utilizes
4 multiple communications carriers will enhance
5 network survivability from the Department's data
6 center to the disaster recovery site in the event
7 of future disasters. The - - mainframe located at
8 the disaster recovery site is running out of
9 capacity and will be replaced with the mainframe
10 that will provide more processing power and
11 storage. Approximately \$798,000 provided
12 beginning FY14 and the out years. funding in the
13 matter of approximately \$288,000 was provided in
14 FY14 and annually thereafter for communications
15 and network lines at the new police academy.
16 Funding in the amount of approximately \$608,000
17 FY14, \$239,000 FY15, \$246,000 FY16, \$856,000 FY17
18 as well as additional funding in the out years was
19 provided for an ongoing maintenance and support
20 requirements for the new balance configuration
21 unit which was funded in September 2012 capital
22 plan. Funding in the amount of approximately
23 \$373,000 FY14 and \$498,000 again in FY15 was
24 provided for equipment maintenance and support of
25 the Department's computer network infrastructure.

1
2 City funds for the ongoing system maintenance and
3 support for the pawnbrokers and second hand dealer
4 program were provided as follows. Approximately
5 \$175,000 FY14, \$180,000 FY15, \$186,000 in FY16 as
6 well as additional funding in the out years.

7 Lastly, funding in the amount of approximately
8 \$131,000 beginning in FY14 was provided for
9 utility and parking expenses for the new mounted
10 unit located at 770 11th Avenue at West 53rd Street
11 in Manhattan. The following is the summary of the
12 Department of Civilian and Uniformed Authorized
13 Staffing levels. The number of funded authorized
14 full time civilian positions is 14,514 in fiscal
15 year 2013, 14,261 in the out years. The decrease
16 in, form fiscal year 2014 is due to grant funded
17 positions that have not yet been added to the
18 fiscal year 2014 authorized head count. The
19 authorized head count reflects a reduction of
20 1,395 full time civilian positions as a result of
21 prior year pegged reductions. The part time
22 budget currently funding 2,607 positions in fiscal
23 year 2013 which consists mostly of school crossing
24 guards. Prior year pay cuts have reduced the
25 number of part time staffing from 571 positions,

1 including 547 police cadet positions. The uniform
2 funded peak headcount will remain at 35,437 in
3 fiscal year 2014 and the out years. However, due
4 to the anticipated high attrition of police
5 officers eligible for retirement upon reaching
6 their 20th anniversary in the month of August and
7 February the August amount in the budget is
8 authorizing the advancing and hiring of police
9 officers from the January 2014 class. We
10 anticipate hiring approximately 1,250 police
11 officers in July of 2013 and 714 in January of
12 2014. This will allow the Department to maintain
13 the average head count of the prior three fiscal
14 years of approximately 34,950. I'll turn now to
15 overtime costs. Overtime costs in fiscal year
16 2013 are projected to total \$637 million, which is
17 \$33 million more than the fiscal year 2012 actual
18 expenditures of \$604 million. This increase is
19 mainly due to \$84 million in overtime for
20 Hurricane Sandy. Because of Hurricane Sandy our
21 offset by approximately \$10 million in savings
22 from planned events including those events
23 cancelled by the storm, \$18 million decrease in
24 Occupy Wall Street overtime expenditures compared
25

1
2 to fiscal year 2012 and reductions of \$23 million
3 in other overtime categories. The anticipated
4 fiscal year 2014 overtime budget is \$634 million,
5 which includes \$198 million in non city funds.
6 This budget will fall short of the \$637 million
7 projected spending by \$3 million. However, future
8 unplanned events that might occur during the
9 remainder of the fiscal year would further
10 increase overtime cost resulting in a greater
11 deficit. The fiscal year 2014 overtime budget of
12 \$494 million is \$140 million lower than the
13 anticipated fiscal year 2013 budget of \$634
14 million. The difference is mainly due to \$84
15 million provided Hurricane Sandy and other non
16 city funds not yet included in the fiscal year
17 2014 overtime budget. As always, we will work to
18 achieve overtime savings wherever possible. Since
19 2002 our uniform deployment to planned events has
20 been reduced due to careful management efforts.
21 As a result, overtime costs of this category
22 decrease by a cumulative total of \$234 million
23 through calendar year 2012. Based on prior year
24 overtime savings through calendar year 2012 and
25 adjustments for those events cancelled because of

1
2 Hurricane Sandy we expect to continue saving
3 approximately \$23 million each year when compared
4 to the amount spent in 2002. On May 2nd, 2013 the
5 Mayor released the 2014 ten year capital strategy,
6 Executive Budget and Commitment Plan. The total
7 capital plan for the Police Department is \$960
8 million covering fiscal years 2013 to 2023. In
9 this plan \$39 million in additional funding has
10 been provided for the following projects. \$36
11 million was allocated in various fiscal years for
12 the life cycle replacement of vehicles,
13 technology, a helicopter and patrol boats. \$2
14 million was provided for various facility repairs
15 damaged by Hurricane Sandy. These include
16 facility roofs, electrical systems, and HVAC
17 systems. \$538,000 were provided for technology
18 needs to support the expansion of the uniformed
19 crime reporting system. As mentioned at the March
20 budget hearing the fiscal year 2013 to fiscal year
21 2023 capital plan maintains funding for the
22 following major facility projects; design and
23 construction of the new police academy is budgeted
24 at \$37 million in fiscal year 2013, which
25 supplements the \$714 million budget in prior

1
2 fiscal years. Construction of the new facility is
3 continuing and is scheduled for completion in
4 December of this year. Design and construction of
5 the new 121st precinct is budgeted at \$7 million in
6 fiscal year 2013 which supplements the \$62 million
7 budgeted in prior fiscal years. Construction of
8 the new facility is continuing and is scheduled
9 for substantial completion in June, 2013. The
10 restoration and renovation of the landmark Central
11 Park Precinct is budgeted at \$359,000 in fiscal
12 year 2013 and 2014 which supplements the \$58
13 million budgeted in prior fiscal years.

14 construction started in September of 2007 and
15 precinct personnel moved into that facility in
16 January of 2012. Construction of the facility and
17 demolition of the temporary facility were
18 completed in March of 2013. Thank you for the
19 opportunity to discuss these issues. I'll be here
20 to answer any questions you might have.

21 CHAIRPERSON VALLONE: Thank you,
22 Commissioner. We are joined today by Chair of
23 Fire and Criminal Justice, Liz Crowley, Council
24 Member Ignizio, Oddo, Rodriguez, Foster, Koppell,
25 Lander, Gentile, and Ferreras. I'm going to go in

1
2 the order that, I'm just going to follow your
3 testimony and ask some questions and then turn it
4 over to my colleagues. First of all, on page one,
5 congratulations as always regarding your work to
6 continue to bring down the amount of debts in this
7 city due to firearms and bring it to the level,
8 lowest level we've seen in recorded history.

9 During the past decade firearm related deaths in
10 New York fell 32 percent while nationally they
11 remained flat. And again, you're doing that with
12 almost 7,000 less cops than you had in 2001 which
13 is unacceptable but it's happened. As I've been
14 warning about certain crimes, though, are on the
15 rise. One of those is grand larceny. You
16 mentioned that it involves mostly Apple products
17 and that you're talking to the phone companies,
18 including Apple, but you don't mention how
19 successful those has been. You say that's, you're
20 enlisting cell phone carriers to permanently
21 disable a phone once it's been stolen. So, first
22 of all, is that possible?

23 COMMISSIONER KELLY: Say that
24 again.

25 CHAIRPERSON VALLONE: Is it

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

possible to permanently disable a phone, for the phone company to do that, once it's been stolen?

COMMISSIONER KELLY: Is it possible?

CHAIRPERSON VALLONE: Yes.

COMMISSIONER KELLY: We believe it is possible.

CHAIRPERSON VALLONE: And how have your discussion has been going with Apple and the other companies to get it done?

COMMISSIONER KELLY: We really have just started meaningful discussions with Apple in the last two months. We're working with some other cities, Washington, San Francisco. They have become a little bit more receptive in recent conversations. You know, we're looking for the way, ideally, to disable a phone once it's stolen. And, you know, we haven't come to that point yet with Apple but they know what we want. Also, I mentioned repair remarks. We are looking for increased cooperation, they've been, have been fairly cooperative when we subpoena information from them. We want it, obviously, as quickly as we can get it. So, they have responded somewhat.

1
2 And all of the carriers, you know, they're not
3 necessarily happy because these subpoenas have
4 increased throughout the country. So, it puts a
5 demand on their resources and these steps, of
6 course, are occurring throughout the world. It's
7 not just in New York. So, all of the carriers are
8 being asked for information and some are faster
9 than others.

10 CHAIRPERSON VALLONE: Can you tell
11 people what type of information you subpoena from
12 a phone company?

13 COMMISSIONER KELLY: Well, we want
14 to know if it's being used, where is it located,
15 has it been reregistered, that sort of thing.

16 CHAIRPERSON VALLONE: And clearly,
17 you need that as soon as possible.

18 COMMISSIONER KELLY: That's right,
19 sure.

20 CHAIRPERSON VALLONE: So, if we can
21 do anything as a City Council to help you because
22 I am very concerned about the fact that I don't
23 believe we're getting enough cooperation from
24 these phone companies and, you know, they
25 obviously make money every time a phone is stolen

1
2 someone has to buy that phone again. And the less
3 thefts the less money they make and I'm very
4 concerned about that. So, if we can pass any
5 legislation or do anything on this end of the hall
6 to put pressure on them, please let us know. Also
7 on page two you mentioned the recent increase in
8 hate crimes and what you're doing about it. You
9 say that you're bringing the full resources of our
10 hate crimes task force to bear. Can you please
11 let us know what those full resources are?

12 COMMISSIONER KELLY: Well, the hate
13 crimes task force is now a part of the special
14 victims unit. And the special victims division,
15 the commanding officer of the special victims
16 division is Chief Michael Osgood [phonetic] who
17 was the Commander of the Hate Crimes Unit. So,
18 the Hate Crimes Unit has over 20, I think it's 24
19 investigators in it, I'm not 100 percent certain.
20 But you also use the resources of special victims
21 division, if needed, to focus on particular
22 investigations.

23 CHAIRPERSON VALLONE: Is that unit
24 being increased over the last year or recently
25 because of what's happening?

1
2 COMMISSIONER KELLY: No, not
3 because of what's happening. Being over time the
4 special victims division has been consolidated.
5 It used to be on a borough basis, now it's on a
6 city wide basis. It's been, roughly, about 200
7 investigators for a while.

8 CHAIRPERSON VALLONE: You mentioned
9 that you're going to discuss additional steps
10 later that will heighten awareness. If you can
11 give us, maybe, a brief preview of what those
12 steps are?

13 COMMISSIONER KELLY: Awareness as
14 far as?

15 CHAIRPERSON VALLONE: Your
16 testimony says, later today I'll be meeting with
17 the LGBT Advisory--

18 COMMISSIONER KELLY: [interposing]
19 Oh, yeah, right.

20 CHAIRPERSON VALLONE: --Council to
21 discuss additional steps we can take to heighten
22 awareness and protect the public.

23 COMMISSIONER KELLY: Yeah, we, I
24 meet with them on a quarterly basis. We have some
25 brochures, pamphlets that we want to run by them

1
2 today. They've been very helpful in giving us
3 input and giving us recommendations. So, it's
4 going to be one of the means we get information
5 out. We also send our liaisons to certain
6 advocacy groups and will speak to any group in
7 terms of being aware of your surroundings, certain
8 patterns that we might see develop, although
9 generally speaking in hate crimes patterns are
10 rare. It's sort of one off events but we are, you
11 know, willing and able to impart information to
12 groups, community groups who want to receive this
13 type of training or awareness. And we've done
14 that for a while.

15 CHAIRPERSON VALLONE: Perhaps there
16 are one or two points you can share with us now
17 about how you will, we can heighten awareness with
18 you?

19 COMMISSIONER KELLY: Well, I think
20 just that. If you are, if you're out at night you
21 may be alone or with someone else, you have to be
22 aware. These, most of these, many of these events
23 are happening after midnight. They're happening
24 in vicinities of bars. So, and many of the
25 aggressors here are people who had something to

1
2 drink. I think it's just common sense to avoid
3 those confrontations and perhaps avoid those
4 locations after midnight.

5 CHAIRPERSON VALLONE: Okay, we'll
6 follow up with you after that meeting to see what
7 we can do to help you in that regard because it's
8 a very important topic to a lot of us. In your
9 next paragraph you talk about the collision
10 investigation unit and again, thank you for
11 increasing the scope of the investigations there.
12 We had a whole hearing on this topic. In the past
13 it was only someone who died or likely died that
14 would bring out this unit. Now, there will be
15 other accidents with different circumstances, you
16 know, we applaud that. I personally wish you
17 would investigate some more of these trucks
18 slamming into overpasses like happened again
19 yesterday which shut down the FDR. As a
20 prosecutor I believe that's reckless endangerment
21 in some cases and yet the NYPD has yet to file
22 charges in any of those cases. But, I hope the
23 squad takes a look at those. There is no money in
24 the budget for that squad, though, but you will be
25 increasing the unit. So, how do you intend to do

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

that?

COMMISSIONER KELLY: Well, we are increasing the number of recruiting people to, who want to go into the highway division and we are increasing the training for technicians inside the unit and we're increasing, ultimately, the number of investigators assigned now to collision investigation squad. In addition, we've added new technology, these work stations that, all reports are that they're very effective and we've added, thanks to an increase, I believe, from the Council, the \$780,000 that I mentioned we'll be able to provide them with more vehicles to, four wheel drive Tahoe vehicles. So, overall we're going to increase the size of the division and in doing that increase the number of trained technicians and the number of investigators in CIS.

CHAIRPERSON VALLONE: And I applaud that but without extra money they're coming from other already depleted divisions and it's just another reason we need more police on our police force. Obviously, I'd like to go into more detail in every one of these issues but I want to get to

1
2 my colleagues. On page three you go into our anti
3 terror efforts, again, our absolute commendations.
4 It has now been 11 years we've been working
5 together and you have been able to keep us safe
6 since 9/11. Can you, you didn't say it here but
7 can you again tell us how many plots since 9/11
8 have, you have thwarted against New York City?
9 How many of those you did with the NYPD alone, how
10 many in cooperation with other agencies?

11 COMMISSIONER KELLY: Well, we
12 always have cooperation, you know, we're part of
13 the joint terrorist taskforce. But, we've had 16
14 plots and some have been thwarted by, as a result
15 of good work on the part of the FBI and other
16 Federal agencies. Some have been investigations
17 by NYPD alone. And others have been sheer luck.
18 Faizel Shazad [phonetic] drove into Times Square
19 on May 1st of 2010. He wasn't on anybody's radar
20 screen. He just, his bomb did not, it went off,
21 but it wasn't detonated with the efficiency that
22 he wanted because he dumbed down the formula. He
23 was afraid of being spotted while buying the
24 material. So, he bought a lower grade of
25 fertilizer and he bought M88 firecrackers instead

1
2 of M80 firecrackers which was the formula that he
3 was told to use. So, we didn't know anything
4 about him until he showed up in Times Square that
5 night. But, 16 attempts, you could add the, if
6 you wanted to The Tsarnaev brothers who said they
7 were coming here for number 17. But there's no
8 question about it, Boston, unfortunately, doesn't
9 change it for us. New York is still the number
10 one terrorist target in this country as a
11 consensus by the intelligence community. And I
12 can tell you that there are other investigations
13 that are ongoing now that I believe will be
14 fruitful in unearthing other plots here.

15 CHAIRPERSON VALLONE: We woke up
16 today to another horrific attack in London. Are
17 there any new or specific threats related to that
18 attack against New York City?

19 COMMISSIONER KELLY: No, not
20 related to that but it shows you that terrorism
21 can be effective with the most basic of tools or
22 instruments, things that are readily available.
23 You don't need a high level of sophistication to
24 create terror.

25 CHAIRPERSON VALLONE: You're

1
2 talking, then you speak on page six about Federal
3 funding. We're a little confused because you say
4 last week FEMA released Federal fiscal year 2013
5 application guidelines. Are they that far behind?

6 COMMISSIONER KELLY: Well, it's
7 the, it's a Federal, yeah, yeah. I think most
8 things in Washington are now done with the
9 continuing resolutions. Do you want to mention?

10 MR. VINCENT GRIPPO: Yeah, now the

11 CHAIRPERSON VALLONE: [interposing]
12 Identify yourself.

13 MR. GRIPPO: I'm sorry, Vincent
14 Grippo, Deputy Commissioner of Management and
15 Budgets. Federal fiscal year '13 funds would come
16 to the City in our fiscal year '14. And what
17 we're seeing is we're just now getting allocations
18 for the UOSE [phonetic] grant and the State
19 Homeland Security Grants. And we're looking at
20 what New York State would be apportioned in that
21 and then we're doing, you know, we've seen
22 traditionally the percentage of money that gets
23 funneled from New York State to New York City.
24 So, we're looking at the amounts of money
25 allocated to New York State and we're looking at

1
2 it approximately #20 to \$20 million that would be
3 funneled in additional monies directly to New York
4 City. We don't know what portion of that would
5 actually come to the NYPD but that's the current
6 projection of what would come to the city.

7 CHAIRPERSON VALLONE: I saw one of
8 the Sunday press conferences which said that we're
9 supposed to be getting more money, not that I get
10 my news from Sunday press conferences but I was
11 interested to know if you think that's actually
12 going to happen?

13 MR. GRIPPO: Based on what we're
14 seeing we do believe we'll have at least as much,
15 and in fact, in these two grant streams, more
16 money coming to the City than we have in the prior
17 fiscal, in prior Federal fiscal year.

18 COMMISSIONER KELLY: And I
19 mentioned in my prepared remarks that we do want
20 to thank, again, the Secretary Napolitano. She's
21 been very responsive to our request, to our needs.

22 CHAIRPERSON VALLONE: That's great.
23 And I've been working closely with Congress Member
24 King too, as you've said, and he's been great.
25 Bottom of that page you talk about Sandy. I'll

1
2 let that, other Council Members who are personally
3 affected by that to speak about that. But I do
4 want to ask one question about ARGUS [phonetic]
5 cameras because I've been down there many times in
6 the 100th, the people down at the 100th Precinct are
7 waiting for that ARGUS camera for a long, long
8 time. And as you know, I wrote you a letter about
9 the, and we've discussed this in the past about
10 the delay in putting up these ARGUS cameras. And
11 to quote from your response, you're making every
12 effort to do it as quickly as possible but there
13 are several steps still necessary, including the
14 initiation of contract procurement, approval by
15 the Mayor's office, selection of locations,
16 approval by any effected company like ConEd, the
17 Department of Transportation. Frankly, there's,
18 if the NYPD is stymied by bureaucracy, City
19 beaurocracy then what chance does the average
20 citizen has? This letter just says you have a lot
21 of stuff to still do and it doesn't seem all that
22 hopeful that we're going to get ARGUS cameras
23 anytime in the near future. Is there any update
24 as to when, specifically, the 100th Precinct will
25 get their ARGUS camera or anyone else?

1
2 COMMISSIONER KELLY: Well, we're
3 hopeful. Government moves slowly, I don't have to
4 tell you. You know this. We're waiting for the
5 contracts to be registered with the Comptroller,
6 they're in the Comptroller's office. That's the
7 way it goes. But we're hopeful, I said in my
8 remarks that the year, year and a half, we'll have
9 the, I think the total of \$8.5 million from the
10 Council that we'll be able to deploy. I was down
11 in Rockaway yesterday talking to them, I know the
12 cameras are not there and they're very much
13 interested in having them. And we're going to
14 have a special briefing for the Commander and the
15 Head of the Community Council on this issue.

16 CHAIRPERSON VALLONE: Well, I know
17 I've put in hundreds of thousands of store cameras
18 and I won't be here in a year, perhaps you will
19 be.

20 COMMISSIONER KELLY: You'll be
21 safer.

22 CHAIRPERSON VALLONE: I'll be
23 safer, yes, but perhaps you will be here in a year
24 to make sure this happens but I won't be. And I'm
25 going to hopefully leave that up to you to make

1
2 sure that that happens. Next page, you talk about
3 the 911 system and there are, yeah, I'm not going
4 to go into the technology involved because I know
5 that Chair Crowley and I are looking to have
6 another hearing on that issue specifically on the
7 problems with the new CAD system. But let's talk
8 about the people involved for a second. As you
9 know from my opening statement we are calling for,
10 with the unions calling for 400 new hires,
11 apparently you're going to hire some but right now
12 there are so many times that a 911 operators with
13 just a few hours notice are asked to work an
14 entirely new eight hour shift, which is 16 hours
15 in a row. And they've done that sometimes two
16 times a week, sometimes three times a week. And
17 these are not people that are holding hearings and
18 are washing dishes. These are people that are
19 taking, you know, taking 911 calls, which is
20 probably one of the most stressful jobs I can
21 think of and yet they're doing it, you know, with
22 a lack of sleep. What are you, what actions are
23 you taking to resolve that situation for the
24 future so that the people behind this very
25 complicated system can do the best job that they

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

can possibly do?

COMMISSIONER KELLY: Well, we think they did, I think they do a terrific job and there's some stressful situations. We have an authorized head count of about 1,050 but we'll say, I think we're about 20 below that. So, we're pretty close to our staffing levels. Now, the average salary for the people working there is about \$42,000. The average overtime is about \$4,000. So, I mean, I don't see, and maybe some people who, because of the media situation, storm or whatever, they have been required to work additional hours. But we don't see the number of people that you imply working excessive overtime. But, you know, we'll look at it. The people in this business, in this part of the business, seem to think that the staffing level is adequate but if the Council wants to give us more people, you're making that recommendation we'll, you know, we'll certainly take a look at it.

CHAIRPERSON VALLONE: Well, overtime has gone up over the last few years, probably 90 percent. And it's gone up according to the numbers provided to me in the millions and

1
2 so that would seem to prove to me that this is a
3 situation that's getting worse and not better. I
4 don't know specific numbers of people who were,
5 this is happening to, obviously, but I do want to
6 continue to discuss with you what we can do to
7 make this better because we cannot have
8 overstressed 911 call takers and 16 hour shifts
9 and two to three times a week is just not
10 acceptable in any, with any set of facts. And
11 I've seen that that has happened. I'd love to go
12 through that with you for a lot longer period of
13 time but again, I want to get to my colleagues.
14 So, on the next page I, you get into head count.
15 Authorized head count remains at 35,437. Again,
16 we had about 41,000 in, on September 11th,
17 congratulations for convincing OMB to reverse the
18 classes to that you can get the larger class
19 first, which, at the last hearing you mentioned,
20 next years head count might, would, no, actually
21 this year we would have 500 less officers. Does
22 this switch in classes resolve that situation?

23 COMMISSIONER KELLY: Yes, it
24 appears to. It gives us an average head count of,
25 in essence what it has been for the last two

1
2 years, which I think is about 34,900. We, the
3 switching of the classes, the hiring in July of
4 1,250 plus the seven percent being a buffer above
5 that, and 750 in January, we believe will take
6 care of the problem. We anticipate attrition of
7 about 2,600 FY14 as opposed to an average of about
8 1,600. So, this switching, we believe, will
9 address the, you know, your concerns and your
10 legitimate concerns.

11 CHAIRPERSON VALLONE: Well, if
12 you're only having, if you're anticipating an
13 attrition of 2,300 in 2014 and in January of 2014
14 you're only hiring 750 officers how does that keep
15 pace?

16 COMMISSIONER KELLY: Well, it gets
17 to, again, we hire not too much based on
18 attrition. We hire based on a authorized head
19 count level, which comes from OMB. That
20 authorized head count is 35,000 and that's 35,000
21 for 437. So, we're going to hit that, you know,
22 during the year. But the way it's been reversed
23 it's going to take care of the, most of the
24 attrition will happen in the first part of the
25 fiscal year.

1
2 CHAIRPERSON VALLONE: So, do you
3 plan right now to keep up with the very high
4 attrition rate? And the reason we have a high
5 attrition rate as most, many people realize, is
6 because in the early '90's, the mid '90's, many
7 large police classes were hired under the Safe
8 Streets, Safe City program put in by the City
9 Council and my father which increased the police
10 force from about 31,000 to 41,000. But those
11 classes are now hitting 20 years and retiring.

12 COMMISSIONER KELLY: Right.

13 CHAIRPERSON VALLONE: Do you
14 anticipate being able to replace the, to put
15 enough new cops on to cover the attrition rate?

16 COMMISSIONER KELLY: Yeah, and I
17 think we'll also, yes, we do, also the attrition
18 has slowed down and that, the 2,600 may be a too
19 high a number. What we've seen is historically
20 police officers retire at about a 80 percent rate
21 in their 20th year. That has gone down to close to
22 60 percent, largely, we believe, because of the
23 economic conditions that are out there. And it's
24 gone down in other ranks as well. Detectives are
25 retiring at 60 percent, now that's down to about

1
2 30 percent, sergeants, lieutenants, captains, the
3 attrition rate is significantly lower than it was
4 just a few years ago. So, we would anticipate, I
5 would anticipate a slower attrition rate than has
6 been projected. But this is an OMB projection
7 and, you know, we're going with it for budgetary
8 reasons.

9 CHAIRPERSON VALLONE: I welcome
10 that testimony but I am mindful of the fact that
11 we've had this discussion since 2002 about how we
12 were going to maintain current levels and we are
13 down 7,000 officers. So, I think you and I have
14 been overly optimistic about what the actual
15 people in charge of your budget are going to wind
16 up doing when it comes to replacing officers we
17 lose to attrition. We've never cut the Police
18 Department and yet we're somehow down almost 7,000
19 officers. So, I hope that does not happen in the
20 future. Well, on the bottom of that page and then
21 I'm pretty much done. I'm just going for your
22 testimony, as I said, you talk about planned
23 overtime and what you're doing to reduce it. One
24 of the things that you started was actually
25 charging groups for the use of your services, if

1
2 they're making money in our streets. And there
3 was a recent court case where the Road Runners won
4 a decision against the Police Department saying
5 that you couldn't actually charge them for the,
6 the City couldn't charge them for services. Is
7 that going to affect your budget?

8 COMMISSIONER KELLY: No, this money
9 does not go into our budget. It goes into the
10 general fund. I think the decision said that the
11 group that brought the lawsuit was, in fact, a
12 charitable organization. City took the position
13 that it wasn't a charitable organization. They,
14 when in court, argued that they were and the City
15 agreed with them. We still intend to charge for
16 traffic related costs for events that are
17 sponsored by non charitable groups.

18 CHAIRPERSON VALLONE: Okay, I
19 obviously have a lot more questions but we've got
20 at least one, two, three, four, five, six, seven,
21 eight, about nine Council Members on the list, and
22 hour left, we're going to ask you to try to stick
23 to five minutes with some leeway. Realizing this
24 is a budget hearing and if you don't stick to five
25 minutes than your colleagues will not get to ask

1
2 questions, it will not be my fault, it will be
3 your colleagues fault. I will try as hard as I
4 always do to keep people within five minutes and
5 on budget topics. And we've been joined by
6 Council Members Dilan, Koslowitz, Greenfield and
7 Garodnick. And the first Council Member to ask
8 questions whose been here since the beginning,
9 Elizabeth Crowley.

10 COUNCIL MEMBER CROWLEY: Thank you,
11 Chairman Vallone. Good morning, Commissioner.

12 COMMISSIONER KELLY: Good morning.

13 COUNCIL MEMBER CROWLEY: First, you
14 know, in light of all the controversy going on
15 with the stop and frisk, I want to say how much I
16 do appreciate the work of our men and women who
17 are out there, our NYPD who are working a very
18 dangerous job. And I especially appreciate what
19 you have said earlier about at least 16 known
20 terror attacks that have been foiled with the work
21 of your department in conjunction with the FBI and
22 our other federal agents. I have a question, a
23 few questions and in light of what the NYPD is
24 concentrating on in counter terrorism or the other
25 types of crimes, the internet crimes or your anti

1
2 gang or the new Crew Cut division. How has that
3 compiled with the number of fewer officers we have
4 today, effected the regular street patrol that I
5 grew up with and that my constituents and the
6 people of the City of New York depend on, those
7 patrol cars. How many fewer patrol cars do we
8 have out there because we are 7,000 fewer police
9 officers, that we have so many more detectives
10 working on counter terrorism or different types of
11 special units that you have?

12 COMMISSIONER KELLY: Well, we do
13 have fewer cars and I, you know, I can give you a
14 formula for it. But you have 6,000 fewer police
15 officers, obviously, have fewer officers in radio
16 cars. We have done some things that didn't exist
17 years ago that to a certain extent compensate for,
18 we have operation impact but that's certainly not
19 in every area, that's only in areas where we see a
20 spike in shootings or higher level of violent
21 crimes for the most part, sort of the--

22 COUNCIL MEMBER CROWLEY:
23 [interposing] But does your department collect
24 data? Do you have an idea of how many fewer
25 patrol cars? I don't see them often in my

1
2 district. You know, I have the 104 precinct, the
3 102 precinct, and just by looking at the sheer
4 numbers that have gone down of police officers,
5 you know, your Department is substantially fewer
6 and you're working on different activities.

7 COMMISSIONER KELLY: Yeah, but
8 the--

9 COUNCIL MEMBER CROWLEY:
10 [interposing] So, do you have the data on that, on
11 how much you are--

12 COMMISSIONER KELLY: [interposing]
13 We can get you data charts, sure.

14 COUNCIL MEMBER CROWLEY: Good. If
15 you can provide that, last time we spoke at a
16 budget hearing I went over the average salary of a
17 starting police officer and what you were saying,
18 the numbers that you were getting from OMB and the
19 numbers that I had conflicted. And I am still
20 waiting to get those numbers that you were working
21 with and I've done further research and I still
22 have the starting salary, the total package of a
23 New York City Police Officer at under \$70,000 a
24 year. And when you're spending \$500 million or
25 last year close to \$700, this current fiscal year,

1
2 \$700 million on overtime, last time we met you
3 said 40 percent of that is known about. I
4 submitted a letter to the Mayor that 30 of my
5 colleagues signed onto about hiring more police
6 officers. You know, the Chair was getting at your
7 numbers, each year you seem to have a plan on how
8 many police officers you plan to hire but the
9 actual hires for the most part over the years have
10 been fewer and the planned attrition rate has been
11 greater. So, we're here today, we know that the
12 number of police officers we have effects the type
13 of policing we have in the City of New York and I
14 don't understand how the Department can continue
15 to spend so much money every year on overtime,
16 much of that overtime is known about. To me I
17 think it's poor planning. Fiscally we are in
18 tough budget times. Police officer is a good job,
19 it's a diverse force that you have. It reflects
20 the diversity of the City of New York. Why can't
21 we put a plan in place to decrease the amount of
22 money we spend every year on overtime and just
23 hire more police officers?

24 COMMISSIONER KELLY: Well, you said
25 that we have a plan to hire, we don't hire the

1
2 number of police officers. I don't know when
3 that's ever

4 COUNCIL MEMBER CROWLEY:

5 [interposing] I'm looking at numbers that the City
6 Council has given me going back to July 2006. For
7 that year you planned to hire 2,000, the actual
8 hires were 1,640. In 2007 you planned to hire
9 2,582, the actual hire was almost half of that,
10 1,346. Some years you meet your goals, hardly
11 every surpass them, and here we are today nearly
12 7,000 fewer officers in the job of a police
13 officer and probably even greater fewer numbers
14 out here patrolling the streets because of these
15 new units that are needed. However, at the end of
16 the day, the type of policing that the city
17 depends on is not there because we don't have the
18 sheer number and the size in the force.

19 COMMISSIONER KELLY: Okay, wait a
20 second. We are given a number at OMB, I said
21 this, the number was 35, a dozen, 437, so we're
22 hiring to a number. Now, we may say earlier in
23 the year to an estimate based on attrition that
24 they were going to hire 2,000 and the attrition is
25 less than we anticipated and at 1,600. But it's

1
2 going to that target number, that, so you can't
3 [crosstalk] no, you made the statement that we
4 have a plan that we don't hire to plan. I'm
5 telling you, we don't, we do hire to the plan.

6 COUNCIL MEMBER CROWLEY: Oh, okay.
7 If you do hire but in the past it hasn't been that
8 way. And let's say you do continue to hire for
9 this year and maintain the size, you're still
10 planning to spend \$500 million on overtime.

11 COMMISSIONER KELLY: Yes, yes,
12 well, if you're saying--

13 COUNCIL MEMBER CROWLEY:
14 [interposing] That's an exorbitant amount of
15 money.

16 COMMISSIONER KELLY: Would we like
17 more police officers? Sure. I'm never going to
18 be in a position to say we don't want more police
19 officers. The question is always just how you pay
20 for it, which is a--

21 COUNCIL MEMBER CROWLEY:
22 [interposing] Right, and \$500--

23 COMMISSIONER KELLY: --which is
24 another issue.

25 COUNCIL MEMBER CROWLEY: That would

1
2 be 5,000 new hires. \$500, if you were to say
3 there are \$100,000 a year that would be 5,000 and
4 not, we're not asking for that number. Maybe just
5 1,000 or 1,500.

6 COMMISSIONER KELLY: The reality is
7 that overtime, this gives you flexibility. If you
8 hire, and it's cheaper, a full time police
9 officer, fully loaded police officer, if you take
10 that day versus an overtime day, it's cheaper when
11 you use overtime, not much but it is cheaper. And
12 then you have more flexibility. [crosstalk]

13 COUNCIL MEMBER CROWLEY: That has
14 never been proved.

15 COMMISSIONER KELLY: No, I
16 understand the unions want more people, I
17 understand that. I'm not opposed to heaving more
18 resources.

19 COUNCIL MEMBER CROWLEY: My
20 constituents want more people.

21 COMMISSIONER KELLY: But you have
22 to find out where to pay for it.

23 COUNCIL MEMBER CROWLEY: We don't
24 want to wait a few hours for a patrol car to come
25 when we're in a situation and we need a police

1
2 officer to respond. I also just have a few
3 questions following up with Chair's--

4 CHAIRPERSON VALLONE: [interposing]
5 No, sorry. That's way over the five minutes.
6 And--

7 COUNCIL MEMBER CROWLEY:
8 [interposing] Okay, I'll wait.

9 CHAIRPERSON VALLONE: If you want
10 to end you can have one last.

11 COUNCIL MEMBER CROWLEY: My one
12 last question has to do with your call takers, the
13 911 call takers. The Daily News reported that
14 people are waiting, sometimes 20 minutes, in line
15 or their call gets dropped because there are so
16 few. The union has said that they're down
17 approximately 500 call takers from their height.
18 And even today with those numbers being down there
19 are more and more New Yorkers calling the 911
20 system for help than ever before. So, you know,
21 the Chair has mentioned that there are, is a
22 significant amount of money spent on overtime
23 there. This is a stressful job, I can't imagine
24 the different types of emergencies that the
25 operators are dealing with, but what I care most

1
2 about are the people of the City of New York that
3 are calling in emergencies and nobody is there to
4 pick up or that they have to wait. And this is,
5 is this a real problem? It seems like a problem
6 when they're telling stories and the operators
7 are, and they'll testify later today or when they
8 have a chance to public testify that they're
9 overworked and that that is a stressful job.

10 COMMISSIONER KELLY: Okay, I will
11 provide you with data in terms of calls that are
12 dropped or are not answered. You'll find that the
13 number is very, very low. I understand the union,
14 I understand the unions position. I will give you
15 that that you can look at and make your own
16 judgments on it. Okay?

17 COUNCIL MEMBER CROWLEY: But the
18 volume is greater today than it was when you first
19 began - - .

20 COMMISSIONER KELLY: I'm not
21 certain dispatchers are down from what they used
22 to be.

23 COUNCIL MEMBER CROWLEY: But the
24 volume of calls, the sheer number.

25 COMMISSIONER KELLY: It's about

1
2 12 million calls. I think we're actually down,
3 isn't it down? [off mic] Okay, in FY06 we had
4 11,357,000. In FY12 we had 11,631,000. So, we
5 have a little less than 300,000 more calls.

6 COUNCIL MEMBER CROWLEY: Okay.

7 CHAIRPERSON VALLONE: Okay, I'm
8 sure Liz would like to follow up but we're trying
9 to keep everybody as quick as possible. I can't
10 guarantee that anyone who was not here for the
11 testimony was going to get, to ask questions. And
12 by the way, you are, I know you do hire to the
13 target, the problem is that the target has moved
14 over and over. Every time you set a target it
15 goes down in the following years. Now we'll go to
16 Council Member Oddo.

17 COUNCIL MEMBER ODDO: [off mic]
18 Thank you, Mr. Chairman. Commissioner, I'm not
19 sure how many more opportunities I'll get to do
20 this publically so let me take advantage of this
21 and just thank you and your staff and thank the
22 men and women of your department for everything
23 you've done for my community and my home borough,
24 Staten Island.

25 COMMISSIONER KELLY: Thank you.

1
2 COUNCIL MEMBER ODDO: I very much
3 appreciate it. I have five minutes so I'm just
4 going to throw you three issues and then you can
5 take them in what, whichever order you want. The
6 first question I have is, obviously, roughly 2,000
7 more police officers is wonderful news. I'm just
8 wondering what that means specifically for the new
9 121 Precinct? We're going to supplement the
10 overall number of police officers on Staten
11 Island, not sort of hodgepodge take from the three
12 existing precincts. If you could just give me
13 some specifics on the numbers for the new 121 and
14 where we are there. The second point is, I'm very
15 sensitive to the overtime issue but overtime spent
16 in Sandy communities has been very much
17 appreciated and we continue to this day in my
18 district to have issues in the Sandy impacted
19 areas. I am very fortunate to have Chief Ward
20 Deputy Inspector Veniciano [phonetic] I met with
21 him on Friday, very, very hands on but it is so
22 heartbreaking when you have someone finally do the
23 repairs in his or her home after Sandy to come
24 back to that home to find out it was broken into
25 as the water was just turned on, the copper piping

1
2 taken out and the water wrecked the home again.
3 And we've had a series of those, Deputy Inspector
4 Veniciano is all over it but I would just ask you
5 to keep in mind that additional resources are
6 still needed in the Sandy area. And the last
7 issue is I am one of the many Council Members who
8 has allocated money for cameras, \$1 million in
9 previous years that's been spent, \$250 that's sort
10 of in the pipeline as you discussed with Chairman
11 Vallone. And I would just say this, and I say it
12 with utmost respect. I am not the Police
13 Department. I understand that you guys go by data
14 points. I stipulate that you should have final
15 say in where these cameras go. I stopped fighting
16 that fight. But no one on this planet knows the
17 mid island of Staten Island as well as I do. I
18 have a cadre of advisors, volunteers, whether I
19 want them or not, who are my eyes and ears. Those
20 are my constituents and because of those folks I
21 know where the quality of life issues are. I know
22 that Schmuell Park [phonetic] is an issue, our
23 brand new park. I know that where my old district
24 office in Grant City, my eyes are not lying to me.
25 I see the problems. So, when I go to the PD and I

1
2 say, you put them where you guys want to put them,
3 the overwhelming majority, by all means, but
4 please take, don't, you know, don't pay me lip
5 service, take into consideration, respect the
6 locations I am giving you. Believe me, I live it
7 every day. These are problematic. So, the \$250
8 that's floating around, I would just ask you,
9 Schmuel Park and Travis is an issue and Grant
10 City, in and around the Staten Island Rapid
11 Transit site is an issue. And I will let you
12 answer those three items at your...

13 COMMISSIONER KELLY: Do you have
14 questions or?

15 COUNCIL MEMBER ODDO: Yeah, you
16 want me to go over it one more time?

17 COMMISSIONER KELLY: No, we,
18 hopefully they have taken your concerns into
19 account as far as the location of the cameras. I
20 don't have any specific knowledge but, obviously,
21 and as I said in my remarks, we are going to
22 accommodate the recommendations of the Council
23 Members as best we can. But I also have to rely
24 on professional judgment of people that have been
25 in the business for 30 years, you know, the

1
2 borough commanders and their precinct commanders
3 to where they think, you know, they're going to do
4 the most good. We, you know, one of the
5 contractors used went to Council Members and sort
6 of sold the notion of cameras. And its increased
7 the demand and the demand is a little bit beyond
8 our capabilities of installing the cameras.
9 That's why to a certain extent this has been
10 slowed down. We're doing what we can do. We have
11 a unit that does this but it does a lot of other
12 things, very important things as far as
13 investigations are concerned. But it, something
14 happened in the Council and I know what it was, it
15 was this visit by contractors. But the demand
16 went way up and the demand was exceeded our
17 ability to have these cameras installed.
18 Everybody wants it, everybody wants them
19 yesterday. We're trying to accommodate as best we
20 can. And I said, now it's with the Comptroller,
21 they registered and we'll go forward as
22 expeditiously as we can.

23 COUNCIL MEMBER ODDO: Okay, just to
24 refresh your recollection, the, some numbers on
25 the new 121, how many police officers and also

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

just the idea about continued--

COMMISSIONER KELLY: [interposing]

Yeah.

COUNCIL MEMBER ODDO: --police

presence in Sandy areas.

COMMISSIONER KELLY: We actually got a, some additional funding for staffing of the 121. It's, we got, provided for 70 but there'll be more than that. There will be some taken from people who want to come into Staten Island who maybe they live in Staten Island and want to be assigned there. So, the command will be, I can't give you an exact number off the top of my head but it'll have a, I can assure you the adequate staffing component. We have put a commanding officer there. He has been there now for six months, Deputy Inspector Terry Herzog [phonetic] is there. And so, he's obviously advocating for that. He's taken care of the issues before, you know, not going to be completed 'til the next month. So, I think we're taking care of business there. And the other question?

COUNCIL MEMBER ODDO: The presence of police officers continued, sort of, like,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

presence--

COMMISSIONER KELLY: [interposing]

Yeah, we continued, we have locations in Rockaway, we have locations in Coney Island and we have locations in Staten Island where we have police officers assigned specifically for Sandy related issues. And I know burglary, we certainly discussed this, is one of them. And I know that they're doing special patrols addressed at that problem. And both, well, the 123 also had some issues there, 122 and 123 precincts.

CHAIRPERSON VALLONE: Thank you,

Council Member. I know you have a lot of follow up's on Sandy but thank you for keeping it brief. We've been joined by Council Members Williams, Mark-Viverito and James and we're going now to Ignizio for questions.

COUNCIL MEMBER IGNIZIO: Thank you,

Mr. Chairman and I'm over here Commissioner, and thank you, and thank you, Commissioner. I first want to point out the great hire of the man sitting next to you, my good friend, Vinnie Grippo, and welcome him to his first hearing of being with the Police Department and the Council,

1
2 and a great choice by you. I also want to start
3 off similar to what my colleague said and that's,
4 the people in my district and the people of New
5 York City, I think, sleep better every night
6 because they know you're at the helm both with, on
7 the terrorism issue and overall policing. And I
8 want to say thank you on behalf of them as well.
9 There is no, Commissioner, there is no department
10 in this City that is perfect but I know that the
11 people are, go to bed and wake up feeling
12 comfortable that you're at the helm of this police
13 department. With regards to my borough and the
14 overall budget, the address you gave, I, one of
15 the things I want to point out was the concern
16 about the drug enforcement. Prescription drugs in
17 Staten Island is just exploding and it has
18 exploded. And some of the concerns I hear from
19 various police officials who speak to me is, sort
20 of anonymously is that we do not have the
21 sufficient resources, both in the gang unit that
22 was threatened to be removed and now being
23 bolstered which I'm happy about, and narcotics
24 officers or street crime types going on in Staten
25 Island. Is this sufficient manpower to take care

1
2 of that side of it? I just tend to think,
3 Commissioner, that if anywhere in the City there
4 was a spike in some issue like you have a spike in
5 prescription drug issue on Staten Island that it
6 be far more focused, not just from your department
7 but overall in City Hall, on that problem. And
8 that's not taking place with regards to the
9 prescription drug concerns in my home borough and
10 can you elaborate on some ways the PD can help in
11 alleviate this concern?

12 COMMISSIONER KELLY: Well, I agree
13 that there is a significant prescription drug
14 abuse problem on Staten Island. I mentioned in my
15 remarks that two weeks ago I did a panel with
16 President Clinton who has been in front of this
17 issue we're talking about it for quite a while.
18 We talked about the fact that about 70 percent of
19 the drugs that are obtained in these abuse cases
20 are obtained through legitimate, legal
21 prescriptions. The diversion, it does happen, and
22 there are people selling it, but it, most of the
23 problem is people getting it in legal ways and
24 abusing it and doctors being more than willing to
25 write the prescriptions and there's been a

1
2 tremendous increase just in the writing of
3 prescriptions in the last decade. One of those
4 reasons put forward was that, I think it was the
5 AMA came out with a statement in the early part of
6 the last decade that pain is a vital sign. So,
7 you have to ask people if they have pain. And if
8 they have pain then you prescribe something for
9 the pain. So, this in a lot of professionals
10 minds has driven the number of prescriptions way
11 up. So, it's, there's, what we're engaged in
12 doing is an education program with high schools
13 and now in colleges, we, I sent letters to every
14 college in the City, we're, and certainly we're
15 engaged in putting this, a training package
16 forward to high school students using 40 NYPD
17 police officers to do it, to let them know the
18 dangers of these, of the drugs and we look to do
19 freshman orientation in the colleges starting in
20 September. But as far as enforcement is concerned
21 I mentioned that we're using bait bottles, we're
22 working with the, a Purdue pharma and other big
23 companies so that we can see if, in fact, there's
24 burglaries that take places, robberies that take
25 place where we can trace them to the stash

1
2 locations. We have a taskforce that we put
3 together with DEA, NYPD officers and DEA that
4 enables us to get into their computer system and
5 we now see where drugs go from when they're
6 manufactured through, you know, sort of
7 transshipment points to the, at least to the
8 pharmacies.

9 COUNCIL MEMBER IGNIZIO: I think
10 that's great. I mean, I, Council Member Oddo
11 wanted to reach out to actually President Clinton,
12 I think, that's a great idea to see if we can get
13 some more focus for Staten Island. I appreciate
14 your efforts and I was unaware of the initial
15 point which is that this is, in large measure this
16 is not a street crime sale, this is somebody who's
17 getting it and abusing their parents or
18 grandparents or whatever. I, in the interest of
19 time I need to move on. I wanted to make, put a
20 point on the record for the Chairman and for the
21 Council, which is that the cameras that we all
22 bought into, it almost sounded like a pejorative
23 that, you know, contractors came and solicited us
24 to put in our communities and I could tell you
25 this, I was made aware of the technology and I

1
2 wanted it just to keep my community safe, not
3 because any contractor or any lobbyist or anybody
4 asked me to but, and I'm not saying you're
5 assuming it but I think when members of the press
6 hear, well, contractors went around and asked,
7 well, it almost sounds like a pejorative and my
8 colleagues here allocated funds 'cause they saw an
9 ability to keep their community safe and I just
10 wanted to put that in the record. My final
11 question is, is about gun buy backs. And my
12 colleagues are very, a lot of them allocate
13 funding for them. Is there an interest on behalf
14 of the NYPD to work in a more comprehensive way,
15 perhaps with this Council, that we as a Council do
16 an allocation, I don't know, say \$100,000 and we
17 do buy backs in each borough, we do buy backs in
18 several communities. I don't believe it's the
19 panacea. I don't believe it's the thing that will
20 cure what ails us, vis a vis illegal guns in our
21 city. But it does help take guns off the street
22 and that makes it safer for you or for your
23 officers. Is there some sort of relationship that
24 we can have with some forfeiture or seizure monies
25 to add to money that we can put in the budget to

1
2 have an overall comprehensive gun buy back program
3 in the city? Thank you very much.

4 COMMISSIONER KELLY: Sure, yes, I
5 think there is. We're always looking for money
6 for buy backs. We've used forfeiture money
7 traditionally but that's gone down. Now we have
8 some private contributions, Police Foundation has
9 agreed to fund some of these. But it's always
10 sort of catch as catch can. If we had an
11 appropriation, it would be very much appreciated.
12 I just want to say one thing about the contract is
13 that those contractors are contracted to us. So,
14 here's the Police Department and the contractors
15 are contracted to us. But their out talking to
16 other people. So, it's something that is a little
17 bit unusual in the relationships in our--

18 COUNCIL MEMBER IGNIZIO:

19 [interposing] No, clearly they want to make money,
20 I get that. I just don't want it to be, I don't
21 want people to surmise that contractors were or
22 members were allocating funding because of a
23 contractor asked. We're doing it to keep our
24 community safe and overall have cameras throughout
25 the city.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSIONER KELLY: Okay.

CHAIRPERSON VALLONE: Thank you.

Thank you for clearing that up, Council Member, it was a good point. Council Member Rodriguez. Please, everyone try to stay within five minutes or we're absolutely not going to get through your colleagues which is highly unlikely at this point, unfortunately.

COUNCIL MEMBER RODRIGUEZ: Thank you, thank you, Chairman. Thank you, Commissioner. Like, one of the first thing that I would want, the first thing that I would like to say is that the good thing today is that I personally, and I know all my colleague in New Yorkers, we can walk in any street in our city with my family and we feel safe. So, putting aside any question and difference that we can have, there's no doubt that the first thing that I have, I always would like to do so, to give credit to you and the men and women in uniform who keep our city safe. I have some concerns and solutions. As you know, I have expressed it before. One is that there's no doubt that we have a different city today then the one that we have

1
2 in 1844. In the 1900's the New York City was
3 composed by 98 percent of the population were
4 white and one percent was black. Latino were not
5 even coming. In today population New York City is
6 composed by 33 percent white, 28 percent Latino,
7 25 percent black and 12 percent Asian. I have a
8 lot of respect for others and now that you mention
9 it, when talk about the outreach that you do but I
10 didn't see any Latino names among leaders that you
11 meet in the City. And it's only a recommendation.
12 I believe that as we meet with the Afro American
13 leaders, the Muslim leaders, I also would like to
14 see few names of Latino leaders that the NYPD is
15 meeting because we compose 28 percent of the New
16 York City population. The other thing that I
17 would like to express also considering a
18 suggestion is, how can we bring more diversity to
19 the high rank in the NYPD? You are doing a
20 tremendous job bringing more diversity to the
21 NYPD. However, the higher we go the less
22 diversity that we see. And I know that that's not
23 an easy thing to address because it, the men and
24 women is, like, a fifth generation or someone that
25 has been a member of the NYPD that their

1
2 grandfather, great grandfather was NYPD's officer,
3 no doubt that he or she will be in a better
4 position. So, I would like to hear, like, what
5 are we doing to also give and promote, give more
6 opportunity, especially to the people of color,
7 not to get anything, I don't expect to get anyone
8 in a position as a token. I, the first - - that I
9 have is that we have to keep our city safe.

10 CHAIRPERSON VALLONE: [interposing]
11 Just get to the question, please.

12 COUNCIL MEMBER RODRIGUEZ: But how
13 are we investing, how much are we investing by
14 providing training, by also supporting men and
15 women who are sergeant, who are a detective for
16 then also to have the opportunity to move to a
17 high rank? The other thing, the other question
18 that I have is about diversity. How much in this
19 coming budget are you planning to allocate to
20 increase the training in the academic and also to
21 retrain the police officer that we have in the
22 different prison today so that we keep learning
23 about more, we keep learning more about cultural
24 respect. You know, it's difficult for someone who
25 has never been exposed to working with any

1
2 particular ethnic group to go and be placed in
3 that community if he or she did not, were not
4 training in the academic. So, I know that I
5 expected that I would hear that the NYPD had been
6 spending on training their new police officer but
7 I would like to hear specifically number, how much
8 money are we expected to invest in this coming
9 year, training the new police officer in academic
10 and also to retrain those? And my last question
11 is about--

12 CHAIRPERSON VALLONE: [interposing]
13 You know, five minute question is not really
14 listening to the spirit of the rules here. You're
15 colleagues will not be able to ask questions if
16 you're going to spend five minutes asking
17 questions. Can you please ask the question?

18 COUNCIL MEMBER RODRIGUEZ: I have
19 five minutes for making--

20 CHAIRPERSON VALLONE: [interposing]
21 Five minutes including Commissioner Kelly.

22 COUNCIL MEMBER RODRIGUEZ: I hope
23 that, I hope that the time is not going--

24 CHAIRPERSON VALLONE: [interposing]
25 There's 40 seconds left.

1
2 COUNCIL MEMBER RODRIGUEZ: Yeah, I
3 have five minutes to make the Commissioner ask a
4 question? So, I make a comment and my last
5 question is on, how much money will we save if we
6 cut spending on overtime on those police officer
7 doing a risk related to a stop and frisk. So,
8 there was three questions.

9 COMMISSIONER KELLY: Wait a second,
10 if I understand your question, how much money will
11 we send, maybe if we cap overtime on officers
12 what?

13 COUNCIL MEMBER RODRIGUEZ: How much
14 money will--

15 COMMISSIONER KELLY: [interposing]
16 Stop and frisk?

17 COUNCIL MEMBER RODRIGUEZ: How much
18 money will this coming budget will we save if we
19 decided to stop the stop and frisk?

20 COMMISSIONER KELLY: Okay, I--

21 COUNCIL MEMBER RODRIGUEZ:
22 [interposing] You have testified--

23 COMMISSIONER KELLY: [interposing]
24 I really, let me answer some of your other
25 questions 'cause I can't answer that question,

1
2 okay? But we have the most diverse police
3 department in the world, in my judgment, nobody
4 that I found can refute that. We have police
5 officers in our ranks from 88 countries. In our
6 last seven police academy classes of 1,000 or
7 more, we've had graduates from the academy from 50
8 or more countries. Now, what's happened is this
9 diversity has happened in relatively, in the
10 relative recent past, certainly on the last ten
11 years or so it's increased tremendously. So, in
12 civil service you have to have a certain period of
13 time in the department before you can take
14 promotion tests and take another promotion test
15 after you're promoted. So, you will see, for
16 instance, Hispanics moving up because they take
17 the test and they pass the test and they go up in
18 significant numbers. You're right, the department
19 is now close to 28 percent Hispanic, which mirrors
20 the population of the City and we're very proud of
21 that. That's a result of very aggressive
22 recruiting. Now, as far as people at the upper
23 ranks, first of all, as I say, you have to reach a
24 certain civil service level before you can go to
25 discretionary levels. But if you look at the

1
2 detective ranks, which is discretionary it
3 reflects very, very closely the minority
4 population of the department. In other words, the
5 number of Latino or Hispanic first grade
6 detectives, second grade detectives, third grade
7 detectives reflect the population of Latino's in
8 the department, and that same for African
9 Americans. Now, as far as the upper ranks is
10 concerned, I think we're very well represented but
11 again, you have to be in that certain category to
12 be eligible to be moved to those levels. Our
13 Chief of Department is an African American. Our
14 Chief of Transportation is Hispanic. Our Borough
15 Commander in the Bronx, Carlos Gomez, is Hispanic.
16 Many, many of our precinct commanders are Hispanic
17 and they're on their way up. So, I'm very proud
18 of our record and I will be glad to send you some
19 information on that because I believe you may need
20 it.

21 COUNCIL MEMBER RODRIGUEZ: What
22 about the stop and frisk?

23 CHAIRPERSON VALLONE: Thank you.

24 COMMISSIONER KELLY: That question
25 makes no sense to me. I'm sorry, sir.

1
2 COUNCIL MEMBER VALLONE: Thank you,
3 Commissioner. Council Member Koppell.

4 COUNCIL MEMBER KOPPELL: Thank you
5 very much. And let me just briefly thank you for
6 your really outstanding leadership with the
7 Department and it's made a tremendous difference
8 in this City. And also for the service provided
9 by the 50 and 52nd and 47th precinct which serve my
10 area with uniformly, over my years, have been
11 cooperative, helpful and, I think, efficient. And
12 the crime statistics in my district are, I think,
13 at least as good as city wide and greatly
14 appreciate that and appreciate your service. And
15 one thing I might mention to my colleagues, 'cause
16 there's a lot of talk about the interaction of the
17 Police Department with the community, in
18 particular the minority community. The 47th
19 precinct in my district and only part of my
20 district is in there is very heavily African
21 American and the 47th precinct has, I believe, and
22 you didn't come this year, you should be chastised
23 for that, to the Community Council Breakfast,
24 'cause there were over 600 residents who came and
25 paid, even I had to pay, nobody gets in free, over

1
2 600 residents came from a community that is
3 definitively a minority community and it shows, I
4 think, how that community is responding to your
5 department. So, I think it's important. I'm sure
6 that there are problems elsewhere, I'm not saying
7 that there aren't, but in my district at least
8 there's great relationship between the police and
9 the community and all the people wanted more
10 police. They don't want less. With respect to
11 the budget, we are in a period right now and I
12 wish we could give you more generally in terms of
13 operations, but we're in a period right now where
14 the City can borrow at historically low rates.
15 And so our capital budget and I know the Mayor's
16 talked about expanding our capital budget, and I
17 think I've mentioned this before. When I go into
18 the precincts that I just complimented they are
19 shabby, they could be in a movie about the 1930's,
20 honestly, that's what, I mean, they just haven't
21 been modernized, they, as I say, they're shabby.
22 They just don't make the impression of a modern,
23 efficient force. And I would ask that you do
24 this, and do it within the next fiscal year, is
25 have a study done, order a study, a comprehensive

1
2 study, perhaps by an outside consultant of what is
3 needed to modernize our precincts and make them
4 into modern police stations utilizing the
5 technology that is there but it's sort of jerry
6 built, you know, put together with rubber bands
7 and stuff. Do a comprehensive study and the City
8 should adopt a comprehensive plan of modernizing
9 the precincts, at least I speak from the precincts
10 in my area, they're antiquated. Well, I
11 absolutely agree with you. I've been talking
12 about this for many, many years and I've been in
13 the organization for a long time. they are, we're
14 using buildings that were built in 1896. They are
15 24 hour a day buildings, unlike other buildings,
16 we are historically, we don't have enough
17 custodians or cleaners and every time we want to
18 build a new facility it seems to be kicked down
19 the road in the capital plan. It just keeps, you
20 know, going to the out years. So, I'm on board
21 with you but we, for many, many years have tried
22 to get precincts upgraded and it takes,
23 realistically, it takes ten years. You get one in
24 the plan and it's actually going to be built, you
25 know, and, but getting it in the plan is the

1
2 challenge because now it goes through the next
3 five year period. And, you know, we have to cut
4 some place, the 110 precinct in Queens is a
5 perfect example, the building is, I don't know,
6 probably built in 1910 or something like that.
7 We're using this building, it needs major changes,
8 major refurbishment and which is very, very
9 difficult for us to get it done. And even a
10 relatively new buildings, because of the wear and
11 tear, because of the nature of the business, 24
12 hours a day of being used, it takes an awful lot
13 of abuse. So, I think it's a recommendation that
14 I hope can be followed by the appropriate people
15 and, in government. It's not a police department,
16 it's, you know, we're not making these decisions,
17 it's made someplace else.

18 COMMISSIONER KELLY: Mr. Chairman,
19 I would suggest that we consider the passage, I
20 don't know the legalities, the passage of a
21 requirement to create a five year plan for the
22 upgrading of the Police Department Capital
23 Facilities. I know this, we have a five year plan
24 for schools, we, the State has a five year plan, I
25 know, for the MTA. We should have a five year

1
2 plan for the renewal of police facilities. And I
3 would recommend legislation of that sort and I
4 would certainly be prepared to work with you on it
5 but I think we should do it.

6 CHAIRPERSON VALLONE: I like that
7 idea and I like the fact that you stuck to my five
8 minute plan. [laughter] You're the first one to do
9 that and I know people here don't work for me but
10 if you don't listen to my suggestion of five
11 minutes we are absolutely not getting to the
12 Council Members who came in later. The list right
13 now is Lander, Gentile, Greenfield, Williams,
14 Mark-Viverito, James, Koslowitz. We've got 20
15 minutes. That's not going to happen and, as I
16 said, it's not my fault. This is not racist, it's
17 not sexist, there are time limits and I always try
18 as hard as I can to stick to those time limits.
19 Council Member Lander.

20 COUNCIL MEMBER LANDER: Thank you,
21 Mr. Chairman. Good morning, Commissioner, it's
22 good to see you and I also see a, you know, my
23 remarks with Council Member Oddo and other here,
24 whatever, are meaningful policy disagreements on
25 some important issues. The respect that I have

1
2 for you and for the Department and for the
3 precincts and for the work that they have done
4 risking their lives and safety on behalf of my
5 constituents is very significant and deep and I
6 mentioned actually, Captain Schiff [phonetic] and
7 his work in Red Hook after the hurricane and also
8 Inspector Emory [phonetic] and his work and the
9 expansion around Barclay's in the preliminary
10 budget so I also want to just give a shout out to
11 Inspector Deto [phonetic] at the 66 and Captain
12 Lewis at the 72 who, even though they haven't had
13 their precincts expanded or a hurricane clobber
14 their district have continued to do great work.
15 And I want to associate myself with the remarks of
16 Council Member Koppell and note that the actual
17 number one issue of the Progressive Caucus and the
18 City Council and our 2013 agenda is that
19 comprehensive infrastructure plan for the City and
20 I think it would be wonderful. I couldn't share
21 more the feeling that the police precincts in
22 particular are, if we looked across agencies at
23 the gap between what the infrastructure is and
24 what the need is we might well think that it is,
25 might well conclude that it's a very severe gap.

1
2 I want to ask a little bit about the crash safety
3 work. I know you, there's a bit more money in the
4 budget, although more for next year and start up
5 costs than for following years. So, can you just
6 talk a little about what the head count impact is
7 and a little more about what the, what we're
8 achieving in the budget in addition to the policy
9 issues that you announced earlier this year.

10 COMMISSIONER KELLY: You know,
11 Council Member, I thought you were going to start
12 off with an apology because when I appeared before
13 you in March you asked me the question about the
14 540 people that were in the counter terrorism
15 division. And do you recall that? And you were
16 reading from the wrong column. And it would
17 actually have to do with money, it was \$540,000, I
18 think, money for interns. But you asked me that
19 question, nobody knew what you were talking about,
20 you were reading from a document that said, what
21 about the funding for the 540 people? You don't
22 recall that?

23 COUNCIL MEMBER LANDER: I was
24 asking a question that I was trying to get an
25 answer to, I would be glad to have an answer.

1
2 COMMISSIONER KELLY: Yes, but it's
3 the wrong column.

4 COUNCIL MEMBER LANDER: I've asked
5 a lot of questions in my years.

6 COMMISSIONER KELLY: We ultimately
7 got your document but then I sent you a letter
8 saying that. So, that's why I thought you would
9 say, oh yeah, I was sorry about that but I guess
10 not.

11 COUNCIL MEMBER LANDER: I'm not
12 going to go back to the last years questions I
13 asked questions about--

14 COMMISSIONER KELLY: [interposing]
15 You don't recall that?

16 COUNCIL MEMBER LANDER: --and got
17 no answers to. I'd be glad for an answer about
18 the question I asked this morning.

19 COMMISSIONER KELLY: You - - about
20 the 540 people in the--

21 COUNCIL MEMBER LANDER:
22 [interposing] I wasn't complaining. I was asking
23 a question to understand the budget. I appreciate
24 your letter following up and explaining.

25 COMMISSIONER KELLY: [crosstalk]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

You were wrong. You read the wrong column.

COUNCIL MEMBER LANDER: How could I be wrong? I was asking a question.

COMMISSIONER KELLY: Well, okay.

COUNCIL MEMBER LANDER: I didn't make a point about it at all.

COMMISSIONER KELLY: I just thought that that would be--

COUNCIL MEMBER LANDER:
[interposing] Thank you for your letter and for answering my question. I'm sorry.

COMMISSIONER KELLY: Now, your question is about the collision investigation squad?

COUNCIL MEMBER LANDER: Yes, yes.

COMMISSIONER KELLY: But not, not crash, collision investigation. And what we're doing is we are increasing it in size, the, we are training more investigators, we're training more technicians inside our highway unit. They are, have received and will receive more equipment, these work stations that are by all accounts very helpful and very efficient. We, they will be doing investigations driven, for the most part,

1
2 by a determination of EMS personnel on the scene,
3 whether or not there is a critical injury. Prior
4 to this the decision was being made by the
5 responding officers as to whether or not they were
6 going to make this into a, what was then an AIS
7 investigation. Now, it's a determination made
8 largely as a result of the findings of EMS
9 personnel. So, we believe that that number will
10 come in roughly at about 1,000 to a 1,200
11 investigations a year. And we will staff up to
12 the extent we need it to--

13 COUNCIL MEMBER LANDER:
14 [interposing] And how many have there been? How
15 many were there last--

16 COMMISSIONER KELLY: --it's
17 difficult to say how, who will need more people,
18 perhaps ten investigators. But, we will play this
19 to a certain extent by ear in terms of what we
20 ultimately will staff them with. But we're
21 increasing the number of technicians that do the
22 preliminary work before the CIS personnel get
23 there.

24 COUNCIL MEMBER LANDER: Thank you.
25 And I look forward on that to seeing the

1
2 information and being able to follow up. I think
3 we all want to reduce the number of, you know, of
4 traffic and accident deaths and this is a good
5 start. My last question, does the NYPD, either as
6 part of its budget analysis, MMR, Comm Stat
7 [phonetic] or anywhere else, analyze whether,
8 analyze the disparate impact of various policing
9 policies on New Yorkers based on race or religion
10 or other protected categories. Is that part of
11 your analysis and respond in some place.

12 COMMISSIONER KELLY: [crosstalk]

13 What we do do is our own survey every six months
14 on people who have come in contact with the
15 police. Usually through crime reports. But we use
16 our recruits in the police academy, we do it in
17 five languages. It is a survey document put
18 together by a professional poling institute, one
19 of the major ones. And we use that for feedback.
20 I can tell you that it's uniformly pretty high in
21 terms of people's reaction, whether the office is
22 polite, were they on time, you know, various
23 questions like that. In five languages we do it,
24 we also do it in Creole is one of the languages
25 that we use. And so, that's been, I think

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

helpful, so--

COUNCIL MEMBER LANDER:

[interposing] That's customer survey and analysis but of policies themselves so, for example, when yesterday's report says that in the 17th precinct seven percent of the residents are African or Latino but 74 percent of the stops are of people that are of African American or Latino--

COMMISSIONER KELLY: [interposing]

Our report--

COUUNCIL MEMBER LANDER: --does

that get analyzed? Is there a place where in the Department there is --

CHAIRPERSON VALLONE: [interposing]

Last question.

COUNCIL MEMBER LANDER: --a

responsibility to analyze and review that data and determine whether any changes should be made based on that or other disparate - - that come out of here.

COMMISSIONER KELLY: Did you read

the report? We sent it, I believe, to every

Council Member and we provided the ongoing court

cases and admitted into evidence. It looks at the

1
2 stops in every police precinct in the city. I
3 think it's really very illustrative and if you
4 don't have a copy I'll get you a copy today and I
5 think it'll answer your questions.

6 CHAIRPERSON LANDER: Thank you,
7 Council Member. There are still Members putting
8 their names on the list. I'm not sure why that's
9 happening but if we, if Gentile and Greenfield
10 keeps their time within five minutes we will get
11 to Williams but it's not looking good for Mark-
12 Viverito, James, Koslowitz and Brewer at this
13 point. So, we go now to Gentile.

14 COUNCIL MEMBER GENTILE: Just
15 quickly, yes, thank you. And I want to join my
16 colleague in also welcoming Vincent Grippo to your
17 team and Vinnie, I went to the school, I paid a
18 visit to the school which your father has his name
19 there and we still miss him. We still miss him in
20 District 20. So, welcome aboard. Commissioner, I
21 have a question, again, about the ARGUS
22 surveillance cameras. Is there any State
23 legislative funding that has been put into the
24 purchase of the NYPD of these cameras?

25 COMMISSIONER KELLY: Audrey Pheffer

1
2 who's it's, the State Assembly Woman in Queens. I
3 don't believe she's currently in office but she
4 provided some funding for cameras but it was
5 through the dormitory authority and it was very,
6 very ponderous, very slow, very difficult to get
7 the money. That is the only State funding that
8 I'm aware of.

9 COUNCIL MEMBER GENTILE: Okay. So
10 the, Audrey found her money through the Dormitory
11 Authority?

12 COMMISSIONER KELLY: To, through
13 the Dormitory Authority.

14 COUNCIL MEMBER GENTILE: Right,
15 right, okay. Great. And again, I underscore with
16 my colleagues, Oddo and Ignizio said, we weren't
17 duped into getting these cameras. I think we all
18 know our communities better than anyone else and
19 we did this for the reason of safety. My question
20 to you is that, did I hear you say that or could
21 we conclude from what you said that ultimately the
22 Police Department has the final say in what, where
23 these cameras go. Does that mean that the chance
24 exists that if we put money into this program that
25 the cameras might not even be put in the district,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

you know, in the individual district?

COMMISSIONER KELLY: No, no,
definitely be in the district.

COUNCIL MEMBER GENTILE: So, we
would be somewhere in the district?

COMMISSIONER KELLY: Yeah.

COUNCIL MEMBER GENTILE: It just
might not be--

COMMISSIONER KELLY: [interposing]
We understand why you're doing it, we just,
hopefully, you know, as I say, the commanders are
taking all elected officials opinions and views
into account when they look at the location. But
clearly, if you're putting it in it's going to be
in your, you're putting money in, it's going to be
in your district.

COUNCIL MEMBER GENTILE: Right. And
we would not, we're more concerned about the
higher ups at 1PP that make those decisions, not
so much the commanders.

COMMISSIONER KELLY: Oh, the guys
in the precinct are all good guys. Yeah, right.
Those guys downtown are the real problem.

COUNCIL MEMBER GENTILE: That's who

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

they point--

COMMISSIONER KELLY: [interposing]
I've heard that once or twice.

COUNCIL MEMBER GENTILE: Exactly,
okay. Let me go back to the precinct level and
the headcount that we talked about over and over
again and somewhat similar to Council Member
Crowley's questions about lack of RMP's in certain
districts, in certain precincts. You as on
overall manager, how do you prevent precincts like
those in Council Member Crowley's district and my
district where there is no Operation Crew Cut,
there's no Operation Impact, stop and frisks are
not really an issue of contention in those
precincts. When the head count keeps decreasing
and we're down 6,000 now, how do you as the
overall manager make sure that those precincts do
not suffer any disproportionate cut in personnel
and head count?

COMMISSIONER KELLY: Yeah, I don't
think the head count is decreasing at all those
commands. It, pretty steady, and that's watched
pretty closely, Deputy Commissioner, Mike Farrell
[phonetic] here, who, and others, Officer

1
2 Management, - - Planning, they're watching this,
3 literally, on a daily basis. In my all the
4 officer's conference room we have personnel
5 figures that are updated daily, automatically.
6 So, we know what's in commands, you know, what's
7 been in commands historically. We had the impact
8 officers so we draw down from impact to supply the
9 commands. We believe the impact is working for
10 us, the overall good of the city but we understand
11 your issue. You don't have Impact, you don't have
12 Crew Cut, you don't have those, you know, those
13 kind of special needs, at least the, in our
14 opinion. So, we watch that closely and we draw
15 down from impact on a regular basis. That's what
16 It's really, one of the purposes of it, sort of,
17 like, a bull pen, for us.

18 COUNCIL MEMBER GENTILE: Right,
19 permanent assignments not just a day assignment.

20 COMMISSIONER KELLY: Right.

21 COUNCIL MEMBER GENTILE: Or an
22 event assignment to these other precincts.

23 COMMISSIONER KELLY: I'm sorry to,
24 these, you're saying you draw down from
25 operational - - .

1
2 COUNCIL MEMBER GENTILE: And to go
3 in individual events but actual assignments.

4 COMMISSIONER KELLY: Yes, right.
5 They're assigned to the precinct, they're not,
6 they don't stay in Impact. You know, so the 68
7 precinct, I don't know, let's say the total
8 complement of, put it in 65 officers of every
9 rank, that, you know, that's what we watch. We
10 watch how many lieutenants the have, how many
11 sergeants they have. There's a certain number of
12 sergeants that we believe they should have, one of
13 them is transferred, transfer somebody in, you
14 know, the police officers retire, they'll be
15 replenished from impact.

16 COUNCIL MEMBER GENTILE: I hear
17 what you're saying but the, I just have to tell
18 you, and my time's up, but this past Sunday during
19 the Norwegian Day Parade, we do have a Norwegian
20 Day Parade in Bay Ridge, the police officers are
21 few and far between in terms of that whole parade.
22 And that was really the first time in memory that
23 we did not have the kind of coverage that I
24 thought we should have at events like that.

25 COMMISSIONER KELLY: Well, I mean,

1
2 you have to look historically at the Norwegian Day
3 Parade. Have there been issues there? You know,
4 how many police officers do we need? We try to
5 use in - - and we try to use auxiliary police
6 officers. Sunday is a good day for auxiliary
7 officers, you know, they're more available. There
8 are judgments that are made in the field and you
9 may not, you're not going to see the same staffing
10 with, you know, parade X versus parade Y. We look
11 at historical information.

12 CHAIRPERSON VALLONE: Thank you,
13 Commissioner. Thank you, Vinnie, for staying
14 close. We're going to go to Greenfield and then
15 hopefully Williams. I have put in a request to
16 the Commissioner to give us as much extra time as
17 he can but he is responsible for the safety of all
18 of us in this room and he's a little busy. So,
19 we're going to try and, Council Member Greenfield.

20 COUNCIL MEMBER GREENFIELD: Thank
21 you, Mr. Chairman, thank you, Commissioner, thank
22 you for your service and leadership. I first just
23 want to start out and thank my local commanding
24 officers, I think these are the folk that really
25 put it all on the line, just to recognize them and

1
2 the 62nd precinct, Deputy Inspector James Rooney,
3 66th precinct, Deputy Inspector Michael Deto on the
4 70th precinct, Full Inspector, we're very pleased
5 by the promotion, so thank you, Eric Rodriguez,
6 and, of course, Captain John Shum [phonetic] from
7 the 61st. You know, it doesn't really flow well
8 but he's not an inspector yet. So if there's
9 something you can do about that, we'd appreciate
10 it. I will tell you, though, that we weren't
11 thrilled to lose Chief Chen [phonetic] but
12 considering that he's now helping the whole city
13 we're going to look the other way on that. But,
14 we certainly are grateful. I have a couple of
15 questions I want to ask and one of them is the
16 time per the Chair's request, my first question is
17 very much budget related. I was very pleased the
18 other night, it was very late at night, I saw an
19 advertisement on a website by a fellow, you may
20 have heard of him, his name is Anthony Weiner,
21 he's running for Mayor and he said that he brought
22 back a billion dollars to police officers in New
23 York City. And so I flipped through the budget
24 documents over the last few years and I simply
25 couldn't find that. So, I'm wondering, is there a

1
2 magical billion dollars that the good former
3 Congressman has brought back that I and may
4 colleagues are not aware of? Perhaps it will
5 solve all of our problems. We can get more police
6 officers on the streets, life will be good, we
7 will be able to update all of our precincts,
8 everything will be wonderful when we find this
9 billion dollars that former Congressman Weiner
10 says he secured for New York City.

11 COMMISSIONER KELLY: So, my
12 question--

13 COUNCIL MEMBER GREENFIELD:
14 [interposing] Are you familiar with this money?
15 Yes.

16 COMMISSIONER KELLY: I don't know,
17 sir. I'm going to leave, I'm going to stay out of
18 that.

19 COUNCIL MEMBER GREENFIELD: Okay.
20 [laughter] Well, if you find it, if you find this
21 money and you know about it I certainly would
22 appreciate knowing about it and we really could
23 probably just wrap up this whole Executive Budget
24 hearing because we'd be in such a good state. My
25 next question has to do with moving violations in

1
2 the City. I'm grateful that you provided us with
3 the breakdown, one of the moving violations that
4 has a very low number relative to the other
5 violations and I'm very concerned about is passing
6 stopped school buses. Overall It's around 3,300 a
7 year. Now, I understand, just to be clear, it's a
8 very difficult ticket to give because you can't
9 really set up a trap, right, 'cause most, you
10 actually have to find the car passing the bus.
11 So, a suggestion that I've made and then
12 resolution that I introduced yesterday would
13 encourage the State to pass a law allowing the
14 City to install cameras on the back of school
15 buses to catch these violators who are threatening
16 the lives of our children. Would you support that
17 legislation:

18 COMMISSIONER KELLY: I'd like to
19 look at the specifics of it but the concept seems
20 acceptable to me.

21 COUNCIL MEMBER GREENFIELD: Okay,
22 great. The other question I always ask just out
23 of curiosity. I know the Police Department has
24 changed its policy in regards to marijuana
25 arrests. I just wanted to know costs from the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NYPD's perspective.

COMMISSIONER KELLY: Well, when, you say policy what changes are you referring to?

COUNCIL MEMBER GREENFIELD: I remember a memo coming out, I guess, a few months ago but a change in the arrest policy. I thought it was from your office that the policy came out of?

COMMISSIONER KELLY: Well, there was allegations and very difficult to prove those allegations but there were allegations that police officers were stopping people, had them take marijuana out of their pockets and show it to the officer. And if you had marijuana that's publically displayed it counts as a misdemeanor as opposed to a violation, if it's on your person. So, in response to that allegation, not necessary to the facts because it doesn't show up in the arrest report. We directed that the marijuana has to be displayed by the individuals own volition as opposed to being directed to put it in public view. So, that's one of the policy changes that I think you were speaking of. We also directed that desk appearance tickets be issued as far as the

1
2 possession of marijuana is concerned and we
3 liberalize the regulations or the previous
4 restrictions on the issuance of desk appearance
5 tickets.

6 COUNCIL MEMBER GREENFIELD: So,
7 have you racked in terms of the impact that that's
8 had in terms of arrests and costs to the NYPD?
9 That's just what I'm curious about 'cause you put
10 [crosstalk] trend, yeah.

11 COMMISSIONER KELLY: It's a little
12 too soon to have significant numbers on it but we
13 will track it.

14 COUNCIL MEMBER GREENFIELD: Okay.
15 I'm going to cede my ten seconds so that other
16 colleagues have the opportunity to ask questions
17 for your thoughts.

18 COMMISSIONER KELLY: Very
19 thoughtful.

20 CHAIRPERSON VALLONE: Wow. I'm
21 speechless. Council Member Williams. We have
22 time for you.

23 COUNCIL MEMBER WILLIAMS: Thank
24 you, Mr. Chair. Thanks Commissioner, I'm sorry I
25 came late. Actually it was a 67 precinct clergy

1 council in my district that I had to attend to.
2 But, thank you, so I didn't get to read the whole
3 testimony that you gave. First of all, since most
4 people don't hear me when I say it, I do want to
5 thank you and the men and women who risk their
6 lives every single day trying to keep us safe. I
7 do appreciate that and although there are some
8 issues that I have, clearly, this is not a baby
9 with the bath water situation. I think there are
10 some things that are working well and clearly some
11 things that are not. My office has, you have
12 always been responsive to my office and as always
13 I try to assist when needed in the district so I
14 do want to thank you. I do want to say I
15 appreciate the, I believe the attempt to diversify
16 the upper ranks and I'm happy with the promotions
17 of Chief Banks and Chief Chen and I am also
18 actually sad to see Chief Esbo [phonetic] we've
19 been in some tight situations and I thought he was
20 fairly trustworthy, someone to work with to work
21 out the situations. Now, into some of my
22 questions. I notice you did mention that
23 homicides are down, shootings are down, shooting
24 victims are down. You didn't mention that stop an
25

1 frisks was down, actually, during some of that
2 same time periods. I wanted to make sure I
3 pointed that out in case it was an oversight.
4 Also, you mentioned separate report from the City
5 Department of Health mentioned that firearm
6 related death is down by 32 percent while national
7 it's remained flat. That's also exciting but I
8 also want to mention, my contention has always
9 been that stops have not led to a decrease in
10 murder, haven't led to a decrease in shootings.
11 So, before 2012 or 2011 when actually shootings
12 have remained between '03, rather, in 2010, 2011,
13 they remained approximately the same no matter the
14 spike in the stops. So, as we pointed out,
15 there's been a lot of good healthcare that I've
16 been giving to shooting victims and I'm excited
17 that they have not been killed. We want to make
18 sure that the shooting stops. So, things like
19 Operation Impact and Operation Crew Cut, I think
20 are more narrowly tailored, I think, are better.
21 So, my first question is, of the roughly 530,000
22 stops, about 90 percent of the people engaged in
23 unlawful behavior, what was the 2012 you may have
24 answered, NYPD training budget and what fraction
25

1
2 is spent on training officers to ensure that they
3 are conducting constitutional stops and not
4 profiling?

5 COMMISSIONER KELLY: I'm sorry,
6 just repeat the question.

7 COUNCIL MEMBER WILLIAMS: Of
8 roughly 532 stops--

9 COMMISSIONER KELLY: [interposing]
10 Yeah, yeah, okay. But what's the question?

11 COUNCIL MEMBER WILLIAMS: What was
12 the 2012 NYPD training budget and what fraction is
13 spent on training officers to ensure that they are
14 conducting constitutional stops and not profiling
15 communities of more color indiscriminately?

16 COMMISSIONER KELLY: Yeah, I don't
17 have that numbers broken down. We'll send you
18 that number in terms of a training budget. We
19 have about 430 officers assigned to our training,
20 to our police academy and in service training. It
21 was [off mic] about \$100 million in training
22 budget.

23 COUNCIL MEMBER WILLIAMS: Yeah, I'd
24 love to see that, actually.

25 COMMISSIONER KELLY: I'm sorry?

1

2

COUNCIL MEMBER WILLIAMS: I would love to see that. So, please, if you could do that.

3

4

COMMISSIONER KELLY: Okay. What was the other thing?

5

6

COUNCIL MEMBER WILLIAMS: In 2012, as in prior years, far more black and Latino New Yorkers had a force used against them during the course of a stop than a white New Yorker, even though data showed that you're more likely to get contraband from a white New Yorker than you are from black and Latino New Yorker. Data shows that black and Latino New Yorkers were stopped at and far more likely to have force used against them than white New Yorkers. Again, how much is spent on training appropriate use of force during the stops?

7

8

9

10

11

12

13

14

15

16

17

18

19

COMMISSIONER KELLY: I can't hear you, I'm sorry, it's my fault. Can you say this again, the question part of it?

20

21

22

COUNCIL MEMBER WILLIAMS: Sure. How much is spent on training with use of appropriate use of force during the stops?

23

24

25

COMMISSIONER KELLY: How much money

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

is spent on training?

COUNCIL MEMBER WILLIAMS: Yes.

COMMISSIONER KELLY: Yeah, I, we'll get you these numbers, sir. I, we don't have it down. I don't have it here. I certainly don't have it in my head as to how much we're spending on it.

COUNCIL MEMBER WILLIAMS: I would love to know because this might go to the heart of many of the questions that we have been asking. Two questions, really quick. One, I spoke to the DUIC Commissioner and I always ask if you guys have met around the impact of violence on the cuts that are made throughout agencies, specifically DUICD. The answer was, no, that it hasn't been. So, my question is, why are there no discussions with other agencies of how there was--

COMMISSIONER KELLY: [interposing]
DUIC Commissioner?

COUNCIL MEMBER WILLIAMS: DUICD
Commissioner, about the--

COMMISSIONER KELLY: [interposing]
What is DUIC?

COUNCIL MEMBER WILLIAMS:

1 Department of Youth and Community Development.

2 COMMISSIONER KELLY: Yeah.

3 COUNCIL MEMBER WILLIAMS: Why is
4 there no conversations about how there may be an
5 increase in violence, particularly cuts to
6 programs that we believe are helping keeping some
7 of the violence down? I believe more discussion
8 like that might be helpful so you can answer that
9 question. And lastly, I just saw briefly a report
10 that you referenced to Council Member Lander, I
11 haven't had a chance to look at it. The premise
12 seems to be you're stopping people proportionally
13 to the type of crimes that are being committed, if
14 I look at it correctly? The premise still says
15 that because one person commits a crime you are
16 then able to stop the whole community. And my
17 premise is that only happens in the black and
18 Latino community so that, the crimes that are more
19 used for Caucasian New Yorkers would never be an
20 excuse to stop all Caucasian New Yorkers. That is
21 the premise of the problem. So, your report
22 doesn't get to why we are allowed to treat black
23 and Latino New Yorkers differently than we would
24 any other New Yorkers?
25

1
2 COMMISSIONER KELLY: Well, the
3 reality is that there are more crime in poorer
4 neighborhoods in the city than other
5 neighborhoods. 90 percent of the murder victims
6 are black or Latino in this city, 96 percent of
7 the shooting victims are black or Latino. We put
8 our resources to a large extent where the work is,
9 where the violence is. Our goal is to save lives.
10 I would submit to you that we are saving lives.
11 As I've said, we at record lows as far as murders
12 are concerned and continue to go down this year
13 under the Bloomberg administration, 11 years of
14 Mayor Bloomberg's tenure as opposed to the
15 previous 11 years. There's been 7,346 fewer
16 murders. And I would submit to you, if history is
17 any guide, that the vast majority of those lives
18 saved are people of color. So, if something is
19 going right here, New York is as safe as its ever
20 been. You look at what's happening in other
21 cities and you brought that up and other times.
22 Other cities have nowhere near the murder rate
23 that New York has. We have the lowest of any
24 major city in America by far, for 100,000
25 population. So, if you look at the totality of

1
2 the programs here, the things that we're doing,
3 we're saving lives. And what's the manifestation
4 of that? This is, tourism is at record, record
5 highs. Real estate prices, not everybody's happy,
6 but they continue to go up. We weathered the
7 economic storm of the last few years better than
8 any other city. I would submit to you, it's
9 largely as a result of the foundation of public
10 safety. So, something is going right here. I
11 want to, I'll get you a copy of that report. I'll
12 get it to Council Man Lander as well.

13 COUNCIL MEMBER WILLIAMS: I want to
14 respect the time and appreciate, you said a lot of
15 things that I won't be able to respond to. You
16 mixed a lot of things. I go to a lot of black
17 funerals so I understand the problems. The issue
18 is how are we addressing it? But I would like him
19 to answer the question of why we're not, you're
20 not meeting with other agencies to figure out how
21 the cuts to those programs will effect--

22 COMMISSIONER KELLY: [interposing]
23 Well, maybe we should.

24 COUNCIL MEMBER WILLIAMS: I brought
25 that up several years in a row so I'm hoping that

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

would actually happen.

COMMISSIONER KELLY: Okay, good point.

CHAIRPERSON VALLONE: Thank you, Council Member. Commissioner, you, we're over your time, and I know we committed to two hours because of your schedule. If you can stay we have many more Council Members. If you can take one more set of questions.

COMMISSIONER KELLY: Yeah.

CHAIRPERSON VALLONE: But if you need to go we respect that.

COMMISSIONER KELLY: Okay, yeah, one more.

CHAIRPERSON VALLONE: Okay, Council Member Viverito, please be brief. Thank you.

COUNCIL MEMBER MARK-VIVERITO:
Commissioner, good morning, and I want to also start off by saying and joining my colleague Jumaane Williams and saying that we do thank you, and I personally thank you and thank the officers that are out there working to keep our community safe. But those of us that do have questions and concerns and have constructive criticism to make

1
2 on policies and practices that go to the heart of
3 an organizational culture that I believe is within
4 the NYPD that seeks to alienate through these
5 practices, our communities just because we
6 question that, you know, anyone that makes a
7 conclusion that we don't believe in keeping our
8 communities safe. I think anyone who would make
9 that conclusion is really being irresponsible and
10 inflammatory. We want our communities safe. In
11 your testimony you indicate the success of our
12 public safety mission depends most of all on
13 development of strong community partnerships. And
14 time and again throughout communities in this
15 city, communities like the one that I represent
16 there are those of us that believe that the
17 aggressive stop and frisk policy is one that
18 alienates our communities and that does not keep
19 our communities safe. I'm going to leave it there
20 'cause we've had this conversation many times,
21 there's a very strong difference of opinion and I
22 want to just make that clear because it's being
23 discussed in the courts right now. We've gone
24 back and forth, there is legislation but we are
25 very familiar with our communities and we hear and

1
2 from our constituents and our young people, in
3 particular about how they feel that these policies
4 effect them and it's very alienating, very
5 alienating and that's very real sense of it. But
6 I do actually have a couple of, you know,
7 financial questions that also speak to the heart.
8 I do hope, in light of what Council Member
9 Greenfield said, that there is going to be some
10 analysis on the marijuana arrest issue which is
11 something that we've also brought up here. That
12 in lessening the aggressive enforcement of
13 marijuana arrests, many of which are, have proven,
14 there's been aggressive analysis done, and you
15 know that there has been proven that a lot of it
16 is being done out of officers asking people to
17 take contraband out of their pockets, that there
18 is some analysis that in lessening that we're
19 actually saving money and that we're actually
20 being able to more effectively have our officers
21 do their work. So, a couple of questions on your
22 testimony. The gang division work that you talk
23 about, you said you've expanded the size of the
24 gang division, that there's been a reduction of
25 crime based on that. I'm assuming in the, is that

1
2 work that's being done in tandem with the DA's
3 offices?

4 COMMISSIONER KELLY: Yes.

5 COUNCIL MEMBER MARK-VIVERITO: So,
6 that's something that's been, 'cause I know
7 there's been a lot of that happening in our
8 district.

9 COMMISSIONER KELLY: I'll tell you
10 what we did. We, this is focused on crews that we
11 talked about, we believe that there are
12 approximately 320 in the City and that they were
13 responsible for about 30 percent of the shootings
14 last year and it sort of continues. The numbers
15 have gone down but roughly 30 percent. So, we did
16 increase our gang division but in each of the gang
17 division units we put one of our lawyers who has
18 been embedded in that unit to interact with the
19 District Attorney's office 'case we have five
20 District Attorney's.

21 COUNCIL MEMBER MARK-VIVERITO:

22 Right.

23 COMMISSIONER KELLY: So, there's to
24 answer your question specifically. We are--

25 COUNCIL MEMBER MARK-VIVERITO:

1 [interposing] So, there's a very close
2 collaboration happening.
3

4 COMMISSIONER KELLY: Yes.

5 COUNCIL MEMBER MARK-VIVERITO: With
6 the DA's office and the police on the, right?

7 COMMISSIONER KELLY: With the DA's,
8 yeah.

9 COUNCIL MEMBER MARK-VIVERITO: And
10 I think I've heard a little bit of it from the DA
11 side of it as well. You also talk about the youth
12 officers making home visits, meeting with parents,
13 providing information about after school programs.
14 I know that I have heard the Chief of the NYCHA,
15 you know, the Housing Division Police, talk about
16 that program. Is that what you're referring to?

17 COMMISSIONER KELLY: Well, no, it's
18 a slightly different program. That was Joanne
19 Jaffey [phonetic].

20 COUNCIL MEMBER MARK-VIVERITO:
21 Right.

22 COMMISSIONER KELLY: Talking about
23 JRIG.

24 COUNCIL MEMBER MARK-VIVERITO:
25 Right, JRIG.

1
2 COMMISSIONER KELLY: Which is the
3 Juvenile Robbery Intervention Program, which is
4 primarily public housing and what it does it
5 identify a teenage recividous population who have
6 been arrested for robbery.

7 COUNCIL MEMBER MARK-VIVERITO:
8 Right.

9 COMMISSIONER KELLY: So, it focuses
10 on them and we've seen, you know, significant
11 improvements or decrease in terms of--

12 COUNCIL MEMBER MARK-VIVERITO:
13 [interposing] But, so have you expanded that
14 outside public housing? [crosstalk]

15 COMMISSIONER KELLY: This is
16 different. This is different.

17 COUNCIL MEMBER MARK-VIVERITO:
18 Okay.

19 COMMISSIONER KELLY: This is, you
20 know, it has some same aspects but this has to do
21 with the crews and this is an outreach by the
22 precinct and the youth officers in the precinct to
23 dissuade people and to inform families, dissuade
24 young people about going into these groups and
25 also speak to families so they're knowledgeable

1
2 about number, one, the existence of them and the
3 possibility of their, kids of being involved. We
4 don't want to arrest everybody.

5 COUNCIL MEMBER MARK-VIVERITO: Of
6 course.

7 COMMISSIONER KELLY: We want some
8 of them, obviously, may not have done anything
9 wrong. They may have been with somebody who is
10 arrested but it is part of an outreach program to,
11 sort of, balance, what we're doing in terms of
12 working.

13 COUNCIL MEMBER MARK-VIVERITO: I'll
14 ask some of the youth officers in our precincts
15 about that. The last question I have on the
16 capital side, I heard something yesterday, I'm not
17 sure if it's accurate, the 40th precinct, my
18 district is changing. I'm going to be assuming a
19 larger part of the South Bronx part.

20 COMMISSIONER KELLY: Yeah.

21 COUNCIL MEMBER MARK-VIVERITO: Is
22 there any plans to build a new precinct house. Is
23 that part of your capital? Is that--

24 COMMISSIONER KELLY: [interposing]
25 If, there is something in the, in my head,

1
2 something the 40th precinct, which just keeps
3 moving down the trail here. 4-0, 4-0.

4 COUNCIL MEMBER MARK-VIVERITO: 4-0,
5 yes.

6 COMMISSIONER KELLY: Yeah. [off
7 mic] Yeah, it's been kicked out of the plan. It's
8 been around for years but it's been put to the
9 next five year period of time.

10 COUNCIL MEMBER MARK-VIVERITO: So,
11 it's not included now?

12 COMMISSIONER KELLY: Nothing
13 practically speaking, nothing in play to build a
14 40th precinct. I think there's a lot that's been
15 identified for many years, to the best of my
16 recollection, but there's nothing that's going to
17 happen in the next few years.

18 COUNCIL MEMBER MARK-VIVERITO:
19 Anything assigned? All right, well, thank you,
20 Commissioner.

21 CHAIRPERSON VALLONE: Thank you,
22 Council Member. Commissioner, I know we have five
23 DA's, especially narcotics waiting. Do you want
24 to take one more quick question? I know you
25 haven't had a break. It's up to you.

1

COMMISSIONER KELLY: Who's it from?

2

3 No. [laughter]

3

4

CHAIRPERSON VALLONE: I wasn't
5 going to say James but I knew that you, what the
6 answer would be.

5

6

7

COMMISSIONER KELLY: Yeah, who?

8

CHAIRPERSON VALLONE: She has
9 assured me she will ask two quick questions with
10 no opening statement and, but I have been burned
11 before by this. So, I cannot guarantee that but
12 please, Ms. James, two quick questions? Thank
13 you, Council Member.

9

10

11

12

13

14

COUNCIL MEMBER JAMES: Sure, since
15 I started the surveillance program I hoped that
16 you would take my question. The terrible tragedy
17 of Deja Robinson [phonetic] in Queens, can you
18 elaborate, can you give us more information about
19 that terrible tragedy who, the young girl who was
20 shot in the head riding on the bus in Queens?

15

16

17

18

19

20

21

COMMISSIONER KELLY: Well, I
22 believe we made an arrest this morning of the
23 individual that we believe responsible for that
24 shooting. It has some relationship to gangs or
25 crews that we were talking about out there. Just

22

23

24

25

1
2 as I came in here I was, I know who this
3 individual is but this is somebody I had been
4 looking for a couple days. But, you know, the 14
5 year old girl had nothing to do with this, just on
6 the bus shot once in the head. Terrible tragedy
7 but it's indicative of the fact that we just have
8 too many guns and too many young people with
9 access to these guns. But I just want to confirm,
10 I believe that we have the individual we believe
11 responsible in custody this morning.

12 COUNCIL MEMBER JAMES: Yeah, so I
13 was in southeast Queens and will be attending her
14 service or funeral service on Friday at Allen AME
15 and I know that there was some gang problems out
16 there. Can you give us an update on technology
17 with respect to under, to this technology where
18 individuals can detect whether or not individuals
19 are carrying a gun based on the heat?

20 COMMISSIONER KELLY: Yeah. We
21 looked at the terrorist technology, it's been
22 around for decades, by the way. But we did this
23 in conjunction with the Scotland Yard Metropolitan
24 Police and the Department of Defense. We've been
25 looking at this for probably five years and it

1
2 works but the problems, like the cell phones that
3 20 years ago they just, it's too big and too
4 cumbersome. So, the issue now is to get it down
5 to a size that can be used in the field and we
6 also understand that there are legal issues here.
7 So, our, you know, our legal bureau certainly has
8 been involved in this. But first we sort of have
9 to get it to an operational level. We've tested
10 it and it gets better and better as we tested in
11 terms of being able to define what, you know, what
12 a gun looks like. It was really, the British
13 looked at it for suicide vests and we realized
14 that we were looking at these things together.
15 That's when we got started speaking to them.
16 There's a couple of contractors involved working
17 with DARPA, which is a part of DOD. So, it's not
18 going to happen tomorrow. It's probably not going
19 to happen next year. But ultimately we're going
20 to have something like this at the, assuming it's
21 not too many legal restrictions on it going to
22 enable us to better identify people carrying guns.

23 COUNCIL MEMBER JAMES: And my last
24 point is just that I know in response to Council
25 Member Melissa Mark-Viverito you talked about her

1
2 precincts, just remember the precincts that, where
3 you started from, the 88th, the 71 and 79,
4 obviously, we need capital improvements to those
5 station houses and I thank--

6 COMMISSIONER KELLY: [interposing]
7 Need what at 79?

8 COUNCIL MEMBER JAMES: Improvements
9 to those station houses.

10 COMMISSIONER KELLY: The station
11 houses.

12 COUNCIL MEMBER JAMES: 71, 88, 77,
13 in Brooklyn.

14 COMMISSIONER KELLY: Absolutely, no
15 question about it.

16 COUNCIL MEMBER JAMES: Thank you.

17 CHAIRPERSON VALLONE: Yes, Council
18 Member, we're going to really seriously look into
19 requiring a five year plan rewarding improvements,
20 Oliver Koppell and I. Commissioner, I know there
21 are others but I can't ask you to stay more
22 because I know that you have some place to go and
23 we have District Attorney's and Special Narcotics
24 Prosecutor waiting. This is my last budget
25 hearing with you. It's been an honor to work with

1
2 you for 11 years, and we brang crime down 35
3 percent. I know that my entire Committee feels
4 the same way. And as the Council Members said, we
5 sleep better knowing you are there. I hope you're
6 there for a longer period of time. It's out of my
7 control. But it really has been an honor to work
8 with you and - - we have a job to do, which is
9 oversight, sometimes we, you know, have different
10 on things but you always been giving us honest
11 answers. You're the Commissioner that's never had
12 to turn to a staff, very rarely, which is an
13 amazing thing, which shows the amount of knowledge
14 in your head that you have gained from a young man
15 in this force. And as Public Safety I just want
16 to say, we thank you for your work in this city
17 over, I don't even know how long you've been doing
18 this. But the work that you've done with the City
19 to bring crime down has been the catalyst that
20 turned the city around. I thank you very much and
21 I look forward to working with you I a different
22 capacity down the road. Thank you - - .

23 COMMISSIONER KELLY: Well, thank
24 you very much. It's been an honor working with
25 you, Mr. Chairman, and you've been extremely

1
2 effective in helping us reduce crime. And we
3 appreciate it very much. Thank you.

4 CHAIRPERSON VALLONE: Thank you.
5 We're going to take a five minute break and then
6 come back with the District Attorney's. Thank
7 you. [pause] Okay, it's working now, thanks. All
8 right. We should do that when some Council
9 Members go after their time, over their time limit
10 by the way, guys. Did not know that was possible,
11 turning off the mic. Okay, we're back. Turn off
12 your cell phones, please. And we're back with the
13 Public Safety Committee Executive Budget Hearing.
14 And we are lucky to have with us our five District
15 Attorney's or their representatives and our
16 Special Narcotics Prosecutor. As I told Dan
17 Donovan, you were so close to going first this
18 time, so close. But our, the Dean of our
19 delegation showed up, Rob has to take a call.
20 But, they - - we're a little late, sorry. It
21 rarely happens but we had a lot of questions for
22 the Council, for Ray Kelly and I have to be, try
23 to be fair to my Council Members too. So, we're
24 going to start now with the DA, Robert Johnson.

25 DISTRICT ATTORNEY JOHNSON: Good

1
2 afternoon. Thank you very much, Chairman Vallone.
3 Thank you to all the members of the Committee. I
4 think maybe I've said before that I've been
5 pleased to be here. I'm not sure how much I meant
6 it but actually this time I really am pleased. I
7 come here with much more gratitude than I have in
8 the past because we have made a great deal of
9 progress over the years. I wanted to thank the
10 Council Members in particular for that and I
11 particularly believe that the attention that you
12 gave to our request when we were here for the
13 preliminary in March made a difference in the way
14 the Mayor responded to my office in particular.
15 So, I want to also give gratitude to the Mayor's
16 Office not only for that but also because in the
17 last few years their review of the workload
18 analysis has put the Bronx in a better position
19 and they have baselined the money that they did
20 put in so that we feel a lot more comfortable.
21 It's not to say that we don't have requests, that
22 we don't have needs but we have made so much
23 progress and for that I truly am grateful. I also
24 feel that what's been done through the years, even
25 though it's been difficult has enabled us to make

1
2 a great deal of progress in terms of fighting
3 crime. While we, of course, recognize our
4 partners, the New York City Police Department who
5 have always said it is the primary reason that
6 we've had the successes in the city that we've
7 had. They have policed wisely and it's made a big
8 difference. In particular, I also want to thank
9 the community of the Bronx. Because I think
10 people really don't understand how much our
11 community really does get what we in law
12 enforcement are trying to do. And I particularly
13 in the Bronx sometimes people think that the
14 community is not with us, they are indeed with us.
15 They are respectful at the Precinct Community
16 Council meetings. They voice their concerns as
17 they should but they understand what our goals
18 are. They understand how our goals better their
19 lives. And also, I want to say, thank you to the
20 staff of the Bronx District Attorney's Office, the
21 800 men and women who really function in
22 circumstances that are more difficult than
23 outsiders can imagine. We all know the District
24 Attorney's offices suffer from high case loads
25 which require people to work lengthy hours and

1
2 juggle multiple tasks in order to prepare cases
3 for trial. In the Bronx in particular we've been
4 more so than the other counties and it's been that
5 way since the time before I was District Attorney.
6 I remember as I became District Attorney the
7 conversations with then administrative judge,
8 Justice Burton Roberts, about what the needs were
9 in term of, in particularly the judiciary. The
10 defense bar and the DA's offices need additional
11 resources but I think one of the greatest
12 obstacles to the speedy administration of justice
13 in the Bronx is the lack of the proper number of
14 judges. It is something that I've said tiem and
15 time again and I would hope that you would join me
16 in communicating that to the Office of Court
17 Administration and those in State government who
18 perhaps can make a difference with respect to
19 that. In addition to that, as my colleagues also,
20 we have until the last three years not made a
21 great deal of progress in terms of trying to raise
22 our baseline budget levels, particularly and
23 adjusted for inflation to the level it was even in
24 2002. That has been an amazing concern, we're
25 still yet not at that 2002 level when adjusted for

1
2 inflation and as I have mentioned, the case loads
3 are high. Part of the Police Department's
4 strategy has been to make additional arrests. In
5 2001 the Police Department arrested 72,000, made
6 72,000 arrests in the Bronx. It peaked in 2010 at
7 100,000, which is a significant increase over
8 2001. It dipped back last year to 90,000 but that
9 is still 25 percent over the 2001 level. So,
10 that's a great, great burden on the criminal
11 justice system without an equal amount of money
12 adjusted for cost of living. So, our plea this
13 year is that that and I will make later, renew a
14 request that I made in March. I would also say
15 that one of the two requests I made in March as I
16 indicated to the Council heard our plea and the
17 Mayor's Office has put money aside for, and I'll
18 talk about that. That has to deal with Riker's
19 Island. I will talk about Riker's Island some
20 more in a sec. but what I want to point out that
21 we have never, ever shrunk from what you've asked
22 us to do. We've accomplished a great deal, even
23 under the circumstances that I've described. You
24 know, people often have examined what happens with
25 jury trials in the Bronx County. And I try to

1
2 make them put that in perspective and understand
3 that last year, for instance, that was only 2.8
4 percent of all the cases we disposed. It was a
5 couple of hundred cases out of 4,900 cases that
6 were disposed of. So, we want to keep the focus
7 on the right thing. We want you to understand
8 that we prosecute with appropriate fairness and
9 that tat times we do dismiss cases because we
10 don't have enough evidence and that's appropriate.
11 But we're always focused on holding wrongdoers
12 accountable. We're always focused on being
13 creative and coming up with every angle if we
14 believe somebody is criminally responsible to hold
15 them accountable. Specifically, one of the things
16 that we deal with is Riker's Island. That adds an
17 additional burden to the Bronx. We see 90
18 percent, we have 90 percent of the corrections
19 officers on Riker's Island or on the barge in the
20 Bronx and to city wide total, 90 percent if the
21 city wide total, we have 90 percent of the crimes
22 that occur. And that means, sexual assaults, it
23 means, in mate physical assaults, it means inmate
24 on correction officers assaults. It means
25 excessive force assaults by officers, it means

1
2 corruption by officers, it means the introduction
3 of contraband, misdemeanor and felony narcotics
4 and weapons into Riker's Island. And in many
5 instances, particularly when it pertains to
6 complaints against corrections officers. They may
7 not, at the end of the day, result in a
8 persecution but they do require us to investigate
9 the allegations that are made which may be
10 reviewing video tapes, may be interviewing
11 witnesses, very often who are correctional inmates
12 who are not necessarily the - - and being
13 cooperative. In fact, in one of our major
14 investigations we had to have a lengthy hearing
15 just to get the Court to grant us the permission
16 to use aliases for the inmates who may want to
17 come forward as witnesses in a major crime that
18 involved inmates and corrections officers.
19 Correction officers using inmates in a case, in
20 what's called a program case to be enforcers in
21 their housing areas, to help the correction
22 officers keep order. And that ended up in some
23 inmate on inmate brutality and ended up in a
24 death. And we were so concerned about the safety
25 of those inmates who wanted to come forward that

1
2 we had to convince the court to let us use
3 aliases. So, that was a time consuming hearing,
4 it requires multiple reports, in correction cases
5 there are far more reports than in the cases
6 brought in by the NYPD usually. Usually there are
7 reports mandated by the Department of Correction.
8 There are phone calls that inmates make that have
9 to be monitored. There's a great deal that goes
10 on that we have to concern ourselves with. That
11 having been said, with the obstacles that we face
12 with Riker's Island being a particularly unique
13 burden, I also should say, that as I indicated,
14 the City has now set aside money for Riker's
15 island. We have not, completely across the finish
16 line. We have not received, the money has not
17 been released or is not going to be released to
18 our budget until they see our plan. We have
19 communicated that to them, how we plan to bring on
20 additional supervisors, additional senior rackets
21 investigators, which, detective investigators, and
22 additional Assistant DA's and paralegals to get a
23 handle on this mountain of material that comes to
24 us from Riker's Island. All that having been
25 said, I just also want to point out that in the

1
2 first four and a half months of 2012, in addition
3 to Riker's Island, in addition to the normal
4 street crime that comes across our threshold on a
5 daily basis, we have done a number of cases of
6 note. We recently, with the United States and
7 Attorney in the Southern District brought down a
8 public corruption case in which two sitting
9 Assembly Members were involved. It's not a
10 pleasant business. I believe that most of our
11 elected officials are doing what the people sent
12 them to do. But I also believe that those who do
13 it in a way these two are alleged to have done it
14 really do a disservice to the whole process. So,
15 we are maintaining vigilance with respect to that.
16 We spent a great deal of time and effort in a case
17 that did not result in a prosecution but was in a
18 worthwhile investigation. There were allegations
19 of past sexual abuse in a Bronx prep school. We
20 had to look at that. We had to speak to the
21 victims both to see if there was anything recent
22 enough to fall within the statute of limitations
23 and also to see what could be done to help to heal
24 those who were victimized in that particular
25 school. So, we put Assistant DA's and crime

1
2 victims advocates at their disposal. We
3 interviewed victims and we offered them social
4 work type assistance before we came to the
5 conclusion that every complaint we received was
6 outside of the statute of limitations. In
7 addition, we just recently announced an
8 indictment, an arrest of a Bronxite who
9 participated in a scheme to defraud people who
10 wanted to do good to aid the victims of the Sandy
11 Hook Elementary School in Newtown, Connecticut.
12 That was, I think, one of the most egregious
13 examples of somebody taking advantage of other
14 people's grief and misery and we wanted to make
15 sure that everything was done. Though the
16 defendant had been previously indicted by the
17 District Court in Connecticut by the US Attorney's
18 Office in Connecticut for lying to a Federal Agent
19 we also wanted to make sure that she was held
20 accountable for stealing money from people around
21 the country for allegedly to benefit the family of
22 Noah Pozner [phonetic] one of the victims. Last
23 week, we brought down a drug gang and also the
24 gang is charged with a couple of attempted murders
25 in the Woody Crest area of the West Bronx. It's

1
2 the type of thing that our gangs major case bureau
3 is monitoring on a daily basis. Just a couple of
4 weeks before that we brought an indictment against
5 Darrel Heppel [phonetic] who was accused of
6 killing David Pacheco [phonetic] on Easter Sunday.
7 David Pacheco was a two year old was caught in a
8 crossfire on Easter Sunday of 2006. It was a
9 long, hard path with someone else originally
10 indicted where were convinced, and I proudly say
11 that we were convinced by the defense lawyer that
12 that person was guilty of only, and I shouldn't
13 say only, but was guilty of possession of a weapon
14 and not responsible for the death of David
15 Pacheco. And we kept at it until we were able to
16 get enough evidence to bring Darrel Heppel before
17 court and hopefully he will be charged as quickly
18 as we could, we can, in the Bronx Courts. And
19 also, in January of this year we dealt with one of
20 the major scourges that our city faces and that's
21 the gun crimes. We prosecute gun crimes on a
22 daily basis. We go into the schools, we program,
23 like, a concept program which I am proud to say
24 that Member Cabrera helped us get some funding so
25 we could bring it to additional students to teach

1 students the negatives of guns and drugs and gang
2 activity. We have worked with the Police
3 Department on buy backs but we have also worked
4 with the Police Department on major
5 investigations, not only the cases that come in
6 where they arrest people on the street with guns.
7 And in January two of those investigations came
8 together when we brought down a number of arrests
9 that ran one investigation from April 11 of 2011
10 to November of 2012 where 54 guns were purchased
11 from Ohio and Maryland destined for the streets of
12 the Bronx. And then the other investigation which
13 ran a full year from January of 2012 to January of
14 this year, 85 guns were purchased from Georgia and
15 Virginia which were destined for the streets of
16 the Bronx. So, we are doing that work. We could
17 do better, particularly in the area of arrest to
18 arraignment. We have suffered for a long time.
19 we have been behind the other counties in our
20 ability to arraign defendants quickly. That could
21 be costly to the City if we don't stay within the
22 24 hour arrest to arraignment period. When I came
23 in March we were slightly above it which,
24 unfortunately, represents an improvement for the
25

1
2 Bronx. As we sit here today we're at more, like,
3 25 hours rather than slightly above 24 hours. The
4 difference with the Bronx and the other counties
5 with respect to that is my colleagues have police
6 typists in their complaint rooms, a system
7 processing the work, excuse me. Going back to the
8 time before I was District Attorney I don't know
9 why but the Bronx was not included in that program
10 for more than a decade and a half, perhaps two
11 decades I've been asking to be included in that
12 process. That was the second request that we made
13 to you in March. We have never, and I understand
14 the constraints and the manpower problems,
15 personnel problems that I should say the New York
16 City Police Department has. But that aside, if
17 we're not able to get police officers I think we
18 should be funded for the additional typists that
19 we need in our office to help us meet that 24 hour
20 mandate. I say all of that and I make that
21 request, as I said in the beginning, with
22 gratitude for your constant attention, your
23 constant support, and the fact that you have
24 brought us this far in the road to where we need
25 to be. Thank you very much.

1
2 DISTRICT ATTORNEY DONOVAN: I'd
3 like to also thank you, Mr. Chairman. I mean, the
4 Public Safety Committee, your guidance, your
5 leadership has been so supportive of the DA's and
6 advocated for us. And I have to publically thank
7 Speaker Quinn, yourself, Chairman Recchia,
8 Minority Leader Jim Oddo, Vinnie Ignizio and
9 Debbie Rose, your advocacy. I was here in March
10 and asked for your help at Staten Island, yes, Lou
11 Fidler, the, asked for your help to get Staten
12 Island a Family Justice Center. We were the only
13 borough without a Family Justice Center. And I'm
14 here to tell you that after testifying and after
15 your letters of support and your advocacy on March
16 25th I got a letter from the Mayor's Office saying
17 we will create a Family Justice Center on Staten
18 Island. I'm meeting with the Mayor on Tuesday to
19 work out some of the PS financial needs that we're
20 going to have for that. And we've been working
21 with the Mayor's Office to combat domestic
22 violence since that March letter which was
23 received by me to hopefully cut the ribbon for
24 this during this administration before December
25 31st. I do, besides thank you come with an ask.

1
2 We could use the Council's help with capital
3 monies to build out the location that we've
4 identified for the proper space for this. So, I'd
5 ask for that and that's in my written testimony.
6 Also, you've been very generous in the past.
7 Staten Island was the only borough that didn't
8 have the Council funding for Task [phonetic] which
9 conducts our drug treatment courts and you've been
10 generous in the past two years to fund that for us
11 and I, again, ask for that. And that's the end of
12 my testimony other than to thank you for all the
13 help that you've given us all these years. And
14 we're going to miss you guys. Hope the next group
15 is as helpful.

16 CHAIRPERSON VALLONE: That is great
17 news and it's going to cost you between \$1.7 and
18 \$2.1 is the highest. So, just so you know when
19 you speak to them, those are the numbers that
20 exist right now in the budget for everyone else's
21 Family Justice Centers. Don't let them low ball
22 you. Ms. Brennan.

23 MS. BRIDGET BRENNEN: [phonetic]
24 Thank you and good afternoon and Thank you to
25 Chair Vallone and to the Committee Members and to

1
2 the entire Council for its recognition of the
3 critical contributions made by prosecutors offices
4 in the city. Today, I will describe the money
5 that we received that was allocated to us in the
6 fiscal year 2014 Executive Budget. Again, it
7 sounds like it's going to be a theme at this
8 hearing that the issues that we raise before you
9 in March, certainly with regard to my office, were
10 quickly addressed by the City. We, after meeting
11 with the Council in March and discussing the
12 digital forensics unit that we were interested in
13 starting we met with OMB. OMB was tremendously
14 receptive to our request and they did allocate
15 about \$470,000 for a unit to my office. And
16 that's great and I thank the Council for its
17 assistance in that regard. We are also asking
18 from the Council a grant for a quarter of a
19 million dollars to support our prescription drug
20 unit. Prescription drug abuse is a city wide
21 problem, it's one where my office, because of its
22 unique mission has assumed a leadership role and
23 we've worked very closely with all the DA's
24 offices in the City on that problem but we are
25 inundated with requests for assistance. We are

1
2 inundated with referrals. And we need help. The
3 Council has been generous to us in past years but
4 it has been three years since the City Council
5 allocated any cash grant to my office and I think
6 this one is one of general, genuine importance to
7 the entire city. Now, clearly in setting aside
8 the \$470,000 for our new digital forensic unit the
9 City has recognized that to protect public safety
10 prosecutors must keep pace with technological
11 change. Our unit is going to be staffed by
12 forensics investigators, Assistant District
13 Attorney's and people who will help us catch up
14 because that's all we can do right now. Our
15 priority is to catch up. And one day, I hope we
16 will have the resources to move one step ahead.
17 Today's challenges are huge. Two of our recent
18 investigations illustrate the kind of challenge
19 that we face and the varied approaches that the
20 targets of our investigations are talking when
21 they use technology. One of the cases that I'd
22 like to talk about is described in our annual
23 report and I'm not going to go into great detail
24 about it but I'd like to point out that it's a
25 case that we did in the Bronx in conjunction with

1
2 the Bronx DA's office and one of the things that I
3 think I have failed to acknowledge in my testimony
4 before the City Council all these years is the
5 extraordinary work that each and ever DA's office
6 that we work with does. My office is formed on a
7 taskforce concept. We have District Attorney's
8 who are hired and appointed to my office from each
9 of the DA's offices and because we have citywide
10 jurisdiction we have the opportunity to work with
11 each district attorney's office and time and time
12 again I am impressed by the extraordinary work
13 that they do and their dedication and the talented
14 assistance that they re willing to send to my
15 office. And this case we did in the Bronx was, of
16 course, a great example of that. We were
17 investigating two rival violent gangs in the Bronx
18 who made extensive use of technology, both to
19 recruit people to the gang and to, they texted
20 each other to tell each other when potential
21 victims, rival gang members, were out on the
22 street whom they could shoot, whom they could
23 target. We did a lot of forensics investigation.
24 We investigated Facebook, text messages,
25 Instagram, Instagram is a great resource for us

1
2 because it allows us to figure out where pictures
3 were taken and helps us trace the actual location
4 of a stash box. But each and every thread that we
5 pick up requires intensive investigation and
6 intensive resources. And what we are discovering,
7 particularly with the young tech savvy groups is
8 that they like to play a cat and mouse game. One
9 of the things we discovered in this investigation
10 was a posting on Facebook that said FB+I=FBI. And
11 the meaning of that is Facebook plus Instagram
12 equals FBI, indicating their awareness that law
13 enforcement has tapped into their workings on
14 Facebook, has tapped into how to use Instagram and
15 to the extent they are using those social media,
16 which we have now penetrated and become familiar
17 with, they are exposing themselves to
18 investigation. And I pointed out in my testimony,
19 some of the other applications that they are now
20 using, applications that involved internet
21 communications, which are very difficult to
22 capture, that involve encryptions, encrypted
23 passwords or that erase messages as soon as they
24 are read. These will be our challenges in the
25 future. This will be the kind of challenge that

1
2 we are all facing and all of us will need
3 extensive resources to continue to have success in
4 this area. Another example of the use of
5 technology in an investigation comes from an
6 entirely different area, comes from my
7 prescription drug unit. From a case recently done
8 just in March where we arrested a doctor, Doctor
9 Hector Castro, and his office manager both working
10 out of a Gramercy Park medical office and both of
11 them operating distinct, separate prescription
12 drug distribution rings out of that office. What
13 we discovered is that the doctor and his office
14 manager were both using text messages to
15 communicate with the people in New Jersey and
16 Pennsylvania and in the City to whom they were
17 distributing these prescription drugs. They
18 didn't play the cat and mouse game but they too
19 are more traditional targets were using
20 technology. And so in order to have a successful
21 investigation there we had to use our traditional
22 techniques, like wire taps, undercover officers,
23 surveillance and layer on top of that digital
24 forensics investigation. And that is the
25 direction that we're going, that is what we are

1
2 going to need to do successful investigations in
3 the 21st Century. Now, unfortunately, our
4 prescription drug problem in this city continues
5 to soar. We reviewed a data recently issued by
6 the City Health Department which showed a
7 tremendous escalation in the deaths from
8 prescription opioids, the overdose deaths between,
9 in the last five years, and we reviewed data from
10 the State Health Department which showed deaths,
11 again, in 2012 there was an increase in the number
12 of Oxycodone prescriptions filled in this city. I
13 believe it was a seven percent increase over 2011.
14 So, we have not topped out in this crisis yet. My
15 prescription drug unit is inundated with
16 referrals. We have done many investigations and
17 they are complex and resource intensive. And in
18 addition we're working with the Health Department
19 and other agencies in this city, I'm on the
20 Mayor's Taskforce and we're trying to get this
21 problem under control but we do need more
22 resources. And I am asking the City Council to
23 allocate \$250,000 so I can supplement my resources
24 in this area. Thank you very much. I will sorely
25 miss those of you who are leaving us. Council

1
2 Chair Vallone, you've been a dear friend for many
3 years and I greatly appreciate the support. Thank
4 you.

5 CHAIRPERSON VALLONE: Thank you.

6 And now we hear for the first time from, I don't
7 know your title, First Deputy Assistant, Dan
8 Alonzo [phonetic], all I know is he used to be a
9 heck of a short stop on my softball team with a
10 gun of an arm. [laughter]

11 MR. DAN ALONZO: Well, I'm sorry to
12 report my arm has died over the years but I'm the
13 Chief Assistant DA so that's the trade off. Thank
14 you very much for hearing from us today. DA Vance
15 sends his apologies that he was not able to be
16 here this afternoon. Wanted to thank on his
17 behalf the entire City Council, including Speaker
18 Quinn, Chair Vallone, Chair Recchia for their
19 continued support both in this years Executive
20 Budget, this year's budget process and also for
21 your past commitment to our work, including in the
22 very recent past, the funding of the Manhattan
23 Family Justice Center, which is not yet opened but
24 is scheduled to open this fall and also the
25 capital funding for our cyber crime lab. DA Vance

1
2 has strongly increased our cyber crime and
3 computer forensics capabilities as Bridget Brennan
4 said, it's an increasingly important piece of
5 every criminal investigation and with the help of
6 the City Council we are going to start
7 construction in the latter half of this year on a
8 state of the art cyber crime center, which we
9 think will be model for local prosecutors offices.
10 Your investment, the City's investment in District
11 Attorney's offices has helped, as you well know,
12 facilitate a remarkable decline in violent crime
13 in recent years. I just want to focus on a couple
14 of key statistics. Since DA Vance has been
15 District Attorney violent crime arrests in
16 Manhattan have fallen by 15 percent, felony
17 arrests by 18 percent. Our conviction rate has
18 gone up by 15 percent, our dismissals have gone
19 down by 13 percent. We are, we have taken a look
20 at every aspect of the offices operations. Thanks
21 to the NYPD and our partner District Attorney's
22 the, all of our collective strategies appear to be
23 working. It's been a remarkable decline in the
24 number of shootings and homicides in Manhattan
25 since District Attorney Vance has been DA. At the

1
2 risk of tempting the fates, in the words of DA
3 Vance, we've had ten homicides this year, the year
4 is almost half over in Manhattan compared to 63
5 last year and 80 the year that DA Vance became
6 District Attorney. Shooting victims have gone
7 down massively, 234 the year that DA Vance became
8 DA, 177 last year, only 39 so far in 2013 thanks
9 to the work of the NYPD and our Assistant DA's.
10 we're especially proud of our role in crime
11 reduction and crime prevention and I wanted to
12 focus on--

13 CHAIRPERSON VALLONE: [interposing]
14 Can you just repeat those shooting victims
15 numbers?

16 MR. ALONZO: Sure, shooting victims
17 in 2010 were 234 and in 2012, 177. This year so
18 far--

19 CHAIRPERSON VALLONE: [interposing]
20 Because I don't know if you were here but there
21 was a debate between one of the Council Members
22 and Ray Kelly and the Council Member was saying
23 shooting victims did not go down. So, you dispute
24 that, okay, good.

25 MR. ALONZO: Well, we're using the

1
2 Police Department's statistics and we monitor
3 those very closely, as I'm not going to get into
4 the crime strategies unit but DA Vance has told
5 the Committee about it several times in the past.
6 We've been monitoring since 2010 the crime problem
7 in Manhattan's block by block building by
8 building, we're in close touch with the precincts
9 so we are very confident in that at least those
10 general numbers that they are correct. So, it's
11 certainly fewer than 40 in 2013 so far, which is
12 pretty astonishing when you consider where we came
13 from. So, I just want to focus on a couple of
14 things, DA Vance is particularly proud of our
15 violent gang efforts. He created in 2010 the
16 violent criminal enterprise unit which has since
17 its inception prosecuted 152 gang members, and
18 these are ones that we specifically picked,
19 together with the NYPD, to try to get at the worst
20 of the worst. And we believe that has
21 significantly impeded gang activity in Manhattan.
22 We've brought 15 indictments against gun
23 traffickers and the violent criminal enterprises
24 unit has taken more than 500 illegal guns off the
25 street that is not including the guns that the

1
2 NYPD recovers in its day to day work. That is
3 through proactive investigations with the NYPD.
4 Just this past April a couple months ago the DA
5 announced the culmination of a three year
6 investigation that we did with the NYPD of three
7 different housing developments in and around
8 Lexington Avenue in Harlem where we specifically
9 targeted three youth gangs that were responsible
10 for a disproportionate amount of violence up
11 there, 63 defendants are accused of a variety of
12 crimes including three murders, conspiracy to
13 commit murder, gun trafficking, firearms
14 possession and a number of assaults. And we
15 specifically worked with the NYPD using
16 intelligence driven data driven techniques to try
17 to figure out who to target. And we think we're
18 doing that in a way that is smart and that is
19 doing its best to reduce and prevent crime. We
20 think that it's just as important in terms of gang
21 activity to not just prosecute them but to help
22 stop the cycle and to do that we're working with
23 our law enforcement and community partners as we
24 have for years past to stop into the void created
25 but when these gangs are prosecuted and start

1
2 positive community building programs we are
3 engaging with local stakeholders, community
4 friendly events. We invite community
5 organizations and youth and employment services
6 groups to provide information for residents to
7 inform our youth about different ways they can
8 spend their time improving themselves and their
9 communities. We've been using the asset
10 forfeiture money to provide Saturday night
11 basketball programs. Since DA Vance became DA it
12 provides a time at critical hours where our youth
13 are at risk to, with an activity that is obviously
14 positive and keeps them in a place where they can
15 have fun and do positive things. When, I'd like
16 to just in the last couple of minutes, I have left
17 follow up on something that Bridget Brennan talked
18 about which is cyber crime. DA Vance spoke about
19 cyber crime and computer forensics when he was
20 here in March. He spoke at length about our
21 investigation. In so many areas this is now the
22 face of current modern law enforcement. We use
23 the computer forensics, we're talking about smart
24 phones, laptops, cell site information, cell
25 phones, all sorts of things, we use that in every

1
2 kind of crime. Once upon a time 20 years ago
3 maybe we used that kind of stuff in white collar
4 crime, now we use it in murder, rape, burglary,
5 labor racketeering, perjury, fraud, we use it in
6 everything. It is a rare case that does not
7 include that kind of component, which is why we
8 have invested so heavily and asked the City
9 Council to invest so heavily in our cyber
10 forensics lab. We're thrilled with that program.
11 We are trying our best to give back to other law
12 enforcement agencies as well. To that end we
13 created a cyber academy. In the last couple of
14 years in conjunction with the National White
15 Collar Crime Center and the Department of Justice
16 Bureaus, Justice Assistance, we have been training
17 other law enforcement agencies including
18 representatives of other DA's offices in New York
19 City, of the NYPD, of Federal agencies and also of
20 non New York City agencies including from as far
21 away as Nevada, Ohio, Texas and Indiana. We are
22 certifying computer forensics analysts so that
23 they can take their work back to their offices and
24 then we foster the kind of relationships that we
25 need as law enforcement increasingly transcends

1
2 state borders and international borders. So, that
3 is a very, very important thing and for that we do
4 thank the Council. I will point out that in
5 future years, both in our office and in the other
6 DA's offices there will be a continuing need to
7 staff such labs. We will need, forensic analysts
8 will become a very important job in New York law
9 enforcement, a job that didn't exist maybe 15
10 years ago now will be one of the most important
11 growing areas as we analyze the vast amounts of
12 data that come into our office to solve all sorts
13 of crimes. So, thank you, again, our, we believe
14 that these are incredibly important areas despite
15 the serious drop in crime, we still see 100,000
16 arrests every year from the NYPD which we still
17 screen. It's very important to maintain the
18 necessary resources to respond to those diverse
19 crimes. So, I thank the City Council on behalf of
20 District Attorney Cyrus Vance.

21 MS. AMY FEINSTEIN: Thank you. On
22 behalf of District Attorney Hynes and the Council
23 I echo my colleagues and District Attorney's
24 sentiments thanking you for your constant support
25 and we too benefited greatly from your never

1
2 ending request to have a caseload analysis done
3 and we in Brooklyn benefited to the amount of \$2.5
4 million which has come in tremendously handy,
5 which I'm sure you can imagine. While listening
6 to the Police Commissioner's testimony, you, there
7 was a question about street crews and we in,
8 Brooklyn

9 CHAIRPERSON VALLONE: [interposing]
10 Amy, can you please put your name on the record.

11 MS. FEINSTEIN: I'm sorry, Amy
12 Feinstein [phonetic]. We in Brooklyn have very
13 many street crews and we too are going
14 neighborhood by neighborhood and attacking the
15 street crews, using Facebook and all of the social
16 media in order to show the interrelation among the
17 mostly young men after they've been arrested and
18 we did, we took down a case in Brownsville and we
19 took down a couple of other cases, we're now
20 working in more neighborhoods, both in Brooklyn
21 North and Brooklyn South, those cases are all
22 reviewed to see whether or not those people are
23 candidates for one of our alternative programs.
24 And I've spoken about our program redirect in the
25 past, as has the district attorney, so I won't

1
2 talk about it again. But it is a program that
3 we're very proud of because it helps people get
4 out of the gang life. But the street crew
5 investigations, as the Police Commissioner called
6 them, Crew Cut, is something that has helped a
7 great deal in lowering the amount of violence. In
8 one neighborhood, which is Northern Crown Heights,
9 after the Braur Boys [phonetic] were taken down,
10 burglaries decreased 15 percent. They were
11 responsible for more than 20 burglaries in this
12 group. Another thing that you discussed with
13 another area that you discussed with the Police
14 Commissioner is gun buy backs. And we in Brooklyn
15 have many, many gun buybacks. We have had 31
16 churches have hosted gun buy backs since 2008 and
17 we have purchased 2,714 guns. We're currently
18 working on two gun buy backs, one with Council
19 Member Recchia and one with Council Member Eugene.
20 The last time I was here and when the District
21 Attorney comes he also talks about our program,
22 Safe Surrender, which is a collaborative effort
23 with the Police Department, the Office of Court
24 Administration, the DA's Office, to have member so
25 the community come to court in a church and be

1
2 able to clear their summonses. These are people
3 who have warrants for failing to appear in the
4 summons part and risk arrest, which is far more
5 serious than the original crime. We had our sixth
6 Safe Surrender program at Mount Pisgah Baptist
7 Church in Bedford Stuyvesant and we had 384 people
8 and we cleared 550 summonses. We've cleared 3,063
9 summonses and 2,395 citizens have taken advantage
10 of this. We are currently working on a safe
11 surrender project with Council Member Williams and
12 we hope to have one in the summer. We too have
13 seen a marked decrease in crime this year and in
14 violence, especially in Brooklyn North, which is a
15 place that has historically been plagued by a
16 great deal of violence. This year so far they
17 have a 9.5 percent decrease in indexed crimes and,
18 remarkably, a 22.8 percent decrease in shooting
19 incidents. So, as you know, District Attorney
20 Hynes focuses a great deal of our attention on
21 recidivism reduction. And we believe that our
22 programs both help reduce recidivism, thereby
23 increasing public safety and reducing recidivism
24 also saves the City a great deal of money. I
25 thank you again on behalf of the District Attorney

1
2 and on behalf of the citizens of Brooklyn for your
3 support. Thank you.

4 MR. JACK RYAN: Good afternoon.
5 I'm Jack Ryan and the Chief Assistant District
6 Attorney in Queens County. I'm here this
7 afternoon on behalf of District Attorney Brown.
8 The District Attorney sends his regrets. Among
9 the programs the DA started is a program we call
10 Star Track [phonetic] where we work with youths in
11 the school to try and bring down the rate of
12 violence. This program focuses on the Rockaways.
13 This is the 20th anniversary of that program and
14 that program culminates every year with us taking
15 approximately 1,000 kids to the tennis center in
16 Flushing where they can get to enjoy it and get
17 out and try something maybe they haven't tried
18 before. And today is the day of that event which
19 was planned before we knew the hearing would be
20 today. So, again, he sends his regrets but he
21 wanted to make sure that I extended his gratitude
22 to so many of you, to Speaker Quinn, to
23 Chairperson Recchia, to Chairperson Vallone and
24 all the members of the Council because you have
25 been with us in the tough times and - - a theme

1
2 that you've heard before. Things certainly have
3 gotten a little bit better and we appreciate that.
4 We have provided you with a copy a letter from the
5 DA and a copy of the booklet that we printed and
6 gave to you today which has a lot of the detail.
7 Amy suggested that I read the entire booklet from
8 start to finish. The rest of the audience talked
9 me out of it. But in prior years, as you know, in
10 the budget cuts, going back to 2001 we suffered
11 severe cuts and we're just starting to rebuild
12 with the workload formula which the City came up
13 with and which the Council certainly was an
14 impetus behind. Things have started to get better
15 and as we entered this current fiscal year we will
16 be getting a third installment of that money and
17 that certainly was very much appreciated. In
18 prior years when we've spoken to you we talked
19 about during those bad years that your focus was
20 to maintain our core mission and that's what we
21 did as the resources became more constrained, we
22 pulled from wherever we had to pull to maintain
23 the core mission. We're very proud, throughout
24 that period, for example, our arrest to
25 arraignment time, something the DA has always been

1
2 very proud of, we maintained that and we reduced
3 that. And that's a program which, a, gets
4 defendants to court quicker, and those that are,
5 get their cases disposed of or make bail, they get
6 out quicker. It also gets police officers out on
7 the street quicker. So, we maintained that. But
8 as we approach this year where things were a tad
9 better than they were in the past, any we realized
10 that even though they're better, still, if you
11 compare us to where we were in baseline funding
12 back in 2001, we're still down about \$2 million.
13 And also, since we so focused on the core and so,
14 constraining the core, we realized how far we
15 still have to go, so we do need your help also.
16 I'll cite one particular example, and that's in
17 human trafficking, those of you who are familiar
18 with those cases, the facts in each one of those
19 cases is quite frankly, each one has its
20 individual horror story. We've maintained, we do
21 about 30 percent of the statewide total of the
22 human traffic convictions and we're doing that
23 essentially with one ADA assisted by another ADA,
24 that's what happens when you bring down your core
25 mission as much as your budget allows you to do.

1
2 So, we need to get back, not just to quote,
3 normal, we need to start to address these new
4 crimes and these new initiatives that my, our
5 fellow DA's Chief Assistants have talked to you
6 about. We too have requested, did some new
7 initiatives and, again, in areas that you've heard
8 of before, we've requested initiatives for, crimes
9 against the elderly, child abuse, excuse me, our
10 youth anti violence and our human trafficking.
11 And also, certainly, our computer crimes and
12 internet crimes, that certainly is a crime of the
13 future. We need to move forward. We need to keep
14 the impetus going and we need your help as you've
15 helped us in the past. We thank you for the help
16 you've given us. We thank you for the courtesies
17 you've extended us at these hearings over the
18 years and some of you, I guess, are maybe term
19 limited out and we wish you all well in the
20 future.

21 CHAIRPERSON VALLONE: Okay, thank
22 you all. I'll ask one quick question and then go
23 to Council Member Fidler. DA Johnson, you
24 mentioned your work helping out with a few
25 corruption cases. And if anyone else wants to

1
2 jump in on this, I'm interested to hear. What
3 challenges do you face when it comes to
4 instigating your own investigations when it comes
5 to political corruption and prosecuting those,
6 because we've, where we've been reading how much
7 easier it is for the Fed's to do this and for
8 other law enforcement agencies and how difficult
9 it is for you. That's something, I did street
10 crime, I never did that kind of thing. So, what
11 are the challenges you face?

12 DISTRICT ATTORNEY JOHNSON: Well, I
13 think the challenges are not necessarily with
14 respect to instigating, everybody faces the same,
15 initiating, sorry, everybody faces the same issues
16 with initiating the case. You need to get someone
17 who has the information and usually that's someone
18 on the inside, and usually the way you do that is
19 you find them doing some wrongdoing themselves and
20 hope they'll assist you. But there are
21 differences in the Federal Law, perhaps, that
22 Chief Assistant Alonzo has more expertise since he
23 worked in the Federal arena but there are
24 differences in evidentiary rules, there certainly
25 are differences in the State Statutes about, for

1
2 instance, whether there is a quid pro quo rather
3 than just an intent on the part of one party to
4 influence another, things of that nature. So, the
5 State statute has a number of areas in which the
6 client could not be brought into State and it
7 could be brought in the Federal. There are areas
8 where it does overlap and sometimes, because of
9 evidentiary reasons and other reasons we will opt
10 to go Federal. But, you know, we can do either
11 but then we've all supported recent bills by the
12 Governor that outline ways in which they can
13 improve it. As I say, Dan, I think, is going to
14 be the forefront in helping to draft those kind of
15 suggestions.

16 CHAIRPERSON VALLONE: What are the
17 biggest changes they can make in - - that would
18 help?

19 MR. ALONZO: [crosstalk] Well, I
20 think the differences in Federal Law and State Law
21 are probably too numerous to mention. First I
22 want to say, we can do corruption cases, we've
23 done them here at the State and we're all done
24 them very well. So, I don't want to leave the
25 impression that State prosecutors aren't capable

1
2 of doing them. We obviously are capable but there
3 are many, many, many hurdles. Currently pending
4 in Albany is the Public Trust Act. It's a
5 Governor's Program Bill and the District
6 Attorney's of New York State are strongly behind
7 the Governor in this push and we are in the middle
8 of speaking to the Legislature to try to get them
9 to enact it. It does not solve every problem but
10 it does give, it would give State prosecutors
11 tools that we don't have now. IT would solve the
12 bribery problem that DA Johnson alluded to, which
13 had overruled - - Court of Appeals case and would
14 actually allow offers to bribe, to be prosecuted
15 as seriously as completed bribes where there is a
16 mutual agreement or understanding. It would
17 strongly strengthen the laws for defrauding
18 governments, like this one, if you defraud the
19 City of New York, you defraud the State of New
20 York, penalties would be higher. It would require
21 State actors to report any knowledge that they
22 have of bribery, just a whole bunch of different
23 things that would - - to State Prosecutors. Would
24 not solve all the problems but it's a very, very
25 strong start.

1
2 CHAIRPERSON VALLONE: Okay, Council
3 Member Fidler.

4 COUNCIL MEMBER FIDLER: Thank you,
5 Chairman Vallone and I am pleased to say that for
6 the first time in 12 years I don't have to give my
7 rant and rave, remind everyone that the criminal
8 justice system is posed of two separate distinct
9 parts. I'm glad to hear that OMB is finally
10 hearing it and the Mayor is finally hearing it. I
11 kind of wonder what took them so long and, in
12 fact, I was going to ask Commissioner Kelly except
13 I got timed out on the list, whether or not he
14 attributes any of the decrease in our crime
15 statistics to the innovative programs like DTAP
16 and Project Reentry and what not that have come
17 from your offices. And I'm sure I, I'm sure his
18 answer would have been yes but it would have been
19 really good to have it on the record so that
20 everyone could understand that they can arrest him
21 but you have to deal with them after that and has
22 a very distinct impact on the safety of our
23 communities. So, I'm glad I don't have to go into
24 that. I have something rather different that I
25 want to talk about. Miss Brennan, I understand

1
2 your office was created by an active Legislature
3 and I know you have an independent budget but you
4 get your personnel from the DA's Offices, is that
5 correct?

6 MS. BRENNAN: Yes, Assistant
7 District Attorney's are assigned to my office by
8 the DA's Offices, except for me. I'm appointed by
9 the five District Attorney's and my title is
10 Special District Attorney.

11 COUNCIL MEMBER FIDLER: Why is it
12 that you don't hire your own staff?

13 MS. BRENNAN: Well, that's the way
14 the office was set up because the DA's office is
15 our constitutional offices and they have the
16 ability to prosecute crimes within their
17 jurisdiction. They are the only ones who can hire
18 and empower Assistant DA's, you know, they can
19 extend their authority to Assistant DA's whom they
20 hire. And then those Assistant DA's are appointed
21 to my office. And It's a one of a kind office but
22 it's worked out extremely well for the past 40
23 years. We just celebrated our 40 year
24 anniversary. We were set up to deal with the
25 heroin crisis. We then got hit with the crack

1
2 crisis and now we're working on the prescription
3 drug crisis. And we are small enough and, you
4 know, the DA's have always been extraordinarily
5 supportive that we have the flexibility to be able
6 to manage.

7 COUNCIL MEMBER FIDLER: I'm
8 actually still going another direction here but I
9 think that's a great answer. Do you have staff
10 other than ADA's?

11 MS. BRENNAN: Yes, we do. We have,
12 we hire our own investigators, analyst, you know,
13 other paralegals.

14 COUNCIL MEMBER FIDLER: You don't
15 get people assigned to you by PD?

16 MS. BRENNAN: I have some
17 detectives who are assigned to me by PD and I
18 have, my budget pays for the Assistant District
19 Attorney's on my staff even though they're hired
20 by the DA's. And the DA's set their salaries.

21 COUNCIL MEMBER FIDLER: Okay.

22 MS. BRENNAN: And, but their
23 salaries come out of my budget.

24 COUNCIL MEMBER FIDLER: So, I want
25 to talk to you all generally about an issue, and

1
2 it's something that I've started working on a
3 couple of weeks ago, actually right ahead of the
4 headlines in the papers. We are trying to get
5 people to stop smoking cigarettes in the City.
6 One of the things that we did was raise taxes on
7 cigarettes, so as to discourage people from
8 smoking. And we have other initiatives that are
9 on the table right now and the kickback, you know,
10 to us, I guess that's a bad word, the, what, the
11 pushback, the better word, that we're getting, is,
12 we've been presented with some studies that,
13 showing that we're not really stopping people from
14 smoking we're just stopping people from buying
15 lawfully taxed cigarettes. And, you know, that's
16 some of the, that's a place we don't want to be.
17 And, in fact, the numbers are huge. If the
18 studies from Columbia and what not are correct
19 there is probably about \$100 million in City tax
20 alone, all right? That is not coming to the City
21 because people are buying untaxed cigarettes. I
22 believe your entire budget is \$16 million, that's
23 the Special Narcotics Office?

24 MS. BRENNAN: Somewhere around
25 there. I think I see where you're going.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER FIDLER: Well--

MS. BRENNAN: [interposing] And my guess is we're not going to agree on this one.

COUNCIL MEMBER FIDLER: No, I'm not, no, I would never, ever suggest that your office be burdened with that because I think the work you're asked to do is incredibly important and, in fact, I'm not sure I want to burden each of you, all the others of you, because the work that you do is that important. All right? What I've been talking about the last couple weeks is creating either an office of special prosecution or a joint task force, independent, but perhaps structured as is your office to specifically interdict the large numbers of bootleg cigarettes that are coming into our city. My thought is that it's not only revenue neutral but it's probably something that would ultimately to an increase in revenue overall to the City. So, I'm asking, first, if any of you had any thoughts about that and if, second, any of you are now dedicating significant resources to the, not to the little guys but to the big guys, so we're bringing in truckloads of cigarettes not taxed, into our city.

1
2 And we all know where the money goes, right? You
3 know, we, you know, we now know that it goes to
4 terrorism and organized crime. So...

5 DISTRICT ATTORNEY JOHNSON: That's
6 one of the things that does fall within our
7 jurisdiction and like everything else that falls
8 within our jurisdiction, when we get evidence of
9 it, we pursue it. And, you know, my office has
10 brought big tax cases. I think one of the other
11 counties had one that just was in the newspaper
12 today. When, I mean, untaxed cigarettes cases,
13 where if we get information about this kind of
14 activity it actually, it does benefit our offices
15 in a sense because that's another area in which if
16 there are tax penalties or recoveries that in the
17 - - revenue grants, we do get a share of what
18 comes in. So, we do pursue them, obviously, we
19 have to make, we don't make choices but we have to
20 find ways to take it in within everything else
21 that we do.

22 COUNCIL MEMBER FIDLER: But, you
23 said when evidence comes to you, and then my issue
24 is, this problem is so much larger. If I ask the
25 number of my colleagues in the last few days what

1
2 percentage of cigarettes sold in the City of New
3 York do you think are untaxed, and every one of
4 them was off by a factor of five, all right?
5 Clearly, this is something we're not doing, I
6 mean, you know, the black market stuff, all kinds,
7 offends me. I mean, it offends me, that I can't
8 sit in my local diner and not be offered a bootleg
9 DVD, all right? That bothers me, okay? But the
10 volume that we're talking about in terms of
11 bootleg cigarettes is so incredible, all right? I
12 mean, these are legitimate studies and it does
13 bother me as a Council Member when they're telling
14 me every time I make it harder for people to smoke
15 I'm not really stopping people from smoking. I'm
16 just pushing them further into the arms of
17 organized crime and terrorist networks. I mean,
18 I'm willing to bet that most of the people who are
19 doing this have no idea where their money is
20 going, they just want to be able to smoke
21 cigarettes. So, if we were able to really, truly
22 shut down the black market in cigarettes, really
23 put a dent in it, one of two things would happen,
24 either people would start smoking legally and we'd
25 get the revenue that we're supposed to get, or

1
2 people would stop smoking, which is also okay with
3 me. So, I mean, you want, you guys have, all have
4 so much to do with such limited resources,
5 clearly, I'm asking not that you react when the
6 evidence comes to you, I'm looking for a proactive
7 unit that's going to go out and find out that a
8 big truck just left Virginia, all right, and we
9 should stop it at the Verrazano because it either
10 has guns or tobacco in it.

11 MS. FEINSTEIN: Council Member, I
12 think another thing is that I'm not sure the
13 consumer knows when they're not buying legal
14 cigarettes. Because we did take a case down a
15 couple of months ago with two or three truckloads
16 of cigarettes but it also included phony tax
17 stamps. So, the consumer might think that they're
18 purchasing cigarettes legally and the person who's
19 selling them doesn't pay the proper taxes. But we
20 develop information when it comes to us, that's
21 actually the truth or when a confidential
22 informant has information, which is what led us to
23 be able to take down the case.

24 MR. RYAN: Council Member, we have
25 a crimes again revenue unit that devotes a good

1
2 portion of its efforts to cigarette tax fraud. We
3 have developed sources of information, liaisons
4 with other states. Recently we provided
5 information on a case we developed with one of our
6 fellow DA's because, unfortunately for us, the
7 cigarettes went to another county. So, we are
8 working on those areas. We also find that many of
9 the cigarette bootleggers, whatever, are also
10 involved in other criminal activity, that is
11 important and significant to us as well. We have
12 developed cigarette cases with narcotics cases and
13 the other way around, narcotics cases out of the
14 cigarette cases. It is a difficult area, part of
15 the area, I think, we have to face the reality is
16 that one of the sentences we managed to get on
17 these cases is a non violent crime and we are
18 constantly being told that these are the people
19 that shouldn't go to jail. It becomes a purely
20 economic crime even when we catch someone, they
21 make an economic choice after they get whatever
22 penalty is imposed that it may pay them to just go
23 right back out there and do it again.

24 COUNCIL MEMBER FIDLER: I certainly
25 doubt that victims of 9/11 or Boston or what not

1
2 would consider it a nonviolent crime if they
3 really understood it. But, I just, to finish up,
4 I just want to be clear that none of you has a
5 unit that proactively seeks out the information
6 and is working affirmatively on trying to close
7 down the bootleg - - cigarettes?

8 MR. RYAN: Well, our unit is
9 proactive and reaches out.

10 MS. FEINSTEIN: Our money
11 laundering and revenue crimes does some proactive
12 but I don't think it's to the level that you're
13 describing, Council Member.

14 DISTRICT ATTORNEY DONOVAN: One of
15 the things Councilman, you might want to look at,
16 the State Liquor Authority. I mean, the monitor
17 the sale of liquor to make sure it's - - that
18 might be a model for what you're describing now.
19 And if they bring cases to us, we'll prosecute
20 those cases, untaxed liquor, but they have
21 enforcement officers. I think what you're
22 describing is a need for enforcement people to go
23 out in the streets and do this stuff, to conduct
24 investigations. And maybe a model might be the
25 State Liquor Authority.

1
2 COUNCIL MEMBER FIDLER: Well, I
3 think it's more than going out to the streets. I
4 think you'd maybe, you know, a Native American
5 Reservations, Virginia and North Carolina and
6 doing some surveillance down there. You know,
7 look, there are people who bring, you know,
8 untaxed cigarettes into this city a carload at
9 time but there are also a lot who bring it in a
10 truckload at a time with a million dollars worth
11 of cigarettes and we need to start interdicting
12 those. I would just ask all of you to consider,
13 and I think you will be spoken to, in all
14 likelihood, in the next couple of weeks, the
15 concept of, are there special office or a joint
16 task force not coming from your budgets,
17 independently funded, we think that in the end it
18 will pay for itself to work specifically on this
19 problem and this issue as something that, you
20 know, we need to do if we're going to truly be
21 effective in the cigarette world and do what we
22 think we're doing and at the same time remind
23 people that paying taxes is the American way. And
24 when they're not paying taxes on something that
25 should be taxed they are undoubtedly supporting

1
2 some activity that all of you are going to be
3 responsible for in the end.

4 CHAIRPERSON VALLONE: Thank you,
5 Council Member. It is quite a treat to hear you
6 talk about actual issues and not money stuff like
7 we have to do every year. Council Member, well,
8 we've been joined by Council Member Ulrich and we
9 go next to Council Member Greenfield and then
10 Gentile.

11 COUNCIL MEMBER GREENFIELD: Thank
12 you very much, Mr. Chairman, I will be very brief.
13 The main reason that I sit through this portion of
14 the hearing, even though, as you can tell, it's
15 pretty challenging for most of our colleagues
16 because these days run long, is because I really
17 have immense appreciation and admiration for the
18 work of all six district attorneys offices do and
19 I want to thank you for that and we're very
20 grateful. I think it goes unrecognized and
21 underappreciated in our city, we were very NYPD
22 centric. I love the NYPD but I think that people
23 will realize that they can only do half the job.
24 So, we thank you for doing the other half. I'd
25 like to, every year I ask the question, and is

1
2 I'll ask again, just because I think it's
3 important that the record reflect it, and I'm not
4 going to get into the details 'cause I'm sure you
5 all have things that you want to do today but I
6 just would like to once again focus on the
7 challenges that you face internally in terms of,
8 while funding has increased your Assistant
9 District Attorney's are still underpaid, grossly
10 underpaid. And as a result those who do well and
11 are successful pick up and they leave, whereas
12 some of the people who are successful love public
13 service and stick around. But it's a very
14 difficult when the US Attorney's Office that does
15 comparable work to you is paying you much more.
16 Can you just give us a sense of the difference
17 between what your paying versus what the US
18 Attorney, 'cause I think that's actually an apples
19 to apples comparison as opposed to, you know, for
20 me to say, hey, what do, you know, we always like
21 to say, wow, this is what a first year lawyer
22 makes out of law school. I was a first year
23 lawyer out of law school and I made more money
24 than I make now. Right? I mean, so, I don't know
25 that that's a fair comparison because there are

1
2 certain price that you have to give up for working
3 in one of those big firms and that has to do with
4 your freedom and the level of work that you do.

5 But I think it's fair to say that unless someone
6 would disagree with me that the US Attorney's and
7 District Attorney's do comparable work and I think
8 that's fair. So, can you just sort of give me a
9 baseline comparison and, I guess, just tell me if
10 you think it's unfair, quite frankly, and are you
11 at a disadvantage in terms of keeping talent and
12 bringing talent to your offices?

13 MR. ALONZO: So, with an enormous
14 caveat, Council Member, I was an Assistant US
15 Attorney for nine years after having been an
16 Assistant DA for five. So, with an enormous
17 caveat that I have not checked US Attorney's
18 salaries recently, I'll give you a generalized
19 answer and I'm happy to be corrected if anyone
20 knows otherwise. Generally speaking, in the early
21 years, and mid years, Assistant DA's in New York
22 City are paid substantially less than Assistant US
23 Attorney's. It's a substantial difference, you
24 know, something like, if you are, if you've been
25 in the ADA's office five years you might make, in

1
2 the, you know, \$70,000's, but you've been in the
3 US Attorney's Office five years, you'll make over
4 \$100,000. The US Attorney's will cap out under
5 Federal statute where the US Attorney's salary is,
6 the US Attorney's personal salary at something
7 like \$160,000 or more and DA's cap out a little
8 bit higher. So, if you're one of those people
9 that sticks around for a long time you will make
10 more than the US Attorney, but for the vast number
11 of the folks that spend all their time doing the
12 great work that our offices do, you know, they are
13 woefully, woefully underpaid compared to Assistant
14 US Attorney's. So, I do agree very much with your
15 point. If you want specific numbers we can,
16 obviously, find out for you.

17 COUNCIL MEMBER GREENFIELD: Oh,
18 that's - - but my general question is, do you find
19 it challenging, A, to recruit folks who are
20 motivated, right, and B, to retain those folks,
21 right? Because when you recruit somebody who's
22 motivated, \$50,000 a year, and I'll point out,
23 which I pointed out at the last hearing, I just
24 think it bears repeating, the average salary,
25 according to the NYPD on their website, for a

1
2 police officer with an associates degree who
3 worked for five years in the NYPD is \$100,000 a
4 year, not including overtime. They deserve it,
5 they do great work, right? But the average
6 starting salary for an attorney who spent those
7 seven years, that two getting the associates
8 degree and so they spent four years in college
9 plus three years in law school, so right, you have
10 two paths. The average starting salary for an
11 attorney who decided, instead, to go to law school
12 and to bring on debt, quite frankly, which I'm
13 still paying every month for having gone to a
14 wonderful Jesuit law school, thank you Georgetown.
15 However, yes, thank you, Eric, however, the
16 reality is that you spend seven years and you get
17 paid, on average, half of what a first, a five
18 year police officer makes in New York City.
19 That's a gross discrepancy.

20 DISTRICT ATTORNEY DONOVAN: The
21 state of the economy has helped us greatly. There
22 are no jobs out there for fifth, sixth year
23 District Attorney's, and that's the group that we
24 used to lose. They tried enough cases where they,
25 of some value to a medical malpractice firm. The

1
2 quality of applicants that we get now is
3 tremendous because the people graduating from law
4 school can't find a job. When the economy changes
5 we're going to be in trouble again.

6 DISTRICT ATTORNEY JOHNSON: But
7 that having being said, I think we still are
8 seeing people, the pool has changed and I agree
9 with that but we're seeing people make decisions
10 to go to other government jobs that do pay more.

11 COUNCIL MEMBER GREENFIELD:
12 [interposing] [crosstalk] Council - - for example,
13 pay 50 percent more than what you guys--

14 DISTRICT ATTORNEY JOHNSON: --yeah,
15 we've always compared to. I've seen in recent
16 years a number of my attorney's leave to go to the
17 Department of Education, who's been doing more in
18 the hearings areas, both defending cases involving
19 special education and disciplinary cases--

20 COUNCIL MEMBER GREENFIELD:
21 [interposing] And quite frankly they have more
22 staffing help, they work less hours and they get
23 paid more. So, it's not just about the salary,
24 it's also that they have more resources because
25 the Department of Education's resources, for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

example, are unlimited.

DISTRICT ATTORNEY JOHNSON: That's one area where I, we've hemorrhaged a number of District Attorney's to.

COUNCIL MEMBER GREENFIELD: So I, just once again, I want to thank you. I want to point it out, I think it's a discrepancy. I think the next battle that we face is not simply surviving, this idea that the District Attorney's should get just enough money to get by so that we shouldn't have to yell and scream and pound the doors is really shameful. I think our goal in the next administration, and you know, the Chairman likes to point out that he's not going to be here in the next administration as a Council Member, although he certainly may be here in another role. But I, god willing, hope to be here in the next administration and I think that our focus needs to be on the future, and especially this idea that we're going to rely, which sadly is what we have to do, on a weak economy so that we can get good lawyers and rally all you're really doing is, you're giving them a holding pattern, right? Because as soon as the economy picks up again in a

1
2 couple of years, guess what happened to all those
3 wonderful lawyers who were doing a great job?
4 They're out. And I think we have a long term
5 structural problem with the District Attorney's
6 Office where you're consistently underfunded and I
7 think it hurts in a very significant ways and I
8 think we should think about, together, trying to
9 move the ball and the conversation shouldn't be
10 about surviving it should be about how are you
11 getting your free share of public safety resources
12 in New York City, because in my view you're as
13 important as any other public safety agency,
14 including the NYPD. Thank you very much.

15 CHAIRPERSON VALLONE: Thank you,
16 Council Member. I just wanted to flesh out one
17 thing you said about how first year associates
18 lose their freedom while DA's might not. That's
19 is, in, they lose their freedom because they're
20 working, probably doing drudge work while DA's are
21 doing work they love and putting the guilty in
22 jail. But as a freshman DA, my first couple of
23 years as a DA, I worked from 8:00 in the morning
24 'til 7:00 every day and if your overtime hours
25 happened often, you then got home and would work

1
2 until 2:00 or 3:00 in the morning, do your
3 openings, your closings, and I don't think a first
4 year associate at a law firm ever did ECAD
5 [phonetic] or the ALOPSA [phonetic] shift and had
6 to get, and go in at midnight, finish up at 8:00
7 and then go to court and then handle all your
8 cases until noon and pray that none of your cases
9 went to trial after that.

10 COUNCIL MEMBER GREENFIELD: I agree
11 with you, Mr. Chairman. What I meant, to be
12 clear, was what we prefer to, when I work for a
13 corporate law firm as the Goldman handcuffs
14 [laughter] that's what I meant, where you don't
15 necessarily enjoy the work that you do but between
16 the money and the bonuses you're doing it
17 regardless and I discovered very early on when I
18 joined the litigation department that there was
19 very little litigation, it was only document
20 review which is why I swapped to corporate. So, I
21 certainly agree with you. I think that the hours
22 that are put in are the same. It's just that the
23 District Attorney's have the luxury of being
24 public servants and really making a difference to
25 the community and so hopefully they're getting

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

more job satisfaction. But, quite frankly, job satisfaction doesn't pay the mortgage. Thank you.

CHAIRPERSON VALLONE: I agree completely.

COUNCIL MEMBER FIDLER: [crosstalk]
Mr. Chairman?

CHAIRPERSON VALLONE: Yes, Council Member Fidler.

COUNCIL MEMBER FIDLER: I'm a little uncomfortable by the discussion at the moment. I think I need to disclose for the record that my youngest son is an ADA in the Brooklyn office, a fledgling brand new ADA in the office and I did not discuss with Council Member Greenfield what the salary of a first year ADA should be and I will not participate in this discussion. Thank you.

CHAIRPERSON VALLONE: Well, we didn't even know that until now. So...

COUNCIL MEMBER FIDLER: Which is why we disclose.

CHAIRPERSON VALLONE: So, now we should really delve into this salary thing. I'm going to get some more money for our rookies. But

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I won't. Council Member Gentile.

COUNCIL MEMBER GENTILE: And I don't know about you, Council Member Vallone, but talking about work days, as an ADA I remember working 'til about 7 o'clock and then trying to go find witnesses somewhere out in Jamaica housing project or something for a trial. So, those days and nights seem to meld together without much sleep. So, it was quite an experience, a good one, but quite an experience. So, thank you all for being here and for the jobs that you do. I just want to be clear that even with the increase in the Executive Budget of \$2.7 million over the preliminary budget, that still doesn't affect the request that you are making for the additional anti gun violence program or additional, I believe the prescription drug program and things of that nature, right? That \$2.7 million addition does not affect or will not affect those requests.

MS. BRENNAN: That's correct. We looked at that before we made that request. Our office is still down from where we were in 2010. We're still down by about 3.5 percent since then. And so, we still have really significant needs in

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

terms of resources.

COUNCIL MEMBER GENTILE: And DA Donovan, do you have a particular request now for the family center?

DISTRICT ATTORNEY DONOVAN: Yes, I was requesting capital money from the Council to actually build it out. We have a location identified and we working with DCAST [phonetic] to figure out what the square footage cost would be and it's somewhere around, as the Chairman said, \$1.75 million.

COUNCIL MEMBER GENTILE: Right, okay. And I'm curious, have all of you been looking beyond the workload funding agreement given the fact that this is the final installment, I suppose? Assuming it's not going to be extended or renewed or whatever? Have you thought about the next year without the workload funding agreements?

MR. RYAN: Fortunately, Council Member, this was one of the few areas that was baseline. So, this--

COUNCIL MEMBER GENTILE:
[interposing] Oh, okay.

1
2 MR. RYAN: --this money that we're
3 getting, but, of course, we are, we're thinking
4 beyond.

5 COUNCIL MEMBER GENTILE: Right.

6 MR. RYAN: But at least this money
7 is baseline.

8 COUNCIL MEMBER GENTILE: Oh, it's
9 baseline, okay. That's great, okay, super. I
10 just wrote down some of the crimes that you now
11 deal with that I think none of us dealt with when
12 we were prosecutors; cyber crime, human
13 trafficking, prescription drugs, high tech crimes,
14 it's a new world in the DA's offices, it really
15 is. And we've been out but not that long, if you
16 think about it. Do you anticipate those needs
17 just expanding over the years and the commitment
18 we have to make as a City funding those types of
19 investigations, prosecutions and everything that
20 goes with those new, these emerging crimes.

21 MS. FEINSTEIN: Council Member,
22 yes, I do think we need to and the City's going to
23 be asked to keep up with it. If you think about
24 it, when you buy a new computer it's outdated.
25 So, we, when we get a new system it's outdated a

1
2 year or two later and the bad guys, the criminals
3 seem to invest in new equipment and know their,
4 the newest app, the newest everything. So, yes, I
5 think it's a constantly changing area of law
6 enforcement for us.

7 DISTRICT ATTORNEY DONOVAN: Also,
8 Council Member, the talents that we're going to
9 need of people to understand these crimes. We
10 teach all of our assistants the rules of evidence,
11 the rules of criminal procedure, the ethical
12 obligations they have as prosecutors. But to
13 understand how all of this stuff, we depend on our
14 young assistants. I don't know what a Twitter
15 does. I'm 56 years old, man. But my young
16 assistants do and they understand this Instagram
17 and how to take a photograph and understand when
18 it was taken, where it was taken and what device
19 it was taken from. so, the skills of a prosecutor
20 are going to change over time. You know, we all,
21 I started with you and Peter. We learned how to
22 do robberies, burglaries, I mean, prosecute them,
23 not how to do them [laughter]. Robberies,
24 burglaries, homicides and, you know, it's just the
25 elements of the crime changed but to understand

1
2 the technology now involved in criminal activities
3 is going to take a new breed of training and new
4 breed of assistance.

5 COUNCIL MEMBER GENTILE: Indeed, it
6 reminds me just at the end of, my experience, we
7 were being taught how to interpret the DNA, the
8 alleles of the strands of DNA and that was a whole
9 new world to us then and I imagine it's pretty
10 much commonplace today that most prosecutors know
11 how to deal with that. And so, I guess it's
12 exactly what you said. I just had one other
13 question. Recently there have been some
14 investigations into the drug lab tests and calls
15 for reanalyzing the drug tests. Is that had an
16 impact on cases or convictions that you have
17 obtained recently?

18 DISTRICT ATTORNEY JOHNSON: I think
19 the only impact we were going to see is that it's
20 raised the concern of the defense bar so they're
21 asking questions and seeking information but at
22 this point I think most of the issues we've seen
23 have been pretty contained and not of the nature
24 that would be major problems. And you're talking
25 about in the crime lab?

1
2 COUNCIL MEMBER GENTILE: Right,
3 yes. And the same, I guess, for everyone.

4 MS. BRENNAN: Yeah, we haven't seen
5 the, problems of that significance. I think
6 Nassau County had some huge issues that they were
7 dealing with. But here in the city we had a few
8 isolated incidents that we worked out protocols
9 for dealing with but we haven't seen problems of
10 that nature.

11 COUNCIL MEMBER GENTILE: Of any
12 great nature, great. Well, continue the good
13 work. It's amazing how much work you get done
14 with the budgets you do have and so we all
15 appreciate it. Thank you, Mr. Chairman.

16 CHAIRPERSON VALLONE: Thank you,
17 Council Member. There are no more questions so
18 let me just say that it's been an honor to work
19 with you for the last 11 or so years and help
20 bring crime down by over 35 percent. And it's
21 been an honor to be here and be your strongest
22 advocate, together with these two Council Members
23 that are still here, and finally, finally get some
24 degree of fairness to your funding. It's not
25 where it should be but it's better than it was and

1
2 we all had to work very, very hard to get that
3 done. So, I hope to continue to work with you
4 down the road and in perhaps a different capacity
5 but it's been great and I look forward to you guys
6 continuing to keep us safe and letting us all
7 sleep safely in our beds at night. All right,
8 thank you all very much.

9 MALE VOICE 1: Thank you.

10 CHAIRPERSON VALLONE: We'll take a
11 five minute break and be back with the CCRB
12 [phonetic]. [pause] Okay, welcome back to our
13 final people testifying today. We do not have
14 OEM, as I said before. But you heard all the
15 testimony previous to this from our DA's, from our
16 NYPD and from some of the problems that some of
17 our other Council Members had with what's been
18 going on. Well, these are the people in charge of
19 making sure everybody's under control and helps us
20 provide a check on those departments. So, thank
21 you, Daniel Chu [phonetic] and Bishop Taylor
22 [phonetic] and you did not give us a card and I--

23 MR. MARCOS SOLAIRE: [phonetic]
24 [interposing] Marcos Solaire.

25 CHAIRPERSON VALLONE: Gotcha. So,

1
2 I guess we're going to turn the floor over now to
3 Director Chu.

4 MR. DANIEL CHU: Thank you so much,
5 Chair Vallone, Members of the Public Safety
6 Committee. My name is Daniel Chu. I'm the
7 Chairman of the CCRB. With me today are the
8 agencies Acting Executive Director Marcos, F.
9 Solaire as well as Bishop Mitchell Taylor, who is
10 a Board Member and also the Chair of our Outreach
11 Committee. Also with us are members of our
12 executive and senior staff. The executive plan
13 budget of fiscal 2014 stands at \$11,916,954 of
14 which \$9,585,325 is allocated to personal
15 services. It authorizes us to have a headcount of
16 160 full time positions. The break down of that
17 is 117 in the investigations division, 20 in the
18 administrative prosecution unit and 27 in the
19 administrative and support units. The preliminary
20 and executive financial plans have not altered our
21 fiscal 2014 funding and authorized headcount as it
22 was adopted in June of 2012. Other than personal
23 services OTPS appropriation has remained basically
24 unchanged. Overall, the board is confident that
25 it has the financial resources necessary to

1
2 perform its core function of investigating and
3 prosecuting complaints in fiscal 2014. However,
4 the board feels that with your support and funding
5 we could better address two very important issues
6 that were subjected to cuts in prior years,
7 mediation and public outreach. Therefore, the
8 board is seeking two specific funding requests
9 from Council. But first I'd like to give you a
10 brief update on the work of our newly formed
11 prosecution unit, and our investigations division.
12 As you know, on April 11th, 2013 after newly
13 amended agency rules were approved and published
14 in the City Record, the actual transfer of
15 prosecutorial power to the CCRB went into effect.
16 Since then, 20 cases have been assigned to our
17 prosecutors and we have already begun the process
18 of serving officers with charges and
19 specifications. There are four factors that have
20 contributed to the facilitation of this
21 transition. The lessons learned during the APU
22 pilot program and second seat program, the fact
23 that we have hired a group of experienced and
24 motivated prosecutors, the leadership of the
25 boards APU committee and the guidance of the units

1 Chief and Deputy Chief, as well as the cooperation
2 we are receiving from the Police Department.

3 Under the direction of our Deputy Executive
4 Director for Investigations the Investigations
5 Division is also making exceptional progress. As
6 we reported in March, Super Storm Sandy had a
7 detrimental impact on our operations as we were
8 displaced from our offices for several months. But
9 since our return to Lower Manhattan we have
10 reduced our docket and the time it takes to
11 complete an investigation. Year to date we've
12 closed 82 percent more full investigations than in
13 the same period in 2012. The docket of the
14 investigations division has decreased by 28
15 percent from 2,541 cases in January to 1,840 cases
16 in May. In fact, the open docket is ten percent
17 lower now than it was a year ago. In addition to
18 the--

19
20 CHAIRPERSON VALLONE: [interposing]

21 Can I just clarify?

22 MR. CHU: Yes.

23 CHAIRPERSON VALLONE: Before you
24 move on.

25 MR. CHU: Sure.

1
2 CHAIRPERSON VALLONE: When you say
3 docket investigations that means, that's just a
4 way of saying open cases?

5 MR. CHU: Open cases, correct.

6 CHAIRPERSON VALLONE: Just - -
7 correct.

8 MR. CHU: Yes, completely. So, the
9 open docket is ten percent lower. In addition,
10 the time it takes to plead a substantiated
11 investigation has decreased from 490 days in
12 January to now 434 days. Further improvements are
13 expected but the initiatives that we've
14 implemented so far are certainly creating a
15 positive impact. Moving now to our request for
16 funding, since 2008 as a result of the financial
17 crisis that affected our country and our city the
18 CCRB suffered significant staffing reductions.
19 From fiscal 2008 to fiscal 2012 and prior to the
20 implementation of the APU our headcount was
21 reduced by 25 percent. That equates to, from 192
22 to 144 positions. In order to meet the various
23 PEG targets we made considerable cuts to vital
24 parts of our operations. We lost 35 investigators
25 and 13 members of our investigative staff. Our

1
2 goal at this time is to restore some of those
3 reductions in two essential areas, mediation and
4 outreach. Both programs are part of our charter
5 mandate. I'm going to speak first as to
6 mediation. Since 2008 we've undertaken a series
7 of initiatives to expand our mediation program.
8 The success of these initiatives has been
9 nonetheless undermined by the understaffing of the
10 program. In the last three years more than 1,800
11 officers and 2,100 civilians have accepted the
12 offer to mediate their complaint. As more
13 officers and civilians agree to mediation the
14 total number of cases processed and closed through
15 mediation has increased by over 50 percent. We
16 closed 376 cases in 2011 and 285 cases in 2012
17 compared to only 192 cases in 2008 and all of this
18 despite the fact that operations were severally
19 hampered in November and December 2012 due to
20 Super Strom Sandy. It is not just the number of
21 people who've elected to participate in the
22 program, which has really made the program more
23 relevant, our data also shows a great deal of
24 satisfaction from both officers and civilians who
25 participate in the process. In the last three

1
2 years the successful resolution rate has been a
3 whopping 94 percent. We've also found that
4 officers who participated in mediation were less
5 likely to receive a subsequent complaint.

6 Although the number of cases referred to the
7 mediation unit has increased drastically the
8 number of staff members prosecuting these cases
9 has remained unchanged. The mediation unit is
10 currently staffed by only one Director and three
11 Coordinators. As a result the time it takes to
12 process a mediated complaint has increased from
13 167 days in 2008 to 250 days in 2013. In this
14 past year the open docket of the mediation unit
15 has increased from 235 to the current 370 cases.

16 In order to address this backlog stemming from the
17 success of the program we are asking for funding
18 of an additional mediation coordinator at a yearly
19 cost of \$45,000. The coordinator will help us to
20 reduce both the time it takes to mediate as well
21 as to address our open docket. Moving on now to
22 our outreach program. As I mentioned, I have the
23 Bishop Taylor with me today who is the Chair of
24 our Outreach Unit, Committee. Under his
25 leadership and also the direction of the

1
2 Committee, the Board has only one full time member
3 of staff dedicated to the charter mandate of
4 informing the public about the Board and its
5 duties and developing, quote, an ongoing program
6 for the education of the public. The full time
7 Director has from time to time received assistance
8 from paid college interns. In spite of these
9 staffing restraints through the dedication of the
10 staff members of other units the CCRB has
11 increased the number of public presentations from
12 47 in 2008, to 140, I'm sorry, 164 in 2011. Due
13 in large part to difficulties in maintaining that
14 level of intensity without full time outreach
15 staff the number of presentations decreased to 100
16 in 2012. At the direction of the board the
17 outreach unit has also identified three
18 populations for targeted outreach; residents of
19 public housing, immigrants and youth. To ensure
20 that we are reaching these populations the unit
21 focuses some of our activities at communities
22 where these groups are most represented. In
23 addition to the populations identified above, the
24 staff participated in outreach activities at
25 schools, churches and community groups. The board

1
2 also tries to utilize those who provide assistance
3 and services to these populations. This board,
4 this year the board expanded the outreach to
5 include the LGBTQ community to address specified
6 issues that have been brought to our attention.
7 In addition to this type of general outreach, in
8 2011 and 2012 the CCRB received the grant to
9 enhance the scope of its outreach program. A
10 grant from the New York City Community Trust Fund
11 funded the CCRB's Ambassador Program. The CCRB
12 partnered with the East River Development Alliance
13 and gave internships to young residents of the
14 public housing developments District One in
15 Western Queens which includes the Astoria Houses,
16 Queens Bridge Houses, Ravenswood Houses and
17 Woodside Houses. The terms of the grant have now
18 expired. Due to the success of the ambassador
19 program and our general outreach program the Board
20 seeks to replicate and extend these initiatives.
21 We are requesting four new positions be created in
22 the outreach unit so that the unit has the proper
23 infrastructure in place to run such programs
24 throughout the city as mandated by the CCRB's
25 charter. Although the outreach unit has been

1
2 quite successful it cannot continue to operate
3 effectively while using interns as its core
4 staffing model. It is too important a function to
5 be staffed inadequately with interns or
6 volunteers. The use of interns has led to some
7 inherent inefficiencies in staffing, scheduling
8 and the administration of the unit. Therefore,
9 the CCRB is requesting \$218,446 to fund four
10 Outreach Coordinators that will support the two
11 major programs established by the unit. The CCRB
12 Ambassador Internship Program and the CCRB
13 Citywide Outreach Program, a total of \$160,896
14 would be allocated for personal service costs and
15 \$57,550 would be allocated to OTPS costs. The
16 total amount of funding that we are requesting
17 from the Council is \$263,446, this is a relatively
18 modest amount that will nevertheless and
19 undoubtedly have an immediate and vital impact on
20 our ability to advance our mission. I thank your
21 for your time and continued support, Mr. Solaire,
22 the Bishop and I will now be more than happy to
23 answer any questions you may have.

24 CHAIRPERSON VALLONE: Thank you,
25 Chairman Chu. You know, we have great respect for

1
2 the work you've been doing since you've been
3 there, making a huge difference as is evident from
4 this testimony. Bishop Taylor, I've worked with
5 him long before the CCRB and I'm well aware of the
6 great work he does and the partnership between
7 - - and the CCRB, which I would love to see
8 continued is a, I know he does good work, as the
9 Bishop does all of his other programs at that
10 location. Just going through your testimony, the
11 administrative prosecution unit, very encouraging
12 testimony, I'm glad you're being, getting
13 cooperation from the Police Department. There was
14 a small article in the Daily News recently about
15 some sort of disagreement between what cases you
16 could actually prosecute, which was apparently
17 resolved. Can you give us some information
18 regarding that?

19 MR. CHU: Well, I think credit has
20 to go to the APU leadership and also the APU
21 committee formed of the board. At the early
22 stages of the program I think it's expected that
23 there's, it takes a little bit of time to figure
24 out where the parameters are, which cases are
25 going to stay with them, which cases are going to

1
2 come to us, and I think that by looking at the
3 instruction manual so to speak, looking back at
4 the MOU, we were able to resolve that informally
5 and in the spirit of cooperation which is what we
6 expect in the future as well.

7 CHAIRPERSON VALLONE: So, you're
8 satisfied with the agreement and it needs no
9 further clarification?

10 MR. CHU: I believe that overall
11 it's a very workable program. I think that it is
12 possible there will be other slight wrinkles but I
13 am confident that they will be ironed out by the
14 two agencies.

15 CHAIRPERSON VALLONE: Okay, and as
16 a former prosecutor, former attorney, I know the
17 value of mediation and so that's, you know, I
18 support that ask also. But, one things always,
19 I've never quite understood, I understand when two
20 parties go in in a lawsuit there's mediation and
21 they say, okay, you get the \$20,000 and you get a
22 car or something like that. But what happens when
23 a police officer goes in, what's the mediation?
24 It's not like he can offer anything other than a
25 handshake and an apology. So, how does that work?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

What are the usual outcomes of a mediation involving a police officer?

MR. CHU: Sure. I think that mediation is certainly not appropriate for all types of cases and for that reason we have certain guidelines. If there was an incident where a firearm was discharged, someone got severally injured, those are clearly not cases that are most suitable for mediation. The cases that we find are most suitable are interactions between the Police Department and the citizens where sometimes there is misunderstandings and certain perceptions that mediation is unique in offering a safe, controlled environment for people to basically be heard and there is a lot of instances where just airing their grievances and letting the other side know why certain things were done or, you know, how certain actions maybe by a police officer or law enforcement made the citizen feel, is something that seems to give people a lot of satisfaction. And that's something that is difficult to do in the heat of the moment during the encounter but I think in a safe, controlled environment with a neutral, such as in a mediation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

setting, I think it is very therapeutic.

CHAIRPERSON VALLONE: It's so important especially because sometimes police officers, you know, who are looking for a, you know, violent person with a gun and might throw people up against a wall without having the time to explain why, when they get the time to explain why people might understand what happened. Your actual, the amount, the actual amount of complaints being received by CCRB this year, how does that compare to prior years. Just identify yourself when you speak, Marcos.

MR. CHU: I'm going to have Marcos Solaire, who is our Acting Executive Director field this one.

MR. MARCOS SOLAIRE: We have received approximately, we are about to receive 6,000 complaints this year. This is similar to the amount we received last year. We, is a slightly lower amount that we have received, for instance, in 2009, 2010, 2011 when we were receiving about 7,500 complaints per year. But one of the things that we have seen is that we are able to conduct the same number of full

1
2 investigations. So, in the past a lot of these
3 complaints, we had a low level of a cooperation
4 from the City affiliates or any of them were
5 unavailable. Right now we are having to increase
6 the number of cases in which we can reach out,
7 having the full investigations and resolve one way
8 or the other the investigations. So, we are not
9 as concerned with the rate of complaints but see
10 that many of those complaints are addressed.

11 CHAIRPERSON VALLONE: To what do
12 you attribute that, the way the rate has
13 fluctuated, we went up for a while and then we
14 went down for the last two years and stayed about
15 the same. In the past we've discussed the effect
16 of the internet and it being much easier to file
17 complaints. We thought that probably explained a
18 lot of the increase but now it's down for two
19 years. So, have you noticed any trends or do you
20 have any explanation for that?

21 MR. SOLAIRE: We have seen a
22 decrease in the number of complaints that we have
23 received over the phone. There are fewer
24 complainers that are filing complaints through
25 that method. However, we have seen more people

1
2 filing complaints through the internet. I think
3 that 311 was a big factor in which, made a lot of
4 people available to our agency. Right now,
5 obviously, the internet and social networks
6 provide another way, alternative way. A, one of
7 the other things that we have seen is, we get
8 about 40 percent of complaints from the Police
9 Department people filed complaints either at the
10 precinct or with internal affairs and that number
11 has more or less remained stable. So, we think
12 probably the decrease comes from people who filed
13 a complaint by phone and that might be for
14 different sources, we don't know, different
15 factors. We don't know as much. One of the
16 things that we have seen from a qualitative
17 standpoint is that, for instance, before in an
18 area that probably one I will expect that will
19 bring us a lot of complaints, such as stop and
20 frisk, a lot of people complained just about stops
21 and being frisked. Right now most of our
22 complaints are stop and frisk, involve searches.
23 So, as you know, search are very rare as reported
24 by the Police Department, it's only nine percent
25 of overall stop and frisk activity. So, if you

1
2 only have a small number of search and people have
3 primarily complained about search, you're going to
4 have a decrease there in complaint activity, as
5 opposed to people complaining just about a mere
6 stop. So, we think that might be a factor, just a
7 stop is not, may be just a sufficient component
8 for somebody to file a complaint. It might be
9 something else that might trigger that complaint.
10 We are looking at all those different elements to
11 try to ascertain what might be a, what might
12 explain people's behavior in terms of filing
13 complaints.

14 CHAIRPERSON VALLONE: When you say
15 search you're not talking about the frisk alone,
16 you're talking about something more intrusive?

17 MR. SOLAIRE: I'm talking about
18 search, yes, the - - exactly, no, they have the
19 - - when they, let's say, for instance, search
20 your pockets.

21 CHAIRPERSON VALLONE: Okay.

22 MR. SOLAIRE: Or your bags or--

23 CHAIRPERSON VALLONE: [interposing]
24 'Cause the actual frisking probably occurs a
25 little bit more than half the time but ten percent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

of them are searched?

MR. SOLAIRE: Yes.

CHAIRPERSON VALLONE: 'Cause they're arrested for violations. Okay, so, the last two years it's leveled off and it's leveled off at a lower level than it had been in the past. There haven't been any changes in 311 or the internet in that time period. Do you see that drop as being reflective of a better trained police department or is there something else that may explain that?

MR. CHU: I would just think that there's a multitude of things. I think that the training factor is certainly a valid reason for less compliance. I also think that it segues nicely into what we're requesting now to expand, which is the outreach. Better training and better understanding where the citizens on the street, where they do have an interaction, actually understand that the police do have rights within the law to conduct certain police activity. I think, goes together to the totality and may provide some of the answers as to why the numbers have gone down. So, you're outreach then isn't

1
2 just outreach as to this is how to file a
3 complaint, it's outreach as to police policies and
4 explaining police actions. I mean, from the
5 outreach that I have seen, it includes skits,
6 pamphlets, we enact police encounters and, you
7 know, I think the Bishop is in a great position
8 because he attends a lot of these. So, if he
9 wants to jump in and tell us a little bit of the
10 range of things but it's certainly more than how
11 it file a complaint. It really explains and
12 provides knowledge to those that are most likely
13 to be in a position to be stopped.

14 CHAIRPERSON VALLONE: I've
15 participated in those and they're immensely
16 helpful and I want to hear about them but I just
17 didn't know that you were doing them also.

18 BISHOP MITCHELL TAYLOR: Yeah, I
19 think that what the Chair has said really
20 adequately explains the bandwidth of outreach.
21 It's not just informing people what our phone
22 number is and where the website is. The chartered
23 mandate is very clear, it says, informing the
24 public about board and its duties and developing
25 an ongoing program for the education of the

1 public. I think in tandem of the Police
2 Department getting better training, we need to
3 also do better with education the public and
4 letting them understand what the dynamics are when
5 there is a stop, when there is an inquiry. A lot
6 of people don't think that they have to answer a
7 question of a police officer, which is incorrect,
8 a basic thing that can deescalate something that
9 can get out of control. You know, I, you know,
10 since I've been Chair of Outreach I've worked with
11 Don Fuentes and volunteers running around the city
12 trying to do these outreach things. And I sat
13 back and I said, wait a minute, I says, the most
14 important piece of our institution, and we only
15 have one full time staff? It's impossible. It's
16 an embarrassment to the City of New York to think
17 that this oversight agency only has one paid
18 outreach person, it doesn't make sense, not with
19 164 investigators. And if you look at when we
20 really beefed up outreach and we did a lot in
21 public housing because a lot of our complaints
22 were coming from public housing regarding stop and
23 frisk, we did a lot of education in the public
24 housing neighborhoods and bumped up our outreach,
25

1
2 and if you see now, outreach has decreased because
3 we couldn't manage it, complaints have gone down,
4 you know? I mean, you can look at it I a couple
5 of different ways but we hope that the education
6 process will actually help decrease and deescalate
7 those interactions that are, cause complaints.
8 You know, so with the Police Department doing
9 their training, with us doing our chartered
10 mandate outreach to educate the public, I think
11 that will result in the success that we need for a
12 safer city.

13 CHAIRPERSON VALLONE: I can't say
14 how important that kind of stuff is. I mean, they
15 took the Council, the Police Department to its
16 training center where we had to go through their
17 village and react as a cop would and it was
18 interesting to see one of our most anti police
19 Council Members shoot a little old man 27 times
20 just to see how complicated their jobs actually
21 are. And the fact that you're doing that outreach
22 is so important because sometimes you have to
23 compensate for the misinformation put out there by
24 elected officials. Every time one of them screams
25 that the NYPD is racist, it encourages people to

1
2 not cooperate with their police officers. Are
3 there racist police officers? Of course there
4 are. There are racist Council Members, there are
5 racists everywhere. We got to work together to
6 weed that out. But to call the entire department,
7 which other elected do, I have always said that
8 escalates the situation. That shouldn't escalate
9 when a kid hears their elected official get out
10 there and make these claims against the NYPD and
11 you're going out there and disabusing them of that
12 notion and I think that's awesome. Council Member
13 Koppell, do you have any questions? Okay, I want
14 to thank you for being here, by the way. You are
15 the new, I hope you guys notice, this is the only
16 Council Member who's here this late after, and he
17 was here earlier also. So, I appreciate the fact
18 that he's here. I'm out of questions but I want
19 to tell you that we haven't worked for 11 straight
20 years together but we've worked for a while.
21 We've worked 11 years together and it's been my
22 honor and I'm so glad we're at a place right now
23 where you're not here telling us about how your
24 agency is going to collapse because of the funding
25 and we've got you to a place where you can get,

1
2 you're confident you can get the job done. Of
3 course, we can always do better but it took a lot
4 of hard work and I've been here with your agency
5 for as long, for the last 11 years fighting for
6 you guys and I'm glad we're at this stage. And
7 hopefully I'll work with you on, in a different
8 capacity but whatever happens you guys have been
9 doing a great job and it's been an honor to work
10 with you. So, keep up the great work.

11 MR. CHU: Thank you, thank you so
12 much.

13 COUNCIL MEMBER KOPPELL: Mr.
14 Chairman?

15 CHAIRPERSON VALLONE: Yes.

16 COUNCIL MEMBER KOPPELL: Just
17 before, I would like to just say that as someone
18 who supported that the agency should have
19 prosecutorial power I'm very pleased to see that
20 you've implemented that program. I think it's
21 absolutely critical to making you effective, let
22 me put it that way, with respect to the conduct of
23 the police and, of course, I think most of our
24 police officers act appropriately but some do not
25 and it's very important that that be covered and,

1
2 in fact, maybe if we had this in place for some
3 years before we wouldn't have so much concern
4 about the stop and frisk that we do now. But, in
5 any event, I'm delighted that you're getting
6 involved in that arena.

7 MR. CHU: Thank you very much.

8 CHAIRPERSON VALLONE: I don't know
9 if you were saying something before the Council
10 Member jumped in.

11 MR. CHU: No, I was just going to
12 thank you and the Committee for your longstanding
13 support. I don't think we would be where we are
14 today without your continued support. So, thank
15 you for that. And thank you for staying so late.

16 CHAIRPERSON VALLONE: Yeah, and
17 this [crosstalk] with that this, and my final
18 public safety budget hearing is over. It's been a
19 pleasure working with you guys.

20 COUNCIL MEMBER KOPPELL: Likewise.

21 CHAIRPERSON VALLONE: And my staff.
22 I have an awesome staff that's still on the
23 record, even though I hit this thing. [laughter]

24 BISHOP TAYLOR: Well, we want to
25 say thank you so much. You've been a champion, I

1

2

can attest to the 11 years of service, and thank

3

you so much. And we appreciate you.

4

CHAIRPERSON VALLONE: Thank you.

C E R T I F I C A T E

I, Tara Juhl 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

A rectangular box containing a handwritten signature in cursive script that reads "Tara Juhl".

Date 6/12/13