

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEES ON TRANSPORTATION, PUBLIC SAFETY
AND WOMEN'S ISSUES

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November 19, 2009

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City Hall

B E F O R E:

JOHN C. LIU, PETER F. VALLONE, JR.,
AND DARLENE MEALY
Chairpersons

COUNCIL MEMBERS:

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

James Hall
Chief of the Transit Bureau
New York City Police Department

Lois Tendler
Vice President of Government and Community Relations
New York City Transit

Hilary Nemchik
Representative
Borough President Scott Stringer

Oraia Reed
Cofounder and Executive Director
RightRides for Women's Safety
Representative, New Yorkers for Safe Transit

Saskia Shuman
Representative
New York City Alliance Against Sexual Assault

Meghan Huppuch
Director of Community Organizing
Girls for Gender Equity
Representative, New Yorkers for Safe Transit

2 [gavel]

3 CHAIRPERSON LIU: Good morning.

4 SERGEANT-AT-ARMS: Quiet, please.

5 CHAIRPERSON LIU: Good morning,
6 welcome to today's Joint City Council Hearing of
7 the Committees on Transportation, Public Safety
8 and Women's Issues. My name's John Liu, I have
9 the privilege of chairing the Transportation
10 Committee. And today we have convened the Joint
11 Hearing for the purpose of an oversight on sexual
12 harassment and assault on New York City subways.
13 New York City transit operates one of the largest
14 transit systems in the world, with 468 subway
15 stations, 26 routes and 660 miles of track. This
16 massive systems serves approximately five million
17 people every weekday. Women may face harassment
18 in many aspects of their lives. This harassment
19 can be worse in a subway car that is confined,
20 underground, or elevated, and much of this
21 harassment in the form of groping or other
22 unwanted advances. Takes place during rush hours
23 when subways are full and there is no way to get
24 away. To raise awareness of this problem, the
25 MTA, partnering with the NYPD has begun a public

2 education campaign addressing sexual harassment
3 and assault which urges women to report incidents
4 to MTA police or employees. Some people have
5 fought back by taking pictures of others who have
6 harassed them or exposed themselves, and posting
7 these on websites or having these pictures
8 published in the press. Some subway systems
9 around the world have taken more drastic
10 approaches to dealing with this situation by
11 creating women only cars and pushing for tougher
12 sentences for these types of crimes. We expect to
13 hear testimony today from the NYPD, the MTA and
14 the number of advocacy organizations about this
15 problem, and possible solutions. I'm delighted to
16 co-chair this hearing today, with Chairperson
17 Darlene Mealy of the Women's Issues Committee, and
18 Chairperson Peter Vallone of the Public Safety
19 Committee. And we have been joined so far by
20 these chairs, and I want to thank the staff of
21 these Committees. I'll turn the floor over for
22 opening remarks from Council Member and
23 Chairperson Darlene Mealy.

24 CHAIRPERSON MEALY: [off mic] Good
25 morning. My name is Council Member Darlene Mealy,

2 I'm the Chair of the Women's Issue Committee. I
3 would like to welcome everyone here, and I thank
4 my co-chairs, Councilman Liu, Elect Controller,
5 and the, of the Transportation Committee, and my
6 Councilman Vallone, of Public Safety,
7 participating in this very important hearing.
8 Women--Women and girls of all ages are affected by
9 sexual harassment, and assaults on the subway. On
10 every subway ride and all times of the day, and
11 whether the train is crowded or empty, groping,
12 public masturbation, request of sexual favors and
13 other lewd behaviors have occurred on the subways
14 for decades. Although these incidents have
15 happened so often, most indecent, most of them go
16 unreported, and problems continue. Catcalling,
17 aggressive touching on the trains is not only
18 disturbing and invasive, it is also sending
19 messages that women and girls have to be afraid to
20 have to deal with degrading behavior by men. The
21 fact that many of these incidents go unreported
22 and unpunished show that women are scared. It
23 also shows a general lack of respect for women,
24 and for women's freedom to walk the streets or
25 ride the trains. It is important that we take

2 these incidents very seriously, and not treat that
3 as a social behavior that women have to live with.
4 We must continue to educate young girls about the
5 subway and safety, and instruct them on what to do
6 if they are harassed, or assaulted. I welcome the
7 MTA, the NYPD, and several women's safety
8 advocates who have joined us here today to discuss
9 how the City can do a better job in educating
10 women on the subway safety, and preventing these
11 terrible incidents. Thank you, Mr. Chair.

12 CHAIRPERSON LIU: Thank you,
13 Chairperson Mealy. Chairperson Vallone?

14 CHAIRPERSON VALLONE: Thank you to
15 both of you, it's my pleasure to be working with
16 you on this, and thank you for being the forces
17 behind having this hearing. Welcome everyone,
18 we've got some great witnesses waiting to testify,
19 so I'm going to keep this short. Just a few days
20 ago, the Public safety Committee, which I Chair,
21 had a hearing on safety in schools. And obviously
22 this is an issue that's very important to us, but
23 it's not important only that kids are safe in
24 schools, it's important that they're safe getting
25 to and from the schools, also. And it's

2 unacceptable, particularly young women, may be
3 sexually harassed as they travel to and from
4 schools, or anywhere else. From informal
5 anecdotal evidence, this is a major, major
6 problem. There is not a person or a woman that I
7 have come across when this topic comes up, that
8 doesn't have at least one story, if not many
9 stories, about this happening to them personally.
10 This is completely unacceptable. First of all we
11 do want to discuss with the Police Department, and
12 we have Chief Hall here today, what statistics are
13 kept, because we don't get them here, and we'd
14 like to actually know from more than just
15 anecdotal evidence what the situation is that's
16 going on. We're going to discuss this, what the
17 Police Department is doing about serial molesters.
18 There's a recent report in spring about a man who
19 was arrested 53 times, a majority of which were
20 for groping women on subways. That is
21 unacceptable. And one of the things we've done
22 here at the Council is pass my bill in December of
23 '07, in which we raise the penalties for serial
24 lewdness. Two acts of lewdness within three years
25 was now an A misdemeanor. And otherwise it's a,

2 it's just a B misdemeanor, and you know, I think
3 it should be even more; maybe a felony, but that's
4 maybe from a dad of two daughters, so I'm not sure
5 anyone else is going to come along with that one,
6 especially it's, especially at the state level.
7 But we're going to discuss that problem today.
8 What the NYPD has done, what the MTA is doing.
9 And like I said, I'm going to keep mine short, so
10 I want to hear from Chief Hall, who I know we has
11 some time constraints today, so thank you for
12 being here, and we look forward to hearing from
13 you about this problem, whether it is increasing
14 or whether you're getting it to decrease. And
15 what we're going to do about it in the future.
16 So, thank you, Chief Hall, and the floor is yours.

17 JAMES HALL: Thank you. Good
18 morning. I am Chief James Hall, Chief of the
19 Transit Bureau of the New York City Police
20 Department. I am pleased to discuss with you the
21 issue of sexual harassment in the subways. We
22 would first like to provide as a context for our
23 discussion a general overview of crime in the
24 subways. As you know, the level of safety and
25 security in our transit system has undergone a

2 profound change in recent years. We all remember
3 the way it used to be. In 1990, with a ridership
4 of 3.5 million people per day, there were on
5 average 48 indexed crime in the subway each day.
6 Now with a ridership of 5.2 million riders each
7 day, indexed crime averages 5.3 per day. That
8 means that over the course of each year, there are
9 almost 16,000 more people who would have been the
10 victim of a major felony crime had the 1990 crime
11 levels persisted. This remarkable 89 percent drop
12 in crime is the result of hard work, not only of
13 our transit officers, but also of many other
14 department units, utilizing several successful
15 strategies to fight both terrorism and
16 conventional crime in the subways. For example,
17 our train order maintenance sweeps, or TOMS, place
18 teams of uniformed officers along subway
19 platforms, poised to inspect train cars as the
20 doors open. Our crime prevention efforts include
21 officers in stations, making announcement on
22 platforms, and in train cars, reminding riders to
23 watch their personal belongings and be aware of
24 their surroundings. Our crime prevention officers
25 also address groups and distribute both safety

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2 literature and gear guards to help secure
3 passengers backpacks and other types of bags. Our
4 offices and especially our transit task forces
5 focus on pickpockets, working with photos of known
6 offenders, and observing conduct indicative of
7 attempts to commit robberies and grand larcenies.
8 These programs, as well as our comprehensive
9 routine patrol of subways at all hours of day and
10 night, assist us in creating the uniformed
11 visibility, which give riders not only the
12 perception, but also the reality of safety in the
13 subway. But many of these programs have the added
14 benefit of specifically addressing the crimes of
15 particular interest to you today: sexual abuse,
16 forcible touching, and public lewdness. The
17 behavior of a pickpocket can be very similar to
18 the behavior of someone attempting to commit an
19 act of sexual abuse, or forcible touching. In
20 both cases, the offender gets too close to someone
21 else. Officers looking for pickpockets will often
22 observe an act of sexual abuse or forcible
23 touching, and be able to take immediate action.
24 As another example, the TOMS sweeps provide an
25 opportunity for officers to see what is going on

2 in many train cars; and conversely give the
3 potential offender seeking to expose himself pause
4 in the knowledge that his conduct might be
5 observed not just by a frightened victim, but by a
6 police officer ready to make an arrest. Turning
7 specifically to the issue of sexual harassment in
8 the subways, I would like to provide some data
9 indicating what we know about the scope of the
10 problem. In 2009, as of November 15th, there were
11 587 complaints of sex offenses in the subway
12 system. However, we strongly suspect that this is
13 a highly underreported crime. Many victims feel
14 that there is nothing that can be done about such
15 a fleeting incident. And worse, some feel an
16 undeserved sense of shame that prevents their
17 reporting the crime. We would like to take this
18 opportunity to encourage anyone who has been the
19 victim of this type of crime, or any crime, to
20 report it so that we have the ability to arrest
21 the perpetrator. So far this year, we have
22 arrested 412 individuals committing sex offenses
23 in the subways. The average perpetrator is a 39
24 year old male, and the vast majority of victims
25 are females over 17 years of age. Of the 412

2 perpetrators arrested, 71, or 18 percent of them,
3 had committed a prior sex offense, and 14 were
4 registered sex offenders. This is why it is
5 critically important that victims come forward so
6 that we can prevent these sex offenders from
7 victimizing others. Knowing that much more of
8 this disturbing conduct is going on than is being
9 reported, we have and will continue to
10 aggressively combat sex offenses in the subway.
11 In addition to the general crime fighting
12 strategies that I have described, with their
13 accompanying benefit in addressing sex offenses,
14 we have developed a program specifically targeted
15 to these crimes: Operation Exposure. Beginning
16 in 2006, we developed a coordinated approach
17 involving all of our transit districts, using
18 patrol as well as undercover capacities, to
19 address acts of sexual abuse, forcible touching,
20 and public lewdness. Offices look for
21 characteristic predator behavior and make
22 appropriate arrests, reporting every arrest to the
23 Manhattan Transit Robbery Squad, and also
24 notifying the Special Victims Division, where the
25 person arrested is a recidivist or a registered

2 sex offender. In addition, Special Victims
3 Division is notified when the victim is under 14
4 or the act involves forcible compulsion, or other
5 particularly egregious circumstances. As you
6 know, new technology has started to provide real
7 help in the effort to catch these offenders. Cell
8 phone photos have been very instrumental in
9 recognizing and apprehending those committing sex
10 offenses in the subway. And we have developed a
11 protocol to the Department's real time crime
12 center, to be able to receive and disseminate
13 digital photos to detectives working on a case.
14 As we have said, the most important way victims
15 can fight against these disgusting crimes is to
16 report them. Find a police officer or a New York
17 City Transit employee as soon as possible, and try
18 to remember to report the details of the incident,
19 as well as the description of the perpetrator.
20 However, we would also like to make some practical
21 suggestions for riders as they may be confronted
22 with these situations. There are primarily two
23 distinct scenarios at play: sexual abuse or
24 forcible touching, which more likely occurs in a
25 crowded subway car where the perpetrator takes

2 advantage of the close conditions to commit the
3 crime; and public lewdness, in an almost empty
4 subway car, where the offender takes advantage of
5 the lack of witnesses to focus his conduct at one
6 particular victim. When a sex offense happens in
7 a crowded subway car, if they can do so safely,
8 victims should step away from the perpetrator and
9 scream outright away, letting others in the car
10 know exactly what the offender is doing. In an
11 empty car, riders should trust their instincts,
12 and if they see something that does not look right
13 to them, they should leave the car and find one
14 where there are more passengers. We also
15 generally recommend that during off hours, riders
16 wait at the marked waiting areas on station
17 platforms, and sit in the conductor's car when the
18 train comes. In all cases, riders should remain
19 alert, not allow themselves to doze, and above
20 all, not be ashamed or afraid to report. Sexual
21 harassment in subways is not unique to New York
22 City. We have discussed the issue with our
23 counterparts in police agencies from around the
24 world, and find that other cities face similar
25 problems. We will continue to do all we can to

2 bring these recidivist abusers to justice, and we
3 commend our partners at the MTA and New York City
4 transit for conducting a public education campaign
5 which seeks to empower riders to protect
6 themselves against sexual harassment. We thank
7 the Council for focusing public attention on this
8 issue, and we welcome your help in getting the
9 word out, that it is important to report any sex
10 offense occurring in subways, so that we can stop
11 it once and for all. Thank you and we will be
12 pleased to answer any of your questions.

13 CHAIRPERSON VALLONE: Thank you.
14 Thanks for the work you have done on this very
15 important issue. Like to get a few more details.
16 Before I do, let me, you mentioned how helpful
17 cell phone photos are, and I know that there's a
18 group here to testify, Holla Back, that compiles
19 these photos on the internet. Maybe we can enlist
20 your help to get the Mayor on board with this,
21 because schoolgirls are a major source of--
22 schoolgirls are victimized by this many, many
23 times, and it is very helpful for them to have a
24 cell phone on them on the way to and from school,
25 in order to prevent this sort of abuse. And that

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2 is why we in the Council believe school kids
3 should be able to bring cell phones, is one of the
4 reasons, to and from school for safety reasons.
5 We cannot get the Mayor to come on board with
6 that. So maybe we can enlist your help with that.
7 I'm not asking you to say anything on that one, I
8 don't want you to--I know you have a, you know,
9 Christmas coming up, you have to--you don't want
10 to lose your job or anything. [laughs] So.
11 You've, you mentioned a lot of the different
12 programs you have going on. Let's start with some
13 specifics. How many transit officers are there
14 this year, compared to last year?

15 JAMES HALL: Total number of
16 officers in the Transit Bureau is just under
17 2,600, 2,553. So I'm pretty much even at where I
18 was last year.

19 CHAIRPERSON VALLONE: And how about
20 the year before that?

21 JAMES HALL: Probably down
22 slightly. I was, you know, I peaked at about
23 2,600.

24 CHAIRPERSON VALLONE: I mean,
25 that's, that's good news, you know, considering

2 the fact that we're down from 41,000 officers to
3 35,000, that you've been able to remain pretty
4 much constant.

5 JAMES HALL: Yes, sir.

6 CHAIRPERSON VALLONE: I wish every,
7 every other area of the police could say that, but
8 that's, that's not true. Now, what about these,
9 these TOMS operations? These sweeps that you
10 perform. How often do you perform 'em? How many
11 police are assigned to these? And how does this
12 compare to past years?

13 JAMES HALL: Sure, I'll, I'll
14 describe 'em first. We take uniformed officers
15 and ideally it'll be a sergeant and usually six to
16 eight officers. And then they're deployed onto
17 certain platforms. And as each train pulls into
18 the station, each officer is assigned a train car
19 that he will get on and inspect. The sergeant
20 will tell the train, you know, operator, that
21 we're going to, you know, hold the train for a
22 about a minute, a minute-and-a-half. And then it
23 gives us the opportunity to really give each train
24 car a good look. The commanders out in the field
25 schedule their TOMS at all hours of the day, so

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2 they can really pop up at any time, obviously rush
3 hours, you know, the AM and the PM rush hours
4 would be times ideally where we want to put as
5 many TOMS out there as we can.

6 CHAIRPERSON VALLONE: How often do
7 these TOMS, how often are they utilized? Every
8 day, ten times a day?

9 JAMES HALL: Absolutely. Seven
10 days a week, we have numerous ones going on. We
11 actually even will do them at 3:00 in the morning,
12 we'll just pick stations; one, obviously based on
13 maybe a station that's having a particular crime
14 problems. But it's really, in my mind, one of the
15 best ways to really put out a visible, you know,
16 uniformed presence.

17 CHAIRPERSON VALLONE: Well, that's
18 good news. I'm very interested in operation
19 exposure, also, which I would hope would mean
20 exposing these offenders to the third rail, but
21 apparently it's not the, what the purpose of this
22 is. There have been reports that back in 2006,
23 apparently when you began this operation, you
24 arrested 13 of these, of these molesters in one
25 week. Was that when you started Operation

2 Exposure? Is--?

3 JAMES HALL: Yeah, yes, sir, it
4 was, it was 2006. Operation Exposure is really us
5 looking and doing an analysis of where these
6 incidents are happening. And then one of the real
7 strengths of the New York City Police Department,
8 quite frankly, is its diversity. We have the
9 ability to put out plainclothes teams that really
10 mirror a crowded subway car. And so those
11 plainclothes teams ride the different trains, the
12 different lines, with really an eye looking for
13 this type of activity. We do those operations,
14 the commanders dictate when they do them. I'm
15 pretty hands-on that they're being done quite a
16 bit, and they've been very effective. I recall
17 that week where we, we had 13 arrests for this
18 type of behavior, and it's usually, you know,
19 sexual abuse or public lewdness.

20 CHAIRPERSON VALLONE: We haven't
21 heard much about it since then. How often is
22 Operation Exposure being utilized? And how does
23 it differentiate from, say, the TOMS groups?

24 JAMES HALL: TOMS is a little
25 different in that, as I said, TOMS more of a

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2 uniform operation. Exposure, most of the officers
3 involved are in civilian attire. And they are
4 done, I would say numerous times a month. I know
5 I just got a, we did an Operation Exposure, I got
6 a report the other day, November 5th, and on that
7 day five individuals were arrested for it. Those,
8 if you look over the last three years, we've made
9 just over 1,200 arrests for these type of
10 offenses. Obviously, some of those are done by
11 officers that are in uniform that are doing a
12 training patrol and just happen to spot it. But a
13 good portion of those arrests, sir, would be
14 attributable to Exposure, Operation Exposure.

15 CHAIRPERSON VALLONE: Well, let's
16 go through what we've learned through that
17 operation. You say in your testimony 412
18 individuals this year so far. Average perpetrator
19 39 years old, vast majority of the victims over
20 17, and almost 20 percent of the perpetrators have
21 prior offenses.

22 JAMES HALL: That's correct.

23 CHAIRPERSON VALLONE: Let's start
24 with the 412. How does that compare this year to
25 prior years?

2 JAMES HALL: We're down about six
3 percent from last year in arrests. I don't see it
4 as a great concern. You know, I'm really
5 monitoring the effort that's put forward on this
6 issue, and I think by and large we really go hard
7 on this. I've told our commanders that in my mind
8 it's the number one quality of life offense in the
9 subway. I don't see anything greater than, than
10 this. So, and the year's not over. Obviously,
11 with the holidays coming up, where you have even a
12 greater influx of people coming in to the system,
13 we'll have additional officers out there
14 conducting these operations.

15 CHAIRPERSON VALLONE: Well, the
16 amount of arrests can be, you know, a factor of
17 how many, how many sweeps you're out there doing.
18 How about the amount of complaints?

19 JAMES HALL: You know, last year to
20 this year, up four percent. 564 last year, 587
21 this year. Those complaints break down about 63
22 percent of them are for sexual abuse; the other 35
23 percent are public lewdness; and then we have a
24 small percentage of complaints for unlawful
25 surveillance. And that's how the complaints break

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2 down.

3 CHAIRPERSON VALLONE: So you have
4 complaints are up a little bit while arrests are
5 actually down a little bit.

6 JAMES HALL: Right.

7 CHAIRPERSON VALLONE: It'd be
8 better, better if it were the other way around.

9 JAMES HALL: Right, but, like I
10 said, the year's not over. And I'm confident with
11 the holidays, you know, I'll have people out
12 there, you know, looking for this type of
13 behavior. I think if you look at Exposure, sir,
14 Operation Exposure, we have, just have developed
15 some excellent teams that have really developed an
16 eye for this type of behavior. And I think they
17 do an outstanding job. There's surveillance
18 involved, they really are on their game when they
19 go out there doing it.

20 CHAIRPERSON VALLONE: We don't get,
21 I mean, I see that you have these statistics
22 broken down, which is great, and you're keeping
23 them. We don't get these statistics. So, unless
24 we have this hearing, or we specifically request
25 it, we, there's no way for us to do oversight.

2 There was a bill put in recently, just recently,
3 which is a bill which I would love to sign onto,
4 just last week. [off mic comment] Okay. Council
5 Member Lappin has put in a bill which would amend,
6 I would assume amend our disclosure law, to
7 require that they also provide us with the, a
8 breakdown of these offenses. Would you have any
9 position on that?

10 JAMES HALL: Well, I think clearly
11 that would be, you know, a policy issue that, you
12 know, Commissioner Kelly would certainly be the
13 one that would determine if we were going to go
14 that route.

15 CHAIRPERSON VALLONE: Yeah, it's--
16 You don't have to go any further, it's, probably
17 shouldn't have even asked you that question, it's
18 not your position to say. But it is something we
19 would like, and we will hopefully have down the
20 road, so that we can examine these statistics on
21 our own, without having to request them. Because
22 it is as you said, a very important issue and the
23 number one quality of life issue on the subways.
24 And we feel the same way. In compiling all this
25 information, what other trends have you noticed?

2 Are there certain times of day when this is more
3 prevalent? Certain subway lines where this is
4 more prevalent? And what advice could you give
5 our women on how to avoid this?

6 JAMES HALL: I'll just give you a
7 couple of little bullets that I see. 74 percent
8 of these incidents occur on the train. I mean,
9 you know, we'll have incidents on a crowded
10 platform, but 74 percent of the incidents happen
11 on a train. If you're going to look at time,
12 obviously it's the AM rush, between 8:00 and
13 10:00, followed by the PM rush between 4:00 and
14 6:00, where we see the greatest number of
15 incidents. And then if you look at the incidents
16 by borough, Manhattan, out of those 587
17 complaints, Manhattan has 374 of them. And once
18 again, you know, that would make sense in our
19 mind, the trains are very crowded in Manhattan,
20 and that's what attracts these individuals. So,
21 you know, those are really, if you look, as I had
22 said earlier, about three percent of the people
23 that we arrest for this are registered sex
24 offenders. Of those 14 sex offenders, the
25 registered ones, five of the 14 were level three,

2 which is, you know, as you know, the most serious.
3 And you know, the profile that we do see, this is
4 not a crime being committed by young teenage men,
5 it's a crime that really goes to a, more of a
6 middle aged individual. Whereas other crimes that
7 we in the subway we kind of see that age frame, 17
8 to 25, that is not the case with this crime.

9 CHAIRPERSON VALLONE: Alright, I
10 have a lot more questions, but I want to defer to
11 my co-chairs, and also acknowledge the fact that
12 we've been joined by Council Members Lappin and
13 Crowley. So thank you for being here and go now
14 to Chair Liu, I guess.

15 CHAIRPERSON LIU: Thank you,
16 Chairman Vallone. I just want to, I want to thank
17 you, Chief Hall for your testimony. I do want to
18 make sure that we understand the seriousness of
19 this, this problem. And so, you know, when--we
20 shouldn't refer to this problem as a quality of
21 life issue, this is a real issue of safety, safety
22 for the people who take the subway, safety for the
23 women who take the subways. And, you know, we're,
24 a number of times you've mentioned to, you
25 referred to this as "behavior." But these--

2 JAMES HALL: Criminal--criminal
3 behavior.

4 CHAIRPERSON LIU: It's criminal
5 behavior.

6 JAMES HALL: Correct.

7 CHAIRPERSON LIU: What exactly is a
8 crime? You know, what are the major categories of
9 crime here? Obviously, an assault is a crime.
10 What levels of crime are these, are these acts?

11 JAMES HALL: Sure. Sexual abuse,
12 which is really sexual contact with consent is a B
13 misdemeanor; public lewdness, obviously exposing
14 yourself, once again a B misdemeanor; forcible
15 touching, intentionally, with no legitimate
16 purpose, forcibly touch someone, that's an A
17 misdemeanor. Sexual abuse, sir, can, can rise to
18 a felony if there are prior convictions; it would,
19 it would go to an E felony. And then lastly, we
20 see a little bit of this unlawful surveillance
21 where we have subjects that are using some type of
22 camera, cell phone camera, and/or a handheld
23 device attempting to take photographs of women.
24 That's, that's a felony offense. And that's
25 basically how they breakdown, in terms of the law.

2 CHAIRPERSON LIU: Okay. And you
3 know, I appreciate the testimony about the TOMS,
4 and the Operation Exposure. In reality, though,
5 you mention that it's done several times a week.

6 JAMES HALL: Oh, don't
7 misunderstand me, it's done every day, the
8 commanders, the individual captains and inspectors
9 that run the transit districts, they are really
10 directing, you know, how often it's done, but you
11 have to understand, I think, that every day, every
12 day, we put out plainclothes officers that ride
13 the lines in each borough of the City.

14 CHAIRPERSON LIU: Sure.

15 JAMES HALL: And I would, I can
16 tell you, their intention when they go out on that
17 line, if it's a pickpocket and they come across a
18 sexual abuser, he's being apprehended, and if they
19 were out there and they were looking at--

20 CHAIRPERSON LIU: Well, of course
21 then they're apprehended. The issue is, you know,
22 how, you know, what percentage of the trains are
23 actually being monitored by these two types of
24 operations. And you know, there are lots of
25 reports, and we'll hear from advocates about this

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2 issue. People would daresay that on every single
3 train, some kind of incident occurs. And yet the
4 percentage of trains that are being monitored, or
5 the police presence that would serve to deter this
6 kind of criminal activity, is relatively small. I
7 mean, do you have a sense of what percentage of
8 the trains are actually being monitored by these
9 operations?

10 JAMES HALL: I think there's a
11 pretty high number. You have to, I think, look at
12 every day, if we, if we look at, I'll use transit
13 district four, it covers the east side of
14 Manhattan, from lower Manhattan up to 125th Street.
15 On all three tours, we are putting officers, teams
16 of officers in plainclothes, on all, as many
17 trains as we can. Obviously, like any agency,
18 there I guess is a limit on resources. But by no
19 means do, on today's day tour, I can assure you,
20 it's not like we're not putting teams out. They--

21 CHAIRPERSON LIU: Oh, I'm not--

22 JAMES HALL: --they go out--

23 CHAIRPERSON LIU: I'm not
24 suggesting that you're not putting teams out. I
25 fully understand that the teams are being put out

2 there. The question is whether it's sufficient.

3 JAMES HALL: Well, I think, you
4 know, reality, you know, if there was additional
5 resources, I'd have additional teams. When we
6 look at, for example, I cited district four, we
7 know just from going out there that a lot of these
8 subjects, they like to operate between Grand
9 Central and Union Square. We know that, they will
10 just loop between Grand Central to Union Square,
11 back to Grand Central, down to Union Square. And
12 we know that from being out there every day. And
13 then sometimes it's Grand Central to 59th Street,
14 Grand Central to 59th Street. But the teams, I
15 would never, you know, turn down, if I had
16 additional teams--

17 CHAIRPERSON LIU: Well, of course.

18 JAMES HALL: We also do--

19 CHAIRPERSON LIU: I thin, I think
20 one of the points I'm trying to make here is that,
21 and again we'll hear from a number of the
22 advocates, the reason why we're holding this
23 hearing is because there is a clamor for more
24 enforcement, for more prevention, of this kind of
25 criminal behavior on our subways. And the, I

2 understand the intent and I understand the
3 limitations of Operation Exposure and TOMS. I
4 would assert that it's just a drop in the bucket
5 with regard to what really can and should be done,
6 that these enforcement actions, or prevention
7 actions on the part of the NYPD, are somewhat
8 random because they're so limited, in terms of
9 resources. You know, you mentioned that yourself.
10 And I'm not faulting you, Chief, or the NYPD for
11 that, I understand that there are lots of
12 constraints. But the reason we're having this
13 kind of hearing is because there's a clamor for
14 more prevention and more enforcement against
15 perpetrators of this kind of criminal activity in
16 our subways.

17 JAMES HALL: Well--

18 CHAIRPERSON LIU: The statistics
19 that you cite, you know, the six percent drop this
20 year, the number of arrests, you know, they, they
21 are probably a minute fraction of the actual
22 offenses occurring out there on a daily basis. I
23 mean, this is a big problem on our subways. It's
24 not a recent problem, it's been a bit problem for
25 a long time. But I think there is a call for a

2 more concerted effort to get at this issue. And
3 again this is not a quality of life issue, this is
4 a real issue of public safety here. So, which,
5 which leads me to, I think, some constructive
6 questions for you, because I think we can only do
7 so much about personnel. But the MTA itself, and
8 we will hear from representatives of the MTA, I
9 know they're itching to get up here. What should
10 the MTA be doing? For example, we've been waiting
11 for cameras for a long time. We've been waiting
12 for some kind of communications system, where when
13 people see something, they could actually say
14 something to somebody, with regard to terrorist
15 activity, but certainly with regard to this kind
16 of criminal behavior. What should the MTA be
17 doing to supplement what we do with regard to
18 personnel, police personnel?

19 JAMES HALL: Well, as I mentioned
20 in my testimony, earlier this year, and I think as
21 recent as about two months ago, and I'm sure they
22 can testify to greater detail, they did a pretty
23 aggressive, not only ad campaign, but we asked
24 them and they quickly did it for us, to start
25 running announcements. Because, I think you touch

2 on an important issue. We, as I stated, had 587
3 complaints of this behavior his year. We would
4 both agree that it's an underreported crime. [off
5 mic crime] It's an--and I think that ad campaign
6 really, you know, encourages or empowers, or
7 hopefully empowers women to know that this is,
8 this shouldn't be accepted as part of commuting in
9 New York City. It's not something that should
10 just be, "Hey, I have to commute, and it's part of
11 what I have to go through." That's, that's not,
12 in my mind I can tell you in speaking to our
13 officers and commanders, that's not the, what we
14 want to put out there. So, I think the MTA and
15 New York City Transit, publicizing that it's not
16 acceptable, and then telling their employees.
17 Because oftentimes it's, that's who the woman may
18 first encounter before they encounter a police
19 officer, they may be encountering an employee of
20 New York City Transit, that their employees know
21 what to do. And one, obviously, is to get to us,
22 and report it. You touched on the camera issue.
23 You know, we, in the NYPD, as you know, we are not
24 opposed to that type of technology, we like it,
25 and it certainly can benefit us, and probably in

2 the prevention mode, and certainly in the post-
3 incident investigation.

4 CHAIRPERSON LIU: Okay, and you had
5 mentioned that based on your experience, there, a
6 great deal of this criminal behavior takes place
7 between Grand Central and 14th Street. Union
8 Square.

9 JAMES HALL: Yeah, it's one of the
10 places.

11 CHAIRPERSON LIU: But that's a
12 function of the relatively small percentage of
13 trains that are actually being monitored. I mean,
14 for example, you know, there are concerns, more so
15 in the outer boroughs, where more serious crimes
16 actually occur. Assaults that take place, that
17 may go unreported, because there's nobody to
18 report it to, especially in stations that are less
19 crowded. Nowadays, there may not even be MTA
20 personnel at some of these stations. And so,
21 people who are attacked don't even know where to
22 go. So it's a question of, you know, I think
23 you're referring to packed subway stations where
24 criminal groping takes place, but there are
25 serious attacks that are occurring in the outer

2 areas of the City, where the stations are less
3 populated and are not even staffed with MTA
4 personnel, and much less police presence.

5 JAMES HALL: This, you know, this
6 type of incident clearly can, you're right, it can
7 happen anywhere in the transit system. And
8 you're--

9 CHAIRPERSON LIU: There are
10 different types of incidents. I mean, some of
11 them are far more serious than others. And so, my
12 suggestion is that it's not simply concentrated in
13 the most crowded subways, but that in fact the
14 NYPD ought to take a closer look at what may be
15 happening in the subway stations in the further
16 stretches of the City.

17 JAMES HALL: And we do, I mean, we
18 do patrol the entire system, we're broken down by
19 borough, you know, transit borough Queens, transit
20 borough Bronx. And I think the key, the real key,
21 is there has got to be the ability for people to
22 report this. I know, when you discuss this with,
23 with women or victims, and we've seen incidents of
24 this, there's five million people a day riding the
25 subway. What are the, what are the odds of them

2 being able to catch the, the individual that did
3 this? And, and I have to tell you, we've gotten
4 this year and last year, we have gotten
5 outstanding cooperation from our victims. They
6 have been tremendous in court, they have provided,
7 at times, with photos of the offender. We have
8 taken those photos and I, and I can tell you, on a
9 photo that we've received, we've gone out, and
10 within 48 hours in a system that big, found the
11 individual that committed the act. But we really,
12 in my mind, I want people to report it. And I
13 think, I think at, you know, 587 complaints, you
14 and I would both agree it's underreported and
15 there's more of this going on.

16 CHAIRPERSON LIU: I would have to
17 believe that that's a tiny percentage of the
18 actual offense that occur out there. We've been
19 joined by Council Member Julissa Ferreras of
20 Queens, and Council Member Helen Sears of Queens,
21 as well. And Council Members Larry Seabrook of
22 The Bronx, Vincent Ignizio of Staten Island, and
23 Letitia James of Brooklyn. And you know, I'm
24 going to turn it over to our fellow co-chair,
25 Darlene Mealy, right after this last question, or

2 perhaps a suggestion for you. And that is that,
3 you know, I know of constituents who have come to
4 me and they've been attacked. They've been
5 sexually assaulted in the subways. And when they
6 tried to report the crimes to the NYPD, it was
7 very difficult for them to get anybody to listen
8 to them, unless they had a photograph. Most of
9 these cases are not going to involve the victim
10 being able to pull out a camera or a phone and
11 taking a photo.

12 JAMES HALL: Correct.

13 CHAIRPERSON LIU: And so, you know,
14 I, my question is what happens when people report
15 these crimes and, and they don't have any
16 photographic evidence?

17 JAMES HALL: One, I, I, obviously
18 I'm not familiar with these instances you're
19 talking to, but our police officers are mandated
20 when someone comes to them, and tell 'em that
21 they've been the victim of a crime, to report it.
22 And you know, I've got to tell you, I'd be
23 extremely disturbed if members of my bureau were
24 not taking those reports. Secondly, even--

25 CHAIRPERSON LIU: What if they're

2 not members of your bureau, and local precincts,
3 because victims don't necessarily know that they
4 have to go to the Transit Bureau.

5 JAMES HALL: And they, they don't,
6 I don't want anyone here to think that you have to
7 come to transit if you've been the victim of a
8 crime in the subway. You can walk into any
9 precinct in the City and make this report.
10 Ultimately, if it was a subway incident, it does
11 get to me. But I do, I dot want to say, that even
12 without a photo, sir, what we'll do is we'll look
13 and sometime it's clothing that the victim tells
14 us, specific clothing; sometimes it's description.
15 Where our officers just based on that have an idea
16 who might've done this. And at the minimum, at
17 the minimum, the report allows us to deploy more
18 effectively. So if I see three or four reports
19 for a particular station within the system--

20 CHAIRPERSON LIU: Well, that's what
21 I was going to get at, that--

22 JAMES HALL: We certainly, that's
23 going to affect our deployment. So, as much as
24 people say, "Well, is anything going to happen if
25 I report it?" you know, my argument is yes,

2 there's potential for us to apprehend the
3 individual, - -

4 CHAIRPERSON LIU: [interposing] And
5 how much coordination is there really between the
6 Transit Bureau and the local precincts?

7 JAMES HALL: I think, sir, it's, I
8 think it's very good. In fact, for example, if a
9 particular precinct is experiencing robberies on
10 the street, but through investigation we determine
11 that the people are coming to and from the subway,
12 then there's a meeting between the precinct
13 commander, the transit commander, and a plan is
14 put into effect to try to apprehend. And I use
15 the example of robbery. But our commanders, my
16 twelve commanders, they're mandated to meet on a
17 regular basis with the precinct commanders because
18 quite frankly a transit commander can cover as
19 many as six precincts. So, he's got to be on a
20 first name basis with each of those precinct
21 commanders.

22 CHAIRPERSON LIU: Okay. We have
23 questions--well, I'll turn it over to our co-
24 chair, Darlene Mealy.

25 CHAIRPERSON MEALY: Yes, I want to

2 say good morning, and thank--

3 JAMES HALL: Good morning.

4 CHAIRPERSON MEALY: [off mic] --not
5 that this just is a woman's issue, the safety
6 issue is really strong, 'cause I [on mic] have to
7 think back about [off mic] myself. I was 17 years
8 old, - - I have my job and I have to get on the 45
9 train, and when I mean it's almost a every day
10 occurrence, it was so sad. I would take two days
11 off just to recoup. But then at that time, I was
12 so young I didn't know you should report it. So,
13 now, I would love to know, what is the procedure
14 right now that the police are doing? If a young
15 [on mic] lady get off the train and say that, "I
16 was, someone rubbed up on me, and he became
17 erected," what kind of case would I have when I
18 come up to you?

19 JAMES HALL: That office--well,
20 first of all, that victim, if they didn't, you
21 know, walk right up to a police officer, it's a
22 911 call. We're going to respond.

23 CHAIRPERSON MEALY: So I have to
24 get off the train, and go to a police officer, or
25 you're telling me--

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2 JAMES HALL: If you saw one.

3 CHAIRPERSON MEALY: --just to call
4 911.

5 JAMES HALL: Or 911, there would
6 be--

7 CHAIRPERSON MEALY: And the perp is
8 leaving, still on the train now.

9 JAMES HALL: Correct, and--

10 CHAIRPERSON MEALY: Do you think
11 that's really helpful to the victim?

12 JAMES HALL: Well, you know--

13 CHAIRPERSON MEALY: You have to
14 think about what women go through every day. And
15 I am still traumatized by that. Just from that, I
16 got off the 45 and took now a whole hour more to
17 get on the A train to go where I need to go. So,
18 how do a individual right now, in this day of age,
19 that it should've, it should be much better than
20 I'd say 20 years ago. So, what are the specific
21 thing, if you get off that train, and you see a
22 police officer, a transit for NYPD, what would, I
23 would say the man just got erect, he rubbed, I
24 elbowed him, but he's still on the train.

25 JAMES HALL: Oh, I--if that

2 scenario arose, our offices are going, we call it
3 "Mark that train." That train is now going to,
4 we're going to put it over our communications
5 system, and that train is going to be stopped.

6 CHAIRPERSON MEALY: Alright, you're
7 the Chief, but you just told me that you would,
8 you should call 911.

9 JAMES HALL: No, but the scenario
10 you just gave, if it just happened and you got off
11 the train and you walked into a police officer,
12 and that train had just pulled away with the bad
13 guy on it, we are going to mark that train, stop
14 it at the next stop, as early as possible, and
15 then we're going to direct that the doors be kept
16 shut on that train. We are going to key our way
17 on to the train, and then we are going to walk the
18 length of that train and arrest that individual.
19 And it happens. Now, the other scenario, so I'm
20 kind of clear here, is that this happened to you,
21 and now, you know, 20 minutes later you wanted to
22 get to work, and this does happen and you've
23 decided, "I want to report this." Well, whether
24 it be a transit officer or a precinct officer,
25 911, they're going to come, take a report,

2 ultimately that report will pass through the
3 transit bureau if it happened in the transit
4 system, and, you know, details, description, that
5 type of stuff is going to be included in the
6 report, and then ultimately an investigation into
7 that crime. And it does happen where we're
8 calling you back in three weeks that we have the
9 guy. We also now, you know, within the
10 Department, we do have the ability to collect, you
11 know, DNA evidence. He leaves his hat behind, he
12 leaves a jacket or some material of clothing
13 behind, we'll seize that and see if we can, you
14 know, get DNA off of that and ultimately that can
15 help us complete the investigation.

16 CHAIRPERSON MEALY: Okay. Thank
17 you for that. I see in 2008 you did the sub-talk.
18 How much input do your Department have with MTA,
19 with developing that?

20 JAMES HALL: I think, I think,
21 ma'am, a lot. On, on the recent ad campaign--

22 CHAIRPERSON MEALY: 'Cause I saw it
23 for a while, but now it's like, you don't see it
24 anymore. So, the ad went for like two months,
25 three months, and that's it? The important issue

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2 this is, it should run every year.

3 JAMES HALL: I--

4 CHAIRPERSON MEALY: All year round.

5 JAMES HALL: I agree with you. I--

6 CHAIRPERSON MEALY: So that's the

7 MTA should be - -

8 JAMES HALL: [interposing] Correct.

9 What we had asked, in addition to the posters that
10 you saw up in certain train cars, is that, you
11 know, I know not everyone's listening to
12 announcements, but we wanted it played over, you
13 know, the trains. We, you know, you can, you can
14 be someone that this happened to a week ago, and
15 you didn't report it. And now you hear that
16 announcement a week later and you say, "You know
17 what? I didn't report that." And you can still
18 go in and make that report. So, the announcements
19 they did at our request, and I thought the
20 announcement they put out was excellent. And I
21 agree with you, I don't think you can ever do
22 enough in terms of the publicizing of this within
23 the system. I think it's got to be an ongoing
24 project.

25 CHAIRPERSON MEALY: Yes, 'cause I

2 feel it is, MTA and the Police Department, to have
3 women feel safe. And I have to think, how often
4 do you go into the schools and tell young ladies
5 what you should do if this happened to you on the
6 train, 'cause a lot of our young people are
7 latchkey children, we have 'em ten years old, on
8 the train. How do you combat that? Do you go
9 into the schools? 'Cause that is something that
10 has to be done.

11 JAMES HALL: On my end in our
12 bureau, and I don't want to speak for the School
13 Safety Division, because I might be wrong, quite
14 frankly, but what we've done here is, we've asked
15 the Transit Bureau Crime Prevention officers, but
16 we haven't gone into the lower grades. We've done
17 Fordham, I think we've done Queens College, we've
18 done NYU, we've done colleges. I have not put my
19 offices into the lower level schools, but I can't
20 comment that School Safety may have addressed this
21 issue in the, you know, lower grades. But at the
22 college levels, I've had my Crime Prevention
23 officers go, usually in September, when incoming
24 freshman are coming into the school, and you know,
25 address them on a variety of topics concerning

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2 safety in the subway, this being one of them.

3 CHAIRPERSON MEALY: That is good.

4 Our Chair, Peter Vallone, I think we really need

5 to have it in the younger age group. And with

6 your teams, TOMS, how many are women, in your--?

7 JAMES HALL: I'll give you kind of-

8 -the TOMS team, like I said, that, that's the

9 uniform element. We put out six to eight

10 officers. I don't--

11 CHAIRPERSON MEALY: How many are in

12 the group?

13 JAMES HALL: Oh, usually no less

14 than six, usually--

15 CHAIRPERSON MEALY: That's it?

16 JAMES HALL: --no more than eight.

17 And as I said, each officer basically gets a train

18 car to inspect, to go in.

19 CHAIRPERSON MEALY: Out of the six

20 or the eight, how many usually be women?

21 JAMES HALL: There's probably one

22 or two women on the TOMS group.

23 CHAIRPERSON MEALY: Do you think

24 that's really effective for how important this is?

25 Of sexual abuse or harassment on the train?

2 JAMES HALL: No, I think it's more
3 important for Operation Exposure to have women, in
4 those teams.

5 CHAIRPERSON MEALY: Really both of
6 them, then.

7 JAMES HALL: Yeah, the Exposure
8 team, to me it's critical, and I mentioned it
9 earlier, the diversity of that team I think is,
10 and in our Department, is unmatched. When we put
11 out that team, I have everything.

12 CHAIRPERSON MEALY: So on Exposure,
13 it's more women.

14 JAMES HALL: Yes, I have--

15 CHAIRPERSON MEALY: In the team.

16 JAMES HALL: --I have women,
17 African-American, I have Asian women, I have guys
18 wearing suits.

19 CHAIRPERSON MEALY: But - - of the
20 women are in your Exposure team?

21 JAMES HALL: Each team, each team
22 usually has two to three women in it, and the team
23 is usually between six and eight with a
24 supervisor. And once again, they, they dress in a
25 manner to blend in. We'll have maybe an officer

2 wearing a suit with the Wall Street Journal under
3 his arm. They're very effective, and they really
4 fit the profile of what you would see if you went
5 into a train car today, it's that diverse.

6 CHAIRPERSON MEALY: Thank you, I
7 will really be looking out for the Exposure team
8 and seeing, talking to MTA to put more signs up.
9 'Cause this is almost a silent killer, we don't
10 know how many young people are traumatized on the
11 train with men who just come up and just lean on
12 them. And they scared to speak about it, or even
13 go home and tell their parents. So I think we
14 really have to address this more seriously. And
15 thank you for this joint hearing that is so
16 desperately needed.

17 CHAIRPERSON LIU: Thank you, Chair
18 Mealy, and thanks for, thanks for initiating this
19 hearing. We have questions from Council Member
20 Lappin, who's the prime sponsor of an important
21 bill.

22 COUNCIL MEMBER LAPPIN: Thank you
23 very much, Mr. Chairman, and we've covered a lot
24 of ground, so I don't have too many questions,
25 but--and I know you can't respond to the

2 legislation. It was just coincidental that I
3 happened to introduce it right around the time
4 that this hearing was scheduled, and we didn't
5 have quite enough time to put it on the agenda,
6 even though it's the same topic. So, I understand
7 that. But I just wanted to say obviously, we
8 know, I think we all acknowledge, that this is
9 real issue and problem for women riding the
10 subway. And that's why I introduced the bill. I
11 want to thank the Holla Back people for making me
12 a Holla Back Heroine this week. That was very
13 nice of you. And I think the issue that we're
14 getting to today, it's great that you are doing as
15 much as you are, and that you have these
16 statistics for us. But we are a pretty informed
17 group, and we didn't know what you were, how big
18 the problem was, statistically, what you were
19 doing to stop it. So if we don't know, the public
20 doesn't know. And I think that's one of the real
21 issues why more people don't report it. I think
22 people feel like "I'm going to make this complaint
23 or report, and nothing's going to happen." So,
24 one of the goals of the legislation is to show
25 people that it does matter, and that you are doing

2 something about it. And I think that's important.
3 The other piece of the legislation is to try and
4 figure out how we better enforce. And it was
5 great, you know, to hear you say today, primarily
6 Manhattan, AM/PM rush, you have the sense of the
7 geography, of the timing. So, one, I think that
8 better enables us to help come up with enforcement
9 mechanisms but also to educate the public. Maybe
10 I do want to take a different subway at that time
11 of day, or maybe I want to take a bus instead, or
12 maybe I want to walk. Or whatever it is, to at
13 least know where things are happening, I think is
14 also very important for the public. So, I'm very
15 happy to hear that Chair Vallone wants to sign on
16 to the bill, I encourage all of my colleagues who
17 are here today, and in the Council, to sign on,
18 because I do think it would be very helpful to you
19 and to the public moving forward, and ultimately
20 would make women safer.

21 CHAIRPERSON LIU: Well, thank you
22 very much Chief, we know you're time is limited.
23 Thank you very much, Council Member Lappin. I
24 think, you know, I know you can't stay to hear the
25 testimony of some of the advocates that will be

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2 testifying today. But you know, just a quick
3 question for you. What do you think would be the
4 most prevalent crime that occurs in our subway
5 system?

6 JAMES HALL: Well--

7 CHAIRPERSON LIU: I should say
8 serious crime, you know, not--

9 JAMES HALL: Well--

10 CHAIRPERSON LIU: --not like
11 littering, or--I mean, littering's pretty serious,
12 but it doesn't rise to this level of seriousness.

13 JAMES HALL: Well, if--Sir, you're
14 going to talk about overall, you know, index
15 crimes, starting with, you know, god forbid,
16 homicide, rape, you know, robbery. You know,
17 this, this year in the subway system, there's been
18 one rape, which, which was, we apprehended the
19 individual responsible for it.

20 CHAIRPERSON LIU: Okay.

21 JAMES HALL: But if you're going to
22 talk about this particular issue, you know, the
23 sexual harassment issue, and you know, to me,
24 sexual abuse, public lewdness, they're both
25 horrendous. So, you know, if you want to speak

2 statistically, sexual abuse happens more than
3 public lewdness; that doesn't make me happy, you
4 know, that public lewdness is done a little bit
5 less.

6 CHAIRPERSON LIU: Well, what do
7 you, what do you think it, how do you think it
8 compares to pickpocketing?

9 JAMES HALL: Oh, well, alright, if
10 you want to--I can--

11 CHAIRPERSON LIU: [off mic]
12 Statistically.

13 JAMES HALL: Statistically? There
14 are more complaints for grand larceny, which would
15 be pickpocketing.

16 CHAIRPERSON LIU: Right.

17 JAMES HALL: Than there are for the
18 sexual harassment offenses.

19 CHAIRPERSON LIU: Right.

20 JAMES HALL: There are more--

21 CHAIRPERSON LIU: I mean, I--I will
22 speak in advance of the advocates, I think there
23 are lots of people out there who would think that
24 this kind of sexual harassment is the number one
25 most prevalent problem in crime in our subways.

2 And to the extent that the NYPD can take further
3 actions to, number one, recognize that this could
4 very well be the reality, and number two, take
5 actions to prevent more of it from happening, I
6 think that would be, that's what, that's what
7 people are looking for here.

8 JAMES HALL: I agree, and I, I want
9 to, you know, be your comfort level up, that we
10 make it a top priority in the Transit Bureau. I
11 don't like it, I don't personally like it, I've
12 gone out with those teams. I will dress into
13 civilian attire and just watch how these teams
14 operate. And quite frankly, anything, every
15 effort is being made to stop it. We try to work
16 closely with the district attorney's office to
17 make sure that the individuals are being
18 prosecuted. And as in my testimony, I would, you
19 know, one of the things in speaking to women that
20 I've discussed this issue with is the belief that
21 "It's not worth it to report it, he's not going to
22 be caught." And--

23 CHAIRPERSON LIU: I think--

24 JAMES HALL: You know.

25 CHAIRPERSON LIU: --I mean, since

2 you mentioned speaking to women, I think a number
3 of these organizations would be able to provide
4 some--

5 JAMES HALL: Oh, there's--

6 CHAIRPERSON LIU: --pretty sound
7 advice and recommendations to the NYPD.

8 JAMES HALL: Well, I--I'm sure
9 they, they will, and I, I just, I've also, you
10 know, want you to realize the extent that the NYPD
11 will go to, to apprehend these individuals. We
12 have seen victims tell us where they saw it, and
13 we've actually done escorts. So, okay, we're
14 going to pick you up and we'll ride the subway
15 with you. And because this particular victim saw
16 it every day at a certain location, this was an
17 exposure case. So we just picked her up at her
18 house, and we just tailed her, as she went to
19 work, and sure enough, just what she told us, and
20 apprehended the individual. And we've also done,
21 I think, some very fine police work in terms of
22 where victims have produced photos, and as I said
23 earlier, in a system that has five million people
24 in it a day, these officers take that photo and
25 somehow find that person. And they really, you

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2 know, they do a good job, and I can assure you as,
3 as we move on, every effort'll be made to curb it
4 and prevent it and hopefully stop it. But the
5 reporting is key.

6 CHAIRPERSON LIU: Alright, thank
7 you very much, Chief.

8 JAMES HALL: Thank you for your
9 time.

10 CHAIRPERSON LIU: Thank you. We
11 want to invite representatives of the MTA to join
12 us at the witness table, Ms. Lois Tandler.

13 [background noise] Okay, just want to make
14 everyone aware that there will be a sergeant from
15 the Police Department who will be remaining to
16 hear everyone's testimony and take your
17 suggestions. [background noise] Nothing like
18 showing up with a plain brown paper package to
19 this kind of hearing.

20 LOIS TENDLER: It went through
21 security, yes. [laughter] I don't know if this
22 is going to do it.

23 CHAIRPERSON LIU: Why don't you put
24 it on the table? And Sergeant, if you could brace
25 it against the--the coffee or the water. '

2 COUNCIL MEMBER LAPPIN: I saw that
3 yesterday on my subway ride home.

4 [background noise]

5 LOIS TENDLER: Sorry, didn't mean
6 to cause a little problem with it. [background
7 noise] Problem is the chair's not high enough.

8 CHAIRPERSON LIU: Welcome, thank
9 you very much for coming.

10 LOIS TENDLER: My pleasure. Good
11 morning, Chairpersons Vallone, Mealy and Liu, and
12 members of the City Council. I'm Lois Tandler,
13 and I'm the Vice President of Government and
14 Community Relations at New York City Transit. And
15 I'm here today to address the topic of sexual
16 harassment on New York City subways. Our role in
17 this matter is simply to serve as a support to the
18 NYPD Transit Bureau in its efforts to combat this
19 criminal offense. Our effort has been to raise
20 customer awareness of sexual harassment as part of
21 NYC Transit's ongoing campaign to address various
22 personal safety and security issues. In 2008, we
23 decided to address the problem of the lewd,
24 harassing behavior that is primarily directed
25 towards women on crowded subways, with an

2 aggressive sexual harassment awareness campaign,
3 one which I might add was suggested to us by
4 Councilman Vallone. The message we convey to our
5 customers through this campaign was crafted in
6 consultation with NYPD. It encourages victims of
7 sexual harassment in the subway system not to
8 tolerate it. And a message urges those who think
9 they are being touched on the subway system not to
10 second guess themselves, but to report such
11 incidents to an MTA employee or a police officer,
12 emphasizing that these types of incidents are
13 indeed criminal. It's a message that applies to
14 women and men alike, as men can of course also be
15 victims of such harassment. It's also a message
16 to anyone who may witness such behavior. In
17 addition, the message provides general advice to
18 customers on how to protect themselves from
19 harassment or assault on the subway system by
20 following their instincts, moving away from
21 uncomfortable situations, waiting for trains in
22 designated waiting areas, avoiding empty subway
23 cars, using busy active exits instead of isolated
24 ones. Finally, this message instructs customers
25 to call 911 to immediately report an attack or

2 incident, and to call the Police Department's Sex
3 Crime Report Hotline at (212) 261-RAPE to report
4 past attacks or incidents. The public information
5 campaign, just as the other personal safety
6 campaigns we've undertaken, is comprised of three
7 components: printed material, onboard train
8 announcements, and information on the MTA's
9 website, www.mta.info. The print component
10 consists of an 11x70 subway card in English and
11 Spanish, posted system wide in agency branded sub-
12 talk space, that is reserved on one side of every
13 other train car. This card was posted for three
14 months during 2008, and is currently posted since
15 September 2009, and will remain on the cars
16 through January 2010. A brochure in English and
17 Spanish, which I have some copies of, printed and
18 distributed in the fall of 2008, there were
19 225,000 distributed in stations system wide, and
20 by the NYPD Crime Prevention Unit, as part of its
21 outreach. This brochure is still available; in
22 fact, we're recently reprinted it at the request
23 of the NYPD. The onboard announcements that we've
24 programmed as the traveling component of this
25 campaign is a prerecorded message that has been

2 active on all new cars for about six months. On
3 older cars, this announcement is made manually.

4 The audio message is, "A crowded train is no
5 excuse for an improper touch. Don't stand for it,
6 feel ashamed or be afraid to speak up. Report it
7 to an MTA employee or police officer." Finally,

8 our sexual harassment message is posted on the MTA
9 website as part of a series of topics in our

10 "Riding Safely" section, under the headlines,

11 "Subway and Bus Security." Also included there

12 are topics such as how to protect yourself from

13 pickpockets and how to avoid chain snatching.

14 It's worth noting that NY--New York City Transit

15 regularly supports the crime prevention efforts of

16 the NYPD Anti-Crime Unit. At their suggestion,

17 another current campaign, "Safeguard Your Stuff,"

18 is directed at raising customer awareness about

19 safeguarding phones, PDAs, iPods and other

20 electrical equipment. This public outreach effort

21 currently consisting of posters in reserve subtruck

22 [phonetic] space on trains throughout the system

23 is in response to request from the NYPD following

24 a rash of recent thefts. On behalf of MTA New

25 York City Transit, thank you for providing us with

2 a forum to discuss our efforts, and conducting a
3 public information campaign on the topic of sexual
4 harassment in the subway. I'm now happy to answer
5 your questions.

6 CHAIRPERSON LIU: Thank you very
7 much, Ms. Tendler, for joining us today. And as
8 we started to talk about what the NYPD, the issue
9 for the MTA really to address would be what the
10 MTA really does to supplement the NYPD's efforts.
11 Obviously, we all understand that they, they could
12 never have as much personnel as they really should
13 have, but the personnel should always be
14 supplemented by existing capabilities within the
15 train system. So, in many of our underground
16 stations, you know, for the most part, there is no
17 police presence. I mean, there, there's random,
18 or there's certain limited police presence at a
19 number of stations, but that wouldn't be at the
20 vast majority of the stations. So, when most of
21 the stations don't have a police officer in the
22 station, how do people get in touch with somebody?
23 How does a victim get in touch with somebody to
24 report an incident that just happened?

25 LOIS TENDLER: As this poster says,

2 it says, "Speak to an MTA employee." If it
3 happens on a train, there's the conductor; if you
4 get of the train there might be the motorman;
5 there's a booth clerk in the station. Our
6 employees are instructed, because our employees
7 are not police officers, and our employees are not
8 trained to determine what kind of crime did or did
9 not occur, but they are trained to take down
10 every, all the information a victim provides, and
11 if it happens with a train crew, that information
12 is immediately radioed to the command center,
13 which puts it out to the Police Department, and
14 the crew is instructed what to do by the command
15 center. Often, as Chief Hall said, they would key
16 a train, a crew might be told to keep the train in
17 the station, with doors closed. If it's reported
18 to a agent at a booth, the booth calls that
19 command center. Again, police are notified, the
20 victim will be asked if they want to go to a
21 precinct to make a report, or if they want to wait
22 for a police officer to come to the station.

23 CHAIRPERSON LIU: Well, I mean, I
24 think we've seen cases where that communication is
25 by no means foolproof. That sometimes they have

2 not been able to reach--I mean, we all remember
3 not too long ago the horrific incident where a
4 woman was raped right in front of a booth. And
5 you know, I'm not questioning that kind of
6 procedure, that requires the booth clerk to stay
7 inside the booth, but no help was able to be
8 obtained in a timely fashion. And that horrific
9 attack took place in that station. The issue
10 still is, what kind of direct communications can
11 passengers and victims actually have with law
12 enforcement? An underground station? There's no
13 signal for cell phones.

14 LOIS TENDLER: Well, we're working
15 on that.

16 CHAIRPERSON LIU: There is no--yes.

17 LOIS TENDLER: I mean, that--that
18 is a project with the MTA, as you know, John Liu--

19 CHAIRPERSON LIU: Right.

20 LOIS TENDLER: --is taking very
21 seriously, the new Chairman's committed to it, so
22 hopefully that will be accelerated.

23 CHAIRPERSON LIU: Okay. But still,
24 there is limited personnel, and there are the, the
25 trend is to remove even more personnel from the--

2 human personnel from the stations. So, before
3 that's done, there's got to be the, at least the
4 technology and it's not even cutting edge
5 technology, it's just basic communications,
6 intercoms.

7 LOIS TENDLER: There are--

8 CHAIRPERSON LIU: Installed in
9 these stations, and on subways.

10 LOIS TENDLER: All stations which
11 recently lost station customer assistance have
12 been wired with intercoms. Where a customer or a
13 victim can access the agent in the fulltime booth,
14 who then would call command for the police.

15 CHAIRPERSON LIU: Okay, so--so is
16 that true, every single station that no longer has
17 live personnel has a working intercom that--

18 LOIS TENDLER: That's connected to
19 the fulltime booth.

20 CHAIRPERSON LIU: And people,
21 people understand what that is?

22 LOIS TENDLER: Yes, yes, it's very
23 well signed, actually. We made a specific effort
24 to point out, and the, I didn't bring that poster
25 with me, but it's a decal that shows what the box

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2 looks like, it shows where in the station it is.

3 CHAIRPERSON LIU: Okay. And what
4 is the state of the installation of cameras in the
5 stations? Cameras not only to, not only to
6 determine what happened when an incident is
7 reported, but actually to deter these incidents
8 from happening in the first place.

9 LOIS TENDLER: We had a recent
10 hearing on this, I wish I had brought the
11 testimony with me. As you might recall--

12 CHAIRPERSON LIU: Felt like a long
13 time ago.

14 LOIS TENDLER: For you, certainly,
15 a lifetime ago. The--there are cameras that are
16 being installed on different, under different
17 programs, there's the security cameras, and then
18 there's CCTV, some which are installed for
19 operational purposes. I don't have with me the
20 numbers of how many, how many stations, but I can
21 get that for you. We're making progress, I mean--

22 CHAIRPERSON LIU: Okay.

23 LOIS TENDLER: --there are a lot of
24 stations - -

25 CHAIRPERSON LIU: [interposing] I

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2 think it's fair to say that it's still a [laughs]

3 I mean, far less than half of the stations--

4 LOIS TENDLER: I'm not sure. I
5 just don't remember the numbers well enough, I'm
6 not sure, but we will get them to you.

7 CHAIRPERSON LIU: Okay. We have
8 questions from Council Member--Oh, we've been
9 joined by Council Member Helen Foster. And there
10 are questions from Chair Vallone.

11 LOIS TENDLER: Okay.

12 CHAIRPERSON LIU: Oh, I'm sorry,
13 we've been joined by Council Member James Sanders,
14 Jr., of Queens.

15 CHAIRPERSON VALLONE: Thank you,
16 Chair Liu. Let me thank you for the shout out
17 during your testimony about being the impetus
18 behind that advertising campaign. I want to thank
19 you for listening, back in, I think it was early
20 2008, I had asked for the advertising campaign and
21 not you, but someone else wrote back to me that
22 they believe that that would actually encourage
23 more lewd behavior. And then I wrote back that
24 that's as silly as saying that the "See something,
25 say something" campaign would promote more

2 terrorist bombings. And I said that these ads
3 would encourage women to report every incident of
4 sexual misconduct they experience, and once women
5 are empowered to fight back against these
6 perverts, more will undoubtedly be caught, caught
7 and others will be deterred by the possibility of
8 arrest. I also said that I hope that you
9 incorporate a hotline into this advertising
10 campaign. And you have done all that, so I want
11 to commend you for listening to what elected
12 representatives and actually putting into place a
13 very, what we believe is a very good program, to
14 encourage people to report this crime. In my
15 letter, and today, I'm also saying that we can do
16 more, because as Chair Liu said, this is a huge
17 problem, an underreported problem. And we need to
18 do more to combat it. And I would like to see
19 something in the line of a wall of shame. Your
20 legal counsel has said that they don't think that
21 that's legally possible, I disagree, as a former
22 prosecutor, but be that as it may, you have legal
23 problems with a wall of shame up in the subway,
24 where people convicted of this crime would have
25 their pictures posted. How about, I mean, I, we

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2 used to publish the names of people convicted of
3 patronizing prostitutes and things like that, so I
4 don't see a problem with it, but you guys do. How
5 about something online, much along the lines of
6 these, of other advocates who are posting
7 pictures. Now they're posting pictures of people
8 who haven't been convicted yet, and that's
9 different. I'm not saying that you should do that
10 as a government agency, you can't, that would not
11 be right. But they can, you can't. But posting
12 pictures of people convicted, especially the
13 situation where 20 percent of these people are
14 recidivist, I think would be very helpful and a
15 huge deterrent. Has there been any change in your
16 thinking when it comes to that.

17 LOIS TENDLER: I didn't even know
18 this was a discussion that had taken place, but
19 I'm happy to speak to our general counsel and see
20 whether or not we could discuss ways we could meet
21 the objective.

22 CHAIRPERSON VALLONE: Okay. I'm
23 encouraged by how, you know, you reacted to my
24 last suggestion, so let's work together on this
25 one. Your hotline that you did incorporate, you

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2 know, I'm informed by some women that they did not
3 know that a hotline that's, that spells out, you
4 know, the word "rape" was one that they should
5 report something that's not a rape. Do you
6 believe that that, I mean, is that a problem
7 you've been coming up against? Maybe we should
8 have a different name on that, you think?

9 LOIS TENDLER: Actually it's the
10 Police Department's hotline. And it's their sex
11 crime report unit, and that's the number, and I,
12 you know, you could, something you should discuss
13 with them, it's their number, but you know, it
14 could be 267-7273. The, I don't know why they
15 came up with that.

16 CHAIRPERSON VALLONE: Okay, I'll
17 discuss that with them. Are there any more
18 questions - - [off mic comment] Okay, we've been
19 joined by Council Member Sears. I'm not--Foster
20 or Sears.

21 MALE VOICE: [off mic] Foster and
22 also Garodnick.

23 CHAIRPERSON VALLONE: And Dan
24 Garodnick. Who has questions?

25 MALE VOICE: [off mic] Helen Sears.

2 CHAIRPERSON VALLONE: Okay, and
3 Council Member Sears has some questions.

4 COUNCIL MEMBER SEARS: Thank you,
5 Mr. Chair. Good morning.

6 LOIS TENDLER: Good morning.

7 COUNCIL MEMBER SEARS: Ms. Tendler,
8 it's good to see you again. I'm a little lost
9 here, wait just a second. Okay. I'll just have
10 one or two very short questions. I ride the
11 subways a lot, as a matter of fact I do meet some
12 of the MTA executives when they've come into
13 Jackson Heights for certain things and elsewhere.
14 So, I can tell you what I hear for subway
15 announcements. I hear, "Attention Riders, due to
16 congestion, we have a slight delay." "Attention
17 Riders, due to construction, we have a slight
18 delay." "Attention Riders, police alert, be aware
19 of pickpockets." I have yet to hear, and I say
20 eight years I've been riding the subways a lot,
21 and apparently some have heard it, but I have
22 never heard, "Attention Riders, subway harassment
23 is against the law, assault is against the law,"
24 because nine times out of ten the sound system is
25 ineffective, even if you did have that running on

1 COMMITTEE ON TRANSPORT, PUB SAF, WOMEN'S ISS 69
2 the tape. Now my question is, I don't think there
3 are enough of sexual harassment announcements.
4 They're not supposed to be a periodic thing when
5 there's so much of other pickpockets, depending on
6 the stations. It was earlier mentioned 42nd
7 Street. I always hear those announcements at
8 Grand Central, I get off at Grand Central very
9 often. I hear them at 34th. I hear them
10 elsewhere.

11 LOIS TENDLER: Which, excuse me,
12 which announce--

13 COUNCIL MEMBER SEARS: The
14 announcements of, not the announcements, that
15 areas that where it has a lot of offenses. They,
16 the Police Commissioner, person--

17 LOIS TENDLER: Yes.

18 COUNCIL MEMBER SEARS: Was citing
19 the areas where there are more offenses committed,
20 'cause I guess far more traffic. And the fact is,
21 is that even if those announcements were taking
22 place, and they're done so sporadically that
23 they're ineffective, is that how does the sound
24 system get out of whack? Is it vandalism? Is it
25 just old systems? What causes them, because you

2 can't understand a word they say, nine times out
3 of ten. And when the sound does come through, I
4 could tell you it gets everybody's attention in
5 the car, because it's such a revelation to be able
6 to hear something. So what I'm saying is, I don't
7 think there are enough subway announcements, which
8 should be done very, very often, and not just as
9 an afterthought. They should be as constant in
10 that tape as it is when there's a delay. It
11 should be as constant as when the police are
12 alerting about pickpockets. It's a normal thing
13 that should be done every day. And I think the
14 sound system certainly is too ineffective for
15 anyone to realize that sexual harassment on the
16 subway is really an offense, and that perpetrators
17 are going to be apprehended; particularly if what
18 Councilman Vallone asking for cameras, if those
19 get installed at some time. Now, I know I threw a
20 lot out.

21 LOIS TENDLER: Let me, let me try--

22 COUNCIL MEMBER SEARS: But I really
23 had only two questions.

24 LOIS TENDLER: Let me try to
25 answer, let me try to answer this in part, in

1 COMMITTEE ON TRANSPORT, PUB SAF, WOMEN'S ISS 71
2 parts. The announcement, which actually as I said
3 in my testimony, is, I quote, "A crowded train is
4 no excuse for an improper touch. Don't stand for
5 it, feel ashamed, or be afraid to speak up.
6 Report it to an MTA employee or police officer."
7 That announcement on the new trains, and about a
8 third of our fleet have new cars with very, very
9 good sound systems on them. That announcement's
10 on an, an automatic tape, and is recycled with
11 not, with messages that have to do with "See
12 something, say something," with "Be aware of
13 pickpockets," and there are about six messages
14 that go on this continual loop. So, I believe
15 they're probably pretty frequent. I don't exactly
16 know, I can't tell you how many minutes. But I
17 can get that information for you. The older cars,
18 which have PA systems in various states of
19 effectiveness, I would say, those announcements,
20 as are all announcements, are made manually by the
21 conductor. The conductor has a script and he has
22 a cycle in which he is told to make those
23 announcements. What?

24 COUNCIL MEMBER SEABROOK: [off mic]
25 They don't do it.

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2 LOIS TENDLER: They don't do it?

3 Well--

4 COUNCIL MEMBER SEABROOK: They
5 don't do it.

6 LOIS TENDLER: I will--

7 COUNCIL MEMBER SEARS: Thank you,
8 thank you.

9 LOIS TENDLER: Okay, you know--

10 COUNCIL MEMBER SEABROOK: I rid the
11 - -

12 LOIS TENDLER: I mean, and, I'm
13 curious as to what lines you're most frequently
14 on, because--

15 COUNCIL MEMBER SEARS: Oh, tell me,
16 how--

17 COUNCIL MEMBER SEABROOK: Lexington
18 Avenue line.

19 LOIS TENDLER: Okay. Well, the
20 four has the, the four that runs--

21 COUNCIL MEMBER SEARS: The E line,
22 the F line, the R line.

23 LOIS TENDLER: Okay, okay.

24 COUNCIL MEMBER SEARS: We can give
25 you every one of those.

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2 LOIS TENDLER: Alright, well--

3 COUNCIL MEMBER SEARS: And it's not
4 really attacking you, the fact is--

5 LOIS TENDLER: No, no, no, I--I'm
6 sorry.

7 COUNCIL MEMBER SEARS: --that there
8 is so little concentration on women. I'm on the
9 Women's Committee, and I was former, I'm former
10 Chair of it. The fact of the matter is, that
11 women have to struggle enormously, enormously to
12 get the attention that is necessary. And you need
13 to focus on the fact that it's mainly women that
14 are having these offenses on the subway. And
15 there's nothing wrong with alerting women, and
16 also alerting men, that these offense are not
17 tolerable.

18 LOIS TENDLER: Well, that was the
19 intent of the car-car campaign, the brochures,
20 which I've said, we've gone through quarter of a
21 million and have reprinted more. Instructions to
22 employees. We will, I will speak to the people
23 who both program the announcements and instruct
24 the people who have to make them on trains, and if
25 we have to audit it ourselves, to see whether

2 they're doing what their instructions are, that's
3 what we will do.

4 COUNCIL MEMBER SEARS: Okay. Yeah.
5 Well, alright, I'm not going to--What are some of
6 the reasons for the sound system to become as
7 ineffective as it is? I asked is it age? Is it
8 the inefficient equipment? Certainly is it
9 vandalism? I don't know how that would happen.

10 LOIS TENDLER: Well, I--I'm not an
11 expert on this, but I would--

12 COUNCIL MEMBER SEARS: Okay.

13 LOIS TENDLER: --I would venture
14 that the biggest contribution is the age of the
15 equipment, and useful life, and as we buy more and
16 more cars, the question is, the benefit of trying
17 to fix useless sound system, and I'm not sure how
18 many of them are useless, I don't want to make
19 that judgment, as opposed to when we're going to
20 get in new cars with the automated systems.

21 COUNCIL MEMBER SEARS: Alright,
22 well it's, it's very hopeful, and I thank you for
23 listening to the suggestions that were made much
24 earlier. At that point, Councilman Sanders has a
25 question.

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2 LOIS TENDLER: Sure.

3 COUNCIL MEMBER SEARS: Let me turn
4 it over to you.

5 COUNCIL PERSON SANDERS: Thank you,
6 Madam Acting Chair. I take the train often, and
7 in fact when I come into the City, I'm coming from
8 the Rockaways Queens--

9 LOIS TENDLER: I know.

10 COUNCIL PERSON SANDERS: Madam
11 Tandler. And I'm coming from Rockaways Queens,
12 and I'm taking the A train, and it's, I get to
13 know these train system. When I come to the City,
14 I'm taking the train 75 to 80 percent of the time.
15 Now, I am--I want to go in a different direction,
16 I want to remember that the, at the end of the
17 day, the main victims here are the women who have
18 to deal with this madness, and they get caught up
19 with a lot of shame and humiliation. Are we
20 helping them to get some counseling? Those people
21 who are calling in, complaining? Or anyone? Are
22 we directing them to counseling?

23 LOIS TENDLER: I think that's a
24 question best posed to the Police Department,
25 because the--

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2 COUNCIL PERSON SANDERS: Okay.

3 LOIS TENDLER: --we refer people to
4 the police, we get the police to the people, but
5 they take it from there. So, I--

6 COUNCIL PERSON SANDERS: You get
7 the police to the people. So, you get some of
8 these folk coming to you.

9 LOIS TENDLER: Well, no, if it
10 happens on a train and we, we stop a train, we
11 would call a police officer. If we, person
12 reports it at a booth, and they want to, we say
13 you can go to a precinct, but if you want to wait,
14 we will call a police officer and they'll come see
15 you here at the booth. And at that point it's a
16 police matter.

17 COUNCIL PERSON SANDERS: Can I
18 suggest that we also offer, right at that point,
19 have a sheet or something to offer counseling to
20 people?

21 LOIS TENDLER: I think, I think
22 that again, this is appropriately with the Police
23 Department who, because they deal with all kinds
24 of sex crimes, I would imagine have a counseling
25 program set up, or counseling referrals there.

2 And I think it's more appropriate for them. If
3 they would like us to alter our communications to
4 include information bout that, that's something
5 we'd certainly consider.

6 COUNCIL PERSON SANDERS: I will
7 speak to the Chair to follow through to make sure
8 that it is being offered. I don't want this to be
9 seen as something that--[cell phone ring] What
10 can I say, I'm just having fun. I guess I really
11 hit a point then, because it's being, I'm getting
12 calls about it. [laughter]

13 COUNCIL MEMBER SEABROOK: Hit the
14 jackpot.

15 COUNCIL PERSON SANDERS:
16 Absolutely, no, no, it means that it's not
17 happening, and that's why. But let me take you to
18 another point even as we figure out what to do
19 with the first. Overcrowding is one of the main
20 dangers here. And until we are dealing with this
21 issue of overcrowding, we're giving water for the
22 fish in this instance to swim in. We are, the,
23 this is the, for some of these crimes, at least,
24 this is their, this is their main hunting ground.
25 I remember being on a train, and seeing this, I

2 didn't realize at the time what was going on.
3 Very crowded train, and a person came, insisting,
4 pushing his way into this train. I took it
5 personal because he pushed me, but that's a
6 different story, for a different day. Later on, a
7 woman screamed further down, and I realized that
8 this person was doing this because these trains
9 were crowded. I saw them exit that train and get
10 on another car. So, as long as we have this type
11 of overcrowding, we will have this type of
12 problem. The problem is not caused by
13 overcrowding, the problem is made worse by
14 overcrowding. And you know, we have to seriously
15 deal with that. I also agree with Council Member
16 Vallone's "Wall of Shame," if you wish. If we can
17 do this pedophiles, then those who are convicted
18 of these type of offenses, we have the ability to
19 do this easily. There's the internet, this day
20 and age, which is relatively low cost and, you
21 know, we certainly can do these things.

22 LOIS TENDLER: Well, I--I don't
23 think this is a cost issue, I would want to speak
24 to the agency's general counsel.

25 COUNCIL PERSON SANDERS: I have no

2 problems, but I would say that a precedent has
3 been established by the pedophiles, and other sex
4 offenders, and this is just one branch of sex
5 offenders. Having said that, I will stop there,
6 and turn this over to my other Queens colleague.

7 COUNCIL MEMBER FERRERAS: Good
8 morning. I have just two short questions, one of
9 them in particular was a concern, actually, that
10 the Chair, Chair Mealy had mentioned. There, and
11 this has happened because I've gotten complaints
12 to my office, young women, young youths, we can
13 say, female. I began taking the train at the age
14 of 14, on my way to high school. And there seems
15 to be no plan in--or if you can tell me, is there
16 an information plan that goes specifically to the
17 schools? Because MTA does issue bus passes and
18 train passes, correct?

19 LOIS TENDLER: Well, we provide
20 them, the actual Department of Education issues
21 them, yes.

22 COUNCIL MEMBER FERRERAS: Right.
23 So, is there a brochure that's handed out to young
24 people with their bus pass and train pass?

25 LOIS TENDLER: No, but that's, we

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2 have in instances used the distribution of metro
3 card passes for school kids to provide other
4 information, and that's a really good idea.

5 COUNCIL MEMBER FERRERAS: I would
6 love to see that happen.

7 LOIS TENDLER: That's a really good
8 idea, so we'll see what we can do, and they do it
9 by semester, so maybe we could do something in
10 February.

11 COUNCIL MEMBER FERRERAS: I would
12 love for you to follow up with me on that one.
13 Thank you so much.

14 LOIS TENDLER: Okay, my pleasure.

15 COUNCIL MEMBER FERRERAS: And then,
16 oh I hope all my questions could be solved that
17 easily.

18 LOIS TENDLER: Don't count on it,
19 don't count on it. [laughter]

20 COUNCIL MEMBER FERRERAS: That was
21 just luck, huh? And also, you know, I see the
22 campaign, and for a woman that's going through
23 this, it's almost like you freeze, 'cause you
24 can't believe it, you're sitting on a train, you
25 just paid your money, you're trying to get to

2 work, and you freeze. Is any part of the campaign
3 or, it might be in your brochure, but is there
4 something that says, "What do you need to look--"
5 'cause at that point, I want to be empowered. I
6 want to say, okay, what should I, what do I need
7 to tell this police officer whenever it is that I
8 find him, or when I go out there and call 911,
9 what is that I need to do.

10 LOIS TENDLER: Well, as I--and I'm
11 going to leave these with you guys, but as I said,
12 the message and the brochure was crafted with the
13 NYPD. And it, the subheads, if you will, are
14 "Protect yourself in the subway," and it's things
15 you should do. "Protect yourself when walking."
16 And basically, because of the nature of these
17 offenses, it's "follow your instincts," and that
18 has to do with not feeling ashamed, and if you
19 think somebody acted inappropriately you should go
20 report it. You did nothing wrong, you go report
21 it. A lot of these tips are tips that apply for,
22 to guard against a lot of illegal behaviors in the
23 subway, because I think Chief Hall said, you know,
24 how one would pickpocket you is sort of the same
25 way somebody would inappropriately touch you.

2 COUNCIL MEMBER FERRERAS: Right.

3 LOIS TENDLER: So, it's common
4 sense tips and the thing is, we tell people you
5 have to be aware of your surroundings. So--

6 COUNCIL MEMBER FERRERAS: Well, one
7 of the things that the Chief, Chief Hall had
8 mentioned was, that it's great when you can take a
9 picture. Clearly we don't always have an
10 opportunity to take a picture. But I think that
11 if somewhere, and maybe when you kind of redevelop
12 your brochure, that it can be said to women, pick
13 up, try to focus on the shirt, focus on something
14 that's specific to this person who's do--You know,
15 it's kind of, because it seems that the only way
16 that the Department has been able to have
17 successes is when they know who their victim is,
18 the predator is. So, it's almost, in this moment
19 of freeze, we should take advantage to be able to
20 empower women on what they need to do to be able
21 to report, or have an accurate report of who this
22 predator is.

23 LOIS TENDLER: Well, we'll
24 certainly discuss that with the Police Department
25 and see how we can maybe provide information that

2 would be helpful in that regard.

3 COUNCIL MEMBER FERRERAS: Thank
4 you.

5 COUNCIL MEMBER SEARS: We have a
6 questions from Councilman Seabrook.

7 LOIS TENDLER: - -

8 COUNCIL MEMBER SEABROOK: Just a
9 quick question. How much money's allocated to
10 spend on this project that you've actually spent,
11 specifically dealing with this project?

12 LOIS TENDLER: It would be
13 development and printing costs, and I don't have
14 that number here. We have, I don't know, the
15 advertising space on all our subways is controlled
16 by a vendor pursuant to an MTA contract, and that
17 contract gives us free space for public safety
18 postings, and this, this campaign is in that
19 space. So we're not paying posting costs. So,
20 we, I can get you that number, but I don't have
21 it.

22 COUNCIL MEMBER SEABROOK: Yeah,
23 'cause I, I'm just curious to see how much
24 resources are actually spent to deal with this
25 very serious issue, and if there are enough

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2 resources that's actually spent out there, and how
3 is the distribution of the reading material that
4 you have, reaching communities, and how, is there
5 a outreach to communities? Obviously, you don't
6 have it at the schools, so where are these
7 pamphlets going?

8 LOIS TENDLER: These pamphlets were
9 in stations, and have been distributed by the
10 Police Department. I mean, I'm hap--

11 COUNCIL MEMBER SEABROOK: The
12 Police Department?

13 LOIS TENDLER: Yes.

14 COUNCIL MEMBER SEABROOK: They do
15 the distribution?

16 LOIS TENDLER: Yes, yes, the NYPD,
17 we, in fact we just reprinted them at their
18 request. But I'm happy to send them to anybody's
19 office--

20 COUNCIL MEMBER SEABROOK: I think,
21 with the Council's office, is that we can
22 actually--

23 LOIS TENDLER: That's great.

24 COUNCIL MEMBER SEABROOK: --
25 distribute 'em, and put them out there, as well.

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2 LOIS TENDLER: That's great, we'll
3 do a mailing to the whole Council and tell me how
4 many boxes you want.

5 COUNCIL MEMBER SEABROOK: 'Cause
6 I'm curious to see where the Police Department is
7 actually doing the distribution.

8 COUNCIL MEMBER FERRERAS: [off mic]
9 Thank you.

10 COUNCIL MEMBER SEARS: Yeah, yeah.

11 COUNCIL MEMBER SEABROOK: I just
12 haven't seen it.

13 LOIS TENDLER: Okay.

14 COUNCIL MEMBER SEABROOK: Okay,
15 thank you very much.

16 CHAIRPERSON LIU: Thank you,
17 Council Member Seabrook. Well, I just want to
18 reiterate what I stated to the NYPD, and that is
19 that sexual harassment and assault on the subways
20 could very well be the biggest crime, or the most
21 prevalent crime that takes place in the subway
22 system. And so, whatever you could do to support
23 and compliment what the NYPD does, in that regard.
24 Number one, just to even recognize that that could
25 very well be the reality, I think it would go a

2 long way towards finally addressing this problem.

3 Thank you.

4 LOIS TENDLER: Would one of you
5 like this--I'm happy to - -

6 CHAIRPERSON LIU: Yeah, we'll take
7 it. Thank you. [background noise] Let me call
8 up Hilary Nemchik, representative of Borough
9 President Scott Stringer; she'll be followed by a
10 panel consisting of Oraia Reed, Saskia Shuman, and
11 Megan Huppuch. Ms. Nemchik, please proceed.

12 HILARY NEMCHIK: Thank you,
13 Chairman Liu, Chairman Vallone and Chairman Mealy,
14 and other Council Members, for holding this
15 important hearing. In recent years, the City has
16 committed substantial resources to protecting
17 straphangers from terrorism, murders, muggings and
18 other perils. This is undoubtedly important work,
19 but it does not cover the full gamut of crime that
20 transpires in our mass media, I'm sorry, in our
21 mass transit system; or perhaps even some of the
22 most terrifying. As you know, incidents of sexual
23 harassment and assault are widespread, yet
24 underreported. Just as sexual assault or
25 harassment on open city streets would send alarm

2 bells ringing, so too should the occurrence of
3 gender based violence on our underground highways.
4 My hope is that today's hearing will be a step
5 toward recalibrating the dialogue on the City's
6 public safety agenda. In a report issued by my
7 office in July 2007, I found an alarmingly high
8 number of New Yorkers have been harassed or
9 assaulted on the subways. Most of these offenses
10 went unreported. The key findings of our survey
11 speak for themselves. 63 percent of respondents
12 reported having been sexually harassed on the New
13 York City subway system. One in ten respondents
14 reported having been sexually assaulted in the New
15 York subway system. 69 percent of respondents who
16 indicated that they were sexually assaulted
17 reported that the incident took place during
18 morning or evening rush hours. I applaud the
19 Metropolitan Transit Authority for following my
20 recommendation to initiate a public awareness
21 campaign to educate riders about the risk of
22 sexual harassment and assault in the subway
23 system. This is an important and preventative
24 tool that raises the visibility of the issue, and
25 encourages victims to seek assistance. However,

2 the MTA, MTA and the NYPD can and should do more.

3 Maintaining a strong police presence on subway

4 trains and stations is an important and ongoing

5 need, and as is the importance of introducing and

6 upgrading safety amenities throughout the transit

7 network. Furthermore, a City that provides, that

8 prides itself on making decisions informed by

9 data, the importance of making data on sexual

10 harassment on New York City subways publicly

11 available is self evident. Without this data,

12 policymakers must rely on anecdotal evidence to

13 gain complete understanding of the problem and

14 make sensible recommendations for improvement.

15 Pretending that the problem does not exist by

16 suppressing the information is a foolhardy way to

17 run a railroad, and the MTA and the NYPD should

18 immediately tabulate and release any information

19 on this issue. I have requested this data from

20 the NYPD, in accordance with the Freedom of

21 Information Law in September, and I look forward

22 to reading, receiving this data next month. I

23 thank you again for holding this meeting, and this

24 hearing, and I pledge my full support to the City

25 Council and the advocates gathered here today, in

1 COMMITTEE ON TRANSPORT, PUB SAF, WOMEN'S ISS 89

2 working to, working toward a better understanding,
3 the full extent of this problem, and developing a
4 collaborative approach to creating a more secure
5 transit system for all riders.

6 CHAIRPERSON LIU: Thank you very
7 much, Ms. Nemchik.

8 HILARY NEMCHIK: Thank you.

9 CHAIRPERSON LIU: Give our thanks
10 to the Borough President Scott Stringer, as well.

11 HILARY NEMCHIK: Thank you so much.

12 CHAIRPERSON LIU: We'll now call up
13 our next panel, consisting of Oraia Reed, Saskia
14 Shuman, and Meghan Huppuch. Just come on up.
15 [background noise] Yeah, yes.

16 FEMALE VOICE: Alright, okay.

17 CHAIRPERSON LIU: You can come up
18 to the panel all at once and make your individual
19 statements.

20 FEMALE VOICE: Okay, thank you.

21 CHAIRPERSON LIU: Yes, thank you.

22 ORAIA REED: Good morning, and
23 thank you for the opportunity to testify. My name
24 is Oraia Reed and I'm the Cofounder and Executive
25 Director of RightRides for Women's Safety. Our

2 mission is to build safer community by addressing
3 gender based violence and assaults. My
4 organization is also a founding member of New
5 Yorkers for Safe Transit, which is a coalition of
6 organizations and advocates dedicated to reducing
7 harassment and assaults on public transportation
8 in New York City. The coalition focuses on
9 raising public awareness and facilitating changes
10 to make sure that New Yorkers can get from one
11 place to another, safely and securely. This
12 coalition is very new, we started organizing in
13 2009. I'd like to take this opportunity to
14 introduce our work, our overarching goals, and
15 underscore our commitment to collaborate with the
16 Committees on Women's Issues, Public Safety,
17 Transportation, the MTA and the NYPD. We wish to
18 create a safer subway system and a safer city.
19 The immediate goals of New Yorkers for Safe
20 Transit include, one, increased transparency in
21 tracking and reporting sexual harassment and
22 assault cases in the subway system. As mentioned
23 here earlier today, we need precise data on the
24 range of crimes, from public lewdness to verbal
25 harassment, to groping, to sexual assault, in

2 order to better advocate on behalf of
3 straphangers, and to push for tougher laws to
4 combat these insidious crimes. We were pleased to
5 learn that Council Member Jessica Lappin
6 introduced a bill this week that would require the
7 NYPD to collect data on complaints of sexual
8 harassment and assault in the subway system. We
9 applaud the council member for taking the
10 initiative to propose such important legislation,
11 which will impact the safety and wellbeing of many
12 thousands of New Yorkers. Without complete
13 transparency in tracking and reporting on the
14 spectrum of sexual violence in the subway system,
15 how can straphangers educate themselves about
16 these crimes? How can law enforcement hold
17 perpetrators accountable? And how do we know that
18 these crimes are in fact decreasing over time?
19 Goal two, reopen closed token booths, and prevent
20 more booths from closing. New Yorkers for Safe
21 Transit is incredibly concerned that the MTA has
22 already closed over 100 token booths this year,
23 and that more booths may be closed in the near
24 future. The Authority claims that the closures
25 and station agent layoffs will not affect

2 passenger safety or accessibility, yet it is
3 unclear how the closed station booths and fewer
4 personnel will not negatively impact safety for
5 those who need assistance. Last year, station
6 agents summoned station command almost 200,000
7 times, which is nearly triple the number of
8 incidents are reported in the year 2000, according
9 to data obtained by AM New York. Station Agents
10 are the first responders to straphangers in need.
11 They assist a range of scenarios from helping
12 people access the system, to making calls to
13 station command in the event of an emergency. 126
14 stations currently lack public address systems,
15 and nine of these stations have now lost a station
16 agent. If subway riders find themselves alone in
17 a closed booth, in a station with a closed booth,
18 and without a way to seek assistance, how can they
19 get help if they were sexually harassed or
20 assaulted? Goal three, advocate for installing
21 working and monitored security equipment. We are
22 very distressed to learn about the lack of
23 security amenities, such as working payphones,
24 working public address systems, and working
25 security cameras in the subway system. We've

2 learned that the MTA is installing PA systems in
3 stations that lack them; however, - - transit
4 wires in reaching an employee; however, according
5 to a spokes member in New York City Transit, this
6 work won't be finished until 2012. This three
7 year gap between eliminating station agents and
8 providing basic safety amenities is unacceptable.
9 We've learned from station agents that many
10 stations have, may have security cameras but there
11 are often no tapes in the cameras by which to
12 record the day's events. With millions of rider
13 relying on the subway system to commute safely,
14 how can the MTA and the NYPD create a safer subway
15 network if security equipment is in disrepair or
16 is nonexistent? We implore the Committees on
17 Women's Issues, Transportation, Public Safety, the
18 MTA and the NYPD to prioritize the safety of all
19 subway riders by increasing specific crime
20 reporting and transparency in releasing crime
21 data, maintaining staffing the subways, especially
22 during the non-peak hours, and installing or
23 repairing safety equipment. This will make a
24 difference in the safety of millions of
25 straphangers who rely on our subway system every

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2 day. Again, thank you so much for the opportunity
3 to testify. RightRides for Women's Safety, and
4 New Yorkers for Safe Transit look forward to
5 working with the Committees, the MTA and the NYPD
6 on these issues.

7 CHAIRPERSON LIU: Thank you very
8 much, Ms. Reed.

9 ORAIA REED: Thank you.

10 CHAIRPERSON LIU: Either of you.

11 [laughter]

12 SASKIA SHUMAN: Thank you. My name
13 is Saskia Shuman. I'm actually reading remarks
14 prepared by Harriet Lessel, the Executive Director
15 of the New York City Alliance Against Sexual
16 Assault. She wasn't able to be here this morning,
17 or afternoon, I guess. First, so, thank you for
18 the opportunity to speak today on this very
19 important issue. The Alliance would like to thank
20 the Council and the Chairs of the Women's Issue,
21 Transportation, and Public Safety Committees, for
22 holding this hearing. Safety on the subway for
23 everyone is of the utmost importance to New York
24 City. Our public transportation system is the
25 lifeblood of the City, enabling all of us to take

2 advantage of the work and leisure activities
3 available in this great City of ours. A report by
4 the Manhattan Borough President's Office in 2007,
5 found there was a significant amount of sexual
6 harassment and sexual assault taking place in the
7 subway system. This report found that very few
8 women, who are the overwhelming majority of the
9 victims, reported the crime to the NYPD. In
10 response, the MTA developed a subway campaign to
11 alert New Yorkers that forcible touching is a
12 crime, and that it should be reported to the
13 Police Department. We commend the MTA for this
14 first step in recognizing the pervasive and
15 damaging nature of sexual harassment on public
16 transportation, and the recognition that the
17 public should know that it is illegal to engage in
18 this behavior, and they can report it to the New
19 York Police Department. We would like to hear
20 about the results of the campaign. Has there been
21 increased reporting of sexual harassment or
22 assault on the subway? What training was provided
23 to officers so they know how to respond to a
24 report of sexual harassment? A crime in which it
25 is very unlikely that the perpetrator will be

2 identified. The mission of the New York City
3 Alliance Against Sexual Assault is to be build the
4 capacity of communities, organizations and
5 institutions, to advance the right to live free
6 from sexual violence, and reduce the harm it
7 causes individuals, families and society. In
8 keeping with our mission, we have developed a
9 number of successful, evidence based education
10 campaigns, on the topic of sexual violence,
11 including the teen health map, which has a subway
12 map on one side, and teen-friendly resources after
13 a sexual assault on the other. The map was
14 developed for young people to give to a friend,
15 since our study of New York City public high
16 school students' experience of sexual and dating
17 violence partners and peers, showed that the
18 majority of those who experience sexual violence
19 tell a friend first. Our "Be Safe NYC" campaign
20 was shown on television, in movie theaters, and
21 Taxi TV, to millions of New Yorkers, with
22 information on specialized sexual assault
23 treatment programs, via a newly launched website.
24 We believe that the City and the MTA can and
25 should do more with additional public awareness

2 campaigns that integrate training and data
3 collection to make the public safe with the
4 following considerations in mind. One, target
5 audience. The MTA's campaign targeted victims,
6 and in fact making them responsible for reporting
7 incidents. We recommend a campaign that targets
8 bystanders from a social norms perspective. Two,
9 necessary information for target audience.
10 Referral information for victims to receive help
11 is critical information of any kind, of any kind
12 of campaign on this issue. For bystanders, we
13 believe that raising awareness about appropriate
14 interventions would be an approach worth
15 exploring. Also, campaigns that include a message
16 about reporting, should clearly indicate to whom a
17 report should be made. Three, supports for
18 campaign to increase effectiveness. The MTA's
19 present campaign, statistics gathering with a
20 report for stakeholders, as well as training for
21 police officers who will be taking these reports
22 of sexual harassment. As the City's premier anti-
23 sexual violence advocacy organization, the
24 Alliance would be remiss if we did not bring up
25 the recent civil suit ruling related to a rape

2 that took place on a subway platform in full view
3 of a token booth clerk, and train conductor, that
4 stated that MTA employees should not leave their
5 booth or car under any circumstances, even to
6 prevent a rape from occurring. While we
7 understand the danger in intervening in a violent
8 attack, and recognize that MTA employees are
9 bystanders, cannot and should not put themselves
10 in danger. There is something about this that
11 just feels wrong. The Alliance believes that the
12 best minds in public safety can come together and
13 figure out a better way, one that protects the
14 public as well as MTA employees. Thank you so
15 much.

16 CHAIRPERSON LIU: Thank you very
17 much. Ms.--Identify yourself for the record,
18 please.

19 MALE VOICE: No, you.

20 CHAIRPERSON LIU: Yeah, go ahead,
21 please.

22 MEGHAN HUPPUCH: Oh, me, oh. Hi,
23 good morning, or afternoon, I guess. I'm Meghan
24 Huppuch, and I'm the Director of Community
25 Organizing at Girls for Gender Equity. I want to

1 COMMITTEE ON TRANSPORT, PUB SAF, WOMEN'S ISS 99

2 thank the Committees on Women's Issues,

3 Transportation and Public Safety for the

4 opportunity to speak at this important hearing.

5 I'm here today on behalf of the Coalition for

6 Gender Equity in Schools, which works directly

7 with young people of color to combat sexual

8 harassment and gender discrimination in New York

9 City schools; and I'm also a steering committee

10 member of New Yorkers for Safe Transit, which is

11 dedicated to eliminating harassment and assaults

12 on New York City public transit. I'll be relaying

13 experiences of young women of color on the topic

14 of sexual harassment and assault on New York City

15 subways, bringing to life what has been mentioned

16 by Council Member Mealy and Council Member

17 Vallone. Some of the quotes I'll share with you

18 are from a youth led research project done in

19 Brooklyn about the daily journey to and from

20 school; others are from conversations I've had

21 with young women that I work with. Young women's

22 lives are profoundly impacted by their experiences

23 on the subway and in the transit system. Due to

24 the structure of the school system, young people

25 in New York City can spend hours traveling to and

2 from school each day. The sense and reality of
3 freedom attained through this journey is
4 immeasurable; however, the freedom is in balance
5 with daily instances of harassment and violence.

6 A young woman I work with who lives in Brooklyn
7 and travels more than hour to and from her school
8 in midtown Manhattan, often has to stay late at
9 school for rehearsals or meetings. She shared
10 with me the experience of having a bus driver deny
11 her entry because it was after 8:30 p.m., and her
12 student metro card was no longer in effect.

13 Instead of transferring to the bus, she was forced
14 to walk home alone in the dark. The time limit on
15 student metro cards not only poses a financial
16 burden for students, but puts them in dangerous
17 situations. Young people's safety should not be
18 jeopardized due to their participation in
19 extracurricular activities. This same young woman
20 explained to me that, "The first time I went to
21 school in Manhattan, my mom told me to give people
22 the eye on the subway, like 'I'm watching you,
23 don't touch me.'" It is widely known and accepted
24 that young women traveling on the subway must
25 constantly remain alert to potential dangers.

2 Some strategies that young women shared for
3 getting to and from school safely: stick to
4 yourself; don't travel in packs, but don't be by
5 yourself; don't attract attention; take the right
6 route; read signs; don't fall asleep; protect your
7 stuff; have emergency numbers programmed into
8 speed dials on your phone; and don't act slick
9 with the police. While these safety tips are
10 useful, they also highlight the myth surrounding
11 how to create safety for oneself in the subway.
12 Regardless of the tactics employed, subway safety
13 is elusive for young women. Even when taking all
14 of these precautions, young women are often
15 subjected to verbal harassment, unwelcome
16 advances, and assault. One interviewee recounted
17 her experience traveling to school one morning.
18 "The most disgusting thing ever that a man ever
19 did in front of me happened on the train. It was
20 only a couple of people, it was early in the
21 morning. He tried to talk to me, and I wouldn't
22 talk to him, and he pulled out his penis and
23 started jerking off in front of me. So I just got
24 up and left the train and waited for the next
25 one." Another interviewee explained what it's

2 like to deal with daily harassment on the train.

3 "You get an attitude and you act tough. Like

4 sometimes when guys do bother you on the train,

5 you might look around for someone to help you, and

6 everybody will just go in their newspapers." With

7 no cell phone service, and the dwindling presence

8 of MTA workers, young women experiencing

9 harassment and assault on the subway have nowhere

10 to turn. By no means am I suggesting that more

11 NYPD should be present. Another young woman

12 simply expressed, "I wish I could go to school

13 without getting stopped by the police." Each

14 young person I spoke with told me about

15 experiences getting picked up for truancy on their

16 way to school. Dysfunctional or misplaced student

17 metro cards were one of the frequent reasons that

18 this happens. This is another form of harassment

19 and criminalization that must be considered as we

20 consider how to improve young people's safety in

21 the transit system. Council Member Lappin

22 recently introduced a bill that would require the

23 NYPD to collect data on complaints of sexual

24 harassment on the subway system, including verbal

25 harassment, inappropriate touching, and public

2 masturbation. Sexual harassment and assault on
3 the subway must be addressed in a systematic and
4 transparent fashion. Collecting system wide data
5 about these instances has the potential to inform
6 policy decisions and create real change in young
7 people's lives. However, in our society, young
8 women are socialized to expect harassment and
9 assault, and are taught to be silent about their
10 experiences of it. This gives us an imperative as
11 adult allies and decision makers. It is crucial
12 to our goal of creating a safer transit system to
13 continue to pursue young people's voices, to
14 listen to them, and to be informed by their
15 experiences and recommendations, in order to truly
16 capture and change what is happening daily in the
17 New York City Transit System. Thank you.

18 CHAIRPERSON LIU: Thank you very
19 much for the testimony. We have some questions.

20 CHAIRPERSON VALLONE: Can you wait,
21 stay there. You can all sit up.

22 CHAIRPERSON LIU: For the three of
23 you, yes.

24 CHAIRPERSON VALLONE: You can all
25 sit up at the, there you go.

2 CHAIRPERSON MEALY: [off mic] - -
3 describe you know - - better statistics of the
4 subway harassment could be alleviated, alleviate
5 the problem, with statistics.

6 ORAIA REED: I think first by
7 understanding--

8 CHAIRPERSON LIU: Just pull the mic
9 towards you and identify yourself for the record,
10 please.

11 ORAIA REED: My name is Oraia, I'm
12 the Cofounder and Executive Director of RightRides
13 for Women's Safety, also a founding member of New
14 Yorkers for Safe Transit. I think by having
15 specific statistics, breaking down these crimes
16 as, even to verbal harassment, would better help
17 advocates to push for tougher laws to combat these
18 insidious crimes. I mean, it is actually illegal
19 to verbally harass somebody in the City of New
20 York, however these crimes are not enforced
21 because they are so normalized, and people tend to
22 accept that, you know, it's okay for someone to,
23 you know, treat my body like it's public property,
24 and they can do whatever they want to it. I
25 think, you know, also, having these statistics

2 will underscore the information in public
3 campaigns. You know, when the public understands
4 that, you know, X many people had a similar
5 experience to them, they're going to seek
6 information, they're going to seek recourse.
7 They're going to come to our agencies for, you
8 know, further public education and training, if
9 you will. I also second the motion to implement
10 bystander intervention training. You know, if
11 it's happening to you, you may be in such shock
12 that you may not know how to react, or what your
13 rights are to react. But for those who are
14 witnessing these crimes, you know, it is also a
15 public right to act on behalf of those victims.
16 And if anybody would like to say something.

17 CHAIRPERSON MEALY: Well, I could
18 just ask them out. Have you gave these
19 suggestions to the MTA?

20 ORAIA REED: The New York City
21 Transit Coalition is brand new, we just started
22 organizing officially this year. This is truly a
23 landmark hearing in the sense that we're all
24 coming together for the first time. It's, I would
25 very much hope that we can continue to keep

2 channels of communication open, and that there
3 will be further meetings and hearings to see how
4 we can work together.

5 CHAIRPERSON MEALY: So I would just
6 suggest y'all get it together--

7 ORAIA REED: Yes. [laughs]

8 CHAIRPERSON MEALY: Once you do get
9 your information and give it to the MTA--

10 ORAIA REED: Okay.

11 CHAIRPERSON MEALY: --to put it in
12 their so-called signs that they put up.

13 ORAIA REED: Right. We, we are
14 very interested in seeing the public awareness
15 campaign, you know, become much, much more
16 specific.

17 CHAIRPERSON MEALY: 'Cause I never
18 saw this.

19 ORAIA REED: Yeah. We, we've seen
20 them up.

21 CHAIRPERSON MEALY: I don't know
22 who's getting them. I saw--

23 ORAIA REED: Right, you have to
24 seek them out.

25 CHAIRPERSON MEALY: Yeah, you look

2 for 'em, or search.

3 ORAIA REED: And there's just not
4 enough information to truly empower the riding
5 public. And what about holding perpetrators
6 accountable? You know, what, you know, if
7 perpetrators are reading these signs, how are they
8 going to get a sense of fear that, you know, if
9 they stop these acts, then, you know, perhaps
10 they're going to avoid some sentence. I think
11 that, you know, as mentioned earlier, too much of
12 that particular campaign is on the onus of the
13 victims or the survivors. It really needs to be
14 turned around to bystanders, and really needs to
15 hold perpetrators accountable. Very much love the
16 opportunity to work with the MTA on this specific
17 issue and others.

18 CHAIRPERSON MEALY: Thank you.

19 CHAIRPERSON LIU: Thank you. You
20 know, as I had stated during the testimony of the
21 NYPD and the MTA, this is not even an
22 underreported problem, this is, this is
23 practically an unreported problem. Because what
24 is your sense, or how do you react to the
25 testimony that 500, roughly 500 cases a year are

2 reported?

3 SASKIA SHUMAN: I guess one of the
4 things that, I mean, really struck me, is I think
5 you're absolutely--

6 CHAIRPERSON LIU: Could you just
7 identify yourself for the record again.

8 SASKIA SHUMAN: Sure, sorry, again
9 my name is Saskia Shuman, I'm representing the New
10 York City Alliance Against Sexual Assault. It's
11 very similar to sexual assault reporting. If you
12 look at the statistics for New York City, it's--or
13 for any city--it is a just terribly underreported
14 crime. And I think one of the things that this,
15 that we really, really struck us about this
16 campaign and moving forward, is that, again, the
17 climate of fear and shame that surrounds sexual
18 anything, any type of sexual act against someone
19 else, you know, our, I guess problem with, you
20 know, putting so much responsibility on the
21 victim, is, is not only that it, you know, does
22 nothing to alleviate that sense of fear or shame
23 that may come after a crime, but there's no
24 recourse. We really would like to see some type
25 of, I know someone had mentioned earlier offering

1 COMMITTEE ON TRANSPORT, PUB SAF, WOMEN'S ISS109
2 counseling. Those types of resources really,
3 really need to be front and center. Because I
4 think if people not only see that it's a crime and
5 that they have a way to contact the MTA or the
6 police, but they'll feel more comfortable
7 reporting the crime if they know that in addition
8 to sharing their story, they're also going to be
9 able to have some of that shame alleviated, and
10 that someone's going to respect how they feel. So
11 I think by offering those service, excuse me, by
12 offering those types of services, you'll be able
13 to make everyone feel more comfortable in sharing
14 their stories.

15 CHAIRPERSON LIU: Isn't this, isn't
16 this not just simply mirroring the problem of
17 sexual harassment and assault in the larger
18 society, but actually more of a problem in the
19 subways?

20 ORAIA REED: I would think that--

21 CHAIRPERSON LIU: I'm sorry, you
22 got to identify yourself, again.

23 ORAIA REED: Sorry, sure, my name
24 is Oraia with RightRides and New Yorkers for Safe
25 Transit. I would think that many more people are

1 COMMITTEE ON TRANSPORT, PUB SAF, WOMEN'S ISS10
2 attempting to report, but there is such a barrier,
3 I don't think that the transit officers are
4 properly trained to deal as first responders.
5 Many times, in my own personal experience, and
6 I'll just speak for myself here, I have tried to
7 say, "A guy just grabbed me, I'm here to report
8 it, I would like to fill out a report," and in my
9 experience I have been denied. "You're wasting my
10 time, ma'am, you know, I've got other issues
11 here." And I would think that, you know,
12 countless more people have attempted to report
13 because I think that, you know, we are becoming
14 more empowered, and we are taking pictures of our
15 self, and we're speaking back when we can, but
16 when we go to try to report it to the authorities,
17 they're not taking this seriously. So, I just
18 would like to say that.

19 MEGHAN HUPPUCH: Meghan Huppuch
20 representing Girls for Gender Equity and New
21 Yorkers for Safe Transit. I just wanted to say in
22 response to what you said, Council Member Liu,
23 that the girls that I work with, you know, they
24 say that their interactions with other people are
25 the same everywhere. So they're experiencing

1 COMMITTEE ON TRANSPORT, PUB SAF, WOMEN'S ISS11
2 sexual harassment in schools, they're experiencing
3 it on the street, on busses, on subways. And so,
4 when I speak to them about it, you know, it's so
5 normalized for them. You know, they're horrified
6 and they're traumatized by what's happening, but
7 at the same time, they're not actually like, you
8 know, knowing that it's something to report, or
9 that it's something that's not okay, because
10 they've grown up on the subways, and you know, one
11 of the girls that I spoke to the other day was
12 telling me her eleven year old cousin was
13 experiencing this. So this is something that is
14 really happening to young women who are growing up
15 in New York City, especially like from the time
16 that they're eleven, twelve, on the street, in the
17 subway, on the bus, at school. So I think that
18 it's severely underreported, as you said, and I
19 think that one of the reasons is because it is so
20 normalized. And that's why I think that public
21 awareness campaigns are so important in this.

22 CHAIRPERSON LIU: Thank you.

23 CHAIRPERSON VALLONE: Just quickly,
24 because again we are fighting for more cell phones
25 for our, for our students, or at least allow them

2 to bring them to and from school. Do you have
3 evidence or anecdotal or otherwise, about the
4 effectiveness of cell phones for school age women?
5 When it comes to this--I know how effective they
6 are in texting and things like that, but I mean
7 when it comes to preventing this sort of crime.

8 ORAIA REED: Oraia with RightRides
9 and New Yorkers for Safe Transit. I wish that
10 Emily of Holla Back NYC, a blog that encourages
11 people to upload cell phone pictures of their
12 harassers, she's not here with us today, and
13 hopefully I'll do a little bit of justice speaking
14 on her behalf. I do believe that the ability to
15 have a cell phone or cellular technology, be able
16 to take a camera picture is empowering, if and
17 when it is safe to do so. We know that because of
18 the normalization of this experienced violence,
19 there is a sense of isolation. You know, if
20 you're not telling your immediate family or your
21 peers, you may think, "Well, I'm the only one that
22 this happens to." But blogs like Holla Back or
23 other sort of online social networking groups that
24 really encourage young women and those who are
25 experiencing these types of violent activities, to

2 upload pictures, to be able to share their
3 experiences, it really breaks down that normalized
4 sense of violence, and empowers young people to be
5 able to speak out on their own behalf.

6 SASKIA SHUMAN: Saskia Shuman, New
7 York City Alliance Against Sexual Assault. In
8 terms of having a cell phone, again, a recent
9 study that the Alliance published, "Partners and
10 Peers," does not deal directly with cell phone
11 usage, and how it may, you know, offer an extra
12 layer of protection in the subway, per se, but one
13 thing that the study did find was clear evidence
14 that teens talk to other teens, which doesn't
15 sound surprising, but I think a cell phone is an
16 important part of that communication. So if
17 someone does have an encounter on the subway,
18 whether or not they feel comfortable perhaps
19 approaching an MTA officer or police officer, they
20 are going to reach out to their friend, and one of
21 the things that we're trying to do is make sure
22 that their friend then has all of the resources
23 available to handle this situation appropriately.
24 Whether that means, you know, helping them feel
25 comfortable enough to contact a police officer, or

2 providing them with counseling resources. So,
3 again, we provided these teen screen maps that
4 have all of this information, so even if the cell
5 phone, if it's not safe to take a picture or to
6 then use it to call the police, the cell phone
7 would be an incredibly important tool in reaching
8 just another sense of comfort, finding, reaching
9 out to someone who would be able to then help them
10 move forward in whatever way possible.

11 CHAIRPERSON VALLONE: That's a good
12 point, it's not only effective in taking pictures,
13 but it's effective in reaching out. You've all
14 been very helpful, I just want to really disagree
15 with what you said about the not wanting more
16 police on the subways. I mean, you said so much
17 good stuff, you know, but we can yell till we're
18 blue about how this, people shouldn't do this, and
19 it's still going to happen. We can report it ten
20 times more than they report it now, and it's still
21 going to happen. Women can take precautions,
22 which will mean it'll happen to a different woman
23 who's not taking precautions. The best way to
24 stop it is get more police. Now, I understand you
25 have other problems out there, but to not realize

2 that the best way to stop this is to have more
3 police, is really mindboggling. And normally I
4 don't care, but you head an organization that can
5 be so helpful in this area, and to steer, and to
6 get this issue caught up with these other issues,
7 which may be legitimate problems for a different
8 day, but to not realize that more police on the
9 subway is the best way of catching these perverts
10 and keeping our rides safe for all women, is
11 mindboggling. But I'll let you answer that.

12 MEGHAN HUPPUCH: Okay. Meghan,
13 with Girls for Gender Equity. Sorry, did you want
14 to add something.

15 CHAIRPERSON LIU: Yes, no, no, no.

16 MEGHAN HUPPUCH: Okay.

17 CHAIRPERSON LIU: But not, you
18 know, 20 minutes about how bad police are on other
19 issues you're having, just when it comes to this
20 issue.

21 MEGHAN HUPPUCH: No, no, no, I've--
22 I don't have 20 minutes of things to say. I just
23 wanted to respond quickly to what you said. I
24 think that, you know, one of the largest issues
25 that young women that I've spoken to are dealing

1 COMMITTEE ON TRANSPORT, PUB SAF, WOMEN'S ISS16
2 with, is the issue of sort of being criminalized
3 by police on their way to school. And these are
4 young women of color who are living in Brooklyn
5 and The Bronx, and having to travel far to school.
6 Now, in terms of truancy issues, being late to
7 school, but on your way to school, getting picked
8 up and put in the back of a paddy wagon, I would
9 say is a negative experience with the police, and
10 doesn't really encourage reporting when it comes
11 to other situations of sexual harassment and
12 assault that they may be experiencing. Young
13 people of color have a really difficult
14 relationship with the police in general, I think,
15 so I think it's a complicated issue that I don't
16 know that I can address fully, but I don't know
17 that more NYPD are the answer, if NYPD are not
18 trained in the proper ways, and if there isn't a
19 campaign specifically to improve the relationship
20 between young people of color and the police, when
21 it comes to especially traveling to and from
22 school, on subways and busses.

23 CHAIRPERSON LIU: [off mic] They
24 still can do more, you know, - -

25 MEGHAN HUPPUCH: We can agree to

1 COMMITTEE ON TRANSPORT, PUB SAF, WOMEN'S ISS17

2 disagree. [laughs]

3 CHAIRPERSON LIU: Thank you all for
4 coming down today and spending, and waiting to,
5 waiting to testify. There is a police officer, a
6 sergeant at the back of the room to take down your
7 suggestions. [off mic comment] Thank you.

8 MEGHAN HUPPUGH: Thank you.

9 CHAIRPERSON LIU: Thank you very
10 much to the panel. And with that, this joint
11 hearing of the City Council's Committees on
12 Women's Issues, Public Safety, and Transportation,
13 is closed.

14 [gavel]

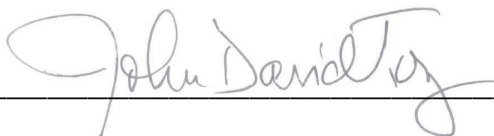
15 [background noise]

16

C E R T I F I C A T E

I, JOHN DAVID TONG 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 handwritten signature in cursive script that reads "John David Tong". The signature is written over a horizontal line that serves as a baseline for the signature field.

Date December 4, 2009