

**Statement of William Heinzen
Deputy Counselor to the Mayor
New York City Council
Committee on Public Safety
October 27, 2008**

Good morning, Chairman Vallone and members of the Committee on Public Safety. My name is William Heinzen, and I am Deputy Counselor to the Mayor. Thank you for the opportunity to be heard today about Intro 849-A, which would amend the Administrative Code to create a civil penalty for damaging or defacing memorials honoring our firefighters, police officers and armed services members.

Since day one, the Bloomberg Administration has been committed to eradicating the scourge of graffiti in this City. The Police Department has appeared before this Committee several times to discuss the message of disorder and lawlessness that graffiti communicates. They have described the comprehensive initiatives they have undertaken to address this problem: by enforcement, by education, and, with the help of the Community Assistance Unit, by cleanups. This year, as of October 19th, the Police Department has made approximately 3,400 arrests for graffiti crimes, representing a 12% increase over the number of arrests made during the same period last year. The Police Department continues to devote significant resources to fighting this crime, including not only focused enforcement efforts, but also the development of a graffiti tag database, implementation of a reward program, educational outreach efforts, and the conduct of the weekly "GraffitiStat" meeting, to ensure that the Department's emphasis on addressing this offensive conduct remains strong.

Despite these initiatives, there is always more that we can do to protect New Yorkers, and the administration salutes the intent behind Intro 849-A. Every day tens of thousands of the

City's firefighters and police officers put their lives on the line to make this City better. Regrettably, some of them make the ultimate sacrifice for the City in the line of duty.

Moreover, since 2003, eighty (80) New Yorkers from all boroughs have given their lives in Iraq and Afghanistan, including just this Thursday Police Officer Deon Taylor, of the Brooklyn North Narcotics Borough, who served in the Army National Guard and was killed during his second deployment in Afghanistan. The flags at City Hall are at half-mast in his memory.

For generations New Yorkers have dedicated large and small memorials honoring the service and sacrifice of these brave men and women. These memorials are often on public land throughout the City, but private memorials are also an important part of the City's landscape. Indeed every New Yorker has seen and been moved by the countless memorials, amateur and professional, to the first responders killed on September 11, 2001. We share your view that there is an important governmental interest in protecting these memorials from senseless acts of desecration, just as the law protects tombstones and other memorials to the dead in our cemeteries.

To that end, we are prepared to work with the committee to make certain changes that we believe will make Intro 849-A an even better bill. First, and in order to protect against legal challenges, we believe that the bill should make clear that it applies to actions taken without the consent of the owner of the property on which the memorial is located. I note that this change would mirror provisions in recent anti-graffiti laws. Additionally, because of the potentially broad scope of the bill, we believe that the term "memorial" should be defined, and we are ready and willing to work with the Committee on crafting a brief definition that provides adequate

notice while fulfilling the bill's intent. Finally, we would like to work with the committee on appropriate enforcement language, to avoid any doubt about how the bill's provisions are implemented.

We applaud your committee for focusing on this issue and we look forward to working with you as soon as possible to reach the best possible bill. Thank you for allowing me to speak with you today, and I'll be happy to take your questions.



UNITED WAR VETERANS' COUNCIL
Of New York County, Inc.

MEMORANDUM

TO: Committee on Public Safety, NY City Council
FROM: Vince McGowan
President United War Veterans Council
RE: Int. No.849
DATE: October 27, 2008

Recognizing that the safety of our citizens, Public Safety, is of the utmost importance and is the first responsibility of government.

Recognizing that citizens cannot protect themselves in all cases and that government must act in their behalf.

Recognizing that men and women who work on behalf of the citizens are not overly compensated.

Recognizing that the private sector and government work cooperatively to plan & build monuments and memorials that recognize the service of the dedicated men and women of the Fire Departments, Police Departments, other uniformed agencies and of the United States Armed forces.

Recognizing that the security of the monuments and memorials is the responsibility of government.

The United War Veterans Council supports Int. NO. 849 as it pertains to creating civil penalties for damaging memorials and monuments honoring firefighters, police officers, members of uniformed services and members of the United States armed services.

Further, it is the request that this bill include other uniformed agencies i.e. Department of Sanitation, EMS.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 849 Res. No. _____

in favor in opposition

Date: 10/26/05

Name: Vince M. Gowran (PLEASE PRINT)

Address: 320 W 76 St

I represent: United War Veterans

Address: 346 Broadway -

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 849-A Res. No. _____

in favor in opposition

Date: 10/27/08

Name: William Heinzen (PLEASE PRINT)

Address: City Hall 110 Bank St

I represent: Mayor's Office

Address: City Hall

Please complete this card and return to the Sergeant-at-Arms