

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON OVERSIGHT AND INVESTIGATION JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY

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November 15, 2017
Start: 1:30 p.m.
Recess: 3:52 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: VINCENT J. GENTILE
Chairperson

VANESSA L. GIBSON
Chairperson

COUNCIL MEMBERS: Daniel Dromm
Costa G. Constantinides
Chaim M. Deutsch
Rory I. Lancman
Helen K. Rosenthal
Bill Perkins
James Vacca
Julissa Ferreras-Copeland
Jumaane D. Williams
Robert E. Cornegy, Jr.
Rafael Espinal, Jr.
Ritchie J. Torres
Steven Matteo

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

Mark Peters, Commissioner
NYC Department of Investigation

Phillip Eure, Inspector General
Department of Investigation
New York City Police Department

Debbie Silberman, Senior Trial Attorney
Brooklyn Defender Services

1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS JOINTLY
WITH COMMITTEE ON PUBLIC SAFETY 3

2 [sound check, pause] [background
3 comments] [gavel]

4 CHAIRPERSON GIBSON: Good afternoon
5 ladies and gentlemen. Welcome to the City Council
6 Chambers. I am Council Member Vanessa Gibson of the
7 16th District in the Bronx, and I'm proud to serve as
8 Chair of the Committee on Public Safety. I want to
9 thank all of my colleagues for joining us today.
10 We're going to begin the hearing of the Committee on
11 Public Safety with a vote before we begin—we continue
12 with a joint hearing of the Committee on Public
13 Safety and Oversight and Investigation. This
14 afternoon the Committee on Public Safety will be
15 voting on Proposed Intro 1267-A sponsored by Council
16 Member Rory Lancman, which relates to prohibiting
17 certain disclosures of intimate images. The non-
18 consensual disclosure of sexually explicit images or
19 videos commonly referred to as revenge porn is a new
20 phenomenon where intimate photos that are taken
21 consensually usually in the context of an intimate
22 relationship are then shared non-consensually often
23 for the purpose of blackmail, coercion or to punish
24 victims. Unfortunately, over the past ten years this
25 has become a national issue. One in 25 Internet

1 users mostly between the ages of 18 and 29 years old
2 have been a victim. The sharing of intimate content
3 without one's consent is a traumatic experience for
4 many victims, which can lead to an array of mental
5 health effects as well as depression and suicide as
6 well as the loss of employment. We know that many
7 victims undergo an uphill battle to rebuild their
8 lives, to become a survivor, preserve their integrity
9 and dignity after this experience, and it's important
10 that City of New York recognizes this criminal act,
11 and has a process in place by which victims can
12 receive justice. This Intro 1267 sponsored by
13 Council Member Lancman will address this behavior.
14 This bill will criminalize the non-consensual
15 disclosure of sexually explicit images making this
16 act a misdemeanor punishable by up to one year in
17 jail and/or a \$1,000 fine as well as allowing for
18 civil cause of action. I want to thank Council
19 Member Lancman for sponsoring this legislation, and
20 certainly all the advocates that testified at our
21 hearing on this very important topic. In addition, I
22 want to thank the Public Safety Committee and the
23 staff for working on this important bill. We
24 continue as a city to strive to pass legislation that
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1
2 truly keeps every New Yorker safe. I hope my
3 colleagues join me in favor of voting in the
4 affirmative on Proposed Intro 1267-A, and I want to
5 acknowledge the members of the Public Safety
6 Committee who are here with us this afternoon,
7 Council Member Rory Lancman, Council Member Jumaane
8 Williams, Council Member Vincent Gentile, Council
9 Member Jimmy Vacca and Minority Leader Steve Matteo.
10 Do any of my colleagues have any questions as it
11 relates to the bill before the committee today?
12 Okay, and now we will ask our committee clerk to call
13 the roll and begin the vote, and once again, thank
14 you colleagues for your presence here today. Thank
15 you.

16 CLERK: Committee Clerk Matthew
17 DiStefano, Committee on Public Safety, roll call vote
18 on Intro 1267-A. Chair Gibson.

19 CHAIRPERSON GIBSON: I vote aye.

20 CLERK: Gentile.

21 COUNCIL MEMBER GENTILE: I vote aye.

22 CLERK: Vacca.

23 COUNCIL MEMBER VACCA: I vote aye.

24 CLERK: Williams.

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2 COUNCIL MEMBER WILLIAMS: May I be
3 excused to explain my vote?

4 CHAIRPERSON GIBSON: Yes.

5 COUNCIL MEMBER WILLIAMS: Thank you. I
6 just want to thank Council Member Lancman and the
7 Chair for this bill. It's very important. I think I
8 went to a press conference maybe a year or two on
9 this bill to speak on this. I was actually shocked
10 that this wasn't illegal to being with, and I just
11 want to say what I said then I believe unfortunately
12 it's primarily women that deal with this, and if it
13 was a man's issue, so called, I'm pretty sure it
14 would have been illegal by now. So, I'm just proud
15 that we are correcting something that needed to be
16 corrected. Congratulations Council Member Lancman.
17 With that, I vote aye.

18 CLERK: Lancman.

19 COUNCIL MEMBER LANCMAN: Aye.

20 CLERK: Matteo.

21 COUNCIL MEMBER MATTEO: Aye.

22 CLERK: By a vote of 6 in the affirmative,
23 0 in the negative and no abstentions, the item has
24 been adopted.

COMMITTEE ON OVERSIGHT AND INVESTIGATIONS JOINTLY
WITH COMMITTEE ON PUBLIC SAFETY

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CHAIRPERSON GIBSON: Thank you once
again, colleagues. We're going to keep the roll open
for the Committee on Public Safety as it relates to
Intro 1267 and we will begin the joint hearing of the
Committee on Oversight and Investigation and Public
Safety, and now I turn this over to my colleague
Chair Gentile. Thank you once again colleagues.

CHAIRPERSON GENTILE: Thank you, Chair
Gibson and good evening, or good afternoon, I should
say to everyone. I am Council Member Vincent
Gentile, chair of the Oversight Investigations
Committee. Joining me here are other members of the
committee from Manhattan, Council Member Bill Perkins
and two members from Queens, Council Member Danny
Dromm and Council Member Rory Lancman, I'm sure we
we'll have other members joining us as the afternoon
goes on. I also want to thank Chair Vanessa Gibson
of the Public Safety Committee and the members of the
Public Safety Committee for being here today. I
would like to particularly thank Chair Gibson for
jointly scheduling this oversight hearing with us to
examine to Office of the Inspector General of the
Police Department also referred to in short as the
PDIG. Following longstanding concerns about the

1
2 NYPD's use of Stop-and-Frisk and other police
3 policies and procedures the City Council passed the
4 bill and then overrode Mayor Bloomberg's veto to
5 create an inspector general for the Police
6 Department. The bill was structured in a way so the
7 Department of Investigation could use its broad
8 charter mandated jurisdiction and apply it as an
9 institutional focus on the Police Department. In
10 this more expansive role, DOI according the New York
11 City Charter Section 803-b may "Make any study or
12 investigation, which in the Commissioner's opinion
13 may be in the best interest of the city." In his
14 veto message, Mayor Bloomberg reasoned that this bill
15 overreaches DOI's original function, spreads city
16 resources too thin, and harms the city's ability to
17 protect New Yorkers from terrorism. With some
18 passage of time and perspective on the creation of
19 PDIG, this hearing will, in part, evaluate that
20 estimation by the former Mayor. After more than
21 three years in effect, the committee—the committees
22 and the Council would like to better understand the
23 operations and processes of the Offices inspect—of
24 Inspector General. Evaluating the success or
25 shortfalls of such a complex entity is challenging.

1 However, analyzing the office's function in
2 accordance with the intent is more feasible.

3 According to the enabling legislation, the first goal
4 of the PDIG is to enhance the effectiveness of the
5 Police Department. Of course, this goal is not
6 unique only to the PDIG as many advocacy
7 organizations, policy makers, members of the public
8 and even internally the NYPD themselves aspire to
9 take steps to improve policing in New York City.

10 However, what is unique about the Office of the
11 Inspector General is that they are able to obtain an
12 inside look of the procedures of the Police
13 Department and the issued policy recommendations to
14 the NYPD based on their investigations. Moreover,
15 under this legislation, now law, the Police
16 Department is legally required to respond to the
17 Inspector General's recommendations within 90 days.

18 Finally, the IG then qualifies and places the NYPD's
19 response to these policy recommendations under the
20 following categories: Recommendations that were
21 rejected, implemented, partially implemented,
22 accepted in principle, partially accepted in
23 principle or under consideration by the NYPD. The
24 second stated tasks of the Inspector General is to
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1 increase public safety. Statistics do show that
2 crime in New York City has indeed decreased since the
3 inception of the PDIG. Yet, the question reposed
4 does not lie in the crime statistics themselves, but
5 in the IG's contribution to the decrease of crime
6 across New York City. The third task of the Office
7 of Inspector General is to protect civil liberties
8 and civil rights of New Yorkers. Once again, there
9 are many entities that already share the same
10 mission, the Civilian Complaint Review Board, the
11 Commission to combat police corruption, the Police
12 Department's own Internal Affairs Bureau, local and
13 federal prosecutors and even the City Council.
14 However, the Office of the Inspector General is not
15 designated to replicate the CCRB or any other entity
16 that protects civil liberties. Instead, they
17 independently focused on the systemic and
18 institutional component of protecting civil liberties
19 and civil rights. Finally, the fourth task of the
20 Inspector General is to increase the public's
21 confidence in the police force. Other Police
22 Inspector Generals across the country have found
23 measured success in this regard. For example, the
24 City of Los Angeles had an independent monitor to
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2 oversee the Los Angeles Police Department from 2001
3 to 2009. A study undertaken by the Harvard Kennedy
4 School of Government showed that public satisfaction
5 with the LAPD increased in the eight years, the
6 decree was in effect. While there has been no
7 similar measurement in New York's effort, and while
8 the NYPD Inspector General has had about half the
9 time to see results, we will still explore the PDIG's
10 role in increasing the public's confidence in the
11 police force. To answer our questions and provide
12 more insight, we have the Department of Investigation
13 Commissioner Mark Peters and NYPD Inspector General
14 Phil Eure testifying here today. We thank you for
15 appearing and in participating, and we look forward
16 to hearing more about your work. We also thank the
17 advocacy organizations and members of the public that
18 may actually—may actually testify before the Council
19 later on today, and with that, I'd like to ask Chair
20 Gibson to make her opening statement.

21 CHAIRPERSON GIBSON: Thank you very much,
22 Chair Gentile. Good afternoon once again. I'm proud
23 to join with my colleague in chairing today's
24 hearing. I want to thank him for the opportunity.
25 As he mentioned, we're examining the Officer of the

1 Inspector General for the NYPD, and we truly know
2 that the safety of every New Yorker in every
3 neighborhood is of paramount importance to each and
4 every one of us, and we depend on the hardworking men
5 and women of the NYPD to protect us each and every
6 day. The vast majority of times the NYPD serves our
7 communities with honor, integrity, respect, and
8 bravery, and we as a community expect them to do that
9 each and every day. Unfortunately, we know there are
10 times with the department does not comply with the
11 standards and expectations of the public of our city.
12 In 2013, this City Council passed Local Law 70, which
13 was chaptered into law, which empowered the
14 Department of Investigations to conduct independent
15 oversight of the NYPD. The DOI has been given the
16 responsibility of reviewing, investigating, studying,
17 and auditing and making specific recommendations
18 relating to the operations, policies and practices
19 and procedures of the department. To day, the
20 NYPDIG's Office has published 12 reports ranging on
21 issues from the NYPD's approach of handling
22 interactions with people in mental and emotional
23 crisis to an assessment of the department's Body-Worn
24 Camera policy. We in the City of New York are
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1 fortunate in that not only do we have our five
2 District Attorneys, Internal NYPD IAB, the CCRB, but
3 we also have the NYPDIG, all of these acronym to
4 independently review the department and hold them
5 accountable. It is essential that we truly strike a
6 very delicate but important balance between public
7 safety and the preservation of the rights of our
8 residents in this city. The NYPDIG plays a crucial
9 role in this process through its review and
10 investigation of department policies and procedures.
11 This afternoon during our hearing, I certainly want
12 to hear more about how the NYPDIG selects the issues
13 and topics as well as recommendations of policies and
14 procedures for the department to continue to improve
15 its work. Certainly, the interaction that the NYPD
16 has with other oversight agencies such as the CCRB as
17 well as the Internal Affairs Bureau, and how the
18 Office holds the department accountable. The NYPIG
19 plays a very important role in the fabric of our
20 city, ensures the public safety of all residents, and
21 I truly look forward to this afternoon's testimony.
22 I want to thank you, Commissioner, and thank you for
23 being here to both of you, and I want to thank the
24 Committee on Public Safety for all of their work my
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1 Senior Legislative Counsel Deepa Ambekar and Brian
2 Crowe; our Legislative Counsel Beth Golub; our
3 Legislative Policy Analyst Casey Addison; and our
4 Senior Financial Analyst Steve Reister; and my Chief
5 of Staff Dana Wax. I thank you for your work in
6 getting today's hearing together. I also want to
7 recognize we've been joined by Council Member Robert
8 Cornegy and Council Member Costa Constantinides, and
9 before we begin with the testimony, I want to get
10 back to the vote very quickly. Thank you so much for
11 your indulgence.
12

13 CLERK: Committee on Public Safety,
14 continuation of roll call on Intro 1267-A. Council
15 Member Cornegy.

16 COUNCIL MEMBER CORNEGY: I vote aye.
17 [background comment]

18 CHAIRPERSON GIBSON: Okay. Thank you so
19 much, and I'll turn it back over to Chair Gentile,
20 and welcome once again.

21 CHAIRPERSON GENTILE: I'll ask our
22 Committee Counsel to please swear in the witnesses.

23 LEGAL COUNSEL: Do you affirm to tell the
24 truth, the whole truth, and nothing but the truth in
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1 your testimony before this committee, and to respond
2 honestly to Council Member questions?

3
4 COMMISSIONER PETERS: I do.

5 PANEL MEMBER: I do.

6 PANEL MEMBER: I do.

7 CHAIRPERSON GENTILE: You may begin your
8 testimony.

9 COMMISSIONER PETERS: Thank you. Good
10 afternoon, Chair Gibson and members of the Committee
11 on Public Safety and Chair Gentile and members of the
12 Committee on Oversight and Investigation. I'm Mark
13 Peters, Commissioner of the New York City Department
14 of Investigation. Thank you for this opportunity to
15 address the committees and provide an update on the
16 work of DOI's Inspector General for the NYPD over the
17 past four years, and highlight many of his successes.
18 It's fitting that DOI provide its first comprehensive
19 public briefing on the work and impact of its Police
20 Inspector General before this committee. The driving
21 force that pushed to pass Local Law 70 in 2013, and
22 mandated independent oversight of the New York City
23 Police Department for the first time. Local Law 70
24 required that as Commissioner of DOI, I appoint an
25 Inspector General to "investigate, review, study,

1 audit, and make recommendations relating to the
2 operations, policies, programs and practices of the
3 NYPD." Our mission consistent with guiding
4 principles of the law, as well as our overarching
5 mandate under the Charter to serve as Inspector
6 General for all city agencies is to "Enhance the
7 effectiveness of the Police Department, increase
8 public safety, protect civil liberties and civil
9 rights, and increase the public's confidence in the
10 police force, thereby building stronger police
11 community relations. I'm joined here today by Phillip
12 Eure, who I appointed in 2014 as DOI's Inspector
13 General for the NYPD who has been leading our charge
14 in these efforts. I commend the Council's foresight
15 and collective wisdom with which you crafted Local
16 Law 70 ensuring that the Inspector General's Office
17 was situated within the DOI framework, which has been
18 instrumental in conducting our oversight of the NYPD.
19 In particular, the statutory powers that imbued DOI
20 with independence give us authority to issue
21 subpoenas and have complete unfettered access to all
22 government documents, workers and information; to
23 arrest those who we believe have committed crimes; to
24 see across all government agencies; and to insist
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1 upon system changes to improve the way the city runs.
2 These powers have ensured that we are able to carry
3 out our investigations of the policies and practices
4 of the NYPD, which is an unprecedented feat that
5 would have been nearly impossible outside of DOI.
6 For example, our investigation of the NYPD's
7 compliance with court mandated rules known as the
8 Handschu Guidelines, which govern the investigation
9 of religious and political groups and activity, would
10 have been hindered significantly if the Police
11 Inspector General did not have the powers that DOI as
12 the law enforcement agency provides its inspector
13 generals to access and review sensitive and highly
14 confidential intelligence documents that are only
15 available to law enforcement. Further, the creation
16 any new Inspector General's office is a challenge
17 from hiring talented staff for the broad range of
18 investigative skill to setting protocols for
19 production of documents and information, and ensuring
20 cooperation with those protocols, to crafting
21 procedures for the conduct, scope and subject to
22 investigations. Establishing and enforcing these
23 protocols and procedures with an institution as large
24 as the NYPD would be impossible without the counter-

1 balancing institutional power and weight to the
2 Department of Investigation. In accordance with
3 Local Law 70, the Inspector General publishes written
4 publicly available reports for any investigation,
5 review, study or audit it completes. The NYPD Police
6 Commissioner is required to submit a written response
7 to each published report with 90 days, which were
8 made publicly available and can be accessed on the
9 DOI's website. Its first four years the Inspector
10 General has been able to build an impressive
11 collection of critical analyses of policing in the
12 city. These include assessment of NYPD's handling of
13 U Visa certifications by immigrants to ensure that we
14 all as a city are doing everything we can to push
15 back against horrific national policies. Review of
16 NYPD's use of force in New York City, which resulted
17 in the department's first ever agreement to track
18 force and assess—and—and an assessment of the NPPD's
19 Body-Worn Cameras Pilot Program, which focuses on a
20 review of activation, policy compliance, access to
21 footage and retention. This deep dive analysis of a
22 range of critical policing issues has resulted in
23 recommendations, many of which have been accepted by
24 the NYPD and which will further protect the rights of
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1 New Yorkers all while improving NYPD's accountability
2 and efficiency. Inspector General Eure will provide
3 a more detailed update on the work of his team
4 momentarily. Going forward, in addition to new
5 investigations, DOI will also consistently monitor
6 the adoption and implementation by the NYPD of our
7 recommendations for operational reform and preventive
8 measures as it relates to their policies and
9 practices. This monitoring is particularly important
10 because it will allow the City Council to support our
11 efforts by holding the NYPD accountable for
12 implementing our recommendations, which will lead to
13 improvements in the way they do business and protect
14 civil liberties and rights of all New Yorkers. As
15 public officials, you have an opportunity and the
16 authority afforded to you as members of the Council
17 to demonstrate your commitment to increase police
18 accountability, and ensure that the important reforms
19 we propose become reality. I want to thank you for
20 your continued support and interest in the work of
21 DOI's Inspector General for the NYPD. I'm now going
22 to turn it over to Inspector General Phil Eure for a
23 more detailed discussion of our investigative work,
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1 and after that, we both look forward to answering any
2 questions you may have. Thank you.

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4 CHAIRPERSON GENTILE: Thank you.

5 INSPECTOR GENERAL EURE: Thank you,
6 Commissioner.

7 CHAIRPERSON GENTILE: Inspector General,
8 do you have written testimony to hand out?

9 INSPECTOR GENERAL EURE: Yes. I believe
10 we did hand it out or it's--

11 CHAIRPERSON GENTILE: Do we--can we have
12 those written testimony? Go ahead.

13 INSPECTOR GENERAL EURE: Thank you. Good
14 afternoon Chairpersons Gibson and Gentile and
15 committee members. I'm Phillip Eure, the Department
16 of Investigation's Inspector General for the New York
17 City Police Department. Thank you for giving me the
18 opportunity to testify today. I'm eager to tell you
19 about the work that we have been engaged in in the
20 last four years, its impact on the policies and
21 practices of NYPD and how we have helped New York
22 City continue to be a national leader in the field of
23 police accountability. In many ways with the passage
24 of Local Law 70 in 2013, the members present here
25 today are responsible for having established a model

1 of police oversight and accountability while
2 cementing the commitment to Constitutional policing,
3 and public safety for all New Yorkers. That
4 legislation was based on a simple premise that
5 remains relevant today. In a city as diverse as New
6 York, with a police department as large as NYPD,
7 vigorous external review is needed to ensure that the
8 police keep the city safe while remaining responsive
9 to community concerns. The IG's mission is to
10 enhance the effectiveness of the department, increase
11 public safety, protect civil liberties and civil
12 rights, and increase the public's confidence in the
13 police force thereby building stronger police-
14 community relations. We believe that we have made
15 important strides towards accomplishing all of these
16 goals in the last four years, and we look forward to
17 continuing to build upon that work in the years to
18 come. When we first set out to build this unit
19 following my appointment by Commissioner Peters in
20 March 2014, it was clear that success would be rooted
21 in a diverse set of skills. Our multi-disciplinary
22 staff has a range of professional experiences
23 including attorneys, investigators, auditors, police
24 oversight specialists, former law enforcements,
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1 criminal justice researchers, policy analysts and
2 others. We have learned about many issues through
3 our continual outreach work in which we have had
4 meetings with a variety of community groups,
5 advocates and local organizations focused on criminal
6 justice reform. Our office has presented before
7 precinct community councils and grassroots
8 organizations, and we have ongoing meetings and
9 briefings with high ranking NYPD officials, police
10 union representatives, and individual officers
11 themselves. In the past several years, we've also
12 produced nine reports that have examined a number of
13 critical policing issues. From our very first
14 reports on officers' use of chokeholds and the
15 frequent lack of resulting discipline to our most
16 recent report on U Visa certifications issued to
17 undocumented immigrant victims of crime, we've been
18 grounded in the reality that policing in New York
19 City is complicated and urgent, but protecting
20 individual rights and fostering public confidence
21 must also be at the core of NYPD's goals. The other
22 topics we have investigated includes surveillance of
23 political activity, use of force policies and
24 practices; the use of body cameras, the relationship
25

1 between quality of life policing and felony crime in
2 New York City; the use of data from lawsuits to
3 improve the performance of both individual officers
4 and the department overall; inefficiencies in how
5 NYPD investigates public complaints; and NYPD's
6 approach to dealing with people in mental crisis.
7 Approximately eight months after this office
8 published its first report on the use of force by
9 NYPD in January of 2015, the department relates—
10 excuse me. After actually approximately—
11 approximately eight months after this office
12 published its first report on the use of force by
13 NYPD, and that report was—was published in October of
14 2015, the department issued a set of revised policies
15 that more precisely defined the use of force as well
16 as a more detailed tracking form. All uniformed
17 members of the department are now required to use a
18 threat resistance or entry form, a TRI form whenever
19 they use force or witness another officer using force
20 at the scene. NYPD uses the data from these TRIs and
21 publicly reporting about the department's use of
22 force as is now required due to legislation passed by
23 the City Council last year. As a result, the public
24 has access to data it never did before. Previously,
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2 NYPD's release of use of force data to the public was
3 intermittent and ad-hoc. This information is vital to
4 assessing and improving tactics, training, policies,
5 supervision, and discipline involving the use of
6 force by police. Accurate and detailed reporting on
7 police use of force also impacts public confidence in
8 the police by providing greater clarity in why
9 officers use force. We will soon release—we will
10 soon release the results of our follow-up
11 investigation into NYPD's compliance with the new TRI
12 mandates. In 2016, we published another significant
13 report. It was the first independent data driven
14 investigation into the relationship over time of what
15 is known as quality of life enforcement and felony
16 crime. Our team analyzed over 1.8 million quality of
17 life summonses, 650,000 quality of life misdemeanor
18 arrests; 600,000 felony complaints and 200,000 felony
19 arrests over six years. We found that between 2010
20 and 2015, there was a dramatic decline in quality of
21 life enforcement with no increase in felony crime.
22 In fact, felony crime with few exceptions declined
23 along with quality of life enforcement. Furthermore,
24 we found that quality of life enforcement was not
25 evenly distributed across the city—the city.

1 Instead, in 2015, it was concentrated in precincts
2 with high proportions of Black and Hispanic
3 residents, New York City Housing Authority residents
4 and males age 15 to 20. Later in 2016, we released
5 another report. This time on NYPD's compliance with
6 court mandated rules know as the Handschu Guide-
7 Guidelines for surveilling political activity. The
8 investigation found that NYPD while able to
9 articulate a valid basin-basis for commencing
10 investigations into political activity, was often
11 non-compliant with a number of the rules governing
12 the conduct of these investigations. A federal judge
13 from the Southern District of New York recognized the
14 significance of this investigation when he cited a
15 report in rejecting a proposed settlement from NYPD
16 and other parties regarding police conduct going
17 forward. The federal judge noted the report
18 "Describes a near systemic failure on the part of
19 NYPD to comply, and that it is incumbent upon me to
20 consider the report as relevant to and inconsistent
21 with the NYPD's repeated contention that it always
22 complies with the Handschu Guidelines." As a result
23 of the judge's reading of a report on NYPD's
24 surveillance tactics, the parties' proposed
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1 settlement in the Handschu case was revised to
2 include a stronger role for the civilian
3 representative in the surveillance decision making
4 process. In addition to these largescale changes, we
5 often see significant on-the-ground changes during
6 the course of our investigations, and as a result of
7 our work. For instance, this past summer we released
8 a report concerning the department's process for
9 certifying applications for U Visas. Special Visas
10 granted to undocumented immigrants who are victims of
11 crimes and who also help law enforcement investigate
12 and prosecute these crimes. As undocumented victim
13 of crimes, these applicants are among the most
14 vulnerable members of our community. As noted in the
15 public response to our reports NYPD now provides
16 applicants with greater information about why an
17 application was denied, and provides more instruction
18 to what recourse the applicant can take. As a result
19 of changes like these, the hundreds of people who now
20 apply for U Visa every year with the department will
21 have an improved experience with NYPD. In addition
22 to our substantive reports, every year in our annual
23 report we describe which recommendations NYPD has
24 implemented or moved forward on, and those it has
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1 decided not to adopt. Follow up on these issues both
2 by DOI and this Council is critical. For example, in
3 our Report on Crisis Intervention Training, we
4 recommended that NYPD begin working towards a
5 dispatch system in which the office trained—officers
6 trained in crisis intervention or those who are sent
7 to mental crisis incidents. We also recommended that
8 NYPD substantially revise one of its current forms or
9 develop a new permanent form to capture more useful
10 data about mental crisis incidents. This analysis
11 should be done in order to measure the extent to
12 which CIT skills and policies are being used and
13 followed by officers. To assess the need to revise
14 the content of the department's CIT curriculum and
15 policies, and to identify the most prevalent mental
16 health conditions in the city. By conducting fact
17 driven investigations, listening to the public's
18 concerns, issuing sound recommendations, promoting
19 accountability and transparency and fulfilling the
20 mission of Local Law 70, our goal is to help NYPD do
21 an even better job. By doing a better job, improved
22 police community relations, increased confidence in
23 the police force, and increased public safety, in
24 short, real public reform, police reform. In short,
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1 real police reform can be expected to follow. We
2 encourage members of the City Council to continue to
3 engage with us as we continue to bring New York to
4 the forefront of effective independent police review.
5 Thank you.

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7 CHAIRPERSON GENTILE: Thank you both, and
8 we'll start with just some preliminaries, and then
9 we'll get into some of the other members and Chair
10 Gibson with—with her questions. First of all, about
11 the—about staffing within the Inspector General's
12 Office for—for the NYPD. Your first annual report in
13 2015 stated that you planned to have 40 to 50 staff
14 members in the Investigations, and in the Policy
15 Analysis Unit, and as of March of 2015, 23 people
16 have been hired, but since then, there have been no
17 new staffing numbers that we have seen. Can you
18 update us on the—on the staffing that you have in
19 the—in the IG's Office?

20 INSPECTOR GENERAL EURE: Sure. Yeah, so
21 we—there are currently 33 full-time staff members on
22 board. So, those numbers that—that you're referring
23 to from the early report are no longer current. The—
24 the current number is 33 and we have a number of
25 other hiring processes in place.

1
2 CHAIRPERSON GENTILE: And those 33 are
3 the divided into those two units or--

4 INSPECTOR GENERAL EURE: So, yeah, so
5 it's spread out. I mean I can—I can break it down
6 for you. We have three attorneys, and so, which are
7 outside of that unit. With respect to the
8 Investigations Units, I believe we have 13 people in
9 jobs in the Investigative Unit and one vacancy. In
10 the Policy Unit the, other big unit within the
11 office, we have 12 people who are currently in
12 positions there with three vacancies. I can break
13 down the types of jobs if you want. We also have an
14 outreach person, and then we have support staff of—
15 of—of five authorized positions I believe. Two of
16 those are vacant, but that's how—that's how it breaks
17 down more or less, though, but so, the two main units
18 of the office, the Policy Unit and the Investigative
19 Unit or where the bulk of the people are, policy
20 analysts and—and investigators respectively.

21 CHAIRPERSON GENTILE: Well, are there
22 other units that I haven't identified?

23 INSPECTOR GENERAL EURE: In terms of it—
24 it being called a unit no. Not—it really is those
25 two. Those are the two main units, and all the other

1 positions that I mentioned are—provide support to the
2 whole office and to me.
3

4 CHAIRPERSON GENTILE: Right. Okay, do
5 you have plans to—to grow either or both of those
6 units?

7 INSPECTOR GENERAL EURE: No, I think
8 we're probably, you know, in—in the range where we've
9 intended to be, and it's a matter of filling some of
10 these vacancies and—and—and no discussions of—of
11 growing beyond the size that we are now.

12 CHAIRPERSON GENTILE: How do you—how do
13 you recruit staff to your office?

14 INSPECTOR GENERAL EURE: Yeah, I mean
15 this is really big for us. We do like—we recruit
16 staff and hire staff just like every—other city
17 agencies. We post on city job boards. We post to
18 external sites. We are very much in touch with our
19 colleagues who do police oversight around the
20 country. We go—and we are able to recruit people
21 from—from New York City and from outside of New York
22 city due to these connections, but it's a very
23 vigorous effort to attract very talented staff that
24 we have, and people with backgrounds whether it be in
25 law enforcement, police oversight, policy analysts

1 and or analysis and so forth. We spend quite a bit
2 of our time recruiting top flight talent.
3

4 CHAIRPERSON GENTILE: What--what
5 percentage of staff have experienced working in law
6 enforcement?

7 INSPECTOR GENERAL EURE: In terms of the
8 percentage over time, that would be hard to predict
9 but it's, you know, several--we've had several NYPD,
10 former NYPD officers we have worked for us before.
11 So, it's--it's--it probably--it probably--it is, you know,
12 then several people. Maybe it was 10% at some point,
13 but, you know, it fluctuates.

14 CHAIRPERSON GENTILE: And--and so we have
15 former NYPD--

16 INSPECTOR GENERAL EURE: [interposing]
17 Yes.

18 CHAIRPERSON GENTILE: --former federal
19 experience.

20 INSPECTOR GENERAL EURE: Well, I'm former
21 federal.

22 CHAIRPERSON GENTILE: Okay.

23 INSPECTOR GENERAL EURE: And former
24 oversight and--and we got some people that we hired
25 from other oversight agencies here in New York City

1 and—and elsewhere. We—I believe our first year we're
2 up and running, we hired three former CCRB
3 investigators. We hired a couple of people from the
4 Commission to Combat Police Corruption here in New
5 City. We hired a couple of people from my former
6 agency in DC, and so, and then in addition to all of
7 that, you know, we've hired investigators with
8 various backgrounds investigation for other agencies
9 here in New York City and other investigative
10 organizations, the Policy Analyst. These are people
11 largely who have at least Master's degrees who have
12 perhaps been doing criminal justice research, and
13 studying the academic, you know, pending of many of
14 the issues that we explore as an officer. So, it's a
15 really diverse set of skills that we bring to our
16 office. It's a multi-disciplinary effort where we
17 work in teams to produce the best possible reports.

18
19 CHAIRPERSON GENTILE: So, the—

20 COMMISSIONER PETERS: [interposing] I
21 just want to, Mr. Chairman, if I may because the
22 Inspector General Eure is being particularly modest
23 when he said his former law enforcement. Phil spent
24 over a decade in a variety of very important
25

1 positions at the Department of Justice. He's too
2 modest to say so, but I'm happy to do so.

3
4 INSPECTOR GENERAL EURE: Thank you.

5 CHAIRPERSON GENTILE: Okay.

6 INSPECTOR GENERAL EURE: Thank you.

7 CHAIRPERSON GENTILE: On the record,
8 right?

9 COMMISSIONER PETERS: On the record.

10 CHAIRPERSON GENTILE: Right. [laughs]

11 And—and particularly the reason I asked is because I—
12 I have a sense that when you make recommendations to
13 the Police Department, there may be some, maybe not
14 in all cases, but in some cases the response from the
15 Police Department might include some questioning as
16 to the investigator's qualifications to make—to
17 credibly make those recommendations to the Police
18 Department. So, how do you ensure that there is
19 sufficient subject matter expertise relating to the
20 issues that you investigate?

21 COMMISSIONER PETERS: I'm—I'm going to
22 give you a very blunt answer, if I may, having spent
23 the bulk of my career in law enforcement, as you
24 know, and at the Attorney General's Office and
25 elsewhere. There a wide—as IG Eure just pointed out

1 there a variety of people with deep law enforcement
2 backgrounds in—at the Police Inspector General's
3 Office. In addition at the senior most level at DOI,
4 all investigations are overseen by the Deputy
5 Commissioner for Investigations who in addition to
6 over a—to a decade at the NYPD has been running major
7 law enforcement operations for more than decade here.
8 That has been overseen by my First Deputy who has
9 spent over 20 years in various prosecutor's offices
10 including your former office, the Queens D.A.'s
11 Office. I know this is ultimately overseen by me. I
12 spent my entire career there, and I will tell you
13 that by the time reports are issued, they have been
14 vetted at multiple levels by a larger—more people
15 with huge law enforcement experience. And although I
16 am aware that there have been moments when people
17 have suggested that certain recommendations are
18 coming from people who are not qualified to make
19 them, I find those suggestions offensive and
20 essentially—not from you, but from those who have
21 made them, and bluntly, while I am happy to have
22 discussions with people about the right way to
23 implement things, there is absolutely no
24 justification or basis. Is not and never has been a
25

1 justification or basis for anybody in any law
2 enforcement position to question the qualifications
3 of the staff at DOI.
4

5 CHAIRPERSON GENTILE: And—and so that
6 extends across the whole agency, you're saying there?

7 COMMISSIONER PETERS: Yes.

8 CHAIRPERSON GENTILE: Right, great. No,
9 you—you testified—I'm not sure who testified that
10 you're required to report on completed
11 investigations. Have there been investigations that—
12 that were not completed?

13 COMMISSIONER PETERS: I mean there are
14 obviously--

15 CHAIRPERSON GENTILE: [interposing] Other
16 than those that are in—in progress--

17 COMMISSIONER PETERS: --[interposing]
18 multiple ones.

19 CHAIRPERSON GENTILE: --but have
20 investigations been closed out as not completed?

21 COMMISSIONER PETERS: Well, not
22 investigation, and this is true for DOI as a whole,
23 no investigation can be closed out as not completed.
24 Obviously, there are at any given moment both at—in
25 the Inspector General for the NYPD's shop as well as

1 in every other IG shop there are multiple
2 investigations that are ongoing. There certainly are
3 instances in every IG's office where investigations
4 will start and the determination will be made that it
5 is unsubstantiated, meaning whatever we thought might
6 be wrong wasn't wrong. I think that happens not just
7 in every IG's office at DOI, but probably at every
8 law enforcement office all over the country. We
9 obviously issue public reports on things that are
10 unsubstantiated for a number of reasons, not the
11 least of which is it wouldn't be fair to the people
12 we are looking at to publicly talk about allegations
13 that we've determined are not true. So, if your
14 question is are there times when we receive
15 allegations at DOI both in-in the Inspector General's
16 Office and otherwise that we determine are not true,
17 sure, but nothing gets close until it's done one way
18 or the other.

20 CHAIRPERSON GENTILE: Okay.

21 COMMISSIONER PETERS: So, I mean you can
22 add to that if you want, but-

23 INSPECTOR GENERAL EURE: That accurately
24 I think characterizes the process.

1
2 CHAIRPERSON GENTILE: Okay. Alright,
3 let's get into some procedure then. How do you
4 identify an issue to investigate?

5 INSPECTOR GENERAL EURE: Yeah, so we
6 have, you know, we—we identify issues through a
7 variety of means first of all. I mean we have a
8 complaint intake function. Since I, the—the first
9 summer when I started up in 2014, I was engaging
10 heavily with community groups that—that had built up
11 some concerns with NYPD's policies and practices over
12 the yeas, and—and it was a bit of a listening tour
13 going out and having groups come in and speak to us
14 about some of their concerns, and I was also engaging
15 heavily with NYPD during that first summer as well.
16 Having presentations made to by the heads of various
17 units. So because I was relatively new to New York,
18 the learning curve was steep, but it gave me a very
19 good appreciation for some of the—the—the issues
20 impacting police community.

21 CHAIRPERSON GENTILE: You're saying NYPD
22 asked you to look at certain things.

23 INSPECTOR GENERAL EURE: Well, I'm saying
24 that when I met with these NYPD, they didn't ask us
25 to look at things, but by listening to their

1 presentations, that was another source of
2 information. They weren't asking for IG
3 investigations, no. But-but it clearly, you know,
4 educated us to the point where we were—we would ask
5 questions sometimes of these NYPD officials,
6 questions that came from or on the minds of some of
7 the community groups. And in this manner we had a
8 better—better information about some of the issues
9 impacting policing in New York City. And so, let me
10 say there—we received information about potential
11 issues from a variety of sources. Since we've been
12 open, we've—we've had two cycles where we have formed
13 a project development committee that has—has factored
14 in this information that we've received from a
15 variety of sources. We've looked at local trending
16 issues. We've looked at national best practices in
17 policing and police accountability. We in constant—
18 in communication with our colleagues around the
19 country, and the—the period of time that this office
20 has been open happens to coincide with a period time
21 in American history where policing and police
22 accountability issues have been very much in the
23 forefront. So, the Project Development Committee
24 also takes into fact the complaint data that I
25

1 mentioned. Sometimes there are requests by external
2 stakeholders including Council Members.

3
4 CHAIRPERSON GENTILE: So, there have been
5 requests from the Council?

6 INSPECTOR GENERAL EURE: Absolutely, and—
7 and—and so we take all of this in—all these factors
8 in, this Project Development Committee all the while,
9 you know, looking to our mission under Local Law 70,
10 which is to enhance the effectiveness of NYPD,
11 increase public safety, protect civil liberties and
12 civil rights, increase public confidence in the
13 police we come up with a—with a set of proposals or
14 projects. And then, through our consultation process
15 with Commissioner Peters and his staff, we decide on
16 case that we'll for the next how many months. So,
17 this—this is a, you know, a process where my—our—my
18 talented staff experts in the field of policing or
19 police accountability are coming up with these
20 project proposals and discuss and get input from
21 Commissioner Peters, and—and his—and—and DOI,
22 Commissioner Peters and his staff also come up with—
23 with ideas and recommendations, which go into the
24 mix. So, it's through all of these means that we
25

1 eventually come up with a set of cases that we'll be
2 looking on.
3

4 CHAIRPERSON GENTILE: I'm just curious.
5 Other than the City Council, have other elected
6 officials asked you or made requests?

7 INSPECTOR GENERAL EURE: I believe it's
8 been limited to council members, the request that
9 we've received. I'm looking over at my staff here
10 and they're—they're nodding their heads. I don't
11 think it's been—other than City Council members, I
12 don't think there have been others.

13 CHAIRPERSON GENTILE: Okay.

14 COMMISSIONER PETERS: [interposing] Oh,
15 yeah. Yes, well, well yes. I'm—I'm, you know, so-
16 so, yeah. Let me say that the—the [laughter] Public
17 Advocate is here and we—we follow—we, yeah, we have
18 been working issues that they have identified and
19 body cameras and—and other issues, and—there have
20 been absolutely. I—I take that back because there
21 have been references through the Public Advocate's
22 body of work.

23 CHAIRPERSON GENTILE: [interposing] The
24 record is corrected, Public Advocate.

1
2 INSPECTOR GENERAL EURE: Just to-see,
3 and-and to add to that, I'm going to actually offer
4 both a thank you to the Public Advocate not only for
5 things she's asked us to look at in this, but a
6 number of other aspects of the city that she's asked
7 us to look at things that have both been important
8 and one or two that I cannot that discuss in public,
9 but that I have great confidence over the next six
10 months are about to become important. She's nodding
11 vigorously because I think she knows that I'm
12 thinking about it, but we'll leave it at there, but
13 I-I want to take a second to thank here for a number
14 of things that she's brought to DOI's attention
15 generally. She's been a great partner.

16 CHAIRPERSON GENTILE: Great. So, let me
17 just ask you in the City Charter Section 103
18 indicates that-that both Internal Affairs and CCRB
19 are required to report deficiencies in police
20 practices to DOI. How does that interact with what
21 you're doing?

22 INSPECTOR GENERAL EURE: Right, so we are
23 engaging constantly with those two agencies both
24 CCRB, and NYPD, and-and through-through these
25 discussions and briefings, as I-as I referenced

1 before, sometimes we are able to identify issues,
2 asking questions about issues that are pending. So,
3 the type of engagement that we've done with respect
4 to the provision of the law that you've cited is-is
5 for the time being at least is-is done on an informal
6 basis, but we definitely--

8 CHAIRPERSON GENTILE: [interposing]
9 Informal influence it.

10 INSPECTOR GENERAL EURE: Yes, informal.

11 CHAIRPERSON GENTILE: Influence. Uh-hm.
12 I see. What-what is-what is the procedure for
13 requesting information and documents from the NYPD.
14 How do you go about it?

15 INSPECTOR GENERAL EURE: So, we-we
16 interact with the-the Deputy Commissioner for Legal
17 Affairs and his staff, and so, they had actually when
18 we got up and running, the Legal Bureau-that office
19 sort of set up a Legal-under its Legal Bureau, an
20 Inspector General Compliance Unit, and so that's the
21 entity, if you will, within the Legal Bureau at NYPD
22 that we interact with, and so when we want to request
23 documents, when we want to request-we want to seek
24 interviews with NYPD personnel, certainly with
25 respect with requesting documents, we draw up a

1 document request and send it off to NYPD and, you
2 know—you know, provide timeframes within which we
3 will try to get those documents produced and—and it's
4 a process that kicks in from that point, but it's—
5 it's a formal—these are formal document requests.

7 CHAIRPERSON GENTILE: Have you--

8 COMMISSIONER PETERS: If I—if I may, Mr.
9 Chair, I just want to clarify or add one thing
10 because I know it's been an issue that's come up in
11 this Council before, not in the context of the Police
12 Inspector General, but in the context of other
13 inspectors general. So, if I can add, in many city
14 agencies, we obviously send document requests to the
15 general counsel's office because it's an efficient
16 way to gather up materials, but the law is really
17 quite clear that every—every employee of an agency
18 from the commissioner on down is responsible for
19 producing documents. And so to the extent that we go
20 to, there is no—I mention this because it came up in
21 the context—in a different context. There is no
22 concept of privilege as between the counsel to an
23 agency and the rest of that agency in DOI. So that
24 while we do frequently go through general counsel's
25 office as an efficiency matter, neither at the NYPD

1 nor any other agency does the agency have the ability
2 to refuse to produce documents on the grounds of
3 privilege and the agency as a whole and the
4 Commissioner as a whole is ultimately responsible for
5 compliance with those requests.
6

7 COMMISSIONER PETERS: No.

8 CHAIRPERSON GENTILE: In this in—in terms
9 of if you're an IG?

10 COMMISSIONER PETERS: Yeah. No, we have
11 absolutely not. I have a very good relationship with
12 Commissioner O'Neill. There certainly have been some
13 growing pains, and there have been some instances
14 where we have not gotten production of documents and
15 information as quickly as we wanted, but we have
16 never had an instance where we did not get production
17 of—we did not ultimately get production of documents
18 and information, and although there have been
19 instances where some resistance has slowed certain
20 things we have never had an instance where the
21 failure to produce—where that resistance has
22 significantly or substantively impact an
23 investigation. If there ever was an instance where
24 we got resistance from the NYPD from their Legal Unit
25 or Otherwise that did substantively—that slowed an

1 investigation in a substantive and significant way, I
2 would be back before this Council informing you of
3 that immediately.
4

5 CHAIRPERSON GENTILE: So, in your
6 estimation you've been granted sufficient access to
7 information that you need to conduct the
8 investigations?

9 COMMISSIONER PETERS: Yes. At times it
10 has been slower and there have been some issues of
11 resistance that we've had to work out, but they have—
12 we managed to resolve all of them without the need
13 for any further proceedings, but obviously as you
14 know from events that occurred last year, if we ever
15 determined either that the NYPD or any other part of
16 the city that we are not getting the cooperation
17 necessary to do our jobs, you will be hearing about.

18 CHAIRPERSON GENTILE: Now, the Local Law
19 70 provided the Mayor with the authority to establish
20 protocols for handling of sensitive information.
21 Have those protocols been established?

22 COMMISSIONER PETERS: So, far they have
23 not been necessary. What the law actually says is
24 that if there is an issue with sensitive information,
25 the Mayor may establish protocols if necessary.

1 Frankly, DOI and this goes back to the original
2 point, DOI is a law enforcement entity. Everybody
3 work here is part of law enforcement, and so there
4 really has not been a law enforcement like much—law
5 enforcement is used to dealing with sensitive
6 information. We tend to do so in a pretty efficient
7 manner, and so there really hasn't been a need for
8 the mayor's intervention.
9

10 CHAIRPERSON GENTILE: Okay. So, no—no
11 protocols until that occurs?

12 COMMISSIONER PETERS: Yeah, those—what
13 the law says is that there can be protocols if there
14 is a need for it. To date, we have not been denied
15 information that we need. Actually, it doesn't say
16 that you can deny it. It only has protocols on how
17 to handle it, and so far the NYPD is a professional
18 law enforcement organization. DOI is a professional
19 law enforcement organization. Inspector General Phil
20 Eure is a law enforcement professional. The
21 professional have managed—are all capable of handling
22 that confidential information in a secure way and
23 have been.
24
25

CHAIRPERSON GENTILE: So, ultimately, is it in your bailiwick to just determine whether something is pertinent to an investigation?

COMMISSIONER PETERS: Yes.

CHAIRPERSON GENTILE: And ultimately you make that call?

COMMISSIONER PETERS: Yes.

CHAIRPERSON GENTILE: Okay. Alright, we—we have some members, but I also want Chair Gibson to have an opportunity to—to ask hear questions. So, we'll get to our members, and I'll come back.

INSPECTOR GENERAL EURE: [interposing] On the subpoena issue--

CHAIRPERSON GENTILE: [interposing] Yes, go ahead.

INSPECTOR GENERAL EURE: I think Commissioner Peters--

CHAIRPERSON GENTILE: [interposing] Commissioner, I'm sorry.

INSPECTOR GENERAL EURE: --addressed your question about.

CHAIRPERSON GENTILE: Sure.

INSPECTOR GENERAL EURE: I think he—we—we assumed you were talking about subpoenas never having

1
2 been issued to NYPD, which is correct. Oh, we have
3 issued subpoenas to third parties.

4 CHAIRPERSON GENTILE: To third parties,
5 but not to—but not to the NYPD.

6 INSPECTOR GENERAL EURE: But not to NYPD
7 is absolutely correct.

8 CHAIRPERSON GENTILE: Okay. So—

9 COMMISSIONER PETERS: [interposing] Yeah,
10 thank you. That's—that's—I--I apologize. I assumed
11 you were talking about entities.

12 CHAIRPERSON GENTILE: [interposing] Yes,
13 I was—I was referring to my community, but—but if
14 that's the case, subpoenas have been issued, but not
15 to the NYPD?

16 INSPECTOR GENERAL EURE: Correct.

17 CHAIRPERSON GENTILE: Okay, yeah. Chair
18 Gibson, do you want to---?

19 CHAIRPERSON GIBSON: Thank you, very
20 much, Chair, and thank you Commissioner and thank you
21 Inspector for your presence, and certainly your work.
22 Before I get to my several questions, I just want to
23 continue with the roll call for the Committee on
24 Safety. Thank you so much.

CLERK: Committee on Public Safety,
continuation of roll call on Intro 1267-A, Council
Member Espinal.

COUNCIL MEMBER ESPINAL: I vote aye.

CLERK: And the vote for approval now
stands at 8 in the affirmative, 0 in the negative and
no abstentions. [pause]

CHAIRPERSON GIBSON: Okay, thank you so
much. We're still keeping the roll open for other
colleagues to join us. I just wanted to ask a few
questions. Many of the investigations that were
conducted by the Office, there are times when there
is an overlap with some of the issue based policy
reports that IG has issued as it relates to some of
the CCRB policy issued reports. So, I think of the
use of force and chokehold, and ultimately the
subsequent use of force reforms that the NYPD adopted
after the report was issued. What I wanted to find
out from your office is there an effort with the
Office of the Inspector General to collaborate on
investigations at all with CCRB? So what happens if
there are simultaneous investigations going on
related to the same policy issue like use of force
chokehold and there are--both entities issue

1
2 recommendations that do have an overlap, how does
3 that work or how has it worked specifically with the
4 chokehold topic?

5 INSPECTOR GENERAL EURE: So, we have not
6 sought to collaborate with--

7 CHAIRPERSON GIBSON: Okay.

8 INSPECTOR GENERAL EURE: --in any of our
9 investigations, and in terms of issuing a joint
10 report, that said, I want to, you know, assure the
11 Council that we have an excellent relationship with
12 the CCRB, and when we request information from them
13 in--in connection with one of our reviews, they
14 provide that information to us, and we have good
15 ongoing discussions with CCRB. We--we know some of
16 the issues they're working on that they have a sense
17 of some of the issues we're working on, you know,
18 based on--on some of our--our document requests but,
19 you know, our--our position at DOI has been that, you
20 know, when we issue a report, it's--it's a--at least
21 with respect to the Police IG, it's a report, you
22 know, coming from--

23 CHAIRPERSON GIBSON: [interposing] Okay.

24 INSPECTOR GENERAL EURE: --DOI.
25

CHAIRPERSON GIBSON: Right. So, does that work both ways? You said that CCRB does get requests from your office as it relates to documentation.

INSPECTOR GENERAL EURE: Yeah.

CHAIRPERSON GIBSON: Do you get requests from CCRB as it relates to documentation as well?

INSPECTOR GENERAL EURE: I'm trying to remember how many we did, but not recently. No.

COMMISSIONER PETERS: [interposing] We don't—we want to remember that under the Charter, the CCRB has a reporting obligation to DOI.

CHAIRPERSON GIBSON: Right.

COMMISSIONER PETERS: DOI does not have a reporting obligation to CCRB.

CHAIRPERSON GIBSON: Okay. Uh-hm.

COMMISSIONER PETERS: So, as a general rule DOI does not get document requests from other people. We obviously share our information with prosecutors where we make a determination. Like any law enforcement agency, we make a determination that a case should be handled criminally and charges are filed. We share that information with prosecutors, but otherwise we do not share and information that comes into DOI does not then go out--

2 CHAIRPERSON GIBSON: ANDREA SAENZ: Okay.

3 COMMISSIONER PETERS: --in document
4 requests.

5 CHAIRPERSON GIBSON: Okay. No, good to
6 know. The community intake mechanism that you have,
7 can you expand a little bit on that?

8 INSPECTOR GENERAL EURE: So, it's-it's a
9 complaint function--

10 CHAIRPERSON GIBSON: Uh-hm.

11 INSPECTOR GENERAL EURE: --you know,
12 which was, you know, part of the -the process of
13 opening up an office and so through our investigative
14 units, we receive complaints from the public on
15 mostly police issues, but sometimes people end up
16 filing complaints with us that have nothing to do
17 with the police. Maybe a concern about a district
18 attorney's office, or even a private entity. So, we
19 get lots of complaints having to do with NYPD and
20 many that had-that did not have anything to do with
21 NYPD, and-and we-we do an intake. We do it in
22 person. We receive those complaints by email, by
23 telephone, by fax-and-and we handle those complaints
24 appropriately.

25

1
2 CHAIRPERSON GIBSON: Okay, how do you, if
3 at all, do you promote the various ways that New
4 Yorkers can submit information to your office if it's
5 NYPD or if it's any other agency where there is a
6 complaint, email, text? I'm sorry, not text. Ha-ha.
7 Telephone or fax? How do you promote that? So, the
8 reason I asked is because obviously in Public Safety
9 in my capacity I work very closely with CCRB, and I
10 know they have embarked on a very ambitious outreach
11 effort. Not necessarily an outreach in every single
12 borough as an office specifically, but there are
13 outreach workers that attend precinct council
14 meetings each month, and there are efforts that they
15 have embarked on to really promote the work that the
16 office does. So, how do you promote the work that
17 your office does and really provide a mechanism where
18 New Yorkers can engage with you as it relates any
19 issues that they may have.

20 INSPECTOR GENERAL EURE: Well, with
21 respect to the actual information about complaints-

22 CHAIRPERSON GIBSON: [interposing] Right.

23 INSPECTOR GENERAL EURE: --there's--
24 there's--there's information available on the DOI
25 website and, you know, we engage. We have a full-

1 time outreach person. We don't have as many outreach
2 people as—as CCRB has with its much larger staff,
3 but—and even though we only have a—we have a single
4 outreach person, we have other people including the
5 IG, me, people on various projects, other employees
6 engage in some of this outreach as well as
7 appropriate. And we're—we're going out to meetings,
8 and sometimes we're engaging with community groups,
9 legal service providers in the context of--

11 CHAIRPERSON GIBSON: Okay.

12 INSPECTOR GENERAL EURE: --reviews that
13 we're conducting, and that—that's the kind of
14 outreach as well. We're—we're informing people of
15 what we do, and—and how they can file complaints, and
16 so we have a very active, you know, outreach process
17 that—that extends beyond the job duties of the
18 outreach coordinator, and we get out the word as best
19 we can through those various means.

20 CHAIRPERSON GIBSON: Okay.

21 COMMISSIONER PETERS: Just to follow up
22 and I agree with all that, just to note DOI as an
23 overall entity, and this is part of the reason that
24 it's so important that the—that the Council chose to
25 house the Inspector General here within DOI. DOI an

1 overall entity, of course, also has a number of
2 outreach efforts including, as you know, ads on the
3 subways, ads on the radio. So, we--

4 CHAIRPERSON GIBSON: I hear those. Yeah.

5 COMMISSIONER PETERS: -- all of which is
6 designed to make sure that the public is fully aware
7 of avenues through which they can submit complaints
8 and, you know, we are as you know, very public about
9 our reports both the Police Inspector General and the
10 Inspectors General for any number of other agencies.
11 And that, too, by talking about this publicly and
12 being public about in addition to the advantages of
13 transparency it means that more people are--more
14 people are now aware of what we're doing than in the
15 past and, therefore, we hear a lot more from people
16 generally.

17 CHAIRPERSON GIBSON: Okay, I've seen
18 those ads as well on the subway. I want to ask about
19 the process after a report has been issued, the
20 findings, the recommendations, and the
21 administration. Do they get a heads-up on
22 recommendations that will be coming forth in terms of
23 policy issues? Are they told in advance and
24 certainly what is the process? While I know in the
25

1 testimony you describe the Police Commissioner and
2 his team have 90 days to respond in writing, but
3 certainly is there advance notice. Are they aware of
4 what's coming, and then how does that process work
5 where there are areas in the recommendations of
6 agreement, right, but what happens when they
7 disagree, which I'm sure that happens with a lot of
8 your recommendations. How does that process work?
9

10 COMMISSIONER PETERS: Well, if I may talk
11 generally and then I'll let--

12 CHAIRPERSON GIBSON: Uh-hm, sure.

13 COMMISSIONER PETERS: --Phil talk.

14 CHAIRPERSON GIBSON: This applies to
15 every topic you do. [laughs]

16 COMMISSIONER PETERS: Well, yeas.

17 CHAIRPERSON GIBSON: I just wanted to--
18 [laughs]

19 COMMISSIONER PETERS: Right. So, you
20 know, clear--as a general rule, investigations that we
21 do that do not involve some form, you know, that do
22 not involve evidence that can't be disclosed, grand
23 jury, and obviously issues where there's Grand Jury
24 secrecy or we're sitting on wire taps or things like
25 that can't be disclosed. But where the

1 investigations do not involve our sitting on wire
2 taps, using grand jury, you know, or other
3 surveillance techniques, then we generally provide
4 the agency and often City Hall depending on the
5 importance, with a copy of the draft report in
6 advance because the point here is to get changes
7 made, and the only way to get changes made is to go
8 to people and say here's what we're seeing that's
9 wrong, and hopefully get agreement up front to make
10 changes. And so, the Police Inspector General like
11 our Inspectors General—Inspectors General, and I'll
12 let Phil talk about this more in a minute, will—we
13 will absent some reason not to provide a draft of the
14 report, so that we can begin to get changes made, and
15 then the second piece is follow up. And one of the
16 things that we will be doing more and more of in the
17 next—the second—my second four years is making sure
18 that we follow up so that where an agency has said we
19 are going to do something that, in fact, it's being
20 done, and we've done, as you know, several reports
21 recently pointing where agencies have failed to
22 follow up after we introduce something. I think
23 that's something you can see more of. Do you want to
24 talk about specific process?
25

2 INSPECTOR GENERAL EURE: Yeah, no, that—I
3 mean that process applies to the OIG NYPD, the Police
4 IG as well. I—I would just add that there’s a very
5 practical reason to—to get the input or show a draft
6 of—of a report to NYPD in advance. If we got
7 something wrong, we want to hear about it before we
8 publish the report, and in addition to that or
9 related to that, NYPD may offer explanations or
10 responses to the language they’ve seen, which is a
11 result of their input. We can go back to the drawing
12 board, and we make the language even stronger. So,
13 there’s a very practical reason for—for—for—also for
14 getting that input because it leads to the protection
15 of better reports. And I can say having been in this
16 field for 17 years, police oversight, this is a best
17 practice getting the input of the Police Department
18 on a—on a pending report before it actually goes out
19 to the public.

20 CHAIRPERSON GIBSON: Uh-hm. Okay. I
21 also wanted to ask specifically wanted to ask about
22 the Body-Worn Camera Report that was issued, and
23 certainly the formation of the entire body-worn
24 camera policy. The NYPD put together a task force
25 that was essentially internal members of the

1 department. They consulted with John Jay, NYU, and
2 others. The Federal Monitor had a lot of oversight.
3 Was there any involvement from your office as it
4 relates to developing some of the policies for the
5 body-worn camera specifically since there was an
6 investigation going on, and ultimately
7 recommendations that your office made as it relates
8 to body-worn cameras?
9

10 INSPECTOR GENERAL EURE: Right so, right.
11 As you correctly point out, Council Member, we—we—we
12 did—wrote a whole report on this--

13 CHAIRPERSON GIBSON: Uh-hm.

14 INSPECTOR GENERAL EURE: --issue when--
15 when we were commenting on what was then the
16 voluntary body-worn--

17 CHAIRPERSON GIBSON: Yeah.

18 INSPECTOR GENERAL EURE: --camera
19 program.

20 CHAIRPERSON GIBSON: Yeah, the pilot.

21 INSPECTOR GENERAL EURE: The pilot
22 program. Thank you and then there--there was this
23 process that you just referred to subsequently. We--
24 we ended up, yes, providing input through a written
25 letter as that process was proceeding.

2 CHAIRPERSON GIBSON: Okay, and as we're
3 moving forward, obviously there's a timeframe now.
4 By the end of 2019 where it's all patrol officers
5 will be equipped with at body-worn camera. So, as
6 the process is playing itself out, and the policies
7 ae in place, you office will be monitoring that
8 process as we go along. Are you still working with
9 the NYPD as it relates to that? Because obviously
10 we've heard there have been several incidents of
11 police involved shootings that involved police body-
12 worn cameras. Sorry. It's a tongue-twister where
13 the body-worn cameras footage has actually become
14 public where we're able to see a lot of the footage
15 of the officers' interaction. So because we know
16 that this is ongoing task that we're dealing with, is
17 your office still involved in terms of the policies
18 and the implementation as they expand and more
19 offices are equipped with cameras?

20 INSPECTOR GENERAL EURE: Absolutely. I
21 mean we will--when we issue our next annual reports
22 the end of March, beginning in April of next year,
23 you will see updates on our recommendations--

24 CHAIRPERSON GIBSON: That's what I wanted
25 to know. Okay.

INSPECTOR GENERAL EURE: --and this has been an ongoing process. I think—I believe we issued our report. It may have been April or the summer of 2015, and so there have been a couple of—if I'm doing my math right—there have been a couple of annual reports that have come out in the interim where we've updated the public on—on whether or not—or the extent to which NYPD has adopted our recommendations. And we will continue to do that in the body camera context, and other context, and if we see the need to do an additional review or a new review looking at new issues that have arisen in the body camera context that we didn't anticipate when we wrote our original report, we'll do a follow-up report. So, body cameras are clearly a very—an increasingly important part of American policing, and—and we expect that that issue remain very prominently on our radar screen.

CHAIRPERSON GIBSON: Okay, I was expecting that there would be follow-up since it is ongoing. Okay, I also wanted to ask specifically the report that was issued that relates to monitoring and tracking political activities, there were a number of deficiencies that were identified in the Police

1 Department's internal systems that relate to case
2 management and ultimately tracking. Tracking
3 activities, tracking investigations, and—and
4 certainly looking at the department and some of the
5 systems that they have in place to monitor and track
6 activities, improvement is always needed. So, what I
7 wanted to understand is are you working or in terms
8 of overseeing that process for updating the NYPD's
9 tracking and monitoring system. Since your report
10 identified some of the deficiencies and there's work
11 that needs to be done, are you still involved in the
12 process to make sure that those improvements can be
13 achieved?
14

15 COMMISSIONER PETERS: I just wanted—sure
16 so let me—

17 CHAIRPERSON GIBSON: [interposing] And
18 you've talked about it a little bit in the—in your
19 testimony as it relates to the Handschu Agreement.

20 COMMISSIONER PETERS: Yes. So obviously
21 the most important thing to point out is that as a
22 result of the report that—with the investigation that
23 we did, which was a very detailed investigation and
24 exactly the type of thing that I believe Local Law 70
25 anticipated because it was the kind of investigation

1 that needed to be done by an independent entity, but
2 also by a law enforcement entity. No non-law
3 enforcement entity could have had access to the kinds
4 of sensitive files that we had access to. The first
5 thing to point out is that as a result of that
6 investigation a federal judge rejected the NYPD's
7 proposed new settlement on Handschu. So, there was
8 an immediate and significant impact because a federal
9 judge rejected it, and it is I will say from my
10 experience as a lawyer extremely rare for federal
11 judges to reject injunctive settlements like this.
12 It's a very rare thing. The federal government—the
13 federal judge nonetheless based on our report
14 rejected the NYPD's proposed settlement, and insisted
15 that they go back and do it again, which they did.
16 The whole advantage to having a permanent Inspector
17 General for every city agency is so that you may
18 assume that any time we issue a report of
19 significance, whether it involves the NPD or NYCHA or
20 the Administration for Children's Services, or any
21 other part of the city, you may assume that if there
22 are significant problems found, that DOI is keeping
23 track of whether the agency is fixing them, is
24 monitoring, and if we determine after an appropriate
25

1 amount of time that changes are not being made, we
2 will do a follow-up investigation, and appropriate
3 issue follow-up reports. And that is something the
4 Council should assume is going to be true for every
5 agency, and as I said, by early next year we will, in
6 fact, more proactively be publishing some of these
7 results.
8

9 CHAIRPERSON GIBSON: Great, and I guess
10 my final question before I turn it back to my co-
11 chair is in terms of the responses of the NYPD to
12 your investigations that sometimes propel policy and
13 procedure changes revamping the patrol guide and
14 other measures that have already happened to date.
15 Remaining completely independent as you need to be,
16 is your office every swayed by some of the responses
17 that the department essentially does? So, what I'm
18 asking is are you ever affected in the work you do by
19 the response of the NYPD sometimes? Because we'll
20 never always agree, and there are many times when
21 your investigations have propelled policy and
22 procedure changes, but there are instances wherein
23 your investigations have not propelled policy
24 changes. So, I'm asking is—is there any difference
25 in the way you are doing your work following an

1 investigation because of the way the NYPD responds to
2 your investigations?
3

4 COMMISSIONER PETERS: Sure. No, it's a
5 great question.

6 CHAIRPERSON GIBSON: I said that and I'm
7 not confused because it sounds confusing.

8 COMMISSIONER PETERS: No, no, I-I
9 understood you entirely. I think it's a great
10 question, and I think that—that Inspector General,
11 you know, sort of hit on this when he discussed the
12 fact that—that there is sort of two-step process and
13 this is true both for the NYPD and other agencies.
14 Which is first we will share these reports with the
15 NYPD before they are made public so that we can get
16 feedback from them, and then there's the formal
17 mechanism by which the NYPD unlike other agencies has
18 to issue formal feedback. As a general rule, by the
19 time we get the formal feedback, we're not super
20 surprised by what we're being told because we've
21 spoken to them informally. There certainly have been
22 instances both for the NYPD and other agencies where
23 we have shared a draft report, and the agency has
24 come back and said to us—given us additional facts
25 that have caused us like any thoughtful investigators

1 to rethink particular points. So, do we—are we
2 willing to look at additional information? Yes,
3 always. It's what we do as investigators. Once the
4 report is final, you—you can essentially assume that
5 once a report is final it means we have considered
6 everything and we are absolutely comfortable with the
7 position we've arrived at.

9 CHAIRPERSON GIBSON: Okay. Thank you
10 very much. Let's turn this back over to Chair
11 Gentile. Thank you.

12 CHAIRPERSON GENTILE: Great. Thank you,
13 Chair Gibson. We have some members who have
14 questions for the panel. I will start with Council
15 Member Brad Lander.

16 COUNCIL MEMBER LANDER: Thank you very
17 much to both chairs for organizing this hearing. I
18 think it's very productive and obviously, you know,
19 fitting to be doing four years after we passed Local
20 Law 70 to create the office. Thank you, Commissioner
21 and Inspector General Eure for being here, and for
22 all the work that you have done to establish the
23 office in such a strong way. It really is very
24 encouraging about how government can work given all
25 of the debate that the Chair discussed and the

1 anxiety about how this work, to see it stood up in
2 such a strong way that is fulfilling both the let's
3 make the NYPD work better and help it do that, and
4 the civil rights mandate that is in the law as well.
5 I think there was real skepticism that something
6 could exist that had a civil rights goal that was
7 responsive to the moment that we were in, but that
8 also is genuinely going to work hard to be
9 constructive, and I just don't think there's any
10 doubt that that has proven to be true, and I think
11 that's in very large part because of the—the way
12 you've stood the—the office up, the seriousness with
13 which you've taken it, and I think the examples you
14 gave of use of force, and then especially of the
15 Muslim surveillance and Handschu and impact on the
16 court have just shown that the real possibilities of
17 this office. So, I feel very encouraged by it. What
18 I want to ask about first is some of the—the
19 challenging spots in moving forward, and I guess this
20 is about areas, and—and the chairs both asked about
21 this in some different ways where there either isn't
22 an agreement to move forward on a recommendation by
23 the NYPD, or maybe where there is, but we don't have
24 enough clarity on how that's going to move forward. A
25

1 And I'm just going to give one example, and I guess
2 ask you to talk about it. Although if you have
3 others. In your report on policing around people
4 experiencing mental distress, you pointed out what-
5 what I have come to think is the key problem still
6 there, which is not that a lot of officers aren't
7 being trained, but that there's no system for trained
8 officer to be deployed quickly to an incident. And
9 even since that report, we have seen a number of
10 times people killed in an instance where there were
11 trained officers nearby, but the system did not get
12 them to the scene, and that still seems to me to be
13 an area where there's not yet- I haven't yet heard
14 publicly or privately either an acknowledgement of
15 that real problem by the department or clarity on
16 what to do about it. So, it's sitting there in the
17 report-

18
19 INSPECTOR GENERAL EURE: Uh-hm.

20 COUNCIL MEMBER LANDER: --and I guess
21 both specifically if you could address that example,
22 and I guess I want to flag as many other examples
23 where they have taken the recommendations and moved
24 productively forward. Use of force probably being
25 the best example. So, I-I don't want to imply that.

1 I think this is kind of the—the norm. I think the
2 norm is recommendations accepted and moved forward
3 on, which is great. Where that's not the case as in
4 this case, you know, tell us a little about what's
5 happening there, and then just generally how we can
6 work together with you. That was sort of the goal of
7 the office was as a joint project of the
8 Administration and the Council to be able to make
9 change, how we can work together to push it forward.

11 COMMISSIONER PETERS: Right, I—I think
12 it's a great question, and I think the last part of
13 your question is—is deeply important. So, I wanted
14 to start it, and I also want to thank you for the
15 kinds words. Obviously, there are a number of things
16 that DOI and with all of our Inspector General can do
17 to make changes. In some instances obviously we're
18 talking about invest—we do investigations, which lead
19 us to determine if criminal actions have taken place.
20 In some ways, those are the simpler ones to deal with
21 because where we find criminal behavior, we arrest
22 people. On the—the more challenging issues of things
23 such as the ones you mentioned where we do an
24 investigation, and we see things that are a problem
25 but, you know, they require changes to the agency,

1 and the one you mentioned about folks in emotional
2 distress is a great example. And the Council can be
3 and I think in many instances has been, and I would
4 encourage the Council to be even more so going
5 forward a real partner in this because we issue a
6 report. Our job is go and find facts, and present
7 those facts to the Mayor, to the Council and to the
8 public and to make recommendations based on those
9 facts. In many, many instances the agencies
10 including the NYPD accept those recommendations. The
11 NYPD has accepted far more recommendations than they
12 have not, and that's great, and then—the job for us
13 at DOI is to follow up and make sure that they're
14 implementing that, and one of the things I think
15 you'll be seeing in the next four years is additional
16 attention to the extent to which an agency be it the
17 NYPD or any other having said yes we're going to do
18 X, then went ahead and did it. And to give you an
19 example, after our Use of Force Report, the NYPD
20 agreed to set—to now be a tracking force in every
21 instance using as Inspector General Eure said, it's
22 called a TRI form. So, the next question is, is the
23 NYPD, in fact, doing that every time, and that's
24 something we are looking at and when our results are
25

1 done, we'll be reporting them to the Council. There
2 are instances and the one you gave is probably the
3 most stark where the NYPD has not accepted our
4 recommendations, and at the end of the day that is
5 the place where we most—where it is most important
6 for us to be partnering with the Council because you
7 have that report. We present that report to the
8 Mayor. We present that to the Council, and so the
9 Council has the opportunity to read that report. If
10 you have questions, obviously, we frequently get
11 question from members of the Council informally who
12 just call and say I have a question, but you also
13 have the ability for any of our reports to say we
14 want our questions in a more formal way by having a
15 hearing. And then the Council has—the Council as,
16 you know, the elected legislative body and will of
17 the people has the ability ultimately to engage in
18 legislative. You know, if the Council determines
19 that the NYPD needs to do something and they are not
20 based on our report, then that's not only for
21 hearings but ultimately for legislation if the issue
22 is serious enough. And so, what I would say is while
23 obviously you will—we want to be mindful, everybody
24 wants to be mindful of not micro-managing aspects of
25

1
2 policing because it is a big department with many
3 different things going on. Where we issue a report
4 and where we issue reports about things that we think
5 are serious. We do not issue reports about
6 everything because the world would grind to a halt.
7 Where we issue reports about things that are serious
8 and the NYPD says we are not going to do it, I think
9 that's exactly the moment where the Council is most
10 crucial because you—you as the Council then can
11 review that report, and can decide either we agree
12 with the NYPD. We're not concerned, or you can say
13 we are concerned. We don't agree with the NYPD. In
14 the first stage let's have a hearing. So, the
15 Council could hold a hearing and say why are you not-
16 do you not have a proper mechanism in place for
17 getting officers to respond. And if after that
18 hearing the Council is still concerned, you have the
19 ability ultimately through legislation and other
20 means to insist on changes.

21 COUNCIL MEMBER LANDER: Thank you. I
22 know there's colleagues who want to get to questions
23 as well. So, I won't ask others, but I'll just flag
24 this issue kind of both specifically around the issue
25 of deploying trained officers to those situations.

1 There's like one really important unachieved
2 recommendation, and look forward to working with the
3 Chair who's continuing and thank him as well in doing
4 some of this kind of follow on—in the next term. So,
5 thank you.

7 CHAIRPERSON GENTILE: Our next set of
8 questions will be by Council Member Jumaane Williams.

9 COUNCIL MEMBER WILLIAMS: Thank you very
10 much. I appreciate both chairs. I see there's no
11 time limit, which is dangerous, but I've to be
12 responsible. It's just an honor to be here, and to
13 have this interaction. It is humbling to be here to
14 know that myself and my colleague in particular had a
15 strong voice in—in getting this down, and at that
16 time period I just want to make it clear the whole
17 world was going to end if we did this. The sky would
18 literally crack open and brown and black young people
19 were going to wreck havoc on the city, and the
20 Inspector General inspector in general was going to
21 confuse all police officers. They would have no idea
22 who to listen to, the Inspector General or the
23 Commissioner. All these things were just going to
24 destroy the city. A few years later not only hasn't—
25 no happened, the city is actually in a much better

1 place in terms of policing. We obviously are
2 continuing to push because we have some ways to go,
3 but it's always interesting in pointing that out
4 because every time we have these conversations about
5 these type of topics those fears are always pushed
6 forth. Yet, they've never come to fruition, and each
7 time people have had the fortitude and courage to
8 move forward, only good things have happened. So,
9 I'm must humbled to be here and you've actually
10 referenced some additional bills that I've got done
11 in—in your—in your testimony. Appreciate that. I
12 did—did want to correct one thing. It's
13 comprehensively an impact of Police Commissioner
14 before this committee, the driving force that pushed
15 to pass Local Law 70. Just wanted to clarify we have
16 a great Safety chair now. When we got the bills
17 passed, it was not the committee that pushed it up.
18 We actually had to discharge past the committee to
19 get it straight to the floor. [laughter] But I just
20 wanted to clarify that for the record.

22 INSPECTOR GENERAL EURE: Also for the
23 record.

24 COUNCIL MEMBER WILLIAMS: [laughs] But
25 I'm thankful now, and I'm sure—I am sure that if

1 this--this particular bill is coming through this
2 committee we would not have to do that, and the
3 committee would work, how we would hopefully work on
4 these issues. I just have a couple of questions.
5 The first one and thank you for part on how PD
6 responded--responds to EDPs. I think you had a lot of
7 good ideas, and my colleague mentioned a few of them.
8 My hope is that they'll take you up on some of them.
9 This is critically important that we don't treat them
10 as criminals and have different responses than we
11 would do if we had criminals. I'm even thinking
12 maybe we need a different number of a 911 so that
13 people can call that, and maybe will trigger just a
14 different type of response in people's minds because
15 911 is known for usually criminal emergencies. Maybe
16 we need something else or EDP emergencies. I just--we
17 at the Council particularly after the shooting in my
18 district of Mr. Dwayne Joon (sp?) whose family called
19 for assistance and he was shot and killed. That is
20 an ongoing investigation, but we called for task
21 force not just NYPD's response, but in a response of
22 how the city responds to EDPs in general including
23 NYPD. The Mayor recently said no. Thanks to the---
24 the Council pushing, he did say yes, and we're
25

1 waiting to hear when that task force is going to be
2 either convened or reconvened because he has
3 something similar. I just want to know if you heard
4 any information about that? Were you aware of it?
5 Do you have any information of when that is supposed
6 to happen?
7

8 COMMISSIONER PETERS: We are not—we have
9 not—we are not involved with that task force. So, I
10 don't have any information on that task force. I
11 think obviously, it is an important idea. What I
12 would and Council Member, you and I actually support
13 it. The task force is important, but I believe there
14 are already some things that we know need to be done,
15 and so, I think it is important at the same time that
16 the task force go forward, and I commend you for
17 pushing it, but we also not lose sight of the fact
18 that there are some things in our report most notably
19 the one that Council Member Lander mentioned, which
20 is the need to have a better mechanism for getting
21 the officers who are trained in dealing with folks
22 with mental and emotional crises to the right scenes.
23 I think it's important that we not lose track of the
24 need to actually execute on and implement the things
25 that we already know need to be done, and that DOI

1 after a very extensive that, you know, Inspector
2 General Eure and the folks in that IG's shop put a
3 huge amount of time into that, and I think it's
4 important that we not lose track of the work that's
5 been done, and the things that we already know need
6 to be done even at the same time that we're
7 considering to think of better options.

9 COUNCIL MEMBER WILLIAMS: While I don't
10 disagree, I do want to ask have they--have they said
11 why--what's taking so long to make that happen? Is it
12 primarily medical (sic) officers are trained or is
13 it--? There's doesn't seem to be connective tissue
14 from the dispatcher being called and 911 to the
15 proper precinct to the people that have been trained.
16 So, is there--is there any other problem getting that
17 connective tissue happening? Have they responded to
18 what that issue is?

19 INSPECTOR GENERAL EURE: As I understand
20 it, it's--it's--it's a cost issue and a logistics
21 problem. I don't--I don't think I've ever heard
22 anyone from NYPD say that's a bad idea to have a
23 centrally located dispatch system. I--I think it's--
24 it's a matter of--of largely a logistics. They sort
25 of have come up with an improvised system where

1 they're making available at the start of each tour
2 officers who are CIT trained so that--so that that's
3 known at the beginning of each tour of duty, but it's
4 not fully electronically integrated in the way that
5 we've--we've proposed with dispatch systems. So, I
6 think they want to do the right thing. They need more
7 encouragement, and I--and--and I'm sure the Council can
8 provide that.
9

10 COUNCIL MEMBER WILLIAMS: Yeah. I'm into
11 encouragement so--[laughter] we'll try to do that.
12 Thank you. I just want to add that I do agree we
13 have to make sure that those officers are there. I
14 believe that while officers should be on the scene, my
15 hope is that we can get into a point--get a point
16 where it is not officers necessarily being the first
17 point of contact that there's trained people who are
18 in the mental health background to perhaps be there
19 and try to make an initial--an initial interaction
20 with police officers there as--as support. That's--
21 that my hope of that eventually happening. So, the
22 second of three questions. I just want to know if
23 there's a status update on the implementation of 119-
24 D, which is a bill that was recently passed, the law
25 suit on transparency using civil action data to

1 detect patterns and improve policing. Any update on
2 that?
3

4 INSPECTOR GENERAL EURE: So, the—the law—
5 the bill is law now and, you know, we're coming up
6 with a plan. I believe our first report is due at
7 the end of April. We're working on something that
8 will—will comply with the—the law and will be
9 reporting out litigation data in the years to come as
10 well.

11 COUNCIL MEMBER WILLIAMS: Thank you. I'm
12 very much looking to read that hopefully in a
13 particular capacity in April, but in whatever
14 capacity I'm looking forward to read that report, and
15 the last it's—I think we are at a place where we have
16 a—a particular administration, and a Mayor and a
17 Commissioner who are helping move—turn this vote
18 around. We have to turn some more, but I would think
19 a concern if the—another administration. Obviously,
20 one of the reasons we—we put it under DOI was to make
21 sure it fit with the existing law, the one that is
22 dangerous is that the Administration come and cut
23 everything that both of you have built, and
24 Commissioner, you've been doing a great job, and
25 obviously part of those high-end talented people—

1 people. You identified a very talented person in Mr.
2 Eure, I'm just—I'm just thankful for the work you've
3 done and the Commissioner. I'm just worried about
4 what happens with another administration that doesn't
5 believe what we believe. Is there any other
6 safeguards that you can think of or have thought of,
7 of how we can protect the work that's being done, and
8 the resources that are being given?
9

10 COMMISSIONER PETERS: Well, I mean
11 obviously yes, election. As—as have all seen last
12 year, elections have consequences. I would say that
13 part of the reason—we have—I have and Inspector
14 General Eure has, and the senior staff at DOI have—
15 everybody at DOI has spent a lot of time not only
16 doing individual investigations, but building an
17 infrastructure and a system that is hard to ignore,
18 hard to walk away from and hard to tear down. I
19 think that while—I think that it would be as you
20 mentioned a few minutes ago, I think that if the—if
21 Local Law 70 came to a vote in this committee now, it
22 would pass overwhelmingly with few of the
23 difficulties that you encountered and you encountered
24 four years ago. I think similarly, and I want to
25 give the administration with due credit. When I

1 first took at DOI, we had a little under 400 staff.
2 We now have close to 700 staff. I think that it
3 would be very hard and we are all committed to
4 spending the next four years and perhaps longer doing
5 that, and one things to remember that the City
6 Charter says that the Commission or DOI is nominated
7 by the Mayor, confirmed by the Council and serves
8 essentially not a particular term. But I think that
9 even four years from now if a new administration were
10 to come in and there were to be a new Commissioner or
11 a new Inspector General for the NPD or any other
12 agency, I believe it would be a lot harder to walk
13 away from this work now and even more so in four
14 years given the structure that we are building both
15 in terms of specific reports, and staffing and
16 reputation. I'm not suggesting to you that elections
17 don't matter. They matter deeply, but I believe that
18 we are building something that will withstand
19 considerable head winds if we are ever confronted
20 with head winds.

22 COUNCIL MEMBER WILLIAMS: Thank you very
23 much. Again, I'm looking forward to—to continuing
24 the work, and this is just another example of how
25 important our local elections are. Just for those

1 who are watching, many people pay attention to the
2 presidential elections, which we should because crazy
3 things can happen. Orange people can get elected and
4 do crazy things, but we have to see what differences
5 elections make locally. It could be the difference
6 of having an IG and not having an IG or having a DOI
7 Commissioner who cares about it or having one that
8 doesn't. So this is important. Thank you very much
9 and thank you to the chairs

11 CHAIRPERSON GENTILE: Thank you Council
12 Member Williams. Council Member Rosenthal had
13 stopped in and put her name on the list for
14 questions, but since she's not here, she may pop in
15 again, we're going to go to next question-questioner,
16 Council Member Bill Perkins.

17 COUNCIL MEMBER PERKINS: Thank you, Mr.
18 Chairman and Commissioner for being here. I'm
19 concerned about the--these reports that you made
20 reference to, and whether or not these reports looked
21 into issues relating to prejudices, you know, that
22 very often a big problem in our city, and have you
23 looked into those types of issues, and maybe reports
24 related to that?

1
2 COMMISSIONER PETERS: I'm sorry, Council
3 Member, you voice—your mic cut out.

4 COUNCIL MEMBER PERKINS: [interposing]
5 And my—(coughs)

6 COMMISSIONER PETERS: --and I lost half
7 your sentence. I apologize.

8 COUNCIL MEMBER PERKINS: Okay. You have
9 made reference to reports--

10 COMMISSIONER PETERS: Uh-hm.

11 COUNCIL MEMBER PERKINS: --that you have
12 issued, and I'm wondering have there been reports
13 related to racial and other types of prejudicial
14 challenges so to speak that we are occasionally
15 experiencing in this city?

16 COMMISSIONER PETERS: Certainly. There
17 have been a number of reports that have touched on
18 that. Probably the most prominent was the issue of
19 surveillance of political and religious groups, which
20 talked about in particular the surveillance of
21 mosques and of mosques. We issued a very detailed
22 report that Inspector General Eure talked about and—
23 and can talk about in greater detail involving the
24 use of quality of life misdemeanor arrests and
25 summonses, and that and the impact of that on violent

1 crime, but that also looked at some of the racial and
2 demographic components of that. Those are probably
3 the two reports that most directly, the two most
4 significant reports that directly impact that. Are
5 there others.

7 INSPECTOR GENERAL EURE: Those are the
8 main ones. Yeah, and-and, you know, we can't talk
9 about pending matters but I can-

10 COUNCIL MEMBER PERKINS: [interposing] I'm
11 sorry, could you--?

12 INSPECTOR GENERAL EURE: I'm sorry. In
13 addition to what Commissioner Peters said, and-and
14 although I'm not at liberty to discuss, you know,
15 pending matters in-in their office, I-I can assure
16 you--

17 COUNCIL MEMBER PERKINS: [interposing]
18 There are pending matters that you're not at liberty
19 to discuss? Let's hear those. [laughter]

20 INSPECTOR GENERAL EURE: So, I want to
21 assure you that-that-that having worked in this field
22 and addressed some of these issues of racial bias in-
23 in policing that this is-this issue is very much on
24 the radar screen of-of our office, and we've got a
25 bunch of cases that-that-that we're working on a

1
2 variety—a variety of topics and, you know, over—over—
3 over time you will see a fuller body of work.

4 COUNCIL MEMBER PERKINS: Alright, So,
5 the—the reports that you have completed, are they
6 publicly available?

7 INSPECTOR GENERAL EURE: Yes, absolutely.

8 COUNCIL MEMBER PERKINS: And so, can you
9 give me an idea of some of them that you've completed
10 that I might want to have access to?

11 INSPECTOR GENERAL EURE: I'm sorry. Some
12 of the ones that—that—that you will have access to?

13 COUNCIL MEMBER PERKINS: Yes.

14 INSPECTOR GENERAL EURE: Well, we've made
15 I think some public declarations about follow-up
16 reports, yeah.

17 COMMISSIONER PETERS: Well, all of our—
18 every report that we have issued—we've issued how
19 many so far?

20 INSPECTOR GENERAL EURE: Nine reports.

21 COMMISSIONER PETERS: All nine of our
22 reports are—when they are completed, they are issued
23 publicly. They are put up on DOI's website. They
24 are made, they are issued to the public and they are
25 put up on DOI's website. So, if you go to DOI's

1 website, all nine of those reports are available as
2 well as an annual report that summarizes the work
3 that was done that year, and also summarizes the
4 NYPD's responses to that work, and those are all on
5 our website.
6

7 COUNCIL MEMBER PERKINS: And do you have
8 the--sort of the title of those reports--

9 COMMISSIONER PETERS: Sure.

10 COUNCIL MEMBER PERKINS: --that you share
11 with us?

12 COMMISSIONER PETERS: Do you have them?
13 Yeah. Sure, I've got--I can read them. Is that the
14 complete list? Excellent. As Council Member
15 Williams said, the--the first trick to being a good
16 commissioner is to hire really good staff. The
17 second, by the way, is to take credit for their work.
18 We issued a report on observations on accountability
19 and transparency in ten NYPD chokehold cases. That
20 was in January of 2015. In April of 2015, we issued
21 a report Lawsuits and Legal Claims. In July of 2015,
22 we issued--oh thank you--a report on Body-Worn Cameras
23 Pilot Program Assessment. In October of 2015, we
24 issued a report on Use of Force De-Escalation Tactics
25 and Discipline. That I might note is the report that

1 led to the NYPD agreeing for the first time to issue-
2 to file forms every time force is used. We issued a
3 report on quality of life enforcement. That's the
4 one I referenced a moment ago. We issued an
5 Investigation of the NYPD's Compliance with Rules
6 Governing Investigations of Political Activity.
7 That's the surveillance report that I mentioned a
8 moment ago. We issued a report Putting Training into
9 Practice: A Report of the NYPD's Approach to
10 Handling Interactions with People in Mental Crisis,
11 which is the report that Council Members Williams and
12 Lander referenced. We issued a report out-Addressing
13 Inefficiencies in the NYPD's Handling of Complaints,
14 and Investigation of the Outside Guidelines Complaint
15 Process, and then most recently this summer we issued
16 a report on Undocumented-Uncertified Immigrants or
17 Crime Victims and Assessment of NYPD's Handling of U
18 Visa Certification Requests.

19
20 COUNCIL MEMBER PERKINS: So, also reports
21 are available to the public?

22 COMMISSIONER PETERS: Yes.

23 COUNCIL MEMBER PERKINS: And so, I'd
24 wouldn't-I'd appreciate it if you can get those
25 reports to me.

COMMISSIONER PETERS: We—we will be happy to send the—we will be happy to have a copy of each of those reports sent directly to you today.

COUNCIL MEMBER PERKINS: Thank you very much. I appreciate it.

COMMISSIONER PETERS: Absolutely.

[pause]

CHAIRPERSON GENTILE: Are you done, Council Member?

COUNCIL MEMBER PERKINS: Yes.

CHAIRPERSON GENTILE: You finished your questions?

COUNCIL MEMBER PERKINS: Yes, thank you. Uh-hm.

CHAIRPERSON GENTILE: Okay, thanks. Thank you, Council Member Perkins. Not seeing Council Member Rosenthal, we'll just—let me just go back and add a few more inquiries here. Let's—let's take one area where it's my understanding that the NYPD has rejected your recommendation in the—in the reporting of lawsuit data. Whereas, as you recommended the use of the rail system, and they continued to want to use I guess what's called the V-I-S system. Now, they've—that's a rejected

1 recommendation in my understanding and you talked
2 about maybe using legislation as a result of rejected
3 recommendations. Is this an area that you would
4 suggest that be the case?
5

6 COMMISSIONER PETERS: Well, and I'm going
7 to ask Inspector General Eure to talk in greater
8 detail about this particular report and the
9 recommendation. I think I want to be careful not to
10 overstep what is our job as opposed to what is yours,
11 nobody having voted for us. We issue reports with
12 what we believe are detailed factual findings. I
13 don't know that—it is nor our place to then tell the
14 Council what legislation they should enact. It is
15 our place to tell the Council—to provide the Council
16 with full facts.

17 CHAIRPERSON GENTILE: No, granted,
18 granted, but assuming that that were the case, would
19 you see that as an appropriate response to a rejected
20 recommendation in this—in a—in a matter like this—of
21 this—of—of this magnitude?

22 COMMISSIONER PETERS: Sure, I—I think in
23 the first instance, I would always suggest that in
24 the first instance the proper response from the
25 Council would be to hold a hearing and to have the

1
2 NYPD before going and writing a bill, I would suggest
3 the first thing to do if there is a recommendation
4 that we make that is rejected that the Council is
5 concerned about, I would say that the first thing to
6 do is to call a committee hearing and to insist that
7 the end—that the relevant person at the NYPD attend
8 the hearing and answer questions as to why they
9 rejected something and why they believe this rejected.
10 If after that hearing you are satisfied with their
11 answers, then we move on. If after that hearing, you
12 remain unsatisfied, then I think it makes sense to
13 think about legislation. But in the first instance,
14 I would always urge the thing to do with an of our
15 reports, and this is true whether we are talking with
16 the NYPD or any other agency if there are
17 recommendations made that are of concern to the
18 Council and not—and that we don't report being
19 implemented, the first thing I would recommend is to
20 have that agency's commissioner testify before the
21 Council as to why that wasn't done.

22 CHAIRPERSON GENTILE: So, the—the
23 magnitude of the issues that's rejected is not really
24 pertinent in your viewpoint. It's just whether or
25

1 not the Council feels it's sufficient enough to hold
2 hearing?

3
4 COMMISSIONER PETERS: Well, I think that—
5 that implies a certain concern about magnitude.

6 Obviously, there are, you know, obviously one thing
7 that would factor into your decision is not only do

8 we agree with what DOI said, but how important do we
9 think that is. I would not suggest that every

10 recommendation that DOI makes either in the policing
11 context or anywhere else are—they're all important.

12 If things that we think are not important we don't—
13 there are plenty of things we can say that we don't

14 because they're not important. If we say it and we
15 think it's important, then obviously you need to make

16 a just determination as to where you want to place
17 your emphasis.

18 CHAIRPERSON GENTILE: Okay.

19 INSPECTOR GENERAL EURE: And I know you
20 were giving an example where NYPD has not accepted

21 all of our recommendations, but to be fair to NYPD
22 and the Litigation Data Report that you refer to,

23 they have made some steps, taken some steps, which
24 have warranted a—a partially implemented

25 designation from us, and we ask them to take a look

1 at your data, whether it be claims information
2 flowing through the Comptroller's Office or lawsuits,
3 you know, being filed with the city, we asked them to
4 do a qualitative review of that, and they—they're—
5 they're not doing everything we asked them to do on
6 that. They're doing it more of in ad-hoc fashion,
7 but they're—they're doing more now than they did
8 before we wrote our report. Likewise in—in the
9 context of that specific report and our
10 recommendations we—we asked them—we—I think our
11 recommendation was that we asked them the NYPD to set
12 up a working group or committee along with the
13 Comptroller's Office, and—and the Law Department, and
14 although they did not constitute a committee like
15 that, they have assured us, and we've seen evidence
16 of lots of communications going on bilateral and
17 otherwise amongst that group that—that are leading to
18 positive results. In addition to all of that as I
19 refer to in the response to an earlier question,
20 we'll have the opportunity to issue our first 119-D
21 Report in—in April. So, that will—that will provide
22 additional information to the Mayor, the Council, the
23 public and NYPD about what's happening, where things
24 are dragging and—and what more needs to be done, and
25

1 we will also be—in our annual report that will come
2 out in a few weeks probably before that report, we
3 will be updating the public about the status of these
4 recommendations.
5

6 CHAIRPERSON GENTILE: So, you correlate
7 the additional movement by the NYPD to—to the
8 original recommendations you made?

9 INSPECTOR GENERAL EURE: Well, we're
10 always hopeful. We're actually about to begin the
11 process now of engaging with them to see, okay,
12 what's happened since the last annual report, and
13 going forward, DOI has plans to provide more real
14 time updates to the public with respect to the IG's
15 work and then I think that will be a valuable
16 service, but as things stand now, we will certainly
17 be updating the public in our next annual report with
18 respect to our pending recommendations from previous
19 reports.

20 CHAIRPERSON GENTILE: And that's in the
21 spring, right?

22 INSPECTOR GENERAL EURE: Yeah, the end
23 of—end of March, beginning of April, yes.

24 CHAIRPERSON GENTILE: Right, right. I'm
25 curious about this—this classification of accepted in

1 principle. What—what does that mean accepted in
2 principle? I mean practically what does that mean?

3 INSPECTOR GENERAL EURE: So, I can't
4 think of an example off hand. I know we've used that
5 language. I can't think of an example off hand.
6 Maybe it will come to me as I'm sitting here, but and
7 we—we have, you know, experimented with different
8 language, and I—I think that that we've used that
9 term where NYPD has told us that they—they—they agree
10 that the recommendation is sound. That is something
11 they want to do and will do, but perhaps are—are
12 waiting certain, you know, logistical requirements to
13 be met or other circumstances to arise before they
14 can actually implement it. So, that's a good thing.
15 It's not—it doesn't get us all the way to the goal
16 line.

17 CHAIRPERSON GENTILE: But you anticipate
18 it happening?

19 INSPECTOR GENERAL EURE: We anticipate it
20 happening, you know, but to be completely
21 transparent, I think that we have—there have been
22 instances, to be honest, where—and we report on all
23 this. It's not a secret, but there have probably
24 been instances where something has gone from accepted
25

1
2 in principle to something less than accepted in
3 principle. You can track that over time. So, we—we-
4 we—you know, we're as honest as candid, as accurate
5 as—as we can be, but these—that's—that's an important
6 thing to remember when you—when you realize that
7 these—sometimes these recommendations or the status
8 of these recommendations it's very—it's very fluid
9 and it can change for the—usually for the better, but
10 sometimes for the worse.

11 CHAIRPERSON GENTILE: Okay. So there are
12 instances where it does not happen as--

13 INSPECTOR GENERAL EURE: [interposing]
14 Correct.

15 CHAIRPERSON GENTILE: --based, you know,
16 in principle. They—they--

17 INSPECTOR GENERAL EURE: [interposing]
18 that would be documented in our--

19 CHAIRPERSON GENTILE: [interposing]
20 Right.

21 INSPECTOR GENERAL EURE: --work
22 absolutely.

23 CHAIRPERSON GENTILE: Okay. I want to
24 take a minute to—to evaluate your success based on
25 the—the four mandates that are in Local Law 70, and I

1 ask you to-to evaluate those-those mandates. How-how
2 has your success enhanced the effectiveness of the
3 NYPD? The general answer is fine, but that's one of
4 the mandates--

5
6 INSPECTOR GENERAL EURE: Right.

7 CHAIRPERSON GENTILE: --to enhance the
8 effectiveness with the NYPD.

9 INSPECTOR GENERAL EURE: Right. So, when
10 you're looking at our work, the systemic work that we
11 do, ultimately you want a Police Department to be
12 effective and then to-and to be effective, it needs
13 to have the trust of the community the confidence in
14 the police such that people are-feel comfortable
15 reporting crimes to-to the Police Department. The
16 Police Department is not going to be effective if it
17 doesn't have the trust of the community, and so I
18 would-I would argue that, you know, if you just look
19 at the very specific issue of-of training, which has
20 been a consistent theme in our systemic work across
21 various reports, and we've pushed for a better de-
22 escalation training, and we were talking about that
23 in our Use of Force Report from two years ago. We
24 talked about it again in our CIT Report that was
25 issued at the end of this year. We've been

1 complimentary of NYPD on some of their training,
2 which is actually quite good, and we've been critical
3 of deficiencies in training as well, but I would
4 argue that training is such an essential element of--
5 of police reform that if--if an oversight agency or
6 the department, the DOI can get NYPD to adopt better
7 training practices, fill in the deficiencies, that
8 ultimately is something that's going to make police
9 officers and--and by extension the Police Department
10 more effective. So, so--so training you could look
11 across various report, and even beyond the ones that
12 I just mentioned to you. Supervisory controls would
13 be another sort of theme across many of the reports
14 that we've written, and in the Use of Force context
15 or I would say in the U Visa context, the report that
16 we issued this summer, we found that there weren't
17 enough supervisory controls with respect to that
18 process. We've looked at supervision in the context
19 of use of force as well and--and we've looked at in--
20 the body camera context and remembering the issue of
21 supervisory checks that was actually brought to our
22 attention by members of a--of a police union that we
23 engaged with before we issued that report. So, all
24 of this is to say that for the Police Department to
25

1 be effective, you know, one should be mindful of
2 these themes that crop up across reports whether it's
3 training, supervisory controls, more effective
4 discipline, better policies, and—and I would—and I
5 would argue that when someone looks at our reports
6 you will see that we've hit heavily on—on—on these
7 topics, which go to not only the issue of the
8 effective—effectiveness of the Police Department, but
9 the other areas you wanted me to touch on.
10

11 CHAIRPERSON GENTILE: How about—how about
12 your mandate to increase public safety?

13 INSPECTOR GENERAL EURE: Okay. Well,
14 it's all connected, as I say to my staff. They're
15 used to—they're used to us—me saying that but, you
16 know, ultimately New Yorkers are going to be safer if
17 people have the faith and trust in their Police
18 Department where they feel comfortable engaging with
19 the police, reporting crimes, reporting criminals,
20 and so to give a recent example of the U Visa Report
21 again, there we looked at the—the processes in place
22 for NYPD to certify applicants for the U Visa
23 Program. If you didn't have a program like that, you
24 might have undocumented people who—who were afraid of
25 the police, afraid of the possibility of being

1 deported who did not support crimes. And so, by us
2 providing more transparency, more publicity about—
3 more information to the public about the U Visa
4 process, I would argue that that that's a plus.
5 That's a net gain in terms of increasing public
6 safety in New York, and I could—I could draw examples
7 from almost any of our reports to make similar
8 arguments.
9

10 CHAIRPERSON GENTILE: So, okay, so—so the
11 U Visa Program is part of what you're—you're
12 referring to?

13 INSPECTOR GENERAL EURE: Yes.

14 CHAIRPERSON GENTILE: Right, okay.

15 INSPECTOR GENERAL EURE: And then we, you
16 know, we--to put a light on that process, we—we ask
17 first—first that there be more transparency or due
18 process, if you will with respect to that process.
19 If you have a U Visa process that people believe in
20 that's fair, that's going to ultimately lead to
21 greater trust in the Police Department--

22 CHAIRPERSON GENTILE: [interposing] And-
23 and better safety.

24 INSPECTOR GENERAL EURE: Exactly.
25

CHAIRPERSON GENTILE: Right. I have an example or two where you're mandated to protect civil liberties and civil rights. Just--

INSPECTOR GENERAL EURE: Right. So, again, I mean you could look at various reports. You could look at our--our--our--our Use of Force Reports where, you know, we, you know, looked at people who had filed or you could go back to our first report the Chokehold Report. Let me start with that. That was the very first report that we issued in January of 2015 almost three years ago and we looked at ten recent chokehold cases, complaints, if you will, that have been substantiated by the CCRB, and complaints have been filed, and then we looked at how those cases fared once they got to the Police Department, and we were, you know, surprised and-and concerned in what we saw, and how the--the charges had been even in matters, you know, that we had looked at we had read it. We had seen the validity of these complaints after being analyzed by our team of former law enforcement officers and others in our office. We had found that many of these CCRB complaints did not fair very well once they go to the NYPD, which through its processes either downgraded or

1 disregarded those charges. So, I would—so I would—I
2 would argue that that's a civil rights matter.
3

4 CHAIRPERSON GENTILE: By—by shedding
5 light on them?

6 INSPECTOR GENERAL EURE: By shining light
7 on it, but it's a civil rights matter if you have a
8 process where citizens are filing complaints of
9 excessive force or—or—or concerns—or expressing
10 concerns about chokehold policies and—and those
11 processes and those complaints are not being
12 substantiated and upheld, I—I would argue that
13 that's—that's a civil rights issue. That said, how
14 we treat the most vulnerable people in our society,
15 in our—through our—through our Crisis Intervention
16 Report that we issued earlier this year where we, you
17 know, looked, you know, a very system—systematically
18 and did a deep dive into the NYPD's policies and
19 procedures in training in CIT. I—I think if you
20 talked to people in the mental health community, and
21 I agree, they would say that's a civil rights issue,
22 how a Police Department treats the most vulnerable
23 people in its society as well. So, these are things,
24 you know, that have been coming up, and will continue
25 to come in—in the work of our office.

1
2 CHAIRPERSON GENTILE: And—and finally,
3 your final mandate is to increase the public's
4 confidence in the police force, and in regard to
5 that, I'm—I'm just curious because it—it—to some
6 extent you're a third party in public police
7 relations, right? You're sort of a third party. So,
8 how—how does a third party do community—that you do
9 the community outreach that results in improved
10 police community relations.

11 COMMISSIONER PETERS: If—if—I'm going to—
12 just to give Phil a break--

13 CHAIRPERSON GENTILE: Yes.

14 COMMISSIONER PETERS: I think and—and
15 this goes to many of the points that—that Phil just
16 made, there is—part of the reason for having an
17 Inspector General of any agency but in particular of
18 an agency that interacts with the public a lot, and
19 there's probably none no more so than the NYPD.
20 Having an Inspector General, a third—an independent
21 third party that can review practices gives people
22 both confidence in what the NYPD is doing, and
23 confidence that there is a place to go when they are
24 concerned about what the NYPD is doing in confidence
25 that there is a place to go when they are concerned

1 about what the NYPD is doing, and it is simply a
2 truism that in order for government to function, it
3 needs the confidence of the people, and that
4 confidence is dramatically increased by having an
5 inspector general doing vigorous work. So, how does
6 that improve police-community relations? Because the
7 community has greater confidence in what government
8 is doing when they know that there is a third party
9 entity that is looking at this, that is standing up
10 and that is saying here are problems as we have done
11 with the NYPD with NYCHA with ACS with the Department
12 of Correction, and that knowledge that that is going
13 on is what I firmly believe contributes in a very
14 significant way to public confidence in governmental
15 institutions, and that's the cornerstone of any kind
16 of relationship between any government agency and
17 the-and the public.

19 CHAIRPERSON GENTILE: Well, couldn't the
20 same be said, though, of CCRB being-being an outside
21 at least partially an outside group that-that is a
22 third-party, so to speak, that people can go to?

23 COMMISSIONER PETERS: Sure, and it is
24 for me. Sure, but (1) the CCRB does something
25 different than the police and the Inspector General

1 for the NYPD. The CCRB is handling individual
2 complaints about specific police officers' conduct in
3 certain areas. The Inspector General for the NYPD
4 like the Inspector General for every city agency is
5 looking at large systemic problems in the way that
6 agency is run. The two are--there are just two
7 distinct but both very important functions.

9 CHAIRPERSON GENTILE: So, the--but in--

10 INSPECTOR GENERAL EURE: [interposing]

11 The--the--

12 CHAIRPERSON GENTILE: I'm sorry. You

13 first.

14 INSPECTOR GENERAL EURE: I was just going
15 to say just following up and directly tied to what
16 Commissioner Peters said, engaging with these outside
17 groups is a--is a way of showing that there's an
18 external party looking at these issues is a way that
19 builds trust, but directly tied to that is the fact
20 that we're issuing public reports, shining a big
21 light on some of these issues that had previously in
22 some instances been very secretive. And if people
23 are reading these reports, and looking at our--our
24 verdict, if you will, on various NYPD practices and
25 where we complement NYPD. I mean we praise NYPD

1 where they get it right. I think that's a way of-of
2 building confidence in the Police Department through
3 the issuance of these public reports that-that-that
4 make the facts known of-about police departments that
5 haven't always wanted to have these practices be in
6 the light.
7

8 CHAIRPERSON GENTILE: Now, when you meet
9 with these community groups, are they bringing you
10 systemic problems, or are they-are they bringing you
11 more so individual issues that are happening maybe in
12 their community or with their precinct or something
13 of that nature, and they-they're choosing you over
14 CCRB to make the comparison?

15 COMMISSIONER PETERS: I don't think it's
16 productive to view this as an us versus CCRB.

17 CHAIRPERSON GENTILE: [interposing] Yeah.
18 No, no, I don't suggest that, but I'm saying that if
19 they make a complaint, then-then for whatever reason
20 they choose to make the complaint to you.

21 INSPECTOR GENERAL EURE: Right.

22 CHAIRPERSON GENTILE: But are they making
23 systemic complaints?

24 INSPECTOR GENERAL EURE: Yes, absolutely.
25 I mean again I-I point you back to the first summer I

1 was here in 2014, I would—I can't remember how many
2 meetings I sat in during that summer with 10 or 12
3 people around our conference table, a coalition of
4 people with an interest in a—in a particular issue
5 and sometimes they'd have position papers, and
6 because they knew what we did, there—they—and the
7 CCRB wasn't the right place to go with—with respect
8 to those complaints. Having said that, when we meet
9 with community groups yes we also hear about
10 individual instances of possible misconduct, but we
11 have some very savvy community groups, legal advocacy
12 groups, and others in New York that—that know exactly
13 what we do, and have been waiting for an agency like
14 this, and have prepared and continue to prepare
15 position papers staking out their interest and what
16 they—what they hope it will—will do. So, absolutely,
17 people—people come to us, a lot of people come to us
18 because they know we handle systemic systems through
19 our Complaint Intake function that I described
20 earlier, there we'll get a lot of individual
21 complaints.
22

23 CHAIRPERSON GENTILE: So, do you hold
24 community forums or town halls? Do you sponsor those
25 in—in neighborhoods?

1
2 INSPECTOR GENERAL EURE: We—we haven't
3 sponsored a town hall. I mean it's something we—we
4 are discussing doing. We have one outreach person,
5 of course, but we have—that has not stopped us from—
6 from getting out the word as best we can in various
7 forms, and in attending Precinct Council meetings
8 and—and—and others. So, yes, we—you know, that's
9 something that we would certainly, you know, consider
10 for the future town halls.

11 CHAIRPERSON GENTILE: Do-do you—do you
12 look to certain geographical areas to—to—to get the
13 outreach or engagement within the five boroughs?

14 INSPECTOR GENERAL EURE: That's part of
15 the process. Yes. I mean a lot of the outreach has
16 been driven by the projects that we're in and the
17 issues that we're identifying the projects, but we
18 have absolutely had engagements with people
19 throughout New York City.

20 CHAIRPERSON GENTILE: So, how could the
21 public better engage with the PDIG in terms of
22 feedback, direction on future investigations? How
23 could that relationship improve?

24 INSPECTOR GENERAL EURE: So, that's a
25 good question. I mean I'll tell you what we do,

1 which very often when we issue reports we will not
2 wait for the public to engage with us. We'll issue
3 reports, and then we will—it's almost the normal
4 procedure where we will set up an in-person meeting
5 or a conference call with a coalition of people who
6 have previously, you know, expressed concerns about
7 our particular issue and we will—we will talk to them
8 about the report, get their feedback, get their
9 criticisms, get their ideas on next steps and so
10 forth, and so we don't wait for them come to us.
11 That said, I—I think it is important for this—for
12 this outreach to continue not only, you know, when
13 we're putting together a report or even outside of
14 the context of the report, but really after we issue
15 the report that's where the [door bangs] outreach is
16 all that more important. So, we are anxious perhaps,
17 you know, to talk to outreach specialists who work
18 for some of you council members, if you have ideas
19 about how we can better engage with people after we
20 issue reports and at any point in time we'd be very
21 open to those suggestions and ideas.
22

23 CHAIRPERSON GENTILE: Has your outreach
24 ever resulted in a report?

25 COMMISSIONER PETERS: Yes.

2 INSPECTOR GENERAL EURE: Yes, absolutely.

3 COMMISSIONER PETERS: Yes.

4 INSPECTOR GENERAL EURE: Absolutely. That
5 first summer as I—as I described being on a listening
6 tour, there are U Visas that came from that process.

7 CHAIRPERSON GENTILE: So, it is because of
8 what you heard--

9 INSPECTOR GENERAL EURE: [interposing]
10 Absolutely.

11 CHAIRPERSON GENTILE: --in your outreach
12 about U Visa that—that you issued the report dealing
13 with that. (sic)

14 INSPECTOR GENERAL EURE: [interposing]
15 Absolutely, and there were some issues I guess. I
16 was new to New York City in 2014. I guess there were
17 issues that were already on the agenda before I got
18 here, but I met that summer in 2014 with a group of
19 Muslim-Americans, and—and others from civil rights
20 and civil liberties organization expressing concerns
21 about surveillance practices, and we learned a lot
22 from those discussions and further discussions and
23 so, you—you could in a sense our report grew out of
24 that. As you know, that was a big enough issue that
25 we were probably going to do it anyway, but the—the

1 point is that we—we met with these groups, and there
2 are other examples where we have—there are examples
3 in the pipeline that I can't talk about right now
4 that came directly from the engagement with members
5 of the public that you'll hearing and reading about
6 in the near future.
7

8 CHAIRPERSON GENTILE: So, the plans on the
9 horizon are for a wider outreach and public
10 engagement?

11 INSPECTOR GENERAL EURE: Absolutely.

12 CHAIRPERSON GENTILE: I see.

13 INSPECTOR GENERAL EURE: That's the goal.

14 CHAIRPERSON GENTILE: Okay, great. I see
15 that we're pretty much depleted here in terms of
16 members, and our Chair Gibson had to step out for
17 minute, but I think that pretty much completes our
18 questioning unless you had some final words that
19 you'd like to—to add.

20 INSPECTOR GENERAL EURE: No. Thank you.

21 COMMISSIONER PETERS: Thank you.

22 CHAIRPERSON GENTILE: Okay. Great. Thank
23 you so much both Commissioner, Inspector General
24 Eure. Thank you so much for being here. We
25 appreciate your time.

2 INSPECTOR GENERAL EURE: Thank you.

3 CHAIRPERSON GENTILE: We'll now go to our
4 second panel and our second panel will Debbie
5 Silberman from the Brooklyn Defenders Servicers.
6 [background comment, pause] Okay. Ms. Silberman, when
7 you're ready, you can begin.

8 DEBORAH SILBERMAN: Thank you. My name
9 is Debbie Silberman and I'm a Senior Trial Attorney
10 at Brooklyn Defender Services. I thank the Committee
11 on Public Safety and Oversight and Investigations for
12 holding this hearing and providing us with the
13 opportunity to testify before you today. A number of
14 recent high profile corruption and misconduct
15 scandals demonstrate continued systemic problems at
16 NYPD. Recent bribery allegations against both senior
17 leadership staff and the Gun Licensing Division have
18 rightly attracted a lot of media attention. Today, I
19 will discuss additional issues that have not received
20 as much attention and warrants scrutiny by NYPD, OIG
21 and the Council. These issues are racial disparities
22 in law enforcement, police perjury, the problems of
23 so-called gang raid, and finally, police harassment
24 and predatory enforcement outside Methadone Clinics
25 and needle exchanges. And if time permits questions

1 by Council Members Williams and Lander regarding
2 NYPD's treatment of EDP as well as your questions on
3 what OIG can do in terms of involving the public are
4 also issues I can address if the time permits. But
5 first I'll address racial disparities in law
6 enforcement, and I want-wanted to thank Perkins for
7 raising this issues about racial disparities that we
8 continue to see.

10 There are sharp racial disparities that
11 continue to persist at NYPD enforcement practices.
12 Arguably, the clearest evidence of this dynamic
13 exists I Marijuana possession arrests. Contrary to
14 past media reports, low-level Marijuana arrests have
15 not ended. In fact, though arrest rates have
16 declined since their peak under Mayor Bloomberg and
17 NYPD Commissioner Kelly, they remain dramatically
18 higher than they were during Mayor Giuliani's first
19 term. Low-level Marijuana possession remained the
20 NYPD's top drug arrest in 2016 and fourth most common
21 overall arrest. From 2014 though 2016, 86% of the
22 60,990 of those arrests were for low-level Marijuana
23 possession across New York City, were identified as
24 Black and/or Latino. Despite government surveys
25 showing equal or greater Marijuana use by White

1 people. A report by the Drug Policy Alliance, DPA,
2 found that the people of color were far more likely
3 to be arrested for this offense even in majority
4 White neighborhoods. None of this information or
5 data is surprising to me. In my nearly seven years
6 as a public defender, I cannot recall ever
7 representing a White person on a Marijuana charge.
8 Importantly, 64% of U.S. residents including a
9 majority of Republicans support full legalization of
10 Marijuana consumption. No arrests, no prosecutions,
11 no tickets and no fines. BDS supports DPA's campaign
12 to legalize and sensibly regulate Marijuana in New
13 York State. We do not believe any additional
14 investigations or reports are needed to justify this
15 overdue reform. However, OIG NYPD could use
16 Marijuana arrests as a launch point to investigate
17 racial disparities in NYPD enforcement practices
18 generally, as they are clearly present and arrests
19 for fare evasion, sex work and countless other
20 offenses.
21

22 The second issue I would like to address
23 is police perjury or what we like to call testilying.
24 Police perjury or testilying is prevalent in New York
25 and the NYPD has taken no recognizable actions to

1 meaningful present police perjury. In fact, a
2 respected Federal District judge in Brooklyn, Judge
3 Jack B. Weinstein recently told the city to expect a
4 court hearing regarding the prevalence of such lying.
5 The case in which the judge issued this order
6 involved a 59-year-old bodega cashier charged with
7 drug dealing. He had been fully strip searched in
8 addition to be arrested and detained. The District
9 Attorney asked for and the Criminal Court Judge
10 granted money bail. Though fortunately the man was
11 able to pay and fight his case at liberty.
12 Ultimately, the case against him fell apart as
13 surveillance videos showed the arresting officer's
14 account was false. In other words, the strip search
15 along with the other humiliations of criminalization
16 was apparently performative. I myself have ample
17 experience citing police who lie in court under oath.
18 In 2014, I represented a man named Jeffrey Herring
19 who was arrested for gun possession. Mr. Herring
20 insisted the gun was planted by the police and his
21 story never waivered. While investigating his case,
22 I discovered that the arresting officers have
23 troubling records of misconduct, and false testimony
24 relating to gun arrests. They adhered to a pattern
25

1 involving an apparently [bell] fictitious informant
2 just as they had done in my case. I soon discovered
3 several other cases in which the same arresting
4 officers were involved in gun possession cases, but
5 they fell apart under scrutiny as well. We were able
6 to get the case against my client, Mr. Herring,
7 dismissed and the Kings County District Attorney's
8 Office announced investigation into these officers.
9 Yet, even after the New York Times reported on the
10 apparent trend of misconduct by these officers in my
11 case, and the trail of dismissed cases that they left
12 behind, the discredited officers remained on the
13 force and continued to testify as witnesses for the
14 prosecution still apparently adhering to the same
15 best-basic pattern of perjury and evidence tampering.
16 A public defender with the Legal Aid Society working
17 on a later case brought in what they had learned
18 about the unreliability of these officers, which they
19 had only learned through the New York Times. The
20 Kings County District Attorney's investigation had
21 apparently ended, and as far as I know, the officers
22 remain on the force. Even more troubling the New Gun
23 Courts designed to pressure faster and harsher pleas
24 with longer jail sentences for cases involving
25

1
2 alleged gun possession are likely only exacerbating
3 this phenomenon.

4 CHAIRPERSON GENTILE: Can we just sum it
5 up if you can? Because we have your testimony. So
6 we can just summarize everything.

7 DEBORAH SILBERMAN: Certainly. The third
8 issue is in regards to policing communities through
9 so-called gang raids, and what's most troubling about
10 police communities through these so-called gang raids
11 is how NYPD is ultimately identifying who they
12 ultimately argue are members of these gangs. We have
13 serious concerns about how these gang designations
14 are marginalizing certain members of the community
15 and we have no information as to how these
16 designations are being made, but these designations
17 are being used to target very specific members of the
18 community. As far as we know, there is no judicial
19 review as to how these officers are characterizing
20 individuals as members of gangs, and yet these
21 characterizations by NYPD are being used against
22 people in our community. For example, when an
23 individual is arrested and brought before a judge and
24 the prosecution asks for bail, it is very frequent
25 for the prosecutor to allege that a member standing

1 before a judge is a member of a so-called gang with
2 no review whatsoever, and that information is being
3 used against our clients. It's being used to
4 incarcerate individuals. Additionally, there are
5 serious problems with regard to the identification of
6 individuals as members of gangs at it relates to ICE.
7 People are being arrested. We recently had several
8 arrests by ICE because there were these so-called
9 gang identifications. These individuals who were
10 charged with misdemeanors of trespass and arrested
11 under the pretense that they were involved in gangs.
12 And finally, the last issue is arrests outside of
13 Methadone clinics and needle exchanges, and what
14 we're seeing in regard to this is we're seeing
15 practices by NYPD gathering outside these methadone
16 clinics. Now, these clinics play a crucial and
17 significant role in terms of getting help for the
18 individuals who need it. Yet, what we're seeing time
19 and time again, and it's been very a systematic
20 problem of members of the NYPD parked outside these
21 methadone clinics for the purpose of engaging in
22 undercover buy and bust and then ultimately arresting
23 individuals outside these methadone clinics who are
24 there to get help. It is no secrete that we have a
25

1 huge opioid crisis in this country, and it-it
2 mandates and it's certainly necessitates review of
3 this NYPD systematic policy to target individuals in
4 these methadone clinics, and we are asking the
5 Council and OIG to investigate this continued NYPD
6 practice. Just addressing some of the concerns of
7 the other council members notably how NYPD is
8 addressing individuals identified as EDP. The best
9 way I would argue to address what NYPD is doing is
10 ask the public defender's offices who deal with EDPs
11 on a daily basis. There are many times when we get
12 paperwork from NYPD and NYPD has not identified
13 individuals as EDP, but hospital paperwork would
14 certainly support otherwise. So, in reviewing police
15 practices, the best way is to ask well, where are we
16 getting sufficient and accurate data? And public
17 defender offices are a very significant organization
18 that can provide accurate data outside of NYPD. So,
19 when OIG is investigating are these practices being
20 followed? There are organizations in every borough
21 that can answer those questions of how many EDPs, how
22 are those EDPs being treated? Is anyone with
23 training showing up? And I would argue that that is
24 very similar to what you had been inquiring Council
25

1 Member as to what OIG is doing to—what—what are they
2 doing in the community insofar as looking at
3 community concerns and what is the community asking
4 questions about? In that public defenders offices we
5 have the benefit of seeing systemic issues.
6 Unfortunately OIG is not in court.
7

8 CHAIRPERSON GENTILE: Let me ask you this
9 then: Have—have you or Brooklyn Defenders engaged in
10 any dialogue with the OIG NYPD.

11 DEBORAH SILBERMAN: I will defer to my
12 colleague as to the answer.

13 CHAIRPERSON GENTILE: Just identify
14 yourself for the record please.

15 JARED CHAUSOW: [off mic] Yes, my name is
16 Jared Chausow.

17 CHAIRPERSON GENTILE: No, hit—hit the
18 button.

19 JARED CHAUSOW: I apologize. My name
20 Jerry Chausow, and I'm the Senior Policy Specialist
21 at Brooklyn Defender Services, and we have had some
22 preliminary conversations and we certainly look
23 forward to future discussions with the OIG.

24 CHAIRPERSON GENTILE: So, have you shared
25 some of these findings? Because these are very

1 serious findings that--that--you--that Ms. Silberman
2 just testified about. Have you shared this with -
3 with the--

4
5 JARED CHAUSOW: We have not discussed the
6 matters of this matters of this testimony with--with
7 the OIG.

8 CHAIRPERSON GENTILE: So, I assume you're
9 planning to do so, right?

10 JARED CHAUSOW: Yes.

11 CHAIRPERSON GENTILE: Okay, and--and I--I--I
12 assume you're going to request that some type of
13 investigation be conducted by the IG's office.

14 JARED CHAUSOW: Yes, where appropriate.

15 CHAIRPERSON GENTILE: Right, okay,
16 great. Chair? Okay, great. Thank you so much for
17 your testimony. We appreciate it and we have--we have
18 your full testimony. We'll put it in as part of the
19 record also. Thank you.

20 DEBORAH SILBERMAN: Thank you.

21 JARED CHAUSOW: Thank you, Mr. Chair.

22 CHAIRPERSON GENTILE: Our final panel
23 today is Mr. Towaki Komatsu. Please. [pause]

24 CHAIRPERSON GIBSON: You may begin.
25

2 TOWAKI KOMATSU: Hi, I'm Towaki Komatsu.
3 I'm a U.S. Navy Veteran. I speak—spoken to different
4 members of the Council before, and while testifying
5 in other committees. The reason why we're here today
6 is this is a meeting about the Inspector General.
7 With regards to oversight, I have filed complaints
8 repeatedly against the actions, the conduct members
9 of the Mayor's NYPD Security Detail. However,
10 there's been absolutely no corrective action taken
11 since April 27th, when I was unlawfully kept out of
12 public town hall meeting in violation of Federal Law
13 and New York State's Open Meetings Law. So, the
14 question is if this meeting today is about the
15 systemic abuse by members of the NYPD, if I've been
16 reporting it—that misconduct since April and we're
17 now into November at what point will members of the
18 Council or I guess the Inspector General's Office
19 take appropriate corrective action. One of the
20 people that has been engaged in such misconduct is
21 NYPD—NYPD Deputy Inspector Howard Redman, the Mayor's
22 Head of Security who is actually a defendant in
23 Federal Civil Rights Lawsuit across the street right
24 now, and the lawsuit dates back two years. So, I
25 actually asked the Commissioner of the NYPD at the

1 New York City Bar Association I think back in June if
2 Mr. Redman is a defendant in the Federal Civil Rights
3 Lawsuit, why exactly is he the Mayor's Head of
4 Security? I mean it's just common sense if someone
5 is defending a Civil Rights—Civil—sorry—a Civil
6 Rights Lawsuit, it makes absolutely no sense
7 whatsoever for him to be the top body guard for the
8 New York City Mayor. When I brought that to Mr.
9 O'Neill's attention, he told me that he wasn't aware
10 of the lawsuit. So, I immediately provided him with
11 a copy of it, and since then there have been
12 basically 16 additional public meetings from which
13 I've been illegally excluded. So, I guess is if I'm
14 a list there (sic) I have raised this point
15 previously to the Legal Director of the NYCLU as well
16 as the ACLU at the Fordham Law School last month.
17 Both of them confirmed I had a legal right to walk
18 through the door just like anybody else, and attend
19 those public meetings, which influence voters'
20 decisions about who they want to be the next mayor.
21 I mean part of the campaigning is meeting with
22 members of the public, listening to what their
23 concerns are and addressing those concerns. I had a
24 conversation with Governor Cuomo actually on Saturday
25

1 during the Veterans' Day Parade. He made remarks to
2 me the fact that if there's a disagreement,
3 disagreements are to be aired, they are to be
4 discussed. Well, if the top political official in
5 New York State made those questions—made that remark
6 on Veterans' Day, don't you think that members of the
7 NYPD should heed his direction as supposedly law
8 enforcement officers or are they just people wearing
9 a costume, and carrying a badge. But yeah, I mean I
10 guess with regards to the Federal Criminal Statute
11 that these alleged law enforcement officers are
12 violating, it's actually 18 U.S.C. 245, Mr.—who is
13 it? Gentile, you were a candidate for the Brooklyn
14 D.A.'s Office I believe. So, I think I'm talking to
15 an appropriate person here. If you're familiar with
16 Federal Criminal Statutes and members of the NYPD are
17 violating those statutes, the question is at what
18 point will a district attorney or a candidate for
19 district attorney, the D.A.'s Office take appropriate
20 corrective action? I've broached that question to
21 Mr. Vance at the New York Bar—the New York City Bar
22 Association. His response to me when he was sitting
23 next to Lawrence Byrne of Legal at the NYPD was he's
24 not a federal prosecutor. Therefore, despite the
25

1 fact he took an oath upon becoming a DA, he wasn't
2 going to enforce federal crim-federal crim-yeah,
3 Federal Criminal Statutes that apply to civil rights.
4 SO, yeah, I guess my question to the people sitting
5 over there is what legal recourse can you offer?
6

7 DEBORAH SILBERMAN: Okay. [background
8 comment]

9 CHAIRPERSON GENTILE: Okay, well we
10 appreciate you coming and spending the time and
11 waiting to-to give your testimony. Thank you so
12 much. I appreciate it. Thank you. [background
13 comment] Seeing no other witnesses, we conclude this
14 hearing, and again, I thank my colleague Chair
15 Vanessa Gibson, and the Public Safety Committee, and
16 I also want to acknowledge my Committee Counsel Josh
17 Kingsley, and my Legislative Director Jonathan
18 Chubchanes (sp?) who has departed I guess at the
19 moment, but I want to thank them for helping to put
20 this really substantive hearing together. With that,
21 this hearing is closed. [gavel]

22 CHAIRPERSON GIBSON: And the Committee on
23 Public Safety vote of Proposed Intro 1267-A, the vote
24 is officially closed. Thank you. [gavel]

COMMITTEE ON OVERSIGHT AND INVESTIGATIONS JOINTLY
WITH COMMITTEE ON PUBLIC SAFETY

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date November 21, 2017