

COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON OVERSIGHT AND
INVESTIGATIONS

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May 2, 2024
Start: 10:00 a.m.
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HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Gale A. Brewer, Chairperson

COUNCIL MEMBERS:

Chris Banks
Rita C. Joseph
Shekar Krishnan

A P P E A R A N C E S

Jocelyn Strauber, Commissioner for the New York
City Department of Investigations

Nakeeb Siddique, Supervising Attorney with the
Legal Aid Society's Harlem Community Legal Office

Christopher Leon Johnson

2 SERGEANT-AT-ARMS: This is a microphone
3 check for the Committee on Oversight and
4 Investigations located in Chambers, recorded on May
5 2, 2024, by Nazly Paytuvi.

6 COMMITTEE COUNSEL MACLACHLAN: Good
7 morning and welcome to today's New York City Council
8 hearing for the Committee on Oversight and
9 Investigations.

10 If you would like to submit testimony,
11 you may at testimony@council.nyc.gov.

12 At this time, please silence all
13 electronic devices.

14 Just a reminder, no one may approach the
15 dais during any point at this hearing.

16 Chair, we are ready to begin.

17 CHAIRPERSON BREWER: Good morning. I am
18 Gale Brewer, Chair of the Committee of Oversight and
19 Investigations. [GAVEL]

20 I hope that soon we'll be joined by my
21 Council Colleagues but, in the interim, I want to
22 state that our Committee will be conducting oversight
23 regarding the Department of Investigation's New York
24 City Marshals. As some of you know, Marshals are
25 private citizens appointed by the City primarily to

1 enforce orders from civil court cases, including
2 collecting on judgments, towing, seizing utility
3 meters, and carrying out evictions, which is
4 fortunately or unfortunately what they're known for.
5 Marshals collectively perform approximately 25,000
6 evictions per year. Obviously, during the pandemic,
7 it was much less, and we'll see what it is today.
8 Their work and oversight of it are of great interest
9 to tens of thousands of New Yorkers. As private
10 citizens, not City employees, Marshals tend to have
11 their most profitable years during times of economic
12 hardship for many others, which of course is
13 challenging for all of us. Critics claim that this
14 system, in which politically connected citizens
15 appointed by the Mayor, and obviously that could be
16 discussed as whether they are politically connected,
17 they're often known to each other in any case, they
18 are allowed to keep a portion of the debts that they
19 collect, and that could incentivize aggressive debt
20 collection strategies. The Marshals recorded their
21 highest grossing year in 2009 during the worst part
22 of the Great Recession. The City's 31 Marshals
23 collected a net income of about 11.6 million in 2022,
24 which was a lot less than in 2009. The New York City
25

2 Independent Budget Office has calculated that making
3 City Marshals City employees would yield 11 million
4 in annual revenue. Nevertheless, the system persists
5 despite the fact that the primary difference between
6 Marshals and sheriffs is that sheriffs are salaried
7 employees of the City and Marshals are private
8 entrepreneurs. I think most people don't know that,
9 but we know it. The Department of Investigation has
10 only limited oversight of Marshals, which are not
11 technically part of City government. They are a
12 creation of state law. DOI has several relevant
13 supervisory abilities, however, including the power
14 to conduct investigations into Marshals' activities,
15 examine their books, records, promulgate directives
16 concerning the official records kept by them, and
17 procedures for performing their official duties as
18 well as the power to discipline them, and I have to
19 say, in constituent work, we do find that some of
20 them in their offices are excellent and polite and
21 professional, and others are not.

22 Today, I look forward to hearing from the
23 Department of Investigation and interested
24 stakeholders regarding the agency's oversight of the
25 City's Marshals. This Committee seeks to learn how

2 DOI conducts its oversight, the financial and other
3 resources DOI has at its disposal to conduct its
4 oversight of Marshals, and recommendations that DOI
5 may have regarding the overall performance and future
6 roles of the City's Marshal and, if there's anyone
7 from the public, their experiences interacting with
8 the Marshals would be helpful and any improvement
9 ideas.

10 I would like to thank all of the
11 Committee Staff for their work on this hearing,
12 including Nicole Catá, who is the Legislative
13 Counsel; certainly Erica Cohen, Policy Analyst; Alex
14 Yablon, Policy Analyst also; and Owen Kotowski,
15 Finance Analyst. I'd like to thank Sam Goldsmith from
16 my office.

17 We will now hear testimony from
18 Commissioner of the New York City Department of
19 Investigation, Jocelyn Strauber, and I will turn it
20 over to Committee staff to swear in the Commissioner.
21 Thank you.

22 COMMITTEE COUNSEL CATÁ: Thank you, Chair
23 Brewer. We will now hear testimony from the
24 administration.

2 Before we begin, I will administer the
3 affirmation. Commissioner Strauber, please raise your
4 right hand.

5 Do you affirm to tell the truth, the
6 whole truth, and nothing but the truth before this
7 Committee and to respond honestly to Council Member
8 questions?

9 COMMISSIONER STRAUBER: I do.

10 COMMITTEE COUNSEL CATÁ: Thank you. You
11 may begin when ready.

12 COMMISSIONER STRAUBER: Thank you. Good
13 morning. My name is Jocelyn Strauber, and I serve as
14 the Commissioner of the Department of Investigation.
15 Thank you, Chair Brewer, and anticipated members of
16 the Committee on Oversight and Investigations who may
17 join us this morning for the opportunity to discuss
18 with you DOI's oversight role of the New York City
19 Marshals. As I will explain, and as you alluded to in
20 your statement, Chair Brewer, DOI's authority and
21 oversight of the City Marshals is conferred by state
22 law through delegation by the First and Second
23 Department of the Appellate Division. DOI is thereby
24 authorized to supervise the Marshals, which includes
25 the investigation of their conduct and activities and

1 the issuance of procedures for performing their
2 official duties. The Appellate Division retains a
3 role in DOI's oversight of City Marshals and, for
4 example, must be notified of and, in some instances,
5 approve DOI's directives to the Marshals. DOI's
6 authority does not extend to substantially affecting
7 or delaying the court orders that the Marshals are
8 tasked with executing. Today, I will describe the
9 scope of our authority with respect to the Marshals,
10 as well as their roles and responsibilities.
11

12 New York City Marshals are officers of
13 the New York City Civil Court, tasked with enforcing
14 the orders issued by that court. They are not DOI or
15 City employees, and they operate their businesses
16 independently of the City. State law vests
17 supervisory and disciplinary authority over the
18 Marshals in the State Appellate Division for the
19 First and Second Judicial Departments. Those bodies
20 have delegated their day-to-day authority over the
21 Marshals to DOI, mainly through the two joint
22 Administrative Orders, 453 and 456, which generally
23 define our authority. I have attached those to my
24 testimony today.
25

2 Pursuant to State law, City Marshals are
3 appointed by the Mayor for five-year terms. The law
4 allows the Mayor to appoint up to 83 Marshals. There
5 are 28 City Marshals today. The Mayor's Committee on
6 City Marshals handles the Marshal appointment
7 process. The Committee consists of 15 members, six
8 selected by the Mayor, six chosen by the Appellate
9 Division, and three selected by law school deans in
10 New York City. The Committee establishes criteria for
11 City Marshal appointments, recruits candidates for
12 that office and, after vetting candidates, recommends
13 appointments and reappointments to the Mayor.

14 With respect to DOI's role, and beginning
15 with the appointments process, DOI provides
16 administrative support to the Mayor's Committee on
17 City Marshals. That includes receiving and
18 applications and resumes, organizing interviews with
19 applicants, conducting background investigations of
20 candidates, preparing reports of a Marshal's history
21 in office for re-appointments, and preparing letters
22 of recommendation from the Committee for the Mayor's
23 review. DOI's oversight of City Marshals commenced in
24 its present form in 1968 when the Appellate Division
25 for the First and Second Judicial Departments

delegated some of their supervisory powers with respect to the Marshals to the Department of Investigation. In the mid-1970s, the Court issued the two Joint Administrative Orders I mentioned earlier, in which you have copies of, formally setting forth DOI's supervisory powers, including the power to investigate the Marshals' activities and impose discipline where warranted, examine their books and records, direct them with respect to maintenance of official records, and issue procedures for performing their official duties. As part of its supervision, DOI has issued numerous directives concerning standards for Marshals' official conduct and for the maintenance of official books and records. For example, DOI has issued directives to Marshals on issues such as maintaining a year-to-date count of completed evictions, possessions, and ejectments, and the existence of the 2019 Housing Stability and Tenant Protection Act, which introduced a 14-day notice of eviction rule requiring Marshals to serve a notice of eviction to tenants and then wait 14 days before executing an eviction warrant, among many other directives. DOI is required to provide copies of these directives to the Appellate Division, and

they are deemed approved unless the Appellate Division nullifies them.

DOI has also prepared a Handbook of Regulations, which was last updated in 2013, set forth in DOI's directives to the Marshals through the years, and is publicly available on our website. The regulations developed by DOI generally relate to Marshals' official conduct, discipline, record-keeping, and the execution of evictions and levies. DOI is completing an updated version of the Handbook to reflect statutory changes that have been made over the past decade as well as adding to the Handbook the DOI directives issued to the Marshals since 2013. The Handbook of Regulations must be reviewed and approved by the Appellate Department as well as any substantial policy changes therein, if any.

DOI carries out its oversight of the Marshals through its Bureau of City Marshals, a four-person unit within DOI consisting of a Director, Investigator, Auditor, and Administrative Assistant. The Unit reports to DOI's General Counsel. In addition to the responsibilities described above, DOI's Bureau of City Marshals engages with the civil court regularly with regard to matters of eviction,

1 seeking clarification of eviction orders when
2 necessary to ensure Marshals are following the rules,
3 and assisting the court with decisions regarding
4 citywide eviction suspensions due to weather or other
5 extraordinary circumstances such as the COVID-19
6 pandemic. DOI's primary role in these matters is to
7 convey to the Marshals the directives imposed by the
8 courts. DOI also shares that information with the
9 public via our website.
10

11 The Bureau of City Marshals also conducts
12 investigations into allegations concerning Marshals'
13 conduct. Those investigations have resulted in
14 discipline ranging from informal warning letters,
15 letters of admonition, and letters of stipulation.
16 The Bureau receives complaints from members of the
17 public, including individuals subject to eviction.
18 Investigations of a Marshal's conduct are handled
19 much like any other DOI investigation. We may review
20 relevant documentation, collect evidence, including
21 where available, video or photographic evidence, and
22 interview witnesses among other investigative steps,
23 depending on the nature of the matter and follow the
24 facts as we do in every case. DOI has authority to
25 impose penalties, including suspension of a Marshal's

1 badge, a monetary fine, forfeiture of fees collected,
2 and removal from office. DOI cannot make unilateral
3 decisions regarding removal of a Marshal and must
4 file charges with the Appellate Division regarding
5 these matters. DOI must also make the Appellate
6 Division aware of any stipulations entered against a
7 Marshal, such as a stipulation ending in a Marshal's
8 resignation. Since 2019, DOI has received 550
9 complaints, conducted 30 investigations, and taken
10 disciplinary action against 11 Marshals, including a
11 disciplinary stipulation in November 2019 that
12 resulted in a Marshal's resignation.

14 DOI's public website provides information
15 about the Marshal's responsibility to execute
16 evictions and collect money judgments as well as
17 information about DOI's oversight role. With respect
18 to the work of the City Marshals, as officers of the
19 civil court, Marshals primarily enforce court orders,
20 including warrants of eviction, collections of money
21 judgments, and utility meter seizures when a utility
22 company has received a judgment to reclaim their
23 meter from customers who have failed to pay their
24 bills. Marshals participate in the Boot-Tow program
25 for the City Department of Finance, enforcing

1 judgments for the City's Parking Violations Bureau by
2 placing a boot on vehicles for seizure due to
3 nonpayment of violations, including parking tickets
4 and camera violations. Marshals also conduct vehicle
5 auctions of towed vehicles that have not been
6 reclaimed and that have outstanding judgments. The
7 Department of Finance promulgates a standard
8 operating procedures manual, which includes the rules
9 and regulations under which participating Marshals
10 operate in the Boot-Tow program.
11

12 Some Marshals also enforce the collection
13 of Environmental Control Board fines on behalf of the
14 Department of Finance. Marshals do not serve
15 summonses.

16 Marshals can be hired by private
17 litigants to enforce judgments issued in their cases,
18 and in that event they are paid by those litigants.
19 The Department of Finance and the New York City
20 Housing Authority, as noted, also hire City Marshals
21 to execute judgments. Marshals' fees are set by state
22 law and are specific to the services that they
23 provide. By law, Marshals retain 5 percent of any
24 money they collect on court-ordered judgments. They
25 are required to remit an annual assessment fee to New

York City consisting of 1,500 dollars plus 4.5 percent of their gross income. Over the past five fiscal years, those annual assessments have brought in nearly 6.2 million to New York City's revenue base.

Marshals perform some of the same functions as the New York City Sheriff's Office, whose staff are City employees under the umbrella of the Department of Finance. The Sheriff's Office can enforce eviction orders of both the Supreme and Civil Courts. The Marshals can only enforce eviction orders of the Civil Courts. The fees for City Marshals and the City Sheriff are the same, and the Sheriff's fees also are set by state law. It is important to note that DOI does not direct work to the Marshals and does not and cannot influence how many and what type of orders the Marshals enforce. The nature and quantity of a Marshal's work is based on those who hire them.

Each Marshal annually submits to DOI their fees and their yearly financial statement, a month-by-month summary of all sums collected and disbursed by the Marshal, and a statistical summary of the Marshal's official activities in the preceding

Calendar Year. The Bureau of City Marshals audits those financial statements and reviews any requests for any unclaimed funds, which are generally funds where, for instance, an employer garnishes more wages than the debt requires or a car has been sold at auction for more than the outstanding judgment.

With respect to evictions, City Marshals are authorized to carry out eviction orders by the civil court, which is where most eviction cases are brought in New York City. The City Sheriff is also authorized to carry out civil court evictions, and private landlords, the Department of Finance, or NYCHA can hire a City Marshal or the Sheriff to carry out an eviction order. DOI plays no role in that decision. Pursuant to state law, when a City Marshal is asked to carry out an eviction, the Marshal must first request that the court issue a warrant of eviction. After a warrant is issued, but before it is executed, the Marshal must serve the tenant with a notice of eviction and then wait 14 days to carry out the eviction. In cases where a tenant would like to delay an eviction, their recourse is to move for a stay on the warrant of eviction in housing court. Alternatively, a tenant can communicate with their

landlord to request additional time before an eviction, but that determination would be left to the landlord's discretion. DOI does not have the authority to delay an eviction or otherwise control the timing of an eviction, except in one limited circumstance when a referral to Adult Protective Services, or APS, is warranted. Pursuant to the Marshal's handbook, before conducting a residential eviction, a Marshal must find out whether the resident of the apartment is unable to take care of themselves, such as a disabled, elderly, or infirm adult. If so, the Marshal must notify DOI, which then notifies APS. Again, by state law, the eviction is then delayed for two weeks, during which time APS assesses the tenant's needs and eligibility for services. APS can also make requests to DOI to have a Marshal delay an eviction of an APS client. Since 2019, DOI has processed approximately 11,000 of these APS referrals. There are no other circumstances of which DOI is aware that result in the automatic delay of an eviction, with the exception of severe weather events or other extraordinary circumstances that can result in a suspension of citywide evictions such as occurred during the pandemic. DOI understands the

2 critical and sensitive nature of evictions and is
3 discussing with APS whether there are any other
4 proactive steps that DOI and APS can take, consistent
5 with applicable state law, to ensure that all tenants
6 facing eviction who need social services are captured
7 through the existing APS referral procedure.

8 Evictions executed by City Marshals are
9 searchable as part of an online public portal that is
10 updated by the Marshals and exists both on DOI's
11 website and on the City's Open Data website. In 2023,
12 there were 13,521 evictions executed by City Marshals
13 in the five boroughs.

14 With respect to the collection of money
15 judgments, both a City Marshal and the City Sheriff's
16 Office can collect on those judgment orders. Both can
17 execute money judgments from the New York State
18 Supreme and Family Courts. To collect on a money
19 judgment, a City Marshal must be given a court
20 document called an execution, which can be provided
21 by an attorney or the court clerk. This document
22 provides the Marshal with legal authority to enforce
23 the judgment and collect an individual's income,
24 money, or other personal property. To begin the
25 collection process, the Marshal must mail a notice of

2 execution to the judgment debtor, informing him or
3 her of the obligation to pay the judgment. Again,
4 state statutes dictate precisely how a money judgment
5 can be collected and what can be collected, and City
6 Marshals are bound by these statutes. Certain
7 properties, such as welfare and social security
8 payments, household furniture, and a resident's
9 security deposit held by a landlord or utility
10 company are exempt from collection under the law.

11 I hope that this testimony begins to shed
12 light on an extremely complex area that, as you note,
13 impacts New Yorkers at a very critical and emotional
14 moment in their lives and also provides some
15 fundamental information as to the law governing City
16 Marshals and DOI's oversight. I am happy to take any
17 questions that you have.

18 CHAIRPERSON BREWER: Thank you very much
19 for shedding light, I think, on a topic that most New
20 Yorkers do not know, and I just, interesting that you
21 should be pursuing the APS angle, because even
22 though, and I did not know this, that there is a
23 relationship between APS and the Marshals, but I can
24 tell you we have two cases this week where it is
25 clear, and I'm not going to mention the names of the

2 Marshals, but they were not aware that the
3 individual, one mentally ill, one 81 and not in good
4 shape, they were not referred to APS so we did it
5 with our own, but that's a problem, because in both
6 cases, they're rent-controlled apartments paying 300
7 dollars a month and, of course, we think that that
8 might be why they are under this circumstance so I
9 think that APS link needs to be strengthened much
10 more. Even though you mentioned there were so many
11 referrals, in these two cases, it wasn't clear that
12 there was, the owner of the building did not make it
13 clear that there were issues with the residents, for
14 obvious reasons, and the Marshal had not referred to
15 APS.

16 I just want to make that, you really
17 need, somebody needs to work on that.

18 COMMISSIONER STRAUBER: Yeah, and one
19 possibility here is that it can be the case, and it
20 should be the case, that in the housing court
21 proceeding, some of this information comes to light,
22 and that can be another mechanism for referral to
23 APS. That does not always happen, and one of the
24 things that we're considering is whether there's
25 guidelines or directives that we might provide that

2 would help the court identify when a litigant is
3 before them for a reason relating to mental health,
4 infirmity, etc. Now, sometimes litigants don't always
5 appear in court, and a default judgment can be
6 entered so there's a lot of complexity here in terms
7 of who has the information, but when a Marshal
8 arrives at the site of an eviction, even at that
9 point, if they discover that the resident is elderly
10 or unable to care for themselves, what happens
11 routinely in that circumstance is they reach out to
12 our office and confirm with us that the appropriate
13 course is to prefer the matter to APS so that can
14 happen even as far along in the process as the actual
15 eviction itself. We agree with you that that's not
16 the best way for it to happen, and it would be much
17 better for that referral to occur well in advance so
18 that APS has the time that it needs to address the
19 needs of the resident.

20 CHAIRPERSON BREWER: Okay, something to
21 work on. I know you talked a little bit about the
22 oversight of the Marshals and what is entailed. Is
23 there anything that you wanted to add to that? In
24 other words, there are not a lot of Marshals now
25 compared to in the past so the four people that you

2 do have, is that enough to have the kinds of
3 oversight that you think is appropriate? I was
4 wondering if you think there should be more Marshals.
5 Is the relationship enough to have that kind of
6 oversight, though, would be my first question, and is
7 there anything, you've talked about APS, but any
8 other kinds of oversight that you think should be
9 involved?

10 COMMISSIONER STRAUBER: With respect to
11 the staff that we have and the current number of
12 Marshals, we think that that it is sufficient. I
13 mean, obviously, DOI always could benefit from more
14 staff in all areas, and the workload is significant,
15 but we have a very strong group who are handling the
16 Marshals, and one thing that I do want to highlight,
17 just to make sure that it's clear, is that on an
18 annual basis, we are able to audit the financials of
19 every single Marshal. Now, obviously, the audit is a
20 sample of the work that they do. I'm not saying we
21 look at every single document, but the goal there is
22 to ensure that their financial records are consistent
23 with the court orders that we have, that they should
24 be enforcing, and that the amounts that they are
25 retaining and dispersing are consistent with the law,

2 and we are able to do that, again on a sample basis,
3 but we're able to cover every single Marshal and look
4 at their financials, and at least I can say over the
5 last couple years when I've been here, we have not
6 seen significant issues. Something may raise a
7 question that we'll go back to the Marshal with, but
8 we are not seeing issues there, and we do think we
9 have sufficient staff to cover that work, and
10 similarly, with respect to the complaints we receive,
11 and again, certainly in light of the current number
12 of Marshals, we feel that we have sufficient staff to
13 cover that work.

14 CHAIRPERSON BREWER: Okay. I want to
15 welcome Council Member Rita Joseph.

16 There are 31 Marshals, as you indicated,
17 but the Mayor could appoint as many as 83. Do we know
18 why there is a discrepancy? Now, of course, if you're
19 a tenant and you are concerned about tenant rights,
20 you would say 31 is fine, you don't want any more.
21 I'm just saying, or if you own a car and you don't
22 pay your tickets, then you would say that, but I
23 just, I want to know, that's a pretty big discrepancy
24 as to what's possible. Is there any discussion? Are
25 there enough Marshals to carry out the required work?

2 Is there some discussion with the Mayor's Office
3 General Counsel as to why they're not appointing
4 more, etc.?

5 COMMISSIONER STRAUBER: I actually have
6 the number as 28.

7 CHAIRPERSON BREWER: 28, okay.

8 COMMISSIONER STRAUBER: You and I seem to
9 have a slight discrepancy there.

10 CHAIRPERSON BREWER: 28, yep.

11 COMMISSIONER STRAUBER: I understand that
12 the Mayor's Committee on City Marshals, the current
13 Mayor's Committee, was formulated this January, and
14 so they are undertaking an appointment process. It's
15 actually expected to begin this month. This is a
16 matter within the Mayor's discretion in terms of the
17 number of Marshals to appoint and, although we
18 provide support in that application and selection
19 process, we are really not involved in the
20 substantive questions of how many Marshals there
21 should be. If issues were brought to our attention
22 that suggest there weren't enough, we could obviously
23 raise those, but that's really not something that
24 we're involved in or taking a position on.

2 CHAIRPERSON BREWER: Okay. It is a little
3 strange, this procedure, that you are a private
4 citizen, it's state-enforced, not city, so if there
5 are any changes, it would have to go through the
6 state, but you mentioned that sometimes the Sheriffs
7 do the work, sometimes the Marshals do the work. So
8 my question would be, obviously, they get to keep, as
9 a Marshal, 5 percent of any money they recover for
10 the City. This would say to some tenant advocates
11 that that makes an incentive to be aggressive about
12 the debt collection strategies. Have you seen any of
13 that? I think you indicated that in audits you have
14 not seen anything like that.

15 COMMISSIONER STRAUBER: We have certainly
16 not seen in the audits that we've done that someone
17 is sort of over-collecting or taking more fees than
18 they're entitled to, certainly as a general matter.

19 In terms of aggressive strategies,
20 historically over the years, we certainly have
21 received some complaints that a Marshal is not
22 behaving the way we would want them to behave in
23 terms of their interactions. It's not saying it's a
24 frequent thing, but we have received those complaints
25 historically, and we address those with the Marshals,

2 and they can result in the different forms of
3 discipline that I mentioned but, overall, we are not
4 seeing issues that suggest that there's unlawful
5 strategies being used, unlawful retention of funds,
6 any kind of over-collection. We are not seeing that.

7 CHAIRPERSON BREWER: So there's no
8 indication that the Marshals are collecting, that
9 they're collecting money that's actually owed and
10 nothing above that. There's been no indication of
11 that.

12 COMMISSIONER STRAUBER: Not in the audits
13 that we've done, no. We have not seen that.

14 CHAIRPERSON BREWER: Do you ever do what I
15 would consider sort of an investigation in the sense
16 of just calling the offices, because that's the
17 complaint that I also get, not that there's anything
18 illegal, but just getting somebody to respond at the
19 office, the professional way in which that
20 communication takes place. I don't know, are there 28
21 different offices or are some of them shared? How is
22 that done? Because when one is in the field trying to
23 get a discussion going with the Marshal, you have to
24 call an office and, as I indicated in talking to many
25 tenant advocates I called, they said some are really

2 polite and very professional, and others are not so I
3 didn't know if it's 28 different offices or is it
4 shared?

5 COMMISSIONER STRAUBER: I don't know how
6 the individual offices are structured. I know that
7 each Marshal has a staff, and I believe by law and by
8 our handbook, they are required to have regular
9 office hours of eight hours each business day, and
10 those hours have to be posted at the entrance to
11 their offices. If they close their office before 5
12 p.m. on a business day other than a public holiday,
13 they can't enforce eviction warrants the next day so
14 there are certainly incentives for them to maintain
15 the office hours as required, and they have to notify
16 DOI 24 hours in advance if they intend to close their
17 offices so, obviously I can't speak to the fact that
18 someone may call and not get anyone at any particular
19 time. There are only 28 of them so they are busy, and
20 they may not be available at every moment that
21 someone calls. Thank you for that note. I understand
22 that they do maintain different offices, but some do
23 share physical office space, but each does have their
24 own office, so there wouldn't be like a general phone
25 number, for example.

2 CHAIRPERSON BREWER: No, I know. There are
3 individual numbers that we're very aware of. I'm just
4 saying at some point it might be worth doing, just
5 calling to see whether they are answering and how
6 professional the staff is. Something, again,
7 pretending you're the public, even though they're
8 private, they are certainly doing a public good or
9 service, I don't know if it's good depending on what
10 they're doing, that needs to have attention. I'm
11 letting you know that that is an issue that we get a
12 lot of complaints about. I don't know if it's good or
13 bad. You know, this is kind of funny to have less
14 revenue coming in, but in 2010 it was 21 million, as
15 you know, in 2022, it was 11.6 million, and
16 obviously, since the pandemic, the revenue has been
17 decreasing. Now, in other cases, we might say, oh,
18 this is a terrible thing. In this case, we might say,
19 oh, good, nobody's getting evicted, but I don't think
20 that's true so I assume that the revenue is down
21 because there are fewer evictions. Are there other
22 reasons do you think? Why would the revenue be down?
23 Fewer Marshals? Do you have some sense of that?

24 COMMISSIONER STRAUBER: Well, certainly in
25 terms of the City's assessment fee, that went way

2 down during COVID. It is higher this year so far in
3 Fiscal '24, and it was higher in Fiscal '23 than '22
4 so it's gone up to some extent since COVID. It is
5 down overall from a decade ago. You know, in terms of
6 the individual revenue, that could in part be a
7 matter of how they staff and pay their staff so it's
8 a little hard to say. In terms of the City's
9 assessment fee going down, that I do think is related
10 to the fact that there have been fewer evictions. I
11 think we're still, even though we've gone up since
12 COVID, I think there are fewer than there were, and
13 there may be other reasons. It's a little hard for me
14 to speak to that exactly, the distinction between
15 what's going on now and in 2010.

16 CHAIRPERSON BREWER: In the past, my
17 understanding is some Marshals made, I don't know, a
18 million dollars, and some obviously less. How does
19 that work? In other words, how does the work get
20 distributed? Is it I'm in Brooklyn and somebody else
21 is in the Bronx? Is it whoever gets the call? Is it
22 the court makes the assignment? How does the work get
23 distributed? Like, how would one person make a
24 million and somebody else less?

2 COMMISSIONER STRAUBER: The court, as far
3 as I'm aware, doesn't make these determinations.
4 These are private litigants, or to some extent, in
5 the limited ways that I mentioned, City agencies who
6 are selecting whether or not to use a Marshal, and if
7 so, which Marshal to use. We don't have any
8 involvement in that process and, therefore, I don't
9 have any insight unless anyone wants to pass me a
10 helpful note, but I don't think we have any insight
11 into how certain Marshals have more business than
12 others. Perhaps they've been established longer, they
13 have more contacts in the community, but I'm really
14 just speculating here.

15 CHAIRPERSON BREWER: Okay. I didn't know.
16 I would say, and did you indicate, maybe you did in
17 your testimony, the percentage of revenue generated
18 from evictions, or is that something that is hard to
19 delineate from the other?

20 COMMISSIONER STRAUBER: We don't track our
21 numbers by type of Marshal action, so that is not
22 information that I have. Anecdotally, we may be aware
23 that certain Marshals do more evictions, other
24 Marshals do more types of work, just based on our
25

2 contact with them, but that's our ad hoc sense.

3 That's not a hard number figure.

4 CHAIRPERSON BREWER: Okay. So basically,
5 the way it works then is that if you are an owner or
6 an agency, be it NYCHA or, like you said, Department
7 of Finance, and you have a relationship with a
8 certain Marshal, then you would call that person to
9 take care of whatever business it is that you're
10 concerned about, or maybe that person has an
11 expertise in that business.

12 COMMISSIONER STRAUBER: Like I said, it
13 could be. I don't know if they rotate in terms of a
14 list. I just don't know.

15 CHAIRPERSON BREWER: Okay. I have to say
16 it's a little strange. I'm just saying, a little
17 strange.

18 Do you think there are state-level
19 changes to any laws that would make it easier for DOI
20 to conduct oversight, or do you feel you have enough
21 authority?

22 COMMISSIONER STRAUBER: We feel we have
23 enough authority. I mean, we're certainly open to
24 other thoughts, if there are concerns out there that
25 we're not aware of, in terms of conduct, but I don't

2 think, at the moment, we have any proposals for state
3 law changes, no.

4 CHAIRPERSON BREWER: Okay, and do you
5 think that there are trends in Marshal performance
6 over time that you feel like, you've done all the
7 evaluation necessary, but, again, are there any
8 recommendations based on the oversight that you have
9 done that could improve the way that Marshals do
10 their work, or do you think that would have to come
11 from the state and from the court?

12 COMMISSIONER STRAUBER: Well, fundamental,
13 substantive policy changes in how the Marshals do
14 their work, at a minimum, would have to be approved
15 by the Appellate Division, and something potentially
16 more significant would be a matter of state law. As I
17 mentioned, we are thinking about the problem that you
18 discussed as well, which is how to make sure that
19 there's better information going to APS about
20 residents' issues that might warrant a delay of an
21 eviction so that's one of the main issues that we're
22 thinking about right now in terms of areas where
23 there could be improvement. That's not necessarily
24 really a change in oversight, but it's a process-
25 related issue.

2 CHAIRPERSON BREWER: Okay, and I assume
3 you haven't, because this would be a state issue, but
4 have you ever thought about whether, have you done an
5 evaluation whether it would make sense for the
6 government to take the Marshals in-house? Obviously,
7 that would increase revenue, which I did not realize
8 until I noted the IBO report, and keep, although
9 there have been no abuses during your term, there
10 have been in the past. Do you think that would still
11 enable the Marshals to enforce judgments? Would there
12 be advantages, basically, to having sort of local
13 sheriffs? Maybe you can't comment on this, because I
14 know this is a state issue, but I just didn't know if
15 that's something that had been thought of.

16 COMMISSIONER STRAUBER: It's really not
17 something that I've studied, and it's really not at
18 the moment, part of our role. I have seen, I think,
19 some of the same literature that you've mentioned
20 that suggests that the City might have an increase in
21 revenue. On the other hand, there are other costs
22 associated with making someone a City employee. I
23 haven't really gotten behind those numbers, so I
24 can't even say if they're accurate.

2 CHAIRPERSON BREWER: Okay. What kind of
3 trainings do Marshals undergo in order to do their
4 role? Who trains them, and where do they train if
5 they do train?

6 COMMISSIONER STRAUBER: They're trained by
7 our office and by officers of the civil court. That's
8 actually a requirement in the joint Administrative
9 Order, which lays out some of the types of training
10 that they're required to have, and it's on the
11 various types of work that they do. Let me see if I
12 can, so, for example, there's a series of lectures
13 that they're given by, again, members of our office
14 and by officials from the civil court, and they
15 really relate, I mean I can read them, but they
16 really relate to all the areas of the work that they
17 do so maintaining books and records, how to execute
18 warrants, the bank accounts they're required to
19 maintain, how they maintain their financial
20 statements. They have to either attend all the
21 lectures in person or they can review a tape
22 recording of any lecture that they might have missed.
23 They also receive a copy of our handbook, and they
24 receive every directive as we issue them. We not only
25 post them, but we send them out to the Marshals, and

2 they're obviously responsible for reviewing those and
3 being aware of them so that is the training that they
4 get in addition to the frequent contact with our
5 office, which is often just to confirm their sense of
6 how they should handle a particular situation, like
7 an APS referral or another sort of unexpected
8 circumstance that might arise in the course of an
9 eviction.

10 CHAIRPERSON BREWER: Council Member, do
11 you have questions?

12 COUNCIL MEMBER JOSEPH: Yeah, just one
13 question. Thank you, Chair Brewer. Good morning.
14 Happy to see you always. Thank you for this important
15 work.

16 I just have a question. DOI budget
17 includes funding for Marshal programs. Could you
18 please provide some information about what is
19 encompassed within the funding for that program? Can
20 you just break that down for us? Thank you.

21 COMMISSIONER STRAUBER: Yeah. It's really
22 all personal services, so at least the numbers that I
23 have, and they may be a little different than the
24 numbers in your report. They're not that far off. I
25 have a personal services budget of 266,000 per year.

2 That is for the four members of our Marshals Bureau,
3 so that's a headcount of four people. We have no
4 vacancies in that unit at the moment, and the budget
5 is really entirely for their salaries.

6 COUNCIL MEMBER JOSEPH: Thank you, and I'm
7 sure Chair Brewer asked this. How many Marshals do
8 you have all together for all five boroughs?

9 COMMISSIONER STRAUBER: We have 28
10 currently.

11 COUNCIL MEMBER JOSEPH: To cover all five
12 boroughs? 28 total.

13 COMMISSIONER STRAUBER: There have been as
14 many, I think there can be 83 so it's a wide range.
15 There are 28 at the moment.

16 COUNCIL MEMBER JOSEPH: I think earlier
17 you mentioned, are you planning to expand this? Is it
18 something you're looking into?

19 COMMISSIONER STRAUBER: It's actually not
20 within our authority to expand it or not, but there
21 is a Mayor's Committee for the appointment of
22 Marshals, and that Committee has recently convened. I
23 described sort of it's made up of a variety of
24 appointees by the Mayor, by the Appellate Division,
25 and by law school deans, and they are currently in

2 the process of reviewing applications so the Marshals
3 that are currently working are in what's called
4 holdover status so they can in that process be re-
5 appointed. I would expect that many of them will be,
6 and additional Marshals could be added to that group,
7 but that's within the discretion of the Mayor and the
8 Mayor's Committee. That's not a process we're
9 involved in, and we don't take a position on how many
10 there should be.

11 COUNCIL MEMBER JOSEPH: Of course, and do
12 you have an idea what the timeline looks like?

13 COMMISSIONER STRAUBER: I know that the
14 Committee is reviewing applications as we speak, but
15 I don't have a sense of how long the process will
16 take.

17 COUNCIL MEMBER JOSEPH: Thank you so much.
18 Thank you, Chair Brewer.

19 CHAIRPERSON BREWER: Thank you. Just on
20 the training, is that in person? Maybe you haven't
21 done it in the last couple of years because there
22 haven't been any new Marshals, I don't know, but is
23 it in person or Zoom?

24 COMMISSIONER STRAUBER: It is in person,
25 and there's a requirement that if for whatever reason

2 a Marshal can't attend, they can then review a tape
3 recording. I would assume if there were trainings
4 during COVID, which I can't speak to...

5 CHAIRPERSON BREWER: No, I'm talking about
6 now.

7 COMMISSIONER STRAUBER: But the rule is
8 that they're in person, and I think that's the
9 standard.

10 CHAIRPERSON BREWER: Okay. One question
11 that Legal Aid is asking is that legal providers are
12 reporting that Marshals are refusing to tell them
13 when a notice of eviction was served. We want to know
14 if the Department of Investigation would require the
15 Marshals to upload a copy of every Marshal's notice
16 they serve or re-serve, whether by mail or personal
17 service, on the website within one business day of
18 completing the service. Is that something that you
19 have considered?

20 COMMISSIONER STRAUBER: We are in the
21 process and have in the past worked on a portal that
22 Legal Aid would be able to access or that HRA, which
23 is responsible for coordinating counsel in these
24 circumstances, would be able to access that could
25 include that information. I believe there was some

2 work done on that in the past. It's not clear to me
3 that that portal is currently...

4 CHAIRPERSON BREWER: It is not.

5 COMMISSIONER STRAUBER: Working as we
6 would like it to work so that is something that we
7 are working on. That is different than issuing a
8 directive to the Marshals that would require that,
9 which would be a different policy issue, but I think
10 the point is that we are trying to make sure that
11 there is an accessible way for that information to be
12 available to counsel when they need it.

13 CHAIRPERSON BREWER: What is the timing on
14 whatever you are planning to do with the portal?

15 COMMISSIONER STRAUBER: Our efforts are
16 ongoing right now as we speak. I don't think that I
17 can give you a specific timeframe for when that can
18 be up and running, but we are working on it right
19 now.

20 CHAIRPERSON BREWER: Do you meet or has
21 there ever been a meeting with some of the Legal Aid
22 and others, HRA, perhaps to talk about APS, to
23 discuss the role of other ideas that might soften the
24 blow for some of these challenges that are faced by
25 individuals? Do you have those kinds of discussions?

2 COMMISSIONER STRAUBER: We are in regular
3 contact with all of those folks, and we are certainly
4 open to hearing ideas that they have to improve how
5 the process works. Like I said, there may be
6 limitations on our ability to affect those changes,
7 but we are certainly open to having discussions with
8 them and hearing what the concerns are.

9 CHAIRPERSON BREWER: Have there been
10 Marshal appointments during your tenure, or are those
11 28, I understand we are now waiting for new
12 appointments, but as far as you know, there haven't
13 been any new Marshals appointed in the last couple of
14 years.

15 COMMISSIONER STRAUBER: There have not
16 been.

17 CHAIRPERSON BREWER: Okay. Do you have any
18 sense of what the quality or criteria is for being a
19 Marshal? Is that something totally in the Mayor and
20 the court? Obviously, you review, but is there some
21 criteria for those who are Marshals? I don't know.
22 I'm just asking.

23 COMMISSIONER STRAUBER: There are
24 criteria, and we also do a background check, but I
25 don't know that I have a list of...

2 CHAIRPERSON BREWER: We want to welcome
3 Council Member Banks also.

4 COMMISSIONER STRAUBER: Thank you. Okay.
5 So there are minimum qualifications set by law. Those
6 involve age, high school diploma, being a U.S.
7 citizen, and being a resident within New York City
8 and then a number of the outlying counties. The
9 Committee considers candidates that have proven
10 records of occupational and educational achievement
11 so these are folks who have established themselves
12 generally in various areas. We've already discussed
13 the training course, and they also have to
14 demonstrate the ability to obtain a public officer's
15 bond of 100,000 dollars for their work and any
16 liabilities that might arise so there are minimum
17 qualifications and, beyond that, the Committee is
18 really the decision-maker as to who to select. We do
19 conduct a background check.

20 CHAIRPERSON BREWER: Okay, and do they
21 have one staff member, or can they decide how many
22 staff members they want? How does that work, or is
23 that up to them?

24 COMMISSIONER STRAUBER: I believe it's up
25 to them.

2 CHAIRPERSON BREWER: Okay, so depending on
3 how much money, I guess, they bring in...

4 COMMISSIONER STRAUBER: And how much work
5 they have and all of that.

6 CHAIRPERSON BREWER: Right. Exactly. One
7 of the Marshal's offices is listed under "fiduciary
8 management." What does that mean? What are the
9 implications of that designation, if that's true?

10 COMMISSIONER STRAUBER: My understanding
11 is that when a Marshal passes away and their work is
12 ongoing, they are required to have had available a
13 fiduciary to wind down their business, to ensure that
14 all of their records are in place so that they are
15 also required to turn over, those records are
16 required to be turned over to DOI after a Marshal
17 passes away so I believe when a Marshal's office is
18 in fiduciary status, that is what that means, and
19 there is one that I'm aware of that is in that
20 status.

21 CHAIRPERSON BREWER: Okay, and so from the
22 DOI's perspective it doesn't really matter who has a
23 majority of the work. It depends on who gets the
24 work, basically. In other words, and that's how it
25 is. In other words, if you're doing, I assume if you

2 have too much work and you're a Marshal, then you
3 would recommend the work that is coming in to
4 somebody else. Is that kind of how it works as far as
5 you know? I know it's hard for you to know.

6 COMMISSIONER STRAUBER: It's not something
7 we control, and it's not something that I am aware
8 of. Certainly, if someone had so much work that they
9 weren't able to do it in an appropriate way, that
10 might generate a concern that would come our way but,
11 other than that, I think you're right. It's not
12 something that we're involved in, have awareness of,
13 have a position on.

14 CHAIRPERSON BREWER: Okay. I was certainly
15 aware of Finance's role. What does NYCHA have work-
16 wise that is relevant to Marshals? Maybe you
17 mentioned it. I know you mentioned NYCHA. I certainly
18 know what Finance does, but what would NYCHA do? Is
19 that evictions also?

20 COMMISSIONER STRAUBER: Evictions.
21 Correct. There may be some other things as well, but
22 evictions is what I'm primarily aware of.

23 CHAIRPERSON BREWER: Okay, and then the
24 Department of Finance. Now, if you're a private
25 citizen and you want to, I have a friend who has a

2 business, and she called the Marshal because she
3 wasn't being paid by her customers. Is that something
4 that is normal for individuals who are Marshals to
5 then go and get that judgment? So anybody can call a
6 Marshal to get a judgment that is not being paid. Is
7 that the idea?

8 COMMISSIONER STRAUBER: Yeah. Enforcement
9 of a money judgment is one of their responsibilities
10 so yeah, that's right.

11 CHAIRPERSON BREWER: Okay and, if there's
12 a problem with that not happening, then they would
13 contact the Department of Investigation to say this
14 Marshal has not been fulfilling his or her duties. Is
15 that correct?

16 COMMISSIONER STRAUBER: I mean, certainly
17 if someone hired a Marshal and they weren't doing the
18 work that was assigned or they were not doing it in a
19 proper way, that's something that we could receive a
20 complaint about.

21 CHAIRPERSON BREWER: Okay. All right. So
22 then if there is a complaint from somebody who hasn't
23 felt that the Marshal is doing the right thing, what
24 is the exact procedure? Do they call DOI and then
25 there's a response? How does that work?

2 COMMISSIONER STRAUBER: Well, if they were
3 to call us, we would determine the nature of the
4 complaint, the nature of the issue. We provide the
5 Marshal with notice of the complaint and give them an
6 opportunity to respond and, depending on the nature
7 of the complaint, we would do whatever investigation
8 we feel is necessary. It could involve looking at
9 records to see was there a judgment issued, was that
10 judgment given to the Marshal, what did they do with
11 it in the example that you raised, if it was
12 misconduct of some kind in connection with an
13 eviction, we might try to figure out what happened at
14 the building. Is there a camera? Does the tenant
15 provide us with any video footage? Does the building
16 have a camera with footage? We would sort of
17 undertake the steps you would expect to try to figure
18 out the facts in terms of what happened and then the
19 determination of any appropriate penalty would flow
20 from that, if any.

21 CHAIRPERSON BREWER: Okay. Also, is there
22 oversight, I sort of asked this before regarding the
23 Marshal's behavior interactions with the public. In
24 other words, that's also where I'm asking you to do
25 more of an informal survey of the offices by just

2 calling, seeing what kind of response you get. Are
3 there any other ideas? Just because, even though they
4 are private individuals, I bet the public thinks that
5 they are individuals who work for the City of New
6 York, and so they would expect a certain level of
7 expertise and professionalism.

8 COMMISSIONER STRAUBER: I mean, as do we,
9 and I do think that we have, as I indicated, received
10 complaints on occasion that a Marshal's not
11 conducting themselves in a civil and decent manner,
12 and those are things that we look into. Those are
13 things that, if substantiated, could result in
14 discipline, and I take your point on the value of a
15 sort of informal integrity test of that interaction,
16 if you will.

17 CHAIRPERSON BREWER: Okay, and then, now
18 you mentioned that, how would one determine that the
19 office of the Sheriff would be involved with any of
20 these activities? Why would, I mean, obviously the
21 public, I'll be honest with you, would prefer to have
22 the office of the Sheriff because they are, at least
23 when I talk about the tenants and Legal Aid, because
24 they are City employees and they feel they have a
25 better oversight over City employees and individuals

2 who don't work specifically for the City, but you
3 mentioned earlier that maybe the office of the
4 Sheriff does do some of this work. How does that get
5 allocated, if at all?

6 COMMISSIONER STRAUBER: Again, it's really
7 the same process, and this is a part of this work
8 that we don't really play a role in. A private person
9 who is seeking to evict a tenant, for example, could
10 go to the Sheriff. My sense is, as you say, that the
11 Sheriff's Office does relatively few evictions
12 compared to the Marshals, though they do do some, but
13 that's really up to the entity that is selecting a
14 person to do this work, whether they want to pick a
15 Sheriff or a Marshal. The fees are consistent as we
16 said so it may come down, ultimately, to a question
17 of relationships and, again, I'm really just guessing
18 because we don't see that process and we're not part
19 of that decision.

20 CHAIRPERSON BREWER: Okay, and do you have
21 a sense from the Department of Finance or from,
22 particularly from Finance, that the work that is done
23 by the Marshals is satisfactory to the Department of
24 Finance, because they have parking, they have
25 judgments, they have all other kinds of probably less

2 controversial and not as heart-wrenching, shall we
3 say, but do you have some sense that that goes well
4 for the Department of Finance? Do you have any
5 contact with the Commissioner or anything?

6 COMMISSIONER STRAUBER: I mean, I
7 certainly haven't had any contact to suggest that
8 it's not going well. We do oversee the Marshals with
9 respect to all their work so, if a complaint were to
10 arise from work done for the Department of Finance,
11 either by the Department or by a private citizen
12 affected by that work, that complaint would come to
13 us, but I'm not aware of any issues with their work
14 for the Department of Finance.

15 CHAIRPERSON BREWER: I guess my final
16 question is, obviously, you're going to work on the
17 issue of APS because I don't think it's going well.
18 Just two cases this week, as an example. And then,
19 secondly, to see if there's some kind of informal
20 oversight that can be done with the offices, because
21 they, people think they're City employees, and why
22 are they not responding in a professional way? And
23 then, I hope you would, as you do, keep in contact
24 with those who are seeking, maybe, the portal and
25 changes that Legal Aid has suggested. I also think

2 that, at some point, there should be a discussion
3 with the State, not you, to see if this is the best
4 way to carry out the duties that have to be carried
5 out. We're talking about cars, financial, and
6 evictions. Is this the best method? Again, it's been
7 around since, what, 1600s, something like that?

8 COMMISSIONER STRAUBER: A long time.

9 CHAIRPERSON BREWER: A long time. Well,
10 that's...

11 COMMISSIONER STRAUBER: Goes back to the
12 Dutch, I believe.

13 CHAIRPERSON BREWER: Exactly. So, the
14 question is, is it still the right way to do things,
15 and that's something, not for you to determine, but I
16 think for those of us in public policy to say to the
17 State, I don't know, to the courts, I don't know, but
18 let's have a discussion because if it's financially
19 more beneficial to do it other, and certainly, maybe
20 better oversight, something to think about.

21 Thank you very much, and we look forward
22 to continuing to discuss this topic. Thank you so
23 much for your testimony.

24 COMMISSIONER STRAUBER: Thank you.

2 CHAIRPERSON BREWER: Now, I open the
3 hearing for public testimony.

4 I remind members of the public that this
5 is a government proceeding, and that decorum will be
6 observed. As such, members of the public will remain
7 silent. The witness table is reserved for people who
8 wish to testify. No video recording or photography is
9 allowed from the witness table. Members of the public
10 may not present audio or video recordings as
11 testimony but may submit transcripts of such
12 recording to the Sergeant-at-Arms for inclusion in
13 the hearing record.

14 If you wish to speak in today's hearing,
15 please fill out an appearance card with the Sergeant-
16 at-Arms and wait to be recognized. When recognized,
17 you will have two minutes to speak on today's
18 oversight topic, which is the Department of
19 Investigation's Oversight of New York City's
20 Marshals.

21 If you have a written statement and you
22 want to submit it for the record, please provide a
23 copy of that testimony to the Sergeant-at-Arms. You
24 can also email any written testimony to
25 testimony@council.nyc.gov within 72 hours of the

2 close of this hearing. We do not take audio and video
3 recordings.

4 For in-person panelists, please come up
5 to the table once your name has been called.

6 For virtual panelists, if there are any,
7 once your name is called, a Member of our Staff will
8 unmute you, and the Sergeant will set a timer, and
9 you can go ahead and begin to speak. Please wait for
10 the Sergeant to announce that you may begin before
11 delivering your testimony.

12 I am delighted, from the Legal Aid
13 Society, Nakeeb Siddique, and please come up to the
14 witness table. Thank you so much, Siddique.

15 NAKEEB SIDDIQUE: Good morning, everybody.
16 Thank you very much, Council Members, for having me
17 here. My name is Nakeeb Siddique. I'm a Supervising
18 Attorney with the Legal Aid Society's Harlem
19 Community Legal Office, and I'm a housing attorney.
20 I've been doing that with the Legal Aid Society since
21 2011. I think the Members here are familiar with the
22 Legal Aid Society so I won't belabor it, but we've
23 been around here since 1876. I always like to tell
24 folks in my office that's longer than the City of New
25 York has been the City of New York as we know it, and

2 I'm proud to work there, and I just want to briefly
3 address some of the points I think you, Council
4 Member, have already mentioned, asking the
5 Commissioner.

6 We're really here to raise just two
7 points. One, again, it's already been raised here. As
8 advocates, in the course of our work in terms of
9 eviction defense, in some percentage of cases, it
10 inevitably becomes necessary to monitor a warrant of
11 eviction. Without getting into the details and the
12 weeds of it, it's the pointy end of the stick.
13 There's some number of cases, some number of low-
14 income tenants who face eviction. It may be that just
15 the law, such as it is, will ultimately require their
16 eviction, or, more often, they're waiting. They're
17 waiting for an agency to come through. Often the
18 City's Human Resources Administration, they're
19 waiting for some other contingencies to happen to
20 hopefully avoid eviction in the case of a nonpayment
21 case, and so I think the Members here may already
22 know the housing court can be a protracted process.
23 It can take months, and it often becomes the
24 situation where there is a final judgment of eviction
25 entered against the tenant and, pursuant to that, the

1 Court issues a warrant of eviction, typically to a
2 City Marshal, very rarely to a Sheriff, but usually
3 to a City Marshal, and those warrants we have to
4 monitor, and we typically do that by calling the
5 Marshals. Most cases, my personal experience, the
6 Marshals are very helpful. They take a lot of these
7 calls from hundreds of advocates around the city, and
8 that's not even including pro se tenants, and often
9 what we ask is, has a Marshal's notice been served?
10 What's the date on the Marshal's notice? When is the
11 eviction scheduled? And this happens basically every
12 single business day. We've gotten some reports from
13 our sibling organizations, folks in our office, pro
14 se tenants, that sometimes some Marshals, their
15 staff, are not as willing to give out that
16 information, or they say call back later, or send me
17 a fax or an email, and that's one thing for lawyers
18 to do, it's an inconvenience but, for pro se tenants,
19 that could be a barrier to knowing when this very
20 serious thing could possibly happen, and so one
21 recommendation we have here has already been raised
22 in this oversight meeting is that there should be a
23 rule or a law that compels City Marshals and Sheriffs
24 to upload an eviction notice to the State court's
25

1 electronic system. It's called NYSCEF, N-Y-S-C-E-F.

2 It's existed since the height of the pandemic, June

3 2020. The vast majority of eviction cases in New York

4 City are on NYSCEF. I would respectfully submit, the

5 Commissioner mentioned that there was a portal. I

6 personally have not seen that. I would respectfully

7 submit that it would be far better to use the

8 existing system, NYSCEF, which I give QR codes to

9 folks who come into the courthouse every day, and I

10 tell clients and certainly pro ses, you need to go to

11 this public website and bookmark the docket for your

12 case. It's no longer the case that people need to

13 schlep down to the housing court to get their court

14 files. You can look it up with a smartphone at home

15 on your computer, and that's how most people get the

16 information. We really think a simple fix to tenants

17 not getting a notice of eviction, that does happen

18 sometimes. We see it all the time. A person says, I

19 just didn't get it in the mail, and they get evicted,

20 and it's a disaster. We think a simple and expedient

21 measure, I think that would actually save resources

22 on the Marshal side and we would be calling way less

23 frequently. We could simply go to NYSCEF, and if

24 tenants could go to NYSCEF and see the Marshal's

25

1 notice right there, it would also help agencies like
2 Adult Protective Services, HRA. Judges sometimes want
3 to see when was the last Marshal's notice. Honestly,
4 even in those terrible situations when a tenant
5 ultimately gets evicted, and they have to, for
6 example, go to shelter, you need to have a lot of
7 documents. It's very hard to be a poor person in the
8 city. One of the things you have to do is carry
9 around a bunch of documents. In 2024, we don't really
10 need to do that. One thing that could be really
11 helpful for folks is just to be able to refer to the
12 docket where all the papers in the case should really
13 be. There actually already is on NYSCEF a setting, so
14 nothing would have to change, that says Marshal or
15 Sheriff's certificate of service. They could simply
16 use that to upload the Marshal's notice every single
17 time, or we could ask the court system to create a
18 dedicated designation. I guess I will just leave it
19 there. I think that would be something, not a portal.
20 Portal is fine, but I think NYSCEF would really be
21 the easiest and best method to help notify tenants
22 and their advocates and agencies about impending
23 evictions. Thank you.

2 CHAIRPERSON BREWER: Thank you. We will
3 certainly absolutely follow up. Do you have questions
4 for him?

5 Okay. One other question I have, though,
6 is APS, because we don't find that it's a seamless
7 process. I didn't know if that's something that you,
8 like I said, as you heard earlier, we have two
9 situations, one mentally ill, one very, very elderly,
10 that were not referred to APS so there's a challenge
11 there, and I didn't know if that's something that you
12 come across or any of your associates.

13 NAKEEB SIDDIQUE: Absolutely. I agree that
14 happens quite frequently. Again, different Marshals'
15 offices and different staffs are, I don't want to
16 take anything away from the Marshals and their staff.
17 Some of them are wonderful. They really do take, I
18 think, but the vast majority of them, the section in
19 the Marshals' handbook, it's right at the top,
20 Section 1-2, talks about respect for the public, and
21 it holds the Marshals to the highest standards, and I
22 do think a lot of the folks at the Marshals' office
23 are sensitive and helpful, but it is like manual
24 transmission. Unless they receive some information
25 that requires them to notify APS, Adult Protective

1 Services, there is no there there, so often what we
2 do as advocates, we are the first time that the
3 Marshal is hearing so-and-so who's scheduled for
4 eviction tomorrow is disabled, is 95 years old, or
5 has other issues so, absolutely, there's definitely a
6 gap there. Sometimes judges, which is great, will, on
7 their own initiative, require the Marshal to make an
8 APS referral. Not all judges do that. Sometimes it's
9 not obvious to the judge that this is a vulnerable
10 person so I think that coordination would be super
11 helpful and important. I do find, in my personal
12 experience, most Marshals are sensitive. They don't
13 want to be also evicting somebody who's really
14 elderly and vulnerable. That's not really something
15 they want to do so I think there is an area there
16 that we could all work together, all the
17 stakeholders.

18
19 CHAIRPERSON BREWER: All right. In terms
20 of, I certainly want to implement your NYSCEF
21 suggestion. Is that something we can do on the City
22 level as far as you know? It doesn't have to go
23 through the State or the court, to the best of your
24 knowledge.

2 NAKEEB SIDDIQUE: Yeah. To the best of my
3 knowledge, Council Member Brewer, I was about to call
4 you judge, but to the best of my knowledge, I think
5 it can be done by DOI pursuant to a special order.
6 They have directives that they're allowed to do.

7 CHAIRPERSON BREWER: We could also pass a
8 law directing them to have the directive.

9 NAKEEB SIDDIQUE: Yes, Judge. I think
10 that's right, and the..

11 CHAIRPERSON BREWER: Then there's no, I
12 don't know if this is, then it's clear.

13 NAKEEB SIDDIQUE: That's right. I think my
14 understanding is the two Appellate Divisions, the
15 First and Second Department, they only have to
16 approve full revisions of the Marshal's Handbook,
17 although I'll just note the last revision of the
18 Marshal's Handbook was in 2013. A lot has happened in
19 this country, in the city, since 2013. I think it's
20 probably overdue, but that does require, I think, the
21 judiciary to weigh in on, but I think a simpler
22 method is what the Commissioner has been doing
23 certainly during the height of the pandemic, with the
24 State laws that happened in 2019. If you look at the
25 text of the Marshal's Handbook, it talks about six-

1 day notices because it was written in 2013, but the
2 directives that the Commissioner issued in 2019 make
3 it clear to the Marshals that, no, the state law has
4 changed, now you have to give 14 days' notice,
5 because the legislature changed the rules around how
6 much time you get before an eviction can be carried
7 out so, similarly, I think it could just be a simple
8 directive, directing Marshals or landlords,
9 attorneys, whoever, whatever agents, before an
10 eviction is carried out. I would submit commercial
11 and residential. Why not? I think Marshals, from my
12 experience, they are on NYSCEF, their staff is on
13 NYSCEF all day long. They're actually consulting it
14 in real time. This would not be an additional step.
15 It is an additional step, but it would be one that I
16 think would save time because fewer people would be
17 calling them and it's just in the interest of
18 transparency and dignity for especially unrepresented
19 folks and agencies to be able to see in real time,
20 because that's the other thing here. Parties don't
21 have to, unrepresented party in New York State is
22 required to use electronic filing, but the nice thing
23 about our e-filing law in New York State is any
24 unrepresented person can opt in or opt out at any
25

2 moment for any reason so some number of tenants I've
3 encountered who are either represented by the Legal
4 Aid Society or one of our siblings or is
5 unrepresented, some number of folks are like, yeah, I
6 will opt in because I want notifications sent to me
7 in email in real time, and I think increasingly we'll
8 see that happen. I think most folks, especially as a
9 lot of folks are very technologically savvy, they
10 don't really want to wait for a paper, like who gets
11 snail mail anyway, right, and this is not the kind
12 of...

13 CHAIRPERSON BREWER: Me.

14 NAKEEB SIDDIQUE: I do as well. Council
15 Member, I do as well, and certainly we're not saying
16 that this should be in lieu of whatever this law
17 requires in terms of service of papers. It's just an
18 additional security belt, and I'll just acknowledge
19 as to how the court system in New York City, housing
20 court, they send postcards to tenants to say, hey,
21 here's your next court date. They don't have to do
22 that. The state law does not require that, a city of
23 eight and a half million people and just it's a
24 humanitarian gesture. It's helpful because sometimes
25 tenants say all the time, hey, I got the postcard. I

2 didn't get the papers the landlord sent to me. I
3 didn't get the Marshal's notice, but I got this
4 postcard. Similarly, I think if we can use electronic
5 notification, why not? It exists. I think it would
6 save a lot of heartache and time and effort for
7 everybody involved.

8 We've been joined by Council Member
9 Krishnan, who knows everything about this topic. Do
10 you have any questions?

11 COUNCIL MEMBER KRISHNAN: Well, thank you,
12 Chair Brewer and, yes, fortunately and unfortunately,
13 I have a lot of experience with these issues, and so
14 that's why one thing in particular I wanted to raise
15 and you sort of already touched on it too with the
16 APS referrals, but one of the biggest problems that
17 we see now that I think is even undercounted is the
18 alarming spike and presence of illegal evictions in
19 our city where there are no court orders and
20 landlords are changing locks on tenants, putting
21 their things out on the street overnight, and so I
22 know you all operate based on the court system and
23 you're checking NYSCEF and making sure where things
24 are on the docket, but I'm just wondering what work
25 you all are doing, given how traumatic evictions are

2 as well, to make sure that you have the most up-to-
3 date information that you actually have a warrant and
4 a final order of eviction before proceeding with
5 anything and are not being misled by baseless
6 proceedings or illegal evictions?

7 NAKEEB SIDDIQUE: Yeah, thank you. I think
8 you're absolutely right. I mean, that has been a
9 perennial problem and, certainly, I think in the last
10 few years during the height of the pandemic, a lot of
11 landlords and even roommates, other folks have
12 resorted to self-help. It's wrong. It's a
13 misdemeanor. Wrong in a criminal sense. It's actually
14 a misdemeanor in the City of New York. I guess I
15 would just go back again to saying the subject of
16 this kind of conversation about oversight of
17 Department of Investigations, it is really, really
18 important, I think, for all parties, and I always
19 tell this to tenants, go directly to the source,
20 which is the court. In the old days, people would
21 have to go physically to the courthouse, and some
22 people still want that experience. They want to see
23 somebody face-to-face, and that's fine. The
24 courthouse is open, it's a public courthouse, it's
25 our courthouse, but I would again say NYSCEF is super

2 important. It's maybe not the most user-friendly, but
3 it's also not particularly complicated for most folks
4 to navigate. Their tenants can find a huge amount of
5 information, their advocates, agencies that they're
6 working with, previous types of cases. You can find
7 information on your same landlord. You can just do a
8 word search, so really I think the docket, the vast
9 volume of information that we have, in an unfortunate
10 way, the legal system is like a library, like the
11 worst kind of library that there is, but it's a
12 social record. You can find a huge amount of
13 information, and it used to be locked away in the
14 courthouse, in these dusty files, you got to go there
15 with your quarters and make photocopies. You don't
16 have to do that anymore, and I think it could be
17 really, really empowering to tenants' rights
18 advocates, tenants themselves, people in communities,
19 electeds advocating for folks to be able to keep an
20 eye on the bad actors and spot these trends,
21 especially using the databases that we have. I think
22 starting fundamentally with the e-filing system that
23 the court has. That, I think, is really the key.

24 COUNCIL MEMBER KRISHNAN: Thank you, and I
25 appreciate how it's really a collective effort from

2 the advocate side, from the agency side, to make sure
3 that those kinds of illegal evictions aren't
4 happening, that the tenants get proper process, and
5 their rights are respected, but I appreciate your
6 answer, and thank you, Chair Brewer, for holding a
7 hearing on a topic that's very important but does not
8 get as much attention as it should but thank you.

9 CHAIRPERSON BREWER: Thank you very much.
10 You are a fabulous witness.

11 NAKEEB SIDDIQUE: Thank you very much.
12 Have a nice day. Be well.

13 COUNCIL MEMBER KRISHNAN: Agreed.

14 NAKEEB SIDDIQUE: Take care.

15 CHAIRPERSON BREWER: We have one witness
16 from Zoom so wait for the Sergeant-at-Arms to
17 announce that you may begin and then you can begin
18 your testimony. It's Christopher Leon Johnson.

19 SERGEANT-AT-ARMS: Starting time.

20 CHRISTOPHER LEON JOHNSON: Hello. Can you
21 hear me?

22 CHAIRPERSON BREWER: We can hear you.

23 CHRISTOPHER LEON JOHNSON: Oh, yeah. Hey,
24 my name is Christopher Leon Johnson, and I am a
25 renter. I live in Brooklyn. I can't say the exact

2 address. I'm at this Susan Wong event right now so I
3 couldn't be in person, but I want to say this right
4 now because a lot of people I know, the reason
5 there's not a lot of people here because they're
6 scared and I don't blame them because people like to
7 retaliate, but I'll make this clear, the DOI needs to
8 start investigating on how these people get appointed
9 as Marshals, and the problem is, like I said, they
10 need to start investigating how these people get
11 appointed as Marshals because a lot of these Marshals
12 could be real shady, they could do a lot of shady
13 stuff and, mainly, it's all about aggressively
14 evicting people, and I think that's a problem a lot
15 of people, not to say in public, but I'll say it, is
16 the way they evict people. I understand, like, they
17 got to do their job and evict people but, if you
18 aggressively try to force them, like you're a cop,
19 injuring people, then there's a big issue with that,
20 you know, so I know a lot of people ain't going to
21 come out and say that because they're scared, they're
22 scared of retaliation, but people know what, my name
23 is Christopher Leon Johnson, go look it up, and like
24 I said, it just needs to stop, you know what I'm
25 saying? Thank you, Gale, for doing that. I know it's

2 kind of brave of you for doing this hearing. I know a
3 lot of people ain't coming out to say that because
4 they're scared of retaliation. It's violent
5 evictions. That's the problem. It's violent
6 evictions. It's not an eviction problem. It's violent
7 evictions, and it's all about making sure that
8 market-rate apartments get made in New York City for
9 the developers. That's why they have no issue of
10 trying to evict rent-regulated people. Like I said,
11 the Marshals, they're just doing their job, but the
12 way they do it is disgusting. They do it to a lot of
13 people, aggressively pull people out, and some of
14 them are sadists. They get off on people crying.

15 SERGEANT-AT-ARMS: Thank you. Your time
16 has expired.

17 CHRISTOPHER LEON JOHNSON: Thank you so
18 much.

19 CHAIRPERSON BREWER: Thank you.

20 CHRISTOPHER LEON JOHNSON: Thank you.

21 CHAIRPERSON BREWER: We've now heard from
22 everyone who has signed up to testify.

23 If we missed anyone who would like to
24 testify in person, visit the Sergeant's table,
25 complete a witness slip.

2 If we inadvertently missed anyone who
3 would like to testify virtually, please use the raise
4 hand function in Zoom, and we will call on you in the
5 order of hands raised.

6 Okay. We want to know if Charlie Linehan
7 is here.

8 Seeing no one else, unless he's here and
9 he's not online, I would like to note that written
10 testimony, which will be reviewed in full by
11 Committee Staff, may be submitted to the record up to
12 72 hours after the close of this hearing by emailing
13 it to testimony@council.nyc.gov.

14 I want to thank the Sergeant-at-Arms and
15 my Colleagues, and this is a topic that I think has
16 been around, the Marshals since the Dutch were here,
17 and we have to consider if this is still relevant
18 from those times.

19 Thank you very much. This hearing is
20 concluded. [GAVEL]

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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 May 31, 2024