

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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March 27, 2023

Start: 1:18 p.m.

Recess: 5:57 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Kamillah Hanks, Chairperson

COUNCIL MEMBERS:

Joann Ariola
Erik D. Bottcher
Justin L. Brannan
Tiffany Caban
Carmen De La Rosa
Robert F. Holden
Rita C. Joseph
Darlene Mealy
Althea V. Stevens

OTHER COUNCIL MEMBERS ATTENDING:

Speaker Adrienne Adams
Gale A. Brewer
Alexa Aviles
Crystal Hudson
Kalman Yeger
Inna Vernikov
Vickie Paladino
Public Advocate Jumaane Williams

A P P E A R A N C E S

Gladys Williams

Shawn Williams

Samy Feliz

Steven Kohut

Ibrahim X

Robert Willis

Michael Clarke, Director of Legislative Affairs
for the New York Police Department

Chief Matthew Pontillo, Chief of Professional
Standards for the New York Police Department

Allison Arenson, Director of the Department's
Body Worn Camera Unit for the New York Police
Department

Amy Litwin, Deputy Commissioner of the Department
of Trials Unit for the New York Police Department

Muriel Goode-Trufant, First Assistant
Corporation Counsel

Eric Eichenholtz, Managing Attorney of the Law
Department

Beth Nedow, Deputy Chief for Practice
Management in the Litigation Support Division

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

Nancy Savasta, the Deputy Chief of the Tort Division in charge of Risk Management

Jonathan Darche, Executive Director of the Civilian Complaint Review Board

Keli Young, VOCAL New York and Communities United for Police Reform

Michael Sisitzky, Assistant Policy Director with the New York Civil Liberties Union

Leo Ferguson, Director of Strategic Projects at Jews for Racial and Economic Justice

Keith Fuller, Youth Organizer with the Youth Power Project at Make the Road New York

Hadeel Mishal, Lead Organizer at the New York City Antiviolence Project

Samah Sisay, attorney at the Center for Constitutional Rights

Maggie Hadley, Fellow in the Special Litigation Law Reform Unit at the Legal Aid Society

Christine Rivera, Staff Attorney and Policy Counsel to the Criminal Defense Practice at the Bronx Defenders

David Moss, NAACP Legal Defense Fund

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

Jackie Gosdigian, Senior Policy Counsel at
Brooklyn Defender Services

Nina Loshkajian, Legal Fellow at the
Surveillance Technology Oversight Project

Ben Weinberg, Director of Public Policy at
Citizens Union

Tanesha Grant, Executive Director of Parents
Supporting Parents

Michelle Feldman, Director of Partnerships at
the Center for Policing Equity

Dr. Brett Stoudt, professor at the City
University of New York and also a member of CPR

Carmen Perez-Jordan, President and CEO of The
Gathering for Justice and co-founder of Justice
League NYC

Cody Bloomfield, Defending Rights and Dissent

Pilar DeJesus, Senior Advocacy Coordinator at
TakeRoot Justice

Michael Leon Johnson

1 COMMITTEE ON PUBLIC SAFETY

5

2 SERGEANT-AT-ARMS: Test, test, test. This
3 is a test. We have a Committee on Public Safety.
4 Today's date is March 27, 2023. It's being recorded
5 by Sakeem Bradley (phonetic).

6 SERGEANT-AT-ARMS: Once again for those
7 who just arrived, if you are here to testify, even if
8 you registered online to testify and you are in-
9 person, please fill out a witness card. We're going
10 to start in just a moment.

11 Just a few ground rules. No booing or
12 clapping. We're going to ask you to use hands like
13 this for (INAUDIBLE)

14 SERGEANT-AT-ARMS: Good afternoon and
15 welcome to today's New York City Council meeting on
16 Public Safety.

17 At this time, please minimize your
18 cellphones, put them on vibrate or on silent mode.

19 If you want to testify, you have to fill
20 out one of these slips at the back by the table at
21 the Sergeant-at-Arms desk. Thank you for your
22 cooperation.

23 Chair, you may begin.

24 CHAIRPERSON HANKS: [GAVEL] Good morning,
25 everyone. I am Council Member Kamillah Hanks, and I

2 am privileged to Chair the Committee on Public
3 Safety.

4 Today, I am joined by Speaker Adrienne
5 Adams, Public Advocate Jumaane Williams, Council
6 Members Aviles, Hudson, Stevens, Brannan, Brewer,
7 Holden, and also Yeger.

8 Today, the Committee will hear a package
9 of bills that aim to increase public transparency
10 regarding NYPD operations and improve the mechanisms
11 for providing accountability for police conduct. The
12 bills being considered today are as follows.

13 Introduction number 386 sponsored by
14 Council Member Caban in relation to requiring NYPD to
15 submit reports on complaints of police misconduct.

16 Introduction number 443 also sponsored by
17 Council Member Caban in relation to requiring the
18 NYPD to provide records of complaints and
19 investigations of bias-based profiling to the
20 Commission on Human Rights.

21 Introduction number 538 sponsored by
22 Council Member Hudson in relation to requiring NYPD
23 to report on instances in which an individual denied
24 an officer consent to a search.

2 Introduction number 585 sponsored by
3 Public Advocate Jumaane Williams in relation to
4 granting access to NYPD body-worn camera footage to
5 the Office of the Inspector General and the
6 Department of Records and Information Services.

7 Intro 586 sponsored by Public Advocate
8 Jumaane Williams in relation to requiring NYPD to
9 report on police/civilian investigative encounters.

10 Introduction number 638 sponsored by
11 Council Member Stevens in relation to the reporting
12 of the use of large donations received by NYPD.

13 Introduction 781-A, also sponsored by
14 Public Advocate Jumaane Williams, in relation to
15 requiring the NYPD to report on justifications for
16 the stop and vehicle encounter reports.

17 Introduction 938 sponsored by the Speaker
18 in relation to requiring NYPD to provide Civilian
19 Complaint Review Board with direct access to officer
20 body-worn camera footage and to establish related
21 procedures.

22 Introduction 944 sponsored by myself in
23 relation to the evaluation of civil actions alleging
24 improper conduct by the Police Department.

2 Intro 948 sponsored by Council Member
3 Louis in relation to requiring the NYPD to report
4 information and data regarding the Police Department
5 operations.

6 Finally, a Preconsidered Resolution
7 sponsored by the Speaker calling upon the New York
8 State Legislature to pass and the Governor to sign
9 legislation that would provide the Civilian Complaint
10 Review Board with access to sealed records in
11 furtherance of its duties and functions.

12 Before I invite my Colleagues to speak on
13 their bills, I'd like to briefly discuss the
14 legislation I'm sponsoring. Intro 944 extends the
15 existing law that requires New York City Law
16 Department to report on civil actions alleging
17 improper conduct by NYPD officers. Currently, the
18 Local Law only requires reporting on civil actions
19 commenced in a five-year period preceding each
20 report. As such, required reports have not included
21 the full universe of cases pending against the City
22 and NYPD. My legislation eliminates this five-year
23 look-back limitation and requires public disclosure
24 for all civil actions filed against NYPD within 15
25 days of the Law Department's awareness of the action.

2 With that, I will now invite our Speaker,
3 Madam Adrienne Adams, to make her statement. Thank
4 you.

5 SPEAKER ADAMS: Good afternoon to all.
6 Thank you, Madam Chair.

7 I'm New York City Council Speaker
8 Adrienne Adams and thank you all, all of you for
9 joining us today. Thanks again to my Colleague, the
10 Chair of the Public Safety Committee, Kamillah Hanks,
11 for Chairing this important hearing.

12 Police transparency and accountability
13 are critical to address the racially disparate
14 impacts of policing on black communities and other
15 communities. Nationally and here in New York City, we
16 know that there is far more work to be done to ensure
17 more effective and just policing that keeps everyone
18 safe.

19 Continued police abuses and killings are
20 occurring throughout the country, and New York is
21 certainly not immune. Over the years, the Council has
22 enacted legislation to increase NYPD transparency and
23 improve policies that ensure the Department is
24 accountable to the public. Transparency and
25 accountability are essential to improving public

2 trust and public safety. When there is greater trust
3 between New Yorkers and their government, our city is
4 safer.

5 The legislation we're hearing today is
6 aimed at furthering the goal of transparency. Whether
7 through better public access to data or body-worn
8 camera footage, the positive impact of increasing
9 transparency on public safety should not be
10 downplayed or caricatured. Police transparency and
11 accountability are consistent with public safety, and
12 it is misguided and it is certainly also short-
13 sighted to portray them as in conflict. The increased
14 safety achieved by advancements in public
15 transparency and accountability benefits communities
16 and officers alike. For too long, our conversations
17 on these issues have been stuck in an overly
18 simplistic and counterproductive binary that is
19 simply not accurate. Our public policy dialogue on
20 policing must reflect how accountability and
21 transparency generates a trust that facilitates an
22 easier job for officers and safer communities for all
23 New Yorkers.

24 In 2013, a federal court found that the
25 NYPD had engaged in an unconstitutional use of stop

2 and frisk that disproportionately targeted the City's
3 black and Latino residents. Part of the court's
4 remedy was to establish a federal monitor of the
5 City's stop, question, and frisk practices. The
6 federal monitor's numerous reports to the court have
7 consistently identified the NYPD's under-reporting of
8 stops as a continuing issue. One of the reasons for
9 this are the obscure legal distinctions that allow
10 officers to question New Yorkers based on a lower
11 legal threshold than the reasonable suspicion
12 required of what is defined as a stop and frisk.
13 While civilians formally have the legal right to walk
14 away from these lower level stops, the practicability
15 to exercise this right is often absent. When someone
16 is stopped by an officer, they don't feel they can
17 walk away from the encounter and often it's not
18 permitted. After all, there is a power difference for
19 an unarmed civilian interacting with an armed
20 officer. Intros 586 and 538 heard today are aimed at
21 addressing this transparency gap.

22 Another remedy of the federal court was
23 the introduction of body-worn cameras, which began to
24 be rolled out in 2017. Two years later, all patrol
25 officers were equipped with body-worn cameras, and

2 NYPD guidelines instructed officers how to use them.
3 Body-worn cameras can increase transparency but only
4 if the policies that govern their use and access to
5 their footage prioritized transparency. New York
6 City's current policies on access to body-worn camera
7 footage have unfortunately fallen short of
8 prioritizing public transparency. Governments in
9 numerous states and cities across this country use
10 body-worn cameras for police officers while
11 maintaining footage access policies that are
12 significantly better than New York City's. Not only
13 has the public in our city lacked adequate access to
14 footage, but the entities responsible for oversight
15 of the NYPD have also faced obstacles to accessing
16 it, undermining their ability to fulfill statutory
17 oversight duties.

18 For example, the Civilian Complaint
19 Review Board's investigations into police misconduct
20 from the 2020 George Floyd protests were reported to
21 be hampered by the Police Department not turning over
22 body-worn camera footage in a timely fashion. The
23 Office of the NYPD Inspector General and New Yorkers
24 including the media have also faced challenges
25 accessing footage in a reasonably streamlined way.

2 There is clearly a transparency gap regarding body-
3 worn camera footage that requires examination and
4 solutions.

5 A few of the bills we will hear today
6 seek to address these gaps. I have sponsored
7 Introduction 938 which requires the NYPD to provide
8 the CCRB with direct access to all body-worn camera
9 footage. As the City civilian oversight body of the
10 NYPD, timely and unedited access to body-worn camera
11 recordings is vital to achieving its mission of
12 thoroughly and impartially investigating civilian
13 complaints. The Office of the Inspector General for
14 the NYPD and the Department of Investigations issued
15 a report examining how body-worn camera footage is
16 used by City agencies tasked with ensuring police
17 oversight and investigating allegations of
18 misconduct. It found that the lengthy processes
19 involved including waiting on NYPD staff to conduct
20 searches of the recordings and approve requests
21 severely hampered the CCRB's ability to investigate
22 complaints in a timely manner. My bill addresses
23 these hindrances by providing the CCRB with direct
24 access comparable to the NYPD's Internal Affairs
25 Bureau while another bill addresses other access

2 issues. Additionally, various State laws prohibit the
3 CCRB from viewing sealed records. CCRB investigations
4 are often significantly delayed because of the
5 process to unseal records, an issue that has arisen
6 in the administrative prosecution of NYPD Officer
7 Wayne Isaacs for the killing of Delrawn Small. At
8 times, this impediment means that CCRB investigations
9 can quickly approach their 18-month statute of
10 limitations without the records needed to move a case
11 forward. To address this, my Preconsidered Resolution
12 calls on the State Legislature to pass legislation
13 that would provide the CCRB with access to sealed
14 records so that it can complete its duties and
15 functions in a timely manner.

16 The last bill I will mention is
17 Introduction 781-A, which pertains to reporting on
18 vehicle stops. Last session, as Public Safety
19 Committee Chair, I sponsored this bill that became
20 Local Law 45 requiring the NYPD to provide quarterly
21 reports on traffic stops and the demographic data
22 related to them. The data on police stops released
23 thus far shows that black and Latino drivers are
24 disproportionately the target of them as well as
25 their resulting arrests, searches, and uses of force.

2 The sheer number of these stops in our city reported
3 for the first time as a result of my previous bill is
4 a cause for serious concern. There were over 670,000
5 stops last year, a number that compares to the
6 highest level pedestrian stop, question, and frisks
7 during the Bloomberg Administration. We know that
8 police traffic stops nationally have been identified
9 as disproportionately and unduly likely to escalate
10 into dangerous and fatal encounters for drivers. Many
11 police departments across the country have been
12 overhauling their use of traffic stops, moving away
13 from them because of the severe racial disparities
14 and excessive risks of use of force. The deaths of
15 Tyre Nichols in Memphis, Daunte Wright in Minnesota,
16 Rayshard Brooks in Atlanta, Jordan Edwards in Texas
17 and many others occurred as a result of traffic
18 stops. New York City should be a national leader, not
19 lagging in forward thought and progress attempted by
20 police departments across the country. I commend the
21 Public Advocate for proposing this bill to further
22 expand reporting on traffic stops.

23 Between these pieces of legislation and
24 the other bills we are hearing today, the Council
25 hopes to further enhance transparency with the City's

2 Police Department because it is critical to making
3 our communities safer. We look forward to hearing
4 from the public, the NYPD, and advocates today about
5 these bills and their ultimate goal of advancing
6 transparency.

7 Before we begin, I would like to thank
8 our amazing diligent Committee Staff for their work
9 in organizing this hearing, and I now turn it back
10 into the hands of our Committee Chair, Council Member
11 Hanks.

12 CHAIRPERSON HANKS: Thank you, Madam
13 Speaker. I'd also like to thank my Public Safety
14 Committee Counsel for all the hard work they've done
15 on my team.

16 We have been joined by Council Members
17 virtually Caban and in the Council Chambers Bottcher,
18 De La Rosa, Ariola, Vernikov, Paladino, and Joseph.

19 Now I'll pass it along to Josh.

20 COMMITTEE COUNSEL KINGSLEY: Thank you,
21 Chair. We'll now turn to opening statements from some
22 of the bill sponsors.

23 I'll also note that we're going to do a
24 panel of public testimony in advance before the
25 Administration testimony so we're going to do some

2 opening statements and then we're going to let a
3 couple of directly impacted individuals speak and
4 then move on to the Administration.

5 For the bill opening statements, Public
6 Advocate Williams, Council Member Hudson, Council
7 Member Stevens, and Council Member Caban who is on
8 Zoom. Public Advocate, you may go ahead and then
9 we'll move on to the other folks.

10 PUBLIC ADVOCATE WILLIAMS: Thank you so
11 much. As mentioned, my name is Jumaane Williams,
12 Public Advocate of the City of New York. I want to
13 thank Chair Hanks and the Members of the Committee on
14 Public Safety for holding this important hearing and
15 for hearing my bills. I also want to thank the
16 Speaker for being present, and I align myself with
17 her statements.

18 We often talk about some improvements
19 that have occurred, but I do know and always say that
20 the two buckets, as the Speaker mentioned, that we
21 haven't seen any movement at all in my opinion is
22 transparency and accountability. Every day New
23 Yorkers are stopped by the NYPD. Sometimes this
24 results in a search, a Level 3 stop where an officer
25 has legal authority to detain someone and prevent

1 them from leaving, colloquially known as stop and
2 frisk. The NYPD is required to report on these stops
3 so we know that black and brown people are
4 disproportionately stopped. Black, Latino, and Latinx
5 New Yorkers made up 91 percent of reported stops as
6 of 2020. Motor vehicle stop data for 2022 revealed
7 similar disparities. The NYPD has disproportionately
8 frisked and used force against black and Latinx
9 Latino people. As we have seen all too often, these
10 stops can escalate quickly to violent or even deadly
11 situations. We still, however, do not have the full
12 picture of who is being stopped by the NYPD as they
13 are not currently required to report on Level 1 and
14 Level 2 stops. Despite being lower level stops, the
15 feeling of being stopped, questioned, and possibly
16 searched by police is indistinguishable from the
17 experience of Level 3 stops. That is why I've
18 introduced Intro 586 which would require the NYPD to
19 report on all levels of police stops and encounters
20 including the location where they happened, the
21 demographic information of those stopped, the factors
22 that led to the interaction, and whether the
23 encounter leads to any use of force or enforcement
24 action.
25

2 According to the New York Civil Liberties
3 Union, in 2022, 49 percent of drivers arrested
4 following traffic stops were black and 39 percent
5 were Latinx and Latino. I have introduced Intro 781
6 which would require the NYPD to include in Vehicle
7 Encounter Reports the justification used by an
8 officer to conduct the vehicle stop, if an observed
9 offense was cited as a justification for a vehicle
10 stop, and whether the offense was at the level of
11 infraction, violation, misdemeanor, or felony. In
12 order to effectively address racial bias in policing,
13 we need to know the full scope of the problem, and at
14 a time when Mayor Adams has resurrected the NYPD's
15 notorious Street Crime Unit, now called Neighborhood
16 Safety Teams, this information is crucial.

17 In addition to under-reporting on stops,
18 the NYPD has historically shirked responsibility when
19 it comes to granting access to body-worn camera
20 footage. This lack of compliance with requests to
21 access for body-worn camera footage seriously impedes
22 investigations by oversight agencies including the
23 CCRB and the Department of Investigations, OIG NYPD.
24 The NYPD has falsely denied that footage exists or
25 refused to turn over footage citing embellished

2 privacy issues and have been generally slow to
3 respond to requests. While many other cities given
4 their police oversight bodies direct access to body-
5 worn camera footage, New York City does not, causing
6 delays and roadblocks in the CCRB and OIG NYPD
7 investigations. These delays deny justice for victims
8 of police abuse and brutality and increase New
9 Yorkers' fears and distrust of the police.

10 My bill, Intro 0585, and a bill I'm proud
11 to co-sponsor with Speaker Adams, Intro 938, seek to
12 increase and expedite oversight agencies' access to
13 body-worn camera footage. Intro 585 would require the
14 NYPD to share all body-worn camera footage with OIG
15 NYPD and the Department of Records and Information
16 Services within five days of the recording. Intro 938
17 would grant that CCRB be given direct access to all
18 footage recorded by officer body-worn cameras. CCRB
19 would have real-time connectivity to network services
20 hosting digital files and body-worn camera footage,
21 allowing them to search, view, and use files for the
22 purpose of investigating and prosecuting allegations
23 of police misconduct.

24 We have seen time and time again that
25 there is systemic bias still existing, and the NYPD

2 have consistently impeded any effort to hold them
3 accountable by oversight agencies, elected officials,
4 members of the community. Increasing police presence
5 in our communities will never increase public safety
6 simply by itself when the people in those communities
7 only associate police with trauma, fear,
8 discrimination, and abuse.

9 I look forward to working with the City
10 Council, the CCRB, and OIG NYPD to ensure that the
11 NYPD complies with the bills we are hearing today.

12 I did want to also say that it's
13 important to talk about the disparity in the stops,
14 and I'll also mention disparity of violence that
15 occurs in black and brown communities. Often the
16 latter is the excuse for the former. However, this
17 was the same thing I heard 10 years ago, and so if
18 the response was supposed to solve the disparity in
19 violence in our communities, it has not, it has
20 never, it will never, and so we are clear that there
21 has to be some police activity due to certain things
22 that are going on. What we (INAUDIBLE) is that the
23 overuse of policing will never solve these problems.
24 Ten years we've been saying, black and brown people
25 have been shot and killed and harmed, and for 10

2 years we've seen over-policing and it's still the
3 same disparity so I'm hoping when we have these
4 discussions we don't get the same pushback that we
5 always get because it doesn't help keep our
6 communities safer. What we're asking for is simple
7 information and simple changes. The Mayor, Eric
8 Adams, was involved in actually getting the initial
9 information that we needed to get the information on
10 the stops, and, now that we have it, we hope he joins
11 us with this as well and that we can get forward to
12 talking about the real issues of public safety and
13 what police involvement is as well as other agencies.
14 Thank you.

15 COMMITTEE COUNSEL KINGSLEY: Thank you,
16 Mr. Public Advocate. Next, we'll hear from Council
17 Member Hudson, Stevens, and then Caban for another
18 opening.

19 COUNCIL MEMBER HUDSON: Thank you so much
20 and thank you, Chair Hanks, for providing me the
21 opportunity to speak about my bill, Introduction 538.

22 As Members of this Committee likely know,
23 the Right to Know Act requires NYPD officers to
24 identify themselves during investigative stops and
25 obtain proof of consent to conduct a search that

2 would otherwise have no legal basis. Officers are
3 required to report on the number of times it gained
4 consent to search individuals and demographic data on
5 those individuals. My bill, Introduction 538, is a
6 commonsense good government bill that will bring
7 much-needed transparency to the NYPD. This bill
8 builds on the Right to Know Act by requiring the NYPD
9 to report on the number of requests for consent to
10 search. As such, this would expand the report
11 requirement to include not just searches that
12 happened but also those that were requested. We need
13 this data to fully understand the comprehensive scope
14 of search requests by the NYPD. For all we know, NYPD
15 officers might be attempting to stop New Yorkers at
16 significantly higher rates, but New Yorkers who know
17 their rights deny those attempts. Without a law
18 requiring the NYPD to provide this information, we're
19 unlikely to voluntarily receive it from them. This
20 bill notably includes provisions for requests to
21 search things like vehicles, homes, properties, or
22 even a forensic sample of DNA, and it requires the
23 NYPD to report whether the officer used
24 interpretation services when attempting to obtain
25 consent to search from someone with limited English

2 proficiency. Simply put, we need true police
3 oversight, transparency, and accountability. That
4 means everything from immediately firing officers who
5 harm or kill New Yorkers, disbanding the SRG, deeply
6 investing in community-based safety alternatives, and
7 by passing these two bills.

8 I'd like to thank the 27 co-sponsors of
9 this bill, many of whom are here today and
10 Communities United for Police Reform for their fierce
11 advocacy. I urge every Member of this Committee to
12 support this bill, co-sponsor it if you haven't
13 already, and work with us to shed more light on the
14 NYPD's activities. Thank you.

15 COMMITTEE COUNSEL KINGSLEY: Thank you,
16 Council Member. Next, we'll hear from Council Member
17 Stevens followed by Caban.

18 COUNCIL MEMBER STEVENS: Transparency is
19 much needed when it comes to government, which is why
20 I believe Intro 638, a Local Law to amend the
21 Administrative Code of New York City in relation to
22 reporting on the use of large donations received by
23 NYPD. It is imperative that the public knows who and
24 where the money is going and how it's being spent.
25 This piece of legislation will ensure that there will

2 no longer be blind spots and create more transparency
3 in one of the largest-funded City agencies. This
4 transparency will allow us to provide a more
5 efficient oversight to ensure that the NYPD is
6 correctly utilizing monetary donations.

7 I would like to thank all the co-sponsors
8 who signed on and, if you have not done so, please
9 sign on to this bill, and I'm open to having a
10 dialogue with NYPD about this legislation. Thank you.

11 COMMITTEE COUNSEL KINGSLEY: Thank you,
12 Council Member. Next, we'll turn to Council Member
13 Caban who will join us through Zoom. I will unmute
14 you in just a second. You may go ahead.

15 COUNCIL MEMBER CABAN: Thank you. Good
16 afternoon and thank you for the opportunity to give
17 an opening statement.

18 As was mentioned before, a couple of my
19 bills are being heard and, if this Committee's recent
20 hearings have made one thing abundantly clear, it's
21 that we owe the people of New York City a greater
22 degree of oversight over the NYPD. At the hearing on
23 the Strategic Response Group, otherwise known as SRG,
24 that the Department didn't attend, we learned from
25 the Civilian Complaint Review Board that they are not

2 privy to any data on bias-based policing, and clearly
3 that's intolerable and far less than we owe the
4 people of New York City for sure.

5 At least week's preliminary budget
6 hearing, the Department's testimony in response to
7 the Chair's careful questions about misconduct was
8 immediately contradicted by that of the CCRB, though
9 once again NYPD leadership was not in attendance to
10 hear or answer for this discrepant account.

11 So I'm grateful that we're hearing Intros
12 443 and 386 today in the interest of transparency,
13 accountability, and a New York City where no one need
14 fear that they will be on the receiving end of bias-
15 based policing or other forms of police misconduct
16 that will escape the attention of those of us charged
17 with oversight.

18 Thank you to Queens Borough President
19 Richards for partnering with us on these bills, and I
20 will pass it back to y'all. Thank you.

21 COMMITTEE COUNSEL KINGSLEY: Great. Thank
22 you, Council Member.

23 CHAIRPERSON HANKS: Just for the record,
24 I'd like to let everyone know that we've been joined
25 by Council Member Mealy.

2 COMMITTEE COUNSEL KINGSLEY: Thank you,
3 Chair.

4 As I mentioned, we're going to begin the
5 first panel with some members of the public. I'm
6 going to list the following names. Please come up to
7 the dais as your name is called. We'll be giving each
8 individual three minutes to speak, and then we'll
9 move on to the testimony from the Administration.

10 First, we'll hear from Gladys Williams,
11 Shawn Williams, Samy Feliz (phonetic), Steve Kohut,
12 Ibrahim X, and Robert Willis.

13 Come on up to the dais, and you all can
14 go in whatever order you want.

15 IBRAHIM X: Excuse me. My name is Ibrahim
16 X, and I'm a vocal New York leader with the Civil
17 Rights and Homelessness Unions. I'm not a politician,
18 but I always represent Crown Heights.

19 I'm a black man, I'm homeless, I have a
20 criminal record, felonious criminal record, violent,
21 whatever you want to call it. I also live with mental
22 illness. I've been policed and criminalized for each
23 of those identities. I've been stopped by police in
24 this city more times than I can count. Unfortunately
25 for people like myself, I'll give a few names, Tyre

2 Nichols, Saheed Vassell from Crown Heights, Sean
3 Bell, George Floyd, Sandra Bland, we all know the
4 names and the hashtags. Their lives were stopped by
5 police stops. My life has also been almost stopped.
6 I've had police put guns to my head. In fact, if you
7 notice when I open my mouth I'm missing a tooth. I'm
8 missing a tooth as a result of a police stop in
9 Queens, Officer Halsey (phonetic) George in
10 particular if he's listening. I've been stopped by
11 the police for locking up my bike at a railing and
12 told that I might be stealing cars because there are
13 cars next to the railing. I've been stopped by the
14 police for being in a smoke shop and asked what was I
15 doing in a certain where I was never at. I've been
16 stopped by the police for being in a train station
17 and wrongfully accused of not paying my fare because
18 they just assumed that I didn't pay my fare. All
19 these are interruptions in my life. To you, they're
20 words in Intro 586. To Tyre Nichols and the other
21 people that Speaker Adams mentioned, their lives were
22 stopped by police stops, and I just want to take a
23 minute as someone who is personally impacted to share
24 my condolences and my inspiration for the Antonio
25 Williams' family because I know, my mother's not

2 alive, but she'd be sitting right here, my father
3 might be sitting right here, so I take this very
4 deeply because I have a child. In fact, I have a few
5 children, and I never want to be sitting here in
6 their position so I'm going to fight every day of my
7 life. Whether you want to hear me or not, I'm going
8 to be here. I normally would not be here. I'd be on
9 the block. I'm going to stop hanging out on the
10 block, and I'm going to start hanging out here until
11 you realize that people like me are being stopped,
12 and we're not just being stopped. Our lives stop when
13 the police stop us. You need to understand that
14 because maybe it's boring to you or, if you're
15 Caucasian you've never had that happen, but
16 unfortunately it happens and if you want to live in
17 an America where that's allowed to happen to me then
18 I don't know what to tell you. I can't live in that
19 America, and I'm not going to live in that America,
20 not that New York State, not that New York City so I
21 urge you to follow your Council Members and pass
22 Intros 538 and 586 because you can't ask me for
23 accountability through the police if they're not
24 having any accountability.

2 CHAIRPERSON HANKS: Thank you so much for
3 your testimony.

4 GLADYS WILLIAMS: Hello. My name is Gladys
5 Williams. I'm the stepmother of Antonio Williams who
6 was unjustly murdered by the NYPD on September 29,
7 2019. I'm also a member of the Justice Committee, an
8 organization that works with families who have lost
9 loved ones to police.

10 Antonio was a loving presence in our
11 family. I remember the day he found out he was having
12 a son, he recorded his reaction and shared that joy
13 with us. Now, there's a player missing in the
14 basketball competition with his father and his
15 brothers. There's a heartbreaking absence at our
16 holidays when the families gather together. Antonio
17 was simply waiting for a cab, not bothering anybody,
18 when he was approached by the plainclothes cops. The
19 NYPD has different definitions of Level 1, 2, and 3
20 stops. If officers don't have the reasonable
21 suspicion you're involved in a crime, that's Level 1
22 and 2, and you should be free to leave. Antonio
23 should have been free to go, but the reality is to us
24 that the different levels of the stops usually feel
25 the same. NYPD doesn't tell you what level stop it is

2 as they approach or at any time. It's frightening.
3 You feel as though officers are detaining you. You
4 feel like you are in danger, but in worse cases the
5 NYPD escalates these encounters and someone ends
6 beaten or killed like what happened to our son,
7 Antonio. If we had more transparency on how the NYPD
8 is using low-level stops to harass and abuse black
9 and Latinx New Yorkers before Antonio was killed,
10 maybe he would still be here today. If officers are
11 enforced to report every stop and why they're making
12 them, they'll be less likely to use these stops in
13 illegal and abusive ways because they know they would
14 be exposed. That's why my family and other families
15 who have lost loved ones to the NYPD are calling on
16 the City Council to pass the How Many Stops Act
17 immediately. We are also calling for Mayor Adams and
18 Commissioner Sewell to fire all the officers involved
19 in our son's murder and disband Neighborhood Safety
20 Teams. We must take action to ensure that what
21 happened to our son does not happen again. How Many
22 Stops Act is one of the several pieces that must come
23 together for real NYPD transparency and community
24 safety. The City Council has the opportunity to move
25 NYC away from safety regime and relies on policy

2 (INAUDIBLE) to the one prioritizes safety, justice,
3 and dignity for all. The first step for you to take
4 is passing the How Many Stops Act. Thank you.

5 CHAIRPERSON HANKS: Thank you so much for
6 your testimony.

7 SHAWN WILLIAMS: How are you doing? My
8 name is Shawn Williams, father of Antonio Williams
9 who was unjustly killed September 29, 2019, by NYPD
10 officers. Like my wife mentioned, he was standing
11 outside waiting for a cab when plainclothes officers
12 jumped, unconstitutional stop or illegal stop, chased
13 him, beat him, and murdered him. The NYPD claimed
14 Antonio had a gun but was never pulled and that was
15 never fired. My son was not a threat to anyone, to
16 any officer. I've never seen anybody being a threat
17 with their back turned, running away. He should've
18 been allowed to walk away, run away, whichever,
19 because they had no suspicion to stop him, but they
20 initiated the whole thing. Not only did they murder
21 my son, they killed one of their own, and that blame
22 that on him. That's why passing this How Many Stops
23 Act is very important. Also, we have the Mayor of New
24 York patting himself on the back about what happened
25 in Memphis with the Scorpion team, but putting the

2 same (INAUDIBLE) people on the street and then just
3 rebranding it with a different name, all you did is
4 just switch the name up. Same people are out there.
5 You're just trying to make it seem like it's
6 something different, but the same (INAUDIBLE) then
7 you bring back the same law that got my son and many
8 others murdered by the NYPD, people like Eric Garner
9 and others. No reason for stopping them. You just
10 decided that you're going to be the judge, jury, and
11 executioner. You're going to make your own laws even
12 though you swore to protect the community against
13 criminals so how do you protect the community when
14 you're the criminals yourselves, when you initiate
15 all interactions and run the streets, the community
16 of black and Latinx communities, pretty much being
17 the bully. Approaching people as if it's my way and
18 this is it. It's what we say and, if there's nobody
19 there to speak or see anything, it's your word
20 against the person who's deceased pretty much, and
21 they can't speak for themselves. That's why passing
22 this Act is so important because it has to stop
23 sometime. Why not now?

24 CHAIRPERSON HANKS: I want to thank you
25 both for your testimony. I offer you my deepest

2 condolences, and I appreciate your courage and
3 everything that you said here today.

4 I also want to thank the Speaker for
5 allowing the public to come and testify so you could
6 really hear the voice of the people so I appreciate.
7 Next.

8 SAMY FELIZ: Hi. My name is Samy Feliz.
9 I'm the brother of Allan Feliz, who was unjustly
10 stopped in his car, beaten, tasered, and shot and
11 killed by NYPD Sergeant Jonathan Rivera and Officers
12 Michele Almanzar and Edward Barrett in the Bronx on
13 October 17, 2019. I am also the founder of the Allan
14 Feliz Foundation, and I am also a member of the
15 Justice Committee who helps organize families who
16 have lost loved ones to police violence.

17 After Sergeant Rivera shot Allan and
18 Officer Barrett yanked his limp body from the
19 vehicle, exposing Allan's genitals in the process,
20 leaving him exposed in the streets, none of the
21 officers had the decency to cover Allan up. Instead,
22 they left him out to bleed and cuffed and exposed as
23 well to make it even worse. My family and I are
24 calling on Mayor Adams and Commissioner Sewell to
25 fire Sergeant Rivera and Officers Barrett and

2 Almanzar for murdering Allan, and Allan Feliz, my
3 family and I hope that the City Council will stand
4 with us on this.

5 Sadly, this is the kind of disrespect and
6 the violence that is the rule, not the exception,
7 under Mayor Adams. I've only seen things get worse. I
8 personally don't even tell my mother at times when I
9 get stopped or detained anymore just to keep her from
10 the added trauma. Along with losing my brother to the
11 NYPD, I have been regularly profiled, harassed, and
12 unjustly stopped by the NYPD like too many black and
13 Latinx New Yorkers. I have too many stories that I
14 can share with you guys here today.

15 These days, the NYPD is running rampant
16 in my neighborhood in Washington Heights. Just two
17 weeks ago, I was pulled over for no reason,
18 misidentified as my dead brother, and arrested,
19 leaving me completely traumatized and insulted. Only
20 about three months ago, I was hanging out with a
21 group of people, and two NYPD vehicles showed up, one
22 unmarked, one marked, pretty sure that the unmarked
23 car was the Neighborhood Safety Team because they
24 didn't have their full uniforms on, but one of the
25 NST officers started asking me questions, asked if

2 they can conduct a search, but kept his hand on his
3 gun the entire time during the interaction. I said
4 yes because knowing that probably saying no to this
5 officer could lead to my demise or could end in a
6 deadly situation with him so I consented. The Right
7 to Know Act law that New Yorkers fought for and won
8 in 2017 requires officers to gain voluntary, knowing,
9 and intelligent consent to search you without
10 probable cause. This was not consent. This was
11 coercion and intimidation. The NYPD's culture of
12 violence and disrespect for black and Latinx New
13 Yorkers is not a problem of a few bad apples. It
14 comes from a systemic lack of transparency and
15 accountability. With Mayor Adams flooding more and
16 more officers into our communities, full transparency
17 is more urgent than ever. That's why I'm standing
18 with other families who have lost loved ones to NYPD
19 and organizations and communities from across the
20 City to call you, the City Council, to immediately
21 pass the How Many Stops Act. Thank you for your time.

22 CHAIRPERSON HANKS: Thank you so much. We
23 offer our deepest condolences and thank you for your
24 testimony, your bravery, your coverage, and your
25 advocacy. Thank you.

2 STEVE KOHUT: How are you doing? My name
3 is Steve Kohut. I'm a native New Yorker who has lived
4 my whole life in the Lower East Side in NYCHA Lillian
5 Wald Houses down on Avenue D. Police violence in my
6 community is just everyday life. You can barely go to
7 the store without getting stopped by a cop or
8 harassed in some way, shape, or form, and if you're
9 just stopped and let go, you're lucky because it gets
10 so much worse. Reasons like this is why I joined the
11 Justice Committee and why I represent them in the
12 Floyd versus the City of New York joint remedial
13 process. It's also why I'm here to call for the
14 immediate passage of the How Many Stops Act. Like I
15 said I grew up getting stopped and harassed by the
16 NYPD. As Samy said, I share with that. I have so many
17 stories that I can go down, like so many instances
18 that I've probably forgot half of them. I can tell
19 you one that I vividly remember which I just shared
20 outside a little while ago. You might be able to see
21 it on the news. It was February, cold, that was back
22 when we had winters, it was freezing outside, there
23 was snow everywhere. Broad daylight, 12 in the
24 afternoon. I'm walking down the street, two blocks
25 from my house. Cops come up on me. Only reason shy I

2 know they were cops because while they were holding
3 guns against my chest, neck, and temple, I saw
4 through the vest the little beaded chain that they
5 wear when they hang their badges over where the badge
6 was hanging out because never once did they identify
7 themselves as officers, undercovers, TNT, whatever
8 you want to call them now, but they held guns to me,
9 against my chest, putting pressure against my chest,
10 against my neck, and then put it on my head sideways
11 with one against my temple. They proceeded to search
12 me, found nothing because I had nothing, I wasn't
13 doing anything, didn't find anything, never asked my
14 consent, just went ahead and did it. It wasn't really
15 up to me to tell them no with guns on me. Didn't find
16 anything. They decided to strip me. Put their hands
17 down my pants, skin to skin contact, fondled my
18 genitals, again didn't find anything so they took off
19 my jacket, took off my shirt, took off my t-shirt,
20 dropped my pants down to my ankles, took me out of my
21 boots, and now I'm standing there in the snow, 12,
22 afternoon, broad daylight, in my socks and my boxers.
23 Still didn't find anything because I didn't have
24 anything because I wasn't doing anything. They walk
25 away and just tell me you got lucky this time. It

2 sounds ridiculous, but the fact is I actually was
3 lucky. I'm still alive. Antonio Williams is not, his
4 brother is not. These are stories that happen every
5 day. Like Ibrahim said, I have a son as well and I
6 don't want to get that call. I don't want his mother
7 calling, screaming at me on the phone that the cops
8 shot my son. This needs to stop because these are
9 stories that are shared by so many in my community,
10 and some of these stories are so much worse. Like I
11 said, this is just one of my encounters with NYPD. My
12 building, my neighborhood is policed by the PSA4, the
13 7th, and the 9th Precinct, three times as many cops
14 doing this to us every single day and they don't get
15 reported because they classify them as Level 1 or
16 Level 2 stops so there's no documentation of this.
17 You can look it up. There's no record of this. I
18 don't even know what the cops' names were in half of
19 these situations, and they don't remember me because
20 they do this every day. All it is the traumatizing
21 memory in the back of my mind of what happened, in
22 the back of all our minds in communities like mine,
23 and this is why I chose to represent JC in the Floyd
24 JRP process because these are life or death matters.
25 Level 1 and Level 2 encounters need to be reported.

2 Excuse me, sorry. I'm going to finish right now
3 though. The facilitator of the Floyd JRP process
4 actually agreed and said that these things should be
5 reported, but the court failed to implement its
6 recommendations. That's why we have to come to you
7 again. We have to return to the City Council and
8 demand that this Act gets passed. We need
9 transparency from the NYPD, and I can't fathom like
10 why it's such a problem to just let us know what's
11 going on and be transparent with the communities that
12 you're policing, that you're harassing, that you're
13 abusing on an everyday basis, that you're murdering.
14 Just be transparent. Maybe if the transparency were
15 there, as Jumaane was saying, maybe if the
16 transparency was there they'd know that that
17 accountability is coming and these things wouldn't
18 lead up to these situations. I apologize for going
19 over my time. At the end of the day, we need to pass
20 the How Many Stops Act. Thank you for your time.

21 CHAIRPERSON HANKS: Thank you so much for
22 your testimony and your advocacy. Thank you.

23 ROBERT WILLIS: Good afternoon, City
24 Council Members. My name is Robert Willis. I'm here
25 representing Latino Justice, and organization that

2 has fought for the fair and just treatment of the
3 Latinx community for over 50 years but also as a
4 lifelong New Yorker who grew up in the South Bronx,
5 and, like these gentlemen here have spoken, I too can
6 tell many stories of having encounters with the
7 police that were unwarranted and didn't deserve any
8 interaction at all. I know all too well the
9 destructive dominance that the New York City Police
10 Department wants to have over the citizens of New
11 York. Until this day, I have to always calculate how
12 to behave, how to carry myself whenever police are in
13 the area simply because I'm a black man, simply
14 because I've lived in New York City my whole life and
15 understand what an intrusion it can be to my life at
16 any moment that any given officer can just invade my
17 personal space for no reason at all and it not get
18 documented.

19 New York City Level 1 and 2 police stops
20 may not result in an arrest, but they still are
21 dehumanizing and daily intrusions into the lives of
22 most New Yorkers and to many New Yorkers, most of
23 whom are black and brown. These stops are daily
24 reminders of who are in control of the streets, who
25 with the biggest and most dominated gang can touch

2 you at any moment. That's the message that they're
3 trying to send. These unreported stops force us to
4 address the role that racial profiling and
5 unequitable treatment of already marginalized
6 minority groups pay in making our community safe.
7 Mandatory reporting on these stops would benefit New
8 Yorkers for several reasons.

9 First, it would provide transparency and
10 accountability for police officers and would help
11 ensure that they're following proper procedures and
12 protocols. Proper reporting should provide an
13 opportunity for a person to receive some kind of
14 understanding of why they were stopped in the first
15 place.

16 Secondly, it would allow policymakers and
17 the public to better understand the scope and nature
18 of policing activities in our communities, including
19 any potential biases or disparities. Not
20 acknowledging the historic behavior of the NYPD or
21 trying to ignore it would be just leaving our black
22 and brown communities ripe and open for disrespect
23 and mistreatment by any given officer on any given
24 day.

2 Thirdly, it would help identify areas
3 where additional training and resources are needed to
4 improve community relations and reduce the likelihood
5 of unnecessary stops in the first place.

6 Overall, mandating reporting of Level 1
7 and 2 stops can only help promote effective equity
8 policing practices while also protecting civil rights
9 and liberties of individuals in all New York
10 communities. That's why Latino Justice is asking for
11 the City Council to pass the How Many Stops Act with
12 a veto-proof majority so that New Yorkers can know
13 that their Police Department is being held
14 accountable and they can start respecting us better
15 in our communities. Thank you very much.

16 CHAIRPERSON HANKS: Thank you so much for
17 your testimony and for your advocacy.

18 I'll pass it back to Josh.

19 COMMITTEE COUNSEL KINGSLEY: Thank you,
20 everyone. If any Members have questions, please let
21 me know. Otherwise, we'll move on to the
22 Administration for testimony.

23 Council Member De La Rosa.

24 COUNCIL MEMBER DE LA ROSA: I just want to
25 make a comment. Allan Feliz was my constituent, Samy

2 is his brother, and I just want to thank all of you
3 for being here today. I want you to know that this
4 Council is listening to you, and we're going to work
5 toward a semblance of justice for these families.
6 Thank you for coming here and I appreciate you.

7 COMMITTEE COUNSEL KINGSLEY: Thank you,
8 Council Member.

9 Thank you all for your testimony, and we
10 appreciate it.

11 For the Administration, we're going to do
12 two panels. First, we're going to hear from NYPD Law
13 Department and DORIS, Department of Records, followed
14 by another panel with CCRB so to start with the
15 Police Department we have Michael Clarke, Deputy
16 Commissioner Amy Litwin, Director Allison Arenson,
17 and Chief Matthew Pontillo.

18 For Department of Records, we have Sylvia
19 Kollar.

20 For Law Department, we have Nancy
21 Savasta, Muriel Goode-Trufant, Eric Eichenholtz, and
22 Beth Nedow.

23 If you all want to pull up some extra
24 seats? I know some of the Department of Records is
25 there for Q and A.

2 I'm going to just affirm the following
3 statement. Raise your right hand if you're testifying
4 and just affirm the following.

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

9 You do? As soon as you acknowledge that,
10 you may go ahead.

11 DIRECTOR CLARKE: I do.

12 CHIEF PONTILLO: I do.

13 DIRECTOR ARENSON: I do.

14 DIRECTOR CLARKE: Good morning, Speaker
15 Adams, Chair Hanks, and Members of the Council. I am
16 Michael Clarke, the Director of Legislative Affairs
17 for the NYPD. I am joined here today by Chief Matthew
18 Pontillo, the Chief of Professional Standards,
19 Allison Arenson, Director of the Department's Body
20 Worn Camera Unit, and Deputy Commissioner Amy Litwin
21 of the Department of Trials Unit. On behalf of Police
22 Commissioner Keechant L. Sewell, I am here to testify
23 before your Committee regarding the Department's
24 commitment to transparency and to comment on the
25 bills being heard today.

2 The New York City Police Department does
3 not fear transparency. We embrace it. Transparency,
4 oversight, and well-informed public scrutiny, on the
5 whole, leads to not just safer and fairer policing,
6 but better and more effective policing. The
7 Department issues dozens of reports and publishes
8 significant troves of information that are accessible
9 through public-facing online dashboards such as the
10 use of force dashboard, the hate crimes dashboard,
11 the Department personnel demographics dashboard, and
12 the "how did we do?" dashboard. We publish a profile
13 on every officer in the NYPD which includes their
14 disciplinary history, the trainings they have
15 completed, Department recognitions and awards, and
16 arrests processed. Moreover, we publish our crime
17 statistics for every precinct on CompStat 2.0 as well
18 as traffic collisions with our Traffic Safety Forum.
19 We hold dozens of monthly meetings citywide,
20 including meetings in every precinct and every Police
21 Service Area, where we provide data and answer
22 questions from the community. I think it's safe to
23 say that there is no agency in this city, and quite
24 frankly any police department in the country, that is
25 more transparent than the New York City Police

2 Department. It is also important to acknowledge that
3 this level of openness with the public comes, in
4 part, from our work with the Council. We have
5 successfully worked together many times to negotiate
6 and pass bills that increase transparency and that
7 are implemented in a way that is operationally
8 feasible. These partnerships between the NYPD, the
9 Council, and the communities you represent have
10 proven to be an invaluable tool in effective
11 Neighborhood Policing while fostering a policing
12 infrastructure based around trust and communication
13 today and into the future.

14 I would now like to turn to the bills
15 being heard today.

16 Intro. 938 would require the Department
17 to give CCRB direct access to its body-worn camera
18 system. The Department opposes this legislation. The
19 bill itself acknowledges that there are videos that
20 the Department cannot provide CCRB, such as videos
21 depicting arrests that have been sealed and videos
22 containing images of sexual assault victims, as
23 providing such footage would violate State law. In
24 2022, the Department recorded more than 9 million
25 videos via body-worn cameras. Moreover, cases could

2 be sealed at any time, which means that the NYPD must
3 conduct not only a one-time review but must
4 continuously review the roughly 24 million videos
5 currently in the NYPD system. It would be an
6 insurmountable obstacle to give CCRB direct access to
7 our body-worn camera system while ensuring that they
8 do not have access to any videos that are required by
9 State law to be kept confidential. It is an absolute
10 barrier to this legislation. The NYPD and CCRB have
11 worked together to ensure that requests from the CCRB
12 are prioritized and that the CCRB is provided videos
13 related to their investigations in a timely manner.
14 Currently, the NYPD has an average turnaround time of
15 three to four days for the nearly 3,000 video
16 requests received each year.

17 Intro. 585 would require that the
18 Department provide access to body-worn camera videos
19 to the Department of Investigation and the Department
20 of Records and Information Services, DORIS, within
21 120 hours of recording any law enforcement activity.
22 This bill would present similar obstacles as Intro.
23 938 in that the operational burden would be
24 insurmountable and would severely affect privacy
25 rights, including those of sexual assault victims and

2 those with sealed records. The intent of this bill is
3 to presumably make videos available for public
4 inspection. Allowing members of the public to inspect
5 videos of individuals, possibly having one of the
6 worst moments of their lives, is highly problematic
7 and should be discouraged. Body-worn camera video is
8 maintained by the NYPD for an agreed-upon period of
9 time, ranging from 39 months to permanent. Providing
10 DORIS with access to the video does not further the
11 goal of police accountability and is operationally
12 infeasible for the NYPD. Moreover, we have an active
13 and collaborative relationship with the DOI. Where
14 permitted by law, the NYPD will provide body-worn
15 camera video if it is requested by the Department of
16 Investigation.

17 Intro. 586 would require the Department
18 to report each and every investigative encounter
19 conducted by the NYPD, including Level 1 and 2
20 encounters. At the outset, I feel it is important to
21 define the scope of this bill. This bill has been
22 named the "How Many Stops Act," yet would require
23 reporting on interactions that are not police stops.
24 The levels of encounters defined in this bill are
25 utilized by courts to determine the nature of

2 interactions between officers and members of the
3 public.

4 Level 1 encounters are the most basic
5 interactions between officers and members of the
6 public. This includes everything from speaking to
7 witnesses when responding to a 9-1-1 call, to
8 canvassing for video after a crime, to assisting sick
9 passengers on the subway, to asking New Yorkers
10 whether they have seen a missing child. During Level
11 1 encounters, people are free to ignore officers and
12 walk away. The object is to gather information and
13 not to focus on the person as a potential suspect.
14 These encounters are not stops. Level 2 encounters
15 occur when an officer has founded suspicion that the
16 individual has engaged in criminal activity. While
17 officers may request explanatory information at this
18 level, members of the public are still free to leave.
19 Level 3 encounters are stop, question, and frisk
20 encounters, also known as Terry stops. Officers may
21 initiate a Level 3 encounter when they have
22 reasonable suspicion that the person has committed a
23 crime. At this point, the individual is stopped and
24 their freedom is curtailed for a brief period to
25 investigate a crime. The NYPD already reports

2 information related to Level 3 stops on our website
3 and to the council.

4 To be clear, Level 1 and 2 encounters are
5 not stops and individuals are free to leave. They can
6 refuse to answer questions and walk away. The NYPD
7 responded to more than 7 million 9-1-1 calls last
8 year, many of which would have at least one Level 1
9 encounter. Reporting on these encounters would
10 require an officer to take time away from responding
11 to other calls or conditions to fill out detailed
12 reports on each response and demographic information
13 for each individual encountered. These lower-level
14 interactions should not be treated on the same level
15 as a stop where police are detaining a person.

16 Let us look at a couple of examples to
17 illustrate just how onerous this requirement would be
18 and how irrelevant much of the information gathered
19 would be to any serious accounting of police
20 activities. A citizen calls 9-1-1 to report a fight
21 between two groups of people in a park. Multiple
22 units respond and find the melee over and multiple
23 people injured. Officers would begin providing aid to
24 the victims and conducting a canvass for suspects.
25 The officers would be required to take the

2 demographic information of each person they provide
3 assistance to and for the possibly dozens of
4 witnesses they talked to when they could be
5 canvassing the area for suspects.

6 How about a case with a missing 5-year-
7 old child, which maybe the most time-sensitive
8 investigation one can imagine? Dozens or hundreds of
9 officers are dispatched and dozens or hundreds of
10 everyday New Yorkers are asked if they have seen the
11 missing child. To ensure accuracy of the reports, the
12 officers would need to stop and take down each
13 witness' demographic information. This would
14 invariably slow down the investigation and, as such,
15 would hinder officers from obtaining valuable
16 information that may lead to finding that child.

17 What value would taking this information
18 have toward the goal of providing police
19 accountability? In fact, the bill is detrimental to
20 building community and police relations as it
21 disincentivizes officers from approaching people who
22 might need their help. The former Federal Monitor in
23 the Floyd/Davis/Ligon case himself argued in his
24 report against this level of detailed reporting on
25 low-level encounters because the burdens of that

2 documentation outweigh the benefits. The Monitor did
3 not just acknowledge the extreme burden to the
4 Department but also recognized that even if the data
5 would show disparities, it would not show
6 discrimination because the critical task is to
7 identify the relevant population at risk of being
8 stopped. For first-level encounters, however, there
9 is no way to identify the relevant population for
10 whom an officer might have an objective credible
11 reason to approach. Because there are so many
12 different kinds of encounters with the shared label
13 of Level 1, there is no similarity among them, and
14 therefore, there is no standard for determining whom
15 should have been encountered assuming there was no
16 discrimination. Without knowing what opportunities
17 the officers declined to follow, there is no way to
18 say anything meaningful about selective enforcement.

19 Because of the federal monitorship, we
20 began requiring the recording of Level 1
21 investigative encounters on body-worn camera video.
22 We agreed to classify the body-worn camera video as a
23 Level 1 video whenever there was at least one Level 1
24 encounter and there was no higher level of
25 interaction. In 2022, officers classified 3,223,987

2 videos as Level 1 encounters. Because of the way
3 Level 1 encounters were counted, the number of videos
4 undercounts the total number Level 1 encounters that
5 were initiated. This is merely the number of videos
6 categorized as a Level 1 encounter. Officers can
7 respond to calls that have dozens of Level 1
8 encounters as they canvass for witnesses and video of
9 an incident, but it would still count as only one
10 encounter in our data.

11 Moreover, the data would not count, for
12 example, a video where officers respond to a 9-1-1
13 call, have Level 1 encounters with one or more
14 witnesses and ultimately find and arrest a suspect.
15 That video would be categorized as an arrest. The
16 body-worn camera system was not designed to report on
17 these Level 1 encounters and in order to comply with
18 this bill if enacted, officers would be required to
19 fill out a form for each and every person they
20 interact with, which would take significant time away
21 from patrolling our streets and keeping the public
22 safe.

23 Turning to Intro. 538, the law currently
24 requires the Department to report on the number of
25 consent searches conducted disaggregated by apparent

2 race, ethnicity, gender, age, and precinct. Intro.
3 538 would also require the Department to report on
4 those instances where consent was sought to search a
5 person, vehicle, home or property, or to collect a
6 forensic sample, and the number of times consent to
7 search was denied, including whether the subject had
8 limited English proficiency, whether interpretation
9 services were used, and if so, the type of
10 interpretation service used. The Department already
11 collects and reports the number of times consent to
12 search was sought and denied, and it is currently
13 part of our policy to ensure individuals with limited
14 English proficiency are apprised of their right to
15 deny consent and to employ interpretation services
16 where needed. The Department looks forward to further
17 discussions as to the most effective way to achieve
18 the bill's intent.

19 Intro. 443 would require that the NYPD
20 provide the Commission on Human Rights all records
21 related to closed bias-based policing complaints. In
22 2021, the City Council passed a law granting the
23 responsibility for investigating bias-based profiling
24 complaints against police officers to the CCRB. While
25 the law took effect on January 20, 2022, CCRB

2 finalized their rules related to bias-based policing
3 in October of 2022. This oversight authority was
4 given to CCRB because CCRB is an entity that was
5 created for the sole purpose of providing oversight
6 on policing, while CHR has a much broader mandate. It
7 is premature to undermine the new scheme that has not
8 even had six months to operate.

9 Intro. 386 would require that the
10 Department provide a monthly report on the number of
11 misconduct complaints received including, but not
12 limited to, misuse of force, harassment and offensive
13 language, and any response, including investigation
14 or discipline. While the NYPD does not oppose
15 reporting on discipline, it should be noted that
16 these categories fall largely within the ambit of the
17 CCRB and are currently reported monthly by them.
18 Requiring the NYPD to report on these same redundant
19 categories would be a misuse of valuable resources
20 that would provide no benefit beyond what CCRB
21 currently provides.

22 Intro. 948 would increase the time period
23 and publicize the reporting requirements under
24 Administrative Code 14-150. Tripling and quadrupling
25 the number of reports that is required under this law

2 would pose significant challenges, considering the
3 breadth of information that is currently required to
4 be reported. Additionally, there are portions of the
5 report, such as disclosing deployment information,
6 which may not be appropriate to be publicized on our
7 website. I would like to note that many of the new
8 reporting requirements concerning overtime require
9 detail on such a granular level that they would be
10 onerous and difficult to track. We do, however, look
11 forward to discussions on how we can achieve the
12 bill's intent.

13 Intro. 638 would require the Department
14 to report on donations received that have an
15 aggregate value of more than 1 million dollars. This
16 bill expands on existing reporting that is required
17 by rules promulgated by the Conflicts of Interest
18 Board. The Department looks forward to working with
19 this Council on this legislation.

20 Intro. 781 would require that the
21 Department amend our public vehicle reports, by
22 requiring that the Department report on the basis for
23 each stop. Again, we look forward to working with the
24 Council on this bill.

2 Thank you for the opportunity to testify
3 about these important bills, and we look forward to
4 answering any questions you might have.

5 ASSISTANT COUNSEL GOODE-TRUFANT: Speaker
6 Adams, Public Advocate Williams, Chair Hanks, Members
7 of Council, good afternoon. My name is Muriel
8 Goode-Trufant, and I am privileged to serve as the
9 First Assistant Corporation Counsel. I am pleased
10 to be here to offer the Law Department's comments
11 regarding Intro. 944 which is before you today. I
12 am joined by Eric Eichenholtz, Managing Attorney
13 of the Law Department, Beth Nedow, Deputy Chief
14 for Practice Management in the Litigation Support
15 Division, and Nancy Savasta, the Deputy Chief of
16 the Tort Division in charge of Risk Management.

17 Intro. 944 would impose new
18 requirements upon the Law Department to compile
19 and upload particular information regarding
20 certain civil actions filed in state or federal
21 court against the Police Department, individual
22 police officers, or both. As proposed, the
23 amendment would mandate reporting within 15 days
24 of receipt of new cases and/or case dispositions,
25 meaning that the Law Department would be required

2 to post information every business day of the
3 year. Similarly, in keeping with the notice
4 requirement of Administrative Code Section 7-114,
5 on every business day notices would be sent to the
6 Department of Investigation, the Comptroller, the
7 Police Department, the Civilian Complaint Review
8 Board, and the Commission to Combat Police
9 Corruption concerning case activity. Further, on a
10 quarterly basis, the number of new civil actions
11 alleging improper police conduct and the number of
12 case resolutions would be disclosed to the same
13 entities.

14 In compliance with Administrative Code
15 Section 7-114, since 2018 the Law Department has
16 posted on our public-facing website information on
17 certain cases which includes claims involving the
18 use of force, assault and battery, malicious
19 prosecutions, and false arrests or imprisonment.
20 The posted information includes the court in which
21 the civil action was filed, the name of the law
22 firm representing the plaintiff, the name of the
23 law firm or law firm agency representing each
24 defendant, the date the action was filed, the kind
25 of improper police action alleged in the action,

2 and, if the action has been resolved, the date of
3 its resolution, and the manner in which it was
4 resolved, whether the resolution included a
5 payment to the plaintiff by the City and, if so,
6 the amount of such payment.

7 The Law Department has been supportive
8 of the Council's intent to provide more
9 transparency. We have successfully increased
10 transparency through the Law Department's
11 publishing of five-year summaries of case
12 dispositions in matters with alleged improper
13 conduct by police twice a year. In order to ensure
14 accuracy, the Law Department conducts extensive
15 reviews, research, and quality assurance to make
16 these biannual reports as accurate as possible.
17 The proposal to require posting 15 days after each
18 complaint is received or a lawsuit is settled
19 would ensure that posted information would be
20 inaccurate, frustrating the very purpose of the
21 public disclosure.

22 The Law Department is handling
23 approximately 5,114 state and federal cases with
24 allegations of alleged police improper conduct.
25 For the first six months of this Fiscal Year,

2 approximately 546 new cases were received and 552
3 were disposed. Overall, our Office represents the
4 Police Department and individual members of
5 service in more than 7,000 cases. Often, we
6 receive complaints with officers named as John
7 Does or with misspelled or commonplace names.

8 When the Law Department receives a
9 complaint, we review the allegations in the
10 pleading and work to obtain necessary records to
11 understand the factual and legal underpinnings of
12 the case. This process invariably takes time, and
13 publicizing information about cases in a period as
14 short as 15 days would lead to premature and
15 inaccurate information. For example, unless there
16 is a conviction in an underlying criminal case
17 that is the subject of the complaint, the Law
18 Department must secure a release from the
19 plaintiff pursuant to NY Criminal Procedure Law
20 Section 160.50 in order to access sealed arrest
21 records. In the United States District Court for
22 the Southern District of New York, plaintiffs are
23 required to serve a 160.50 release with their
24 civil rights complaint. Thereafter, in recognition
25 of the time required to access police records,

2 identify the involved officers and make
3 representation decisions, answers to complaints
4 are due 80 days after the service of the
5 complaint. Releases are not required to be served
6 with complaints in state court actions and thus
7 identification of the officers can take, at best,
8 many months. Further, both parties and claims are
9 added as civil discovery progresses. A malicious
10 prosecution claim against several unnamed police
11 officers may change into a false arrest case
12 against two named officers. Thus, information that
13 might be posted by the Law Department with 15 days
14 of the receipt of a complaint would invariably be
15 inaccurate or simply wrong because a party was
16 erroneously named in the complaint.

17 Problems would also arise in reporting
18 case dispositions within 15 days of resolution.
19 After the parties agree to settle a case, the
20 Comptroller's Office has up to 90 days to pay the
21 settlement. During that 90-day period, there are
22 various lien checks, including for outstanding
23 child support, that are conducted. As a result,
24 the settlement amount and the amount paid to the
25 plaintiff by the City may be different. A

2 settlement reported within 15 days of the
3 agreement may not reflect what the City ultimately
4 pays to the plaintiff.

5 Moreover, the current time frame of
6 publication every six months ensures proper
7 vetting of the relevant data for accuracy. This
8 vetting is both time-consuming and necessary. We
9 urge the Council not to implement a 15-day
10 reporting period which would require daily uploads
11 of flawed and often premature information to a
12 public website.

13 With respect to the proposal for the
14 quarterly reporting of statistical data, the Law
15 Department could furnish such data, and we look
16 forward to working with Council on that aspect of
17 the bill.

18 Thank you for the opportunity to provide
19 comments to Intro. 944. My Colleagues and I would
20 be pleased to answer any questions you may have.

21 CHAIRPERSON HANKS: Thank you so much. At
22 this time, we will hear from Speaker Adrienne Adams
23 as she will kick off the questioning.

24 SPEAKER ADAMS: Thank you very much,
25 Madam Chair, and welcome to all of you once again.

2 Thank you for being here in person today in person
3 to testify before this Council.

4 Director Clarke, you went through them
5 but not everyone is familiar with the different
6 levels of police encounters referred to as Levels
7 1, 2, 3, and 4. Can you please take us through the
8 distinction between each of those levels and detail
9 whether or not the NYPD is currently required to
10 activate their body-worn cameras during each,
11 indicating when the NYPD is supposed to tag such
12 recordings?

13 DIRECTOR CLARKE: Level 1, 2, 3, and 4,
14 we're supposed to be recording at all levels
15 currently. That wasn't the case when we first
16 rolled the body-worn camera program. I believe it
17 was only Level 3s and 4s, but now it's Level 1, 2,
18 3, and 4.

19 SPEAKER ADAMS: When did that change?

20 DIRECTOR CLARKE: Last year.

21 SPEAKER ADAMS: Okay. How many of each
22 level were in fact recorded in the first year of
23 this administration, and additionally how many of
24 each level encounter were found to be in compliance
25 with the Constitutional requirements?

2 DIRECTOR CLARKE: I think in the number
3 of Level 1s that were documented as Level 1s, it
4 was 3.2 million. The number of Level 2s was about
5 35,000. The Level 3s was about 35,000. This is
6 videos that were classified as Level 1, 2, and 3.
7 It doesn't necessarily mean that that's the number
8 of Level 1, 2, and 3 encounters. For instance, if
9 two officers do a Level 3 encounter, they both
10 might classify their video as a Level 3 encounter.
11 If two officers do a Level 2, they might both
12 classify even though there's one Level 2 or Level 3
13 encounter. For Level 1s, it's the same issue, but
14 Level 1s is more likely to have multiple Level 1
15 encounters for each video. For instance, if you
16 respond to a 9-1-1 call and you're looking for
17 witnesses, you may talk to 10, 15 people. All of
18 those would be Level 1 encounters but would end up
19 showing up as two on our body-worn camera system
20 when both officers tag it as Level 1.

21 SPEAKER ADAMS: I see. It sounds a little
22 muddy, a little convoluted I guess to the
23 layperson's mind, but I'll just move on from there.

24 How does the NYPD and/or someone
25 auditing those stops review and/or determine

2 whether or not a stop, or all stops for that
3 matter, were conducted in a Constitutionally
4 permissible manner? Would the officer explain the
5 stop to determine whether they had an objectible,
6 credible reason for a Level 1 stop or a founded
7 suspicion for Level 2 or are you relying on viewing
8 the video itself?

9 CHIEF PONTILLO: Good afternoon, Chair.
10 It's a combination of all those. We have an
11 auditing program in place where we look at
12 approximately half of the recorded stops that occur
13 each year. We do random samplings of other police
14 actions like arrests. We look at other police
15 activity related to radio transmissions to look for
16 indications of stops and enforcement actions and
17 then review those actions to make sure they're
18 constitutional. Part of this auditing regimen was
19 developed in collaboration with the court-appointed
20 monitor and the attorney for the plaintiffs in the
21 Floyd stop and frisk case so that auditing protocol
22 was piloted beginning in 2015, 2016 and then
23 ultimately court approved as a viable method of
24 auditing not only stops but also other police
25 encounters including arrests to see how the

2 incident began and then whether or not the police
3 action was constitutional and if the stop report
4 was prepared. We also do significant sampling of
5 body camera video looking across all types of
6 encounters to determine what the police action was,
7 what it was predicated upon, and whether or not it
8 was proper. For example, in my office alone last
9 year we reviewed more than 73,000 body camera
10 videos as part of that auditing process. Also
11 beginning last fall, we began a new audit whereby
12 we randomly sample body camera videos each quarter,
13 and the goal is to identify a statistically
14 significant sample to get us to a 95 percent
15 confidence interval looking across all body camera
16 videos across the City and then sampling those to
17 identify what the incident is, what the police
18 action was, and whether or it was appropriate, and
19 then, if it's not appropriate, then identifying the
20 followup action that needs to be taken.

21 As Director Clarke indicated, late last
22 year, we changed our body camera policy. As he
23 indicated, when we first began the policy and first
24 began the rollout in 2017, we, by policy, limited
25 the number of incidents that police officers were

2 required to record. At the time, we just didn't
3 know what we were getting into in terms of
4 bandwidth and all of that data going through our
5 network, but, as we rolled out body cameras and got
6 some experience with it, we were able to expand so
7 what began initially as only a mandate to record
8 certain enforcement actions, late last year we
9 changed the policy to now record all police action,
10 all police/civilian interaction other than maybe
11 like a routine consensual conversation, good
12 morning, how are you today kind of thing but any
13 other type of call for service, investigative
14 action, enforcement action, 9-1-1 call, 3-1-1 call,
15 no matter what it is, any inquiry, witness
16 canvasses, all police activities must be recorded
17 from beginning to end. We also instituted a system
18 last year working with the body camera manufacturer
19 to enhance our ability to add certain identifying
20 information to body camera videos. For example, we
21 can tag videos with certain information like an
22 arrest or stop and stop report number. Difficult to
23 do. It is quite burdensome. You've got to upload
24 the videos first and then go into the system, but
25 working with the manufacturer we rolled out an

2 enhancement late last year to their app where
3 officers can go on their phones now. It's still a
4 multi-step process. It's still time-consuming, and
5 that's where Director Clarke mentioned the number
6 of videos categorized or tagged as a stop or a
7 Level 1, that's where it comes from. By making
8 these improvements, we've improved the ability to
9 not only capture that data but to audit as well.

10 SPEAKER ADAMS: Thank you. The NYPD's use
11 of stop and frisk, or Level 3, stops still
12 dramatically disproportionately impact black and
13 Latinx New Yorkers. Without this data on lower
14 level encounters, how do you know whether these
15 enforcement practices are being used in a manner
16 that is just and effective or in a manner that like
17 Level 3 stops is racially discriminatory or not?

18 CHIEF PONTILLO: What I would say about
19 the Level 1 encounters, and just to go back, when
20 the New York State Court of Appeals came up with
21 Level 1, Level 2, Level 3, they were trying to get
22 a handle on assessing police/civilian encounters
23 that resulted in an arrest or recovery of evidence,
24 and what the court said ultimately was that they're
25 not just going to look at the constitutionality of

2 say, for example, the recovery of an illegal
3 firearm. They're going to go back to the very
4 beginning and look at the initial interaction the
5 police officer had with the civilian to make sure
6 it was for a proper purpose and, if they determine
7 that there was not a proper purpose, then any
8 evidence that comes after or is derived from that
9 would be suppressed and would not be admitted into
10 evidence. As a result of that, this Level 1
11 category is a very, very broad category. To be
12 clear, Level 1 encounters are not stops. These are
13 the routine interactions police officers with
14 members of the public every day and, as Director
15 Clarke gave a couple of examples, imagine somebody
16 calls 9-1-1, police officer responds or two police
17 officers typically will respond. The first question
18 is did you call the police, are you okay, what
19 happened. That immediately makes that a Level 1
20 encounter because it's a police officer seeking
21 information from a member of the public. Probably
22 the most, I think, dramatic example and we see
23 these incidents increase exponentially in the
24 summertime, looking for a missing person,
25 especially a lost child. People go to the beach,

2 they go to a park, their child wanders off, they
3 call the police, and now police officers are going
4 through the park or the community or the beach with
5 a photograph or a photograph on their phone just
6 walking up to as many people as possible saying
7 hey, we're looking for this lost child, have you
8 seen this child. Every one of those is a Level 1
9 encounter, right. The intrusion upon the civilian
10 is minimal, it's for a public service function, it
11 is not really intrusive upon the person being
12 approached, and it's absolutely necessary to public
13 safety. I would argue that the mechanisms that we
14 have in place with the vigorous auditing of stop
15 reports, the auditing of arrests, the auditing of
16 use of force, the random sampling of body camera
17 video, which now includes every police interaction,
18 so we're capturing all those lower level
19 engagements to make sure, one, that stops are not
20 being under-reported and, two, that these police
21 conduct is appropriate.

22 SPEAKER ADAMS: Thank you. Director
23 Clarke, in your testimony, I'm going to quote you,
24 "I think it's safe to say that there is no agency
25 in the city and, quite frankly, any police

2 department in the world that is more transparent
3 than the New York City Police Department." To what
4 extent has the NYPD complied with CCRB requests for
5 information and documents in relation to CCRB
6 investigations of biased policing?

7 DIRECTOR CLARKE: We have provided them
8 all the information related to the specific
9 incident. Right now, we're currently in dialogue
10 with them to figure out exactly what they need
11 beyond the allegation that's in front of them. This
12 is something that came into their purview last year
13 and then their rules went into effect in October so
14 we're still in ongoing dialogue to try and figure
15 out exactly what it is they need and how to get it
16 to them.

17 SPEAKER ADAMS: Is that a zero as far as
18 the extent that the NYPD has complied with the CCRB
19 requests? Is that the NYPD has not complied with
20 the requests by the CCRB?

21 DIRECTOR CLARKE: It is we have been
22 working with them in trying to figure out exactly
23 how to provide them the information, and we have
24 given them the information related to the specific
25 incident that's being reported and complained

2 about, but it's the greater universe we're still
3 working with them on to figure out to get to them
4 and what to give them.

5 SPEAKER ADAMS: Okay, because we've been
6 informed that those requests have been denied, that
7 all of them have been denied to date.

8 What is the current process for the CCRB
9 to review footage recorded by officer body-worn
10 cameras?

11 DIRECTOR ARENSON: Good afternoon,
12 Speaker.

13 SPEAKER ADAMS: Good afternoon.

14 DIRECTOR ARENSON: Currently, CCRB sends
15 requests to my unit, which is the Body-worn Camera
16 Unit within the Legal Bureau. They send daily
17 emails to us with their requests to a specific
18 email account. We process the requests and return
19 the results to them within an average timeframe
20 right now of three to four business days.

21 SPEAKER ADAMS: How often does the NYPD
22 respond to CCRB requests with nonresponsive body-
23 worn camera footage?

24 DIRECTOR ARENSON: That number has
25 certainly decreased over the years. When we first

2 deployed the cameras, not every officer was
3 deployed with body-worn camera footage, so
4 certainly the number of negative responses back in
5 2017, 2018, and even 2019 was significantly higher.
6 Currently, it's rare that there is no body-worn
7 camera footage, especially with the new protocols
8 that have been in place that we're recording every
9 interaction. Primarily, it may be arrests that are
10 handled by specific units in the Department who
11 currently do not have body-worn cameras, but
12 overwhelmingly the number of responses that we give
13 contain body-worn camera footage.

14 SPEAKER ADAMS: Okay. In what
15 circumstances would the NYPD withhold or redact
16 body-worn camera footage?

17 DIRECTOR ARENSON: Currently we only
18 withhold or redact body-worn camera footage
19 involving sealed adult arrests pursuant to Criminal
20 Procedure Law 160.50, juvenile arrests or
21 detentions pursuant to the Family Court Act, as
22 well as victims of sex crimes pursuant to the Civil
23 Rights Law 50-B.

24 DIRECTOR CLARKE: Just to be clear, if
25 there's a waiver, we'll provide it from the

2 individual whose case is sealed so frequently CCRB
3 is able to get waivers to get the video, but
4 sometimes it's not possible.

5 SPEAKER ADAMS: I was just about to ask,
6 what's the frequency of those waivers?

7 DIRECTOR ARENSON: Currently, the
8 frequency is very high. Initially, we required
9 written waivers. Currently, we accept verbal
10 waivers from them so the CCRB investigators in
11 their requests to us document on that request that
12 they've obtained a verbal waiver from the
13 complainant or a parent or guardian in regards to a
14 juvenile so currently right now we don't have many
15 requests where waivers are required or redactions
16 are necessary.

17 SPEAKER ADAMS: Okay. We might want to
18 take a look at that in more depth.

19 How does NYPD determine what body-worn
20 camera footage to release publicly, how to edit it,
21 and who is responsible for making and approving
22 determinations of what is released publicly?

23 DIRECTOR ARENSON: You mean public
24 releases pursuant to FOIL, Freedom of Information
25 Law, or public to an external agency?

2 SPEAKER ADAMS: An external agency.

3 DIRECTOR ARENSON: Currently, all of that
4 is handled by my team. We process all requests,
5 whether it be criminal discovery to a state
6 prosecutor or federal prosecutor as well as to the
7 Law Department, Administration for Children
8 Services, or CCRB. We handle all these requests the
9 same. When we receive them, I have a team who
10 searches the evidence.com database where the body-
11 worn camera footage is stored. We locate all
12 responsive footage pursuant to the request. We do
13 not determine what we release. If it's part of the
14 request or if it's part of the incident that's the
15 basis of the request, we provide all that footage.

16 Now, depending upon who's requesting it,
17 whether it be a public release pursuant to FOIL, I
18 have a staff of attorneys who review it to
19 determine if any privacy redactions need to be made
20 or departmental redactions that need to be made,
21 and then they're all approved by a supervisor
22 before release.

23 The same for requests from external
24 agencies. We have multiple layers of checks within
25

2 my team to ensure that we locate all responsive
3 footage.

4 DIRECTOR CLARKE: And we also have a
5 policy of releasing video whenever there's a use of
6 force by one or more officers that results in death
7 or serious physical injury or when the officer
8 discharged a firearm and hits another person or if
9 there's a sort of incident that is of great
10 interest to the public, then the PC can also do
11 that so we will release body-worn camera video of
12 those incidents as well affirmatively.

13 SPEAKER ADAMS: Okay. What's the internal
14 process for safeguarding sealed body-worn camera
15 footage to prevent unauthorized access?

16 DIRECTOR ARENSON: Currently, all of the
17 footage is stored within that cloud-based storage
18 system. Right now, there's no technology in place
19 to differentiate between a sealed record within
20 this cloud-based system versus an unsealed record.
21 The one requirement we have in place is a limited
22 number of NYPD personnel have download capabilities
23 within the system so internally if anything needs
24 to be downloaded by the Department they would also
25 be reaching out to my team in order to use footage

2 for an investigation or for whatever their purpose
3 may be. When we receive those requests, we do the
4 same check that we would for any external agency
5 and, before we release it to them, we would check
6 to see if it's a sealed record or confidential.

7 SPEAKER ADAMS: How does the Department
8 respond to claims that it improperly combines
9 sealed and unsealed records including in its body-
10 worn camera database?

11 DIRECTOR ARENSON: Currently, again
12 speaking only on body-worn camera, all of those
13 records, sealed or unsealed, are within the system,
14 and, again, while we can work with the third-party
15 contractor, there is no technology available right
16 now that would differentiate or segregate this
17 material so currently it is all stored within the
18 system.

19 DIRECTOR CLARKE: There's also an ongoing
20 lawsuit about our storage of sealed records, and
21 we're with the plaintiffs in the court working
22 through policies on how to improve our practices.

23 SPEAKER ADAMS: Okay. Sounds like we
24 definitely need to improve that.

2 I'm going to ask just a couple more
3 questions because I know that I have several
4 Colleagues that want to ask questions as well.

5 I want to touch on the vehicle encounter
6 reports and the bill that I did sponsor and was
7 enacted. We've seen the reports coming out lately,
8 the results of that legislation. There have long
9 been concerns regarding the racial demographics of
10 individuals subjected to traffic enforcement.

11 Current NYPD data confirms that black and Latino
12 individuals are the disproportionate target of
13 traffic stops, arrests, searches, and use of force.
14 In 2022, the NYPD conducted over 673,000 traffic
15 stops; 77 percent resulted in a summons for a minor
16 violation and only 2 percent resulted in an arrest.
17 While black and Latino drivers accounted for nearly
18 55 percent of all stops, they made up approximately
19 90 percent of arrest, use of force incidents, and
20 searches that resulted from these traffic stops.

21 Stunning, stunning to anyone. Several police
22 departments across the country are moving away from
23 conducting traffic enforcement and stops because of
24 the evidence that they disproportionately escalate
25 to dangerous situations for drivers. How is the

2 NYPD considering its own policies in this context
3 and are there any discussions about limiting the
4 use of officers to conduct vehicle stops,
5 particularly when precipitated by potential minor
6 violations?

7 DIRECTOR CLARKE: I think that's
8 something we always want to make sure that vehicle
9 stops are being done safely. We have a vehicle stop
10 manual. We've done training on it. We've also
11 supported the ability to use automated enforcement
12 to enhance what we do, but I think, in our opinion,
13 the NYPD officers are an important part of traffic
14 safety, working with our partners at DOT to make
15 sure that we're trying to curb reckless driving and
16 make sure that that part of the City is safe while
17 doing it in the safest manner. That's the goal, but
18 we support...

19 SPEAKER ADAMS: Are there more reckless
20 drivers in black and Latino communities than other
21 communities?

22 DIRECTOR CLARKE: I mean I think the data
23 you pointed to is about 55 percent of stops. I
24 think that roughly matches the City's demographic
25 data for black and Latino in the City so I think it

2 shows that we're not targeting any particular
3 community with vehicle stops. I get your point when
4 there's arrests, it does escalate, and the small
5 period of time there are arrests, the most common
6 arrest is for unlicensed operation without a
7 license...

8 SPEAKER ADAMS: Does the NYPD know what
9 percentage of New York City drivers are black and
10 Latino?

11 DIRECTOR CLARKE: I do not know that.

12 SPEAKER ADAMS: Okay. How many complaints
13 has the NYPD received alleging bias-based policing
14 arising from traffic stops and enforcement, and how
15 many have been substantiated?

16 DIRECTOR CLARKE: I don't know how many
17 have been based on a traffic stop. I can attempt to
18 get that information. As you know, there's been
19 very few substantiations of bias-based policing.
20 It's a very difficult thing to substantiate so...

21 SPEAKER ADAMS: How do you conduct your
22 internal audits of biased policing?

23 CHIEF PONTILLO: Currently,
24 investigations of bias-based policing as of last
25 October are exclusively with the CCRB so there was

2 a rule change (INAUDIBLE) authority jurisdiction
3 last year. This Council had passed legislation
4 enabling CCRB to assume jurisdiction. They took
5 over that role in October of last year and are now
6 responsible exclusively for those cases so the NYPD
7 does not. Prior to that, the NYPD had jurisdiction
8 over allegations of bias-based policing. All of
9 those complaints went to the Internal Affairs
10 Bureau where they would then assess them and assign
11 them out to investigators to investigate. The
12 handling of bias-based policing investigations was
13 one of the areas that pursuant to the court order
14 in the Floyd stop and frisk litigation was within
15 the purview of the court-appointed monitor so
16 working with the monitor over many years, the
17 Department refined the way it tracked bias-based
18 policing investigations, the way the investigations
19 were conducted, and the way training was done so
20 working with the monitor we developed and published
21 guidelines, training materials for the
22 investigators for conducting bias-based policing
23 investigations, and the monitor over the past
24 several years has reviewed bias-based policing
25 cases in their entirety. I believe they're up to

2 approximately 140 cases that they reviewed. In the
3 monitors ninth report, which is available online,
4 they talk about the bias-based policing
5 investigations, and they point to the fact that
6 they're very, very difficult to prove because you
7 have to prove intent which is not easy to do and
8 that their primary concern was making sure that the
9 policies were sound and the training was sound,
10 which is why they worked with us to improve both
11 policies and training around bias-based policing
12 investigations. Additionally, they reviewed, like I
13 said, I think 140 or 141 cases, and in that ninth
14 report they acknowledged that with all the cases
15 they reviewed up until that point they had not
16 identified a single case that should've had a
17 different outcome. Also, New York City DOI, the OIG
18 for the NYPD, published a report in 2019 also
19 looking at bias-based policing investigations
20 conducted by the NYPD, and they looked at more than
21 5,000 pages of documents, more than 400,000 data
22 points in the NYPD cases and in the data that was
23 created in the biased policing investigations, and
24 they looked at the closings in almost 600 actual
25 cases. Again, they too found that it's very, very

2 difficult to prove because you have to establish
3 the intent and the individual's state of mind, but
4 they also noted that of all the cases they reviewed
5 they did not identify any cases that should've had
6 a different outcome. While we had, I'm sorry it's a
7 long-winded answer, but while the NYPD was
8 conducting those investigations, we had the
9 oversight of the monitor and DOI. They both did
10 extensive reviews, they've published their
11 findings, but now, or since October of last year,
12 that process is exclusively with CCRB.

13 SPEAKER ADAMS: Chief, I hear you, but
14 how does the NYPD account for its own
15 disproportionate stops and arrests and searches and
16 use of force incidents across black and Latino
17 individuals? How does the NYPD account for its own
18 behavior?

19 CHIEF PONTILLO: I think that's something
20 that, again, through the auditing mechanisms that
21 we have in place, we look at that. We examine the
22 data as well. We compare that to other indicators
23 like crime victims and other information about
24 offenders provided by crime victims. There is no
25 easy answer. Certainly, I think it's a mistake to

2 compare any of these enforcement actions to the New
3 York City demographic population generally. The
4 tricky part is identifying the group of people who
5 are available or who fall into a group that are
6 likely to be stopped or...

7 SPEAKER ADAMS: Black and Latino
8 residents.

9 CHIEF PONTILLO: Are available to be
10 stopped for a traffic infraction. You'd have to
11 know who was driving in a particular area on a
12 certain day and what the deployment was like so it
13 gets very complicated, but it is something that we
14 do look at.

15 SPEAKER ADAMS: All right. I'm going to
16 stop there and thank you very much. I may come back
17 around, Chair Hanks.

18 CHAIRPERSON HANKS: Thank you, Madam
19 Speaker.

20 Thank you so much for coming here to
21 testify, NYPD and the Law Department.

22 This line of questioning is related to
23 my bill, Intro. 944. How much money has the City
24 spent on civil judgements and settlements arising
25 from claims of office misconduct?

2 ASSISTANT COUNSEL GOODE-TRUFANT: Officer
3 misconduct?

4 CHAIRPERSON HANKS: Officer misconduct.

5 ASSISTANT COUNSEL GOODE-TRUFANT: For
6 Fiscal Year '22, the amount attributed to
7 misconduct payouts was 143,203,132.

8 CHAIRPERSON HANKS: That is an outrageous
9 amount of money, outrageous.

10 Have the amounts of payouts been
11 increasing in recent years and, if so, why?

12 ASSISTANT COUNSEL GOODE-TRUFANT: The
13 amounts vary by year. There are years that are
14 significantly higher than other years. For example,
15 Fiscal Year 2022 overall was slightly higher
16 because there was a bit of a lull in Fiscal Year
17 '21 because of the pandemic, but there are also
18 times where we have reversed conviction cases where
19 someone may have been incarcerated for a long
20 period of time, and those individual cases may
21 result in a payout to an individual of more than 10
22 million dollars and that will cause a spike in the
23 payouts.

24

25

2 CHAIRPERSON HANKS: Why do you think that
3 we're paying 143 million dollars out in police
4 misconduct settlements and judgements?

5 ASSISTANT COUNSEL GOODE-TRUFANT: That
6 143 million is for 1,084 cases.

7 CHAIRPERSON HANKS: Can you talk about
8 some of those cases, as to why there were
9 settlements?

10 ASSISTANT COUNSEL GOODE-TRUFANT: It
11 varies. As I indicated, there are cases that are
12 reversed conviction cases that may have been an
13 individual payment of more than 10 million. There
14 may be other individual cases of varying injury.
15 The amounts vary from very low amounts to very high
16 amounts.

17 CHAIRPERSON HANKS: Thank you. We
18 understand that there are high and low amounts. The
19 question really was what type of cases are we
20 settling? What do they comprise? The amount that
21 we're speaking about here, everybody gasped because
22 it's unbelievable that we paid out 143 million in
23 2022 in settlements and so I think this Body wants
24 to understand the why and then we can continue with
25 the questioning. Thank you.

2 ASSISTANT COUNSEL GOODE-TRUFANT: The
3 cases vary. False arrest, malicious prosecution,
4 use of force. I can't speak to all 1,000 of the
5 cases before you, but we could certainly provide
6 you with a broader summary of the types of cases.

7 CHAIRPERSON HANKS: I think that would be
8 prudent.

9 Does the NYPD or Law Department project
10 ongoing trends and growing litigation expenses
11 arising from claims of NYPD officer misconduct?

12 ASSISTANT COUNSEL GOODE-TRUFANT: Growing
13 claims?

14 CHAIRPERSON HANKS: Growing trends.

15 ASSISTANT COUNSEL GOODE-TRUFANT: Trends?
16 With respect to judgement and claims, those
17 projections are done by the Office of Management
18 and Budget.

19 CHAIRPERSON HANKS: What types of
20 misconduct are generally subject to civil
21 litigation, this is kind of a different way to ask
22 the same question, claims against the NYPD, and are
23 there certain types of claims that are more likely
24 to be settled before trial?

2 ASSISTANT COUNSEL GOODE-TRUFANT: Most
3 cases are settled before trial. The vast majority
4 of cases are resolved before trial. We take only a
5 small segment of cases to trial, and so I would say
6 every type of case is a candidate for settlement.

7 CHAIRPERSON HANKS: What is the
8 difference between, you testified that there's a
9 very small amount that actually go to trial. Could
10 we talk about some of those cases? Why would they
11 go to trial while others for the most part are
12 being settled out of court?

13 ASSISTANT COUNSEL GOODE-TRUFANT: There
14 are cases in which once there is a review, there is
15 a belief that there was no wrongdoing which
16 occurred and that a defense must be presented in
17 court, and I would step further and say that for
18 our federal civil rights cases we succeed at trial
19 more than 80 percent of the time.

20 CHAIRPERSON HANKS: Thank you. What are
21 the different ways for members of the public to
22 submit complaints regarding NYPD officer
23 misconduct?

24 DIRECTOR CLARKE: They can go directly to
25 the CCRB and submit claims to them. You can go to

2 the precinct and make a complaint. You can go to
3 IAB directly, and we have a phone number and an
4 email address. I believe it's iab@nypd.org that
5 members of the public can make a complaint.

6 CHAIRPERSON HANKS: Thank you. What is
7 the investigative process when individuals submit
8 complaints directly at a police precinct and at
9 what point is the Internal Affairs Bureau notified,
10 and who is responsible for conducting these
11 investigations, and further, it's a big question, I
12 apologize, and who is responsible for making the
13 disciplinary decisions? I can go slower if you
14 want.

15 DIRECTOR CLARKE: When you go in, if you
16 go directly to the precinct and complain, members
17 of the police force who receive complaints are
18 supposed to independently report that to IAB.
19 Occasionally we'll get a complaint where the member
20 of the public tells IAB or tells a member of the
21 Police Department, and the member of the Police
22 Department should tell IAB. IAB will evaluate. If
23 it is in CCRB jurisdiction, we'll send it to CCRB
24 for investigation. If it's not in CCRB
25 jurisdiction, they'll evaluate it either for

2 investigation by IAB but there's also they can send
3 it directly to each borough of the eight boroughs
4 we have have investigative teams who can do
5 investigations or down to the precinct level.

6 CHAIRPERSON HANKS: Thank you. What is
7 the policy rationale for shielding IAB disciplinary
8 outcomes from the public? What is an instance in
9 where we would do that?

10 DIRECTOR CLARKE: I'm not sure I
11 understand.

12 CHAIRPERSON HANKS: What is the policy
13 rationale for shielding the IAB disciplinary
14 outcomes from the public?

15 DIRECTOR CLARKE: I'm not sure what
16 you're referring to. I believe when we do issue
17 discipline, we are publishing it on our website.

18 CHAIRPERSON HANKS: You are publishing it
19 on your website?

20 DIRECTOR CLARKE: We have an officer
21 profile where you can search officers, and it'll
22 have discipline. I think we are still working on
23 making sure everything is on it. I'll doublecheck
24 where we stand on that, but if you search an
25 officer, it'll have their substantiated discipline.

2 CHAIRPERSON HANKS: Thank you. A couple
3 more questions. When it comes to NYPD by non-for-
4 profits, what are the different sources of
5 nongovernmental donations made to the NYPD?

6 DIRECTOR CLARKE: We get them from not
7 very many places, from a few places. Anything over
8 5,000 dollars is reported on the Conflicts of
9 Interests Board, and I should've printed that up
10 and brought it with me, but I didn't. Obviously,
11 it's not a great many. It's maybe five or six a
12 year would have donations over 5,000 from private
13 entities.

14 CHAIRPERSON HANKS: Thank you. Finally
15 then I'll pass it on to my Colleagues for Intro.
16 948, NYPD data reporting. Does the NYPD have
17 specific concerns regarding the public release of
18 certain information requested in this bill and, if
19 so, please explain?

20 DIRECTOR CLARKE: I'll give you I guess
21 two examples. I think the first one is publicizing
22 the deployment numbers. We don't want to
23 necessarily have it public. We give it to you guys
24 every quarter for your oversight purposes but
25 necessarily having what our deployment numbers are

2 for every precinct publicly bears a little concern.
3 Additionally, we're a little concerned about
4 putting all our training online, although we give
5 it to you quarterly for your oversight purposes so
6 those are two examples. Our team is looking through
7 it to see if others, that's a large report with a
8 lot of data. A lot of it is fine to go public, and
9 we're happy to work with you guys and figure out
10 which may be appropriate and may not be.

11 CHAIRPERSON HANKS: Thank you. To what
12 extent does NYPD currently track and report on its
13 overtime usage, and does the NYPD believe that
14 there's any downside in increasing public
15 transparency regarding the use of overtime?

16 DIRECTOR CLARKE: Our Management and
17 Budget tracks it, and each individual unit has to
18 track their own overtime. I think increasing the
19 amount we report, there's not a downside. I think
20 just at some point it may become too granular and
21 become difficult and, again, what that line is,
22 we're willing to work with the Council and try and
23 figure it out but, certainly, we're okay with
24 increasing some of it, just figuring out exactly
25 what it would be.

2 CHAIRPERSON HANKS: Thank you. Just one
3 more. I apologize.

4 You testified, which I was pretty
5 encouraged about, on Intro. 538, 948, 638, and 781.
6 Your final comment was you look forward to working
7 with the Council on making these bills better or
8 tweaking it so both the NYPD and the Council both
9 understand the spirit in which, what does that look
10 like? You can just pick one of the bills out, but
11 what does it look like to work back and forth with
12 the Council, what kinds of tweaks do you think or
13 working with them do you think that is needed?

14 DIRECTOR CLARKE: I think, for example,
15 on 948 we just mentioned a few of the things maybe
16 we would be concerned about making public. Usually,
17 it is we go through our operational people and
18 figure out, sometimes it's stuff we already collect
19 and it's an easy lift to put up. Sometimes, it's
20 stuff we don't collect, and we have to figure out a
21 mechanism, which it can be easier than others so
22 it's sort of figuring out where that line is.

23 CHAIRPERSON HANKS: Thank you so much. I
24 encourage my Colleagues to take the NYPD up on that

2 request. Thank you very much, and I'll pass it back
3 to Committee Counsel.

4 COMMITTEE COUNSEL KINGSLEY: Thank you,
5 Chair. We will now hear from Council Members for
6 questions. First, we'll hear from Council Member
7 Hudson, Council Member Stevens, Public Advocate
8 Williams. We're going to do a five-minute timer for
9 Council Member questions go ahead.

10 COUNCIL MEMBER HUDSON: Thank you. My
11 first question is what are the NYPD's language
12 access practices when conducting low-level
13 encounters and consent searches?

14 DIRECTOR CLARKE: That is in-line with
15 whenever we interact with a member of the public
16 who has limited English proficiency or is hard of
17 hearing, we have policies requiring us to get
18 proper translation. Now, we have, I don't know
19 exactly how many, but over 10,000 people who are
20 bilingual in the Department so if you're bilingual
21 you can speak to the individual in the language if
22 it's a mutual language. We also have Language Line
23 and Google Translate on our phone, and we call
24 Language Line to help become a translator. That's
25 what officers are supposed to do.

2 COUNCIL MEMBER HUDSON: Do you know how
3 often officers access interpretation lines to
4 ensure non-English speakers understand their
5 rights?

6 DIRECTOR CLARKE: I don't, but I can get
7 that information.

8 COUNCIL MEMBER HUDSON: Okay, that would
9 be helpful. Thank you.

10 As you heard earlier during the
11 testimony, a Neighborhood Safety Team officer
12 recently intimidated Samy Feliz into consenting to
13 a search. How often is this happening and do
14 officers face discipline for doing this?

15 DIRECTOR CLARKE: Obviously, there's an
16 individual case. I don't have data on how often
17 that happens.

18 COUNCIL MEMBER HUDSON: I'm just using
19 that as an example.

20 DIRECTOR CLARKE: Understood, but what we
21 don't want to have happen is getting consent
22 searches that aren't truly consenting. That is
23 against what we would want because if something had
24 happened and it led to an arrest, we would've gone
25 to a court, a judge would've seen that and been

2 like that's not consent and would have suppressed
3 it so our goal is to make sure that it is truly
4 voluntary and knowing because it's
5 counterproductive for it not to be.

6 COUNCIL MEMBER HUDSON: You don't know
7 then how often it's happening?

8 DIRECTOR CLARKE: We know how often we're
9 seeking consent and how often consent is given.

10 COUNCIL MEMBER HUDSON: You said you do
11 know that?

12 DIRECTOR CLARKE: We know how often we
13 seek consent. We know how often consent is
14 provided. Yes, and we publish that on our website.

15 COUNCIL MEMBER HUDSON: But you don't
16 know how often somebody might be coerced into
17 providing consent?

18 DIRECTOR CLARKE: No, but I would say our
19 training and our policy is for that not to happen.

20 COUNCIL MEMBER HUDSON: I understand.
21 There's training and policy for a lot of things not
22 to happen, but a lot of things do happen.

23 DIRECTOR CLARKE: Understood, but we
24 expect our officers to follow our guidelines,

2 follow our procedures, and make sure that when they
3 get consent, it's truly consent.

4 COUNCIL MEMBER HUDSON: Okay. Just a
5 quick followup on that point specifically. Do
6 Neighborhood Safety Teams use consent searches
7 and/or Level 1 and Level 2 stops more than other
8 officers?

9 DIRECTOR CLARKE: I don't know...

10 COUNCIL MEMBER HUDSON: Is that something
11 you can follow up with?

12 DIRECTOR CLARKE: I can try.

13 COUNCIL MEMBER HUDSON: Okay. In your
14 testimony, you referenced that these bills might
15 hinder solving a case. The example you used was of
16 a case like a missing child, for example. Do you
17 know what percentage of NYPD cases are solved and
18 what the average time it takes to solve or close a
19 case is?

20 DIRECTOR CLARKE: I just want to be
21 clear. I was only referring to Intro. 586. I was
22 not referring to Intro 538.

23 COUNCIL MEMBER HUDSON: Okay. That's my
24 bill so I'm glad to hear that.

2 DIRECTOR CLARKE: Right. That's why I
3 wanted to mention that. Intro. 586 is the concern,
4 and it's about having to document all the lower-
5 level encounters.

6 Our solve rate, we actually post it
7 online for the seven major crimes at least. I don't
8 have it with me in front of me, but I can...

9 COUNCIL MEMBER HUDSON: I can just share.
10 My data is I'm sure not as up-to-date as your data
11 might be, but in the first quarter of 2020, the
12 NYPD solved 31.7 percent of major crimes compared
13 to 36.8 percent of the year prior so that's a rate
14 far below even 50 percent, and I guess my point is
15 just that to use the example of this bill hindering
16 your ability to solve the case when your solve-
17 ability of cases is far below 50 percent to me
18 isn't a legitimate excuse for why you shouldn't be
19 able to adhere to the proposed bill.

20 DIRECTOR CLARKE: I think my actual
21 specific example, I was talking about a missing
22 child so that wouldn't show up necessarily on this
23 data, but what we want to do is have officers as
24 quickly as possible talk to as many people to find
25 that child...

2 COUNCIL MEMBER HUDSON: Understood.

3 DIRECTOR CLARKE: And every time you do
4 that, it's a Level 1 encounter, and if we are
5 stopping to document that, that's the concern.

6 COUNCIL MEMBER HUDSON: I totally
7 understand that, but I think also to the earlier
8 points that were made we know the type of stops
9 that you're making generally speaking. We know that
10 black and brown people, black and brown
11 neighborhoods are subjected at far higher levels or
12 rates to being stopped, and so my point is just
13 that to use that as an excuse for perhaps not being
14 able to fulfill what's being asked by this bill is
15 unacceptable to me because we know what the
16 statistics are. If your solve-ability rate was far
17 greater or even just over 50 percent, but certainly
18 closer to 100 percent, than I could maybe give a
19 little leniency but considering it's only in the 30
20 percent, maybe it's higher, I don't know if you are
21 able to share the numbers once you have them, but
22 I'm just making the point that I don't really think
23 that's a viable excuse for why you wouldn't
24 necessarily be able to adhere to the proposed bill.
25 Thank you.

2 COMMITTEE COUNSEL KINGSLEY: Thank you.
3 Now we have questions from Council Member Stevens
4 followed by the Public Advocate.

5 COUNCIL MEMBER STEVENS: Before I start
6 my questions, I just wanted to thank the families
7 and individuals that shared their stories. We know
8 that sometimes sharing your stories is re-
9 traumatization and so I just wanted to acknowledge
10 that their stories were heard, and we're here to
11 fight and support you through this process.

12 I'm really deeply concerned about the
13 amount of money that is being paid out to
14 individuals because, one, it seems like obviously
15 lack of transparency and over-policing our
16 communities, and just even thinking about my bill,
17 Intro. 638, and seeing that there are other funds
18 that NYPD gets from outside sources, maybe if you
19 were paying them out from that money it would look
20 a little different so that's something I'm really
21 concerned about.

22 What's the different sources of non-
23 governmental donations made to NYPD?

24 DIRECTOR CLARKE: There are a few
25 sources, and I can (INAUDIBLE) exactly what it is.

2 It's not a massive amount. We report in our
3 Conflict of Interests Board reports five or six a
4 year that are non-governmental entities are
5 donating more than 5,000 dollars. Most, it's not
6 significant amounts of money, but there is one
7 donor that would probably be over 1 million in a
8 lot of years, and it's the Police Foundation.

9 COUNCIL MEMBER STEVENS: What are
10 examples of NYPD's use of large donated funds
11 received from NYPD?

12 DIRECTOR CLARKE: A few examples are it
13 funds the Crimestoppers and Operation Gun Stop.
14 It's helped us fund the Explorers Program, fund the
15 creation of 127 Penn, which is a community center.
16 It helped us do some ABLE training, and ABLE is
17 Active Bystandership for Law Enforcement training,
18 which teaches officers to intervene when they
19 notice other officers starting to get angry or
20 frustrated. It actually helped pay for our first
21 body-worn camera pilot program as an example. Those
22 are examples of what we use it for.

23 COUNCIL MEMBER STEVENS: How does the
24 NYPD respond to concerns that large donations to
25 the NYPD Foundation could be used as a means of

2 gaining favor with the Department or unduly
3 influence Department priorities?

4 DIRECTOR CLARKE: I don't think that's a
5 concern. I think this is money that's used to help
6 the NYPD with certain projects, and Crimestoppers
7 is a perfect example where it helps us put out
8 reward money to help solve crimes, right, so I
9 don't think this is a real concern. None of this
10 money is used for anyone's personal gain. It's to
11 help our joint effort in solving crime and
12 increasing community interactions and improving
13 community interactions.

14 COUNCIL MEMBER STEVENS: What's the
15 NYPD's relationship with the New York City Police
16 Foundation? How does it work and how does it
17 interact with each other?

18 DIRECTOR CLARKE: They do some
19 fundraising for us and will help. They're not at
20 our direction. They are their own entity, but they
21 will have ideas that help fund certain projects,
22 certain things for us, and help us. It's sort of a
23 mutually beneficial relationship.

24 COUNCIL MEMBER STEVENS: How to determine
25 where donations from NYPD Foundations will be

2 allocated within the Department? Who determines
3 that?

4 DIRECTOR CLARKE: I think that is senior
5 leadership will help determine what the best use of
6 the money is for, and we do have a written policy.

7 CHIEF PONTILLO: My prior assignment was
8 in the First Deputy Commissioner's office, and the
9 NYPD does have a published policy on making
10 requests to the Police Foundation so anybody who
11 has a program or a project that they want to put
12 forward that they think would benefit from Police
13 Foundation funding primarily to serve the community
14 in some way can submit that in writing up through
15 the First Deputy Commissioner who will review it
16 and then make a recommendation to either approve of
17 disapprove and then work with the Executive
18 Director from the Police Foundation to make sure it
19 fits their mandate and their scope. For example,
20 one of the projects I was involved in, we had
21 police officers in Queens working with a local
22 community group to solicit donations to get prom
23 dresses for young ladies in the community who could
24 not afford one, and that's something we brought to
25 the Foundation, hey, would you be interested in

2 getting involved in this, and they took it on and
3 they assisted with that so we were able to get
4 donations and buy dresses to then give them out to
5 community members. Another program that the
6 Foundation is very, very involved as Director
7 Clarke talked about, the community center at 127
8 Pennsylvania Avenue was a big project, getting that
9 renovated and facilitating its use by the community
10 but also the programs that were being run out of
11 there. For example, one of the programs is called
12 the Options Program, and that's using virtual
13 reality equipment and scenarios to teach young
14 people life skills, how to deescalate situations,
15 for example, and the beauty of that program was
16 that the young people actually came in, helped
17 write the scenarios, helped develop the programs,
18 and then with their friends from the neighborhood
19 would then go through these virtual reality
20 simulations and then as the next step in that
21 process the Foundation reached out to many private
22 businesses to solicit participation in an effort to
23 give people jobs so young people from the community
24 then either Summer Youth Employment or other jobs
25 where they can be mentored and trained for their

2 careers so that's an example of how the Department
3 does it, but there's a formal process, it's all in
4 writing through the First Deputy Commissioner and
5 then ultimately the Police Commissioner and the
6 Police Foundation make the final approval.

7 COUNCIL MEMBER STEVENS: Thank you. Those
8 are all of my questions. I just wanted to make sure
9 that we are having a transparent process because
10 other city agencies are not able to solicit
11 donations and have donations to supplement programs
12 that they want so, especially when we have an
13 agency that is one of the highest line items in the
14 budget, it's to me, make sure that we have real
15 transparency so thank you.

16 COMMITTEE COUNSEL KINGSLEY: Public
17 Advocate Williams.

18 PUBLIC ADVOCATE WILLIAMS: Thank you so
19 much. Excuse me in advance if I try to push you
20 along. I want to try my best to keep respect to
21 time, but I also wanted to just say thank you to
22 Council Member Aviles, Hudson, and Caban for their
23 support on my bill and the advocates and the
24 families that's here as well.

2 I did want to make note first, just in
3 framing, it was interesting you saying that you
4 believe you're the most transparent agency in the
5 City, not sure I fully agree, but I do want to make
6 sure I mention that you're also the most powerful
7 in terms of being able to make life and death
8 situations than any other agency and the only
9 agency that I know of that doesn't have the
10 accountability that will come with accidentally
11 killing someone and so I would hope there would be
12 transparency when it comes to that.

13 I also want to understand, the testimony
14 for Intro. 638 and 781. I wasn't clear if you were
15 supporting those bills or not supporting those
16 bills.

17 DIRECTOR CLARKE: I think we support the
18 intent, and we're willing to work with the Council
19 on working on the language and figuring out exactly
20 what it will end up being.

21 PUBLIC ADVOCATE WILLIAMS: Okay. It seems
22 like the vast majority of them you haven't
23 supported, and that's what I found actually in my
24 over a decade of having discussions most of the
25 bills are not supported. When they are forced upon

2 the Department, then the testimony the next year
3 says how transparent and accountable the Department
4 is so I just wanted to make clear hopefully the
5 discussions can be more about how we can do this
6 thing together instead of the tension that usually
7 occurs.

8 Just really quickly, I want to make sure
9 I get this right, under the DeBour framework, the
10 lawfulness of an encounter is determined in part by
11 whether the officer had a good reason to approach
12 the person and conduct an encounter. How does the
13 NYPD determine the lawfulness of a Level 1
14 encounter or the lawfulness of a Level 2 stop
15 without knowing the factors that led the officer to
16 make the stop in the first place, particularly if
17 you're not documenting them?

18 CHIEF PONTILLO: That goes to our
19 auditing practices. For example, doing citywide
20 random samples systematically of body-camera video
21 for all police actions and then looking to see what
22 the action was. Yes, I agree the whole point of
23 DeBour was to determine whether or not the initial
24 purpose for the police contact with the civilian
25 was appropriate so we do look at that with our

2 auditing. Like I may have mentioned, in my office
3 alone last year we looked at over 73,000 body-
4 camera videos. We're also auditing in a more
5 systematic way body-camera videos to make sure that
6 the police action is lawful and appropriate and to
7 identify stops, if they do in fact occur, and then
8 follow up. Part of that auditing process in
9 addition to looking at body-camera video will be
10 looking at 9-1-1 calls, radio transmissions, and
11 other reports that are prepared to get a more
12 holistic view of what the event was about.

13 PUBLIC ADVOCATE WILLIAMS: Thank you,
14 but, one, it sounds like you're doing it so you can
15 just make it public, it sounds like it's just being
16 internal, you're already doing what it is
17 (INAUDIBLE) asking for, but do New Yorkers know
18 that they don't have to stay and they don't have to
19 answer questions in a 1 and 2?

20 DIRECTOR CLARKE: I don't know what the
21 average New Yorker knows.

22 PUBLIC ADVOCATE WILLIAMS: So it might
23 very well feel like a Level 3?

24 CHIEF PONTILLO: The NYPD has pretty
25 recently published Know Your Rights materials in

2 addition to the court-appointed monitor, on her
3 website, has information about DeBour and Terry and
4 Know Your Rights, and the CCRB publishes that as
5 well.

6 PUBLIC ADVOCATE WILLIAMS: So maybe
7 officers on the camera can just let people know
8 that they can leave and not answer questions? It'll
9 make life easier for everyone, unless you needed
10 further information that would come under the Level
11 3 and you don't want to tell them that.

12 CHIEF PONTILLO: I think the challenge
13 comes up when we talk about the vast majority of
14 these are public service and public safety
15 conversations, right. I respond to a 9-1-1 call.
16 You call the police. I ask you did you call, what
17 happened. Kind of counterintuitive to begin that
18 conversation with you don't have to talk to me but
19 did you call or you don't have to talk to me but
20 we're looking for this missing child who...

21 PUBLIC ADVOCATE WILLIAMS: I get it. I
22 understand. I think we should have the discussion.
23 I get it, and if I can get a little grace just to
24 get these last couple of questions. I get it, and I
25 think we should have a discussion, but I also want

2 to make sure, just for context, do you believe that
3 there is still bias, whether unconscious or
4 conscious, in how we conduct policing in this City?

5 DIRECTOR CLARKE: I think that's
6 something we've worked. We've trained the entire
7 Department...

8 PUBLIC ADVOCATE WILLIAMS: I just want to
9 know if you think it still exists.

10 DIRECTOR CLARKE: That's something that
11 we are actively working on, it's part of our
12 training...

13 PUBLIC ADVOCATE WILLIAMS: All right. I
14 probably won't get a yes or no, but that's a
15 question.

16 Also, do you believe that there's over-
17 policing in these communities as well? Police are
18 being asked to do too much, there's too much
19 policing in these communities? That's a yes or no
20 as well.

21 DIRECTOR CLARKE: I don't think so. I
22 think what we're trying to do is find the right
23 balance between how much policing there is,
24 obviously we don't go back to the years of 2011 and
25 the Bloomberg years and we're not anywhere close to

2 that. We want to try to find the right balance to
3 solve crimes, use precision policing to find the
4 right people.

5 PUBLIC ADVOCATE WILLIAMS: I appreciate
6 that. I don't know if we're not there because we
7 don't collect that on 1 and 2 stops, but I do want
8 to say, and I'll close out with this, the reason
9 I'm asking is because there is a clear racial
10 difference in who's being stopped and who's not and
11 who's being policed and who's not, and often the
12 answer is because of the violence that's occurring
13 there. That is true, but I heard that 10 years ago,
14 I heard it in the '90s when I was growing up, and I
15 heard it in the '80s before that, and people have
16 heard it for decades which means at some point what
17 we're doing isn't effective because it's not
18 changing the way that the violence is occurring and
19 so all I'm saying is let's have a discussion about
20 what public safety actually is because we seem to
21 have these tense conversations around this. To
22 quote a Colleague of mine who can take the credit
23 when they speak, it seems like we're playing whack-
24 a-mole because every time we hit one thing there's
25 another policy that falls true to form to the

2 policing that was there before so we have to come
3 back and so my hope is that at some point we can
4 have a discussion about what public safety actually
5 is and what policing's role is in there because I
6 think you're wrong, we are being over-policed even
7 as there's violence here because police by
8 themselves cannot solve these problems. If they
9 could've, we would've solved it already and so that
10 is what's frustrating to me because we're
11 continuing to say why we're doing these things
12 without actually getting to the root of the problem
13 and so I'm really hoping that this comes off as
14 wanting to have true discussions on this because
15 when public sees this tension they call one person
16 anti, and that's not helpful, but I do think
17 there's a role that needs to be played with our law
18 enforcement that we should be supporting but when
19 we're asking them to do all of the jobs of so many
20 people and not giving the funding and support to
21 the other agencies and community groups, it doesn't
22 help us. Thank you.

23 COMMITTEE COUNSEL KINGSLEY: Thank you,
24 Public Advocate. Now, we have Council Member Aviles
25 followed by Vernikov.

2 COUNCIL MEMBER AVILES: Great. Thank you.
3 In your testimony, you note that for Intro. 586
4 reporting would disincentivize officers from
5 approaching people. I find that statement highly
6 problematic given that this is their fundamental
7 job.

8 DIRECTOR CLARKE: What I was trying to
9 indicate that there are these situations where
10 we're going to speak with multiple people, right,
11 and every time we do a report, does it make it that
12 we instead of speaking to 50 we speak to 40, we
13 speak to 30, right, that's still a lot of people,
14 but does it change how often we're doing it. That
15 was the goal, was trying to explain that.

16 COUNCIL MEMBER AVILES: It's called
17 discretion. How many of the stops, Level 1 and 2,
18 you mentioned you review all the video footage so
19 video for Level 1, 2, and 3 stops. Is that correct?

20 CHIEF PONTILLO: No, we conduct audits
21 and we review samples.

22 COUNCIL MEMBER AVILES: Conduct audits?

23 CHIEF PONTILLO: Yeah, with 23+, 24
24 million videos, adding about 220,000 videos a week.
25 Because we expanded the video recording

2 requirement, it's impossible to view all of them so
3 we view samples.

4 COUNCIL MEMBER AVILES: I thought you
5 noted you conducted an audit of half of the videos,
6 and you noted 3.2 million Level 1s, 35,000 Level
7 2s, and 35 Level 3s.

8 CHIEF PONTILLO: Right. Those numbers,
9 roughly 3.5 million, etc., that's based upon
10 reviewing body-camera video and looking at the
11 metadata associated with those videos and how
12 videos are categorized. In terms of the half that
13 we audited, that pertains to Level 3 stops that
14 occurred. Each year, we conduct audits quarterly.
15 Every precinct, PSA, transit district are looking
16 at their stops. Over the course of the year, we end
17 up auditing approximately half of all of those
18 Level 3 encounters.

19 COUNCIL MEMBER AVILES: How many times in
20 your reviews have you noted a misclassification of
21 a Level 1, 2, or 3 in your review?

22 CHIEF PONTILLO: We do find a few. We
23 don't track that number because it does happen but
24 infrequently.

2 COUNCIL MEMBER AVILES: If you don't
3 track the number, how would you know whether it's
4 frequent or not?

5 CHIEF PONTILLO: Because whenever we
6 identify a situation where we see that, for
7 example, a Level 3 stop occurred but it was not
8 properly documented we do follow up on every one of
9 those so while we don't (INAUDIBLE)

10 COUNCIL MEMBER AVILES: So how many
11 followups have you done in the last year?

12 CHIEF PONTILLO: We don't track that
13 data.

14 COUNCIL MEMBER AVILES: You see our
15 conundrum here? You do followups but you don't
16 track where you follow? You don't track the data so
17 you don't know who you follow.

18 CHIEF PONTILLO: Right, because there are
19 very few that we identify and so we don't track it.

20 COUNCIL MEMBER AVILES: Okay. Chief
21 Pontillo, you mentioned that the federal monitor
22 reviews bias-based policing incidents and
23 investigations, but from our review of the last
24 several monitor's reports, it looks like the
25 monitor is still waiting on the NYPD to develop and

2 implement any from of internal NYPD auditing
3 mechanisms for ensuring the 14th Amendment
4 compliance on race discrimination. What is the
5 status of the Department's 14th Amendment
6 compliance plan, why has it taken so long when the
7 federal court found that NYPD stop and frisk
8 practices to violate the 14th Amendment almost 10
9 years ago?

10 CHIEF PONTILLO: The City actually
11 submitted a proposal for 14th Amendment compliance
12 to the monitor in 2015. Ultimately, it's the
13 monitor's responsibility to determine when we're in
14 compliance. We have put forth a number of ideas in
15 terms of what that would look like. Essentially, it
16 comes down to a totality of the circumstances, and
17 it's all of the things that we have done so it
18 begins with 4th Amendment compliance and all the
19 mechanisms that we have in place, whether it's
20 through auditing, training, improved documentation
21 that have already been put in place and also it's
22 the other mechanisms such as we conducted implicit
23 bias training for the entire Department, it's not
24 part of the recruit curriculum, we have enhanced
25 supervisory training regarding 4th Amendment

2 compliance and documenting Level 3 stops so all of
3 that together gets us to 14th Amendment compliance.

4 COUNCIL MEMBER AVILES: Will you submit
5 to the Council the record of your 4th Amendment
6 compliance plan with the timeline?

7 CHIEF PONTILLO: Yeah, we can put
8 something together. We'll talk about what that
9 material is.

10 COUNCIL MEMBER AVILES: Great. The last
11 plan, it's been since 2015?

12 CHIEF PONTILLO: That was our initial
13 proposal for 14th Amendment compliance. Ultimately,
14 like I said, it's for the monitor to decide what
15 that ultimately looks like and whether or not and
16 when we're in compliance. It's something that they
17 have not made a determination on in their reports
18 up until now.

19 COUNCIL MEMBER AVILES: I'm sorry. Just
20 one last question, Chair, if you will. Are you
21 suggesting, sir, that the monitor has not requested
22 any updated information in terms of the compliance
23 plan?

24 CHIEF PONTILLO: In terms of 14th
25 Amendment compliance, they have requested, and it's

2 something that we're working on with the Law
3 Department.

4 COUNCIL MEMBER AVILES: When is that
5 going to be submitted?

6 CHIEF PONTILLO: We don't have a timeline
7 yet.

8 COUNCIL MEMBER AVILES: When was the last
9 submission?

10 CHIEF PONTILLO: We initially submitted a
11 letter to the monitor back in 2015 with our
12 recommendations for what that looked like.

13 COUNCIL MEMBER AVILES: Thank you, Chair.

14 COMMITTEE COUNSEL KINGSLEY: We have
15 Council Members Vernikov followed by Ariola and
16 Holden.

17 COUNCIL MEMBER VERNIKOV: Thank you.
18 There are millions of interactions with NYPD every
19 year, majority of them are overwhelmingly positive,
20 and the fact is that the majority of police
21 officers wake up every day with one goal in mind,
22 to save lives and keep our communities safe. They
23 are not perfect, but we cannot dismantle, defund,
24 and demoralize the entire NYPD because of a few bad
25 actors who are incompetent and have bad intentions.

2 So many members of our NYPD are men and women of
3 color who come from all backgrounds, persuasions,
4 and denominations, and they too have families to
5 feed. The last several years have done nothing but
6 demonize and demoralize our police. I ask that
7 instead of stifling, unreasonably burdening, and
8 handcuffing our police, we find a balanced approach
9 to improve the Department including more training
10 and community engagement.

11 These bills we're talking about today
12 are all reporting bills. Of course, we need
13 transparency from other agency, but to date no
14 agency or department in this City is inundated with
15 as many reporting requirements as the NYPD is so
16 the question must be asked in an era of rising
17 crime, what value do these additional reporting
18 requirements provide? Whether intended or not, you
19 cannot blame the public for seeing these bills
20 before the Committee today as a defund and
21 demoralize the police by other means after that
22 slogan has lost its potency and support, especially
23 in communities most affected by crime, public
24 safety, and quality-of-life concerns. If we must
25 ask for more reports, I believe at the very least

2 two prongs must be satisfied. One, it should be
3 tangibly related to officer retention and strength
4 so that our officers that are experienced are not
5 taking early retirements or transferring to
6 localities where they will receive more support
7 from politicians and the public at large, and, two,
8 it should be something that is already occurring,
9 information and data already corrected. These
10 prongs are satisfied by my bill, Introduction 370,
11 which this Committee will not hear today even
12 though it has more co-sponsors than some reporting
13 bills that will be heard. My question is, Officer,
14 if you could describe the kind of resources and the
15 amount of staff the Department would require in
16 order to comply with some of these bills?

17 DIRECTOR CLARKE: I think that the
18 staffing has been a concern. We do believe in
19 transparency, but there have been a lot of
20 reporting bills, and we don't receive any funding
21 for them so it is incumbent upon us to find people
22 to run the data. Some of it is having our cops
23 report the data using reports and then having our
24 cops report the data using reports and then having
25 people run and make sure it is good data that can

2 be reported to the public, and we have an entire
3 unit devoted to that. There is a concern with the
4 increasing amount of reports that we need to pull
5 more and more people and, as you know, we're down
6 2,400 cops and 1,200 civilians so sort of there's a
7 push here of where we want to work with the Council
8 on transparency but there's a push on where to get
9 the people to run this.

10 COUNCIL MEMBER VERNIKOV: How would
11 giving the CCRB more power affect the morale and
12 job satisfaction of police officers in your
13 opinion?

14 DIRECTOR CLARKE: I think that's a hard
15 question to answer. We do support accountability
16 for officers who are not doing what they're
17 supposed to do, and we support working with CCRB to
18 find that accountability, but I'm not going to
19 opine on necessarily the morale that this will do.

20 COUNCIL MEMBER VERNIKOV: Do you think
21 that the proposed bills may be going too far in
22 granting more authority to the CCRB, and what are
23 the potential unintended consequences of such
24 legislation?

2 DIRECTOR CLARKE: I think part of this,
3 for us, it's how we can work, the sheer volume of
4 body-worn camera video we have and the legal issues
5 we have with it make it a little bit difficult for
6 us to say that we can just automatically give it to
7 the CCRB, right. We have to do a lot of work to
8 segregate the body-worn camera video that's sealed
9 records depicting people with sexual assault in
10 order to provide that so I think that's another
11 area where the work would be very difficult in
12 order to comply with.

13 COUNCIL MEMBER VERNIKOV: Thank you. A
14 critique of the NYPD is that too many officers are
15 on desk duty and that NYPD already exceeds their
16 overtime. Will these bills create more desk duty
17 and overtime for officers?

18 DIRECTOR CLARKE: If certain bills,
19 particularly the one granting direct access to
20 CCRB, the amount of work involved would require a
21 lot of human power to go through 24 million videos.
22 It's insurmountable so I think there's generally
23 the amount of people we'd have to pull off to do it
24 would be a very difficult thing for us to do. I

2 think that's an accurate statement that that bill
3 in particular would require that.

4 COUNCIL MEMBER VERNIKOV: Thank you.

5 COMMITTEE COUNSEL KINGSLEY: Council
6 Member Ariola followed by Holden.

7 COUNCIL MEMBER ARIOLA: Thank you, Chair.

8 At a glance, the NYPD's website indicates they are
9 already responsible for at least 33 reports
10 including monthly, quarterly, and annual reports.
11 In addition, the NYPD responds to tens of thousands
12 of requests from advocates, and there was over
13 24,000 in 2022 according to the website. How can we
14 really expect the NYPD to add even more reporting
15 requirements without increasing the size of their
16 force or a pay increase to their staff? We keep
17 asking the NYPD to do less with more while
18 continuing to pile on more. That has no value on
19 public safety. The Council needs to be hearing
20 bills that will help reduce crime rather than bills
21 that will continue to overburden the Police
22 Department, especially since some of the bills we
23 are hearing today are duplicative. 9-1-1 calls are
24 up, 3-1-1 calls are up, and the police are down in
25 their workforce. We need to figure something out.

2 We cannot keep asking for more reporting bills and
3 take officers that are necessary on the streets and
4 put them on desk duty when we just took them off
5 desk duty so they could patrol our subways and keep
6 people safe. We have measures put in place already.
7 We have to wait to see if all the prior measures
8 are working and how we can continue to make it
9 better. We cannot continue to stack more measures
10 one on top of the other to the NYPD. We should not
11 be passing more bills that continue to deplete and
12 demoralize and de-staff the NYPD. Thank you.

13 COMMITTEE COUNSEL KINGSLEY: Now we have
14 Council Member Holden followed by Council Member De
15 La Rosa.

16 COUNCIL MEMBER HOLDEN: Thank you. Thank
17 you, Chair. My question is for Corporation Counsel.
18 You testified that regards to Intro. 944 that the
19 proposal to require 15 days after each complaint is
20 received would ensure, that's very strong, would
21 ensure that posted information would be inaccurate.
22 I mean that's a very strong statement. Were you
23 consulted at all on this bill? Was your office
24 consulted before this bill was introduced?

2 ASSISTANT COUNSEL GOODE-TRUFANT: I do
3 not know whether some of my Colleagues may have
4 been asked. I learned of this bill in early March,
5 and the fact of the matter is many complaints name
6 defendants as John Doe so we would not be posting
7 accurate information within 15 days.

8 COUNCIL MEMBER HOLDEN: In your opinion,
9 could that lead to more frivolous lawsuits?

10 ASSISTANT COUNSEL GOODE-TRUFANT: It
11 would lead to confusion.

12 COUNCIL MEMBER HOLDEN: Confusion, and we
13 want to do that in the City Council apparently,
14 confuse people. I have 11 bills that would make
15 probably the police officers' job a little easier
16 and address the problem, but those never get heard.
17 These bills get heard. I've been going to civic
18 meetings for 44 years let's say, and I hate to
19 admit that, but 44 years I've been going to civic
20 meetings, Community Board, I've never heard any of
21 my constituents talking about this stuff that's in
22 these bills. We want more cops, we want more police
23 officers on the streets. I never heard somebody
24 saying we need to make the cops report on every
25 stop. That's a joke. That's an absolute joke. How

2 would a police officer report on every time they
3 came to an accident scene or an incident and
4 questioned somebody? They complain about overtime.
5 How long would that take a police officer to do all
6 these reports? Anybody. Just imagine if they, I
7 listen to the scanner believe it or not, and I hear
8 each unit, each police car, each patrol holding
9 five or six jobs to 9-1-1. Imagine if they had to
10 report on every single person they spoke to.
11 Insane.

12 DIRECTOR CLARKE: It just becomes
13 exponentially, very, very cumbersome and difficult
14 and time-consuming even if each individual report
15 only takes a few minutes to do, it's the cumulative
16 effect. I can think of many of the body-camera
17 videos we look at, we have many officers responding
18 to a crime scene and then spreading out and
19 knocking on doors or approaching people, did you
20 see what happened, did you hear anything, do you
21 know the victim, those very, very kind of
22 commonsense questions.

23 COUNCIL MEMBER HOLDEN: Then telling them
24 by the way, you can walk away from me if you want,
25 like the Public Advocate said, you can just walk

2 away from me, you don't have to answer my question,
3 you can just get out of here, you don't have to
4 tell me what you just saw if you witnessed an
5 accident. Stuff just doesn't make sense. If we're
6 trying to keep this City safe, does that make any
7 sense to you?

8 DIRECTOR CLARKE: I think certainly on
9 the Level 1, it's certainly an issue, and I'll give
10 an example. We had one of the videos we use to
11 train for Level 1 interactions, it involves a
12 single officer's body-worn camera video and in
13 about a minute, he has eight Level 1 interactions,
14 and that's just him, right. The other partner you
15 can see walking around having Level 1 interactions,
16 I couldn't that when I looked at it so I think,
17 like the Chief said, the cumulative effect
18 certainly can be overwhelming, right, for an
19 average officer and sort of having to document
20 everything could impact their ability to do their
21 job and desire to do their job.

22 COUNCIL MEMBER HOLDEN: It will impact
23 their jobs. We're having trouble recruiting
24 competent officers now. There's not a line around
25 the block waiting to become police officers because

2 the war on police continues, and we're going to get
3 to a point where this is going to be an unlivable
4 city if we keep putting more burdens on our police
5 officers who risk their lives every time they leave
6 the house. You don't hear that very often here.

7 I just want to talk about donations,
8 which I don't understand why people are questioning
9 donations. Again, when I saw the officers in my
10 local precinct didn't have bicycles, for instance,
11 we got a 5,000-dollar donation for bicycles so the
12 officers could have bicycles and patrol the
13 neighborhood. When I saw that police officers then,
14 and this was years ago, were using their own
15 private cars to go on patrol, we got a local car
16 dealership to donate a used car. It didn't go to my
17 precinct unfortunately. It went somewhere else. It
18 went to the Police Foundation, but when we saw that
19 the officers needed exercise equipment, the
20 community worked with the precinct, and we got
21 exercise equipment donated. Does this sound
22 nefarious to you? It gets to a point where it's so
23 absurd, some of these bills, and like I said I have
24 11 bills that should be heard because it would
25 make, like police officers carrying sound meters

2 when people are complaining because they can't
3 sleep at night, they could actually write a ticket.
4 These bills never see the light, but these bills
5 that we see today, which obviously none of you were
6 consulted on and you even said you don't even know
7 because you would say 15 days would be a problem
8 because the information would be inaccurate. This
9 stuff gets heard. Thank you. Thank you, Chair.

10 COMMITTEE COUNSEL KINGSLEY: Now, we have
11 Council Member De La Rosa followed by Brewer and
12 Paladino.

13 COUNCIL MEMBER DE LA ROSA: Thank you so
14 much. I'll just state for the record that two New
15 Yorkers were killed by police in my District in the
16 last six months, and that is why this hearing and
17 this information is important because we would
18 otherwise not know that. I'm jealous of my
19 Colleagues whose constituents don't have to go
20 through this, but mine do, and so I want to ask a
21 question regarding Intro. 586, just to dig in a
22 little. I know our Speaker asked a line of
23 questioning and some of our Colleagues did too, but
24 you testified that reporting on police encounters
25 during emergency situations like the kidnapping

2 example would slow down officers. I'm just
3 struggling to understand how that could be and if
4 you're saying that officers would have to stop
5 after each person they talk to to actually fill out
6 a report?

7 DIRECTOR CLARKE: That's a possibility,
8 right. In a missing child scenario, you're going to
9 talk to 50 people, right. No one's going to
10 remember exactly who you talked to so maybe some
11 officers will do it and then try through
12 recollection figure it out and probably miss some.
13 Otherwise, they have to do it as it's happening.
14 Officers could go either way, but either way
15 there's downside.

16 COUNCIL MEMBER DE LA ROSA: Right now,
17 officers are required to issue reports after Level
18 3 stops, right?

19 DIRECTOR CLARKE: Sure, but Level 3 stops
20 aren't going to be nearly the same volume.

21 COUNCIL MEMBER DE LA ROSA: Right now,
22 when they do issue those reports, they can go back
23 and use their body-worn camera footage to fill in
24 gaps or to fill in information so in the example
25 that you used with the kidnapping, couldn't they go

2 back and use their body-worn camera information if
3 there was a question about information that was
4 missing or anything like that? They're making the
5 reports after the stop or after the encounter.

6 DIRECTOR CLARKE: Right, but then that
7 also has another unintended consequence, right, so
8 either two things are happening if you go use your
9 body-worn camera video is you're leaving your
10 patrol a little early in order to come back and do
11 your paperwork and, if it's 50 people you spoke to,
12 you need to give yourself time, or you're doing it
13 at the end of your tour and we are using overtime
14 to fill out paperwork, right, so there's unintended
15 consequences either way.

16 COUNCIL MEMBER DE LA ROSA: But in the
17 current practice, there is still that judgement
18 call being made about the time needed to fill out
19 the reports regardless so that overtime is still
20 being generated in the practice right now. I'm
21 trying to understand what's the difference between
22 what this bill is asking for and the current
23 practice.

24 CHIEF PONTILLO: I think it's a question
25 of scale and unintended consequences. Yes, for a

2 Level 3 Terry stop, a report must be filled out,
3 but when you look at the numbers it comes out to
4 less than one stop report per police officer per
5 year. However, when we're talking about Level 1
6 encounters, which are those routine encounters, did
7 you call the police, are you okay, do you need
8 help, have you seen this lost child, that becomes
9 almost every encounter, every assignment that a
10 police officer responds to every day so right now
11 with our current staffing models and the number of
12 9-1-1 and 3-1-1 calls, I think last year about 7
13 million 9-1-1 calls, the average police officer in
14 New York City on patrol is responding to 27
15 assignments a day. Each body-camera video is an
16 average length of about 10 minutes long, and it
17 could take hours to upload all that video off your
18 camera, so you have to dock your camera, upload the
19 video. At some point, it just becomes impossible to
20 do because there's no time to do it without taking
21 people off patrol to say today you're going to sit
22 and watch body-camera video and fill out reports
23 that, quite frankly, do not in any way enhance
24 public safety or accountability.

2 COUNCIL MEMBER DE LA ROSA: I would just
3 say that given the exorbitant amount of payouts
4 that the City is paying every single year for abuse
5 of force and brutality I think that it makes sense
6 for us to have more transparency because that is
7 the mechanism to build some sort of trust and
8 accountability.

9 I'm going to ask also about the
10 Neighborhood Safety Teams and the new units that
11 are being deployed into communities. Some of our
12 communities are pilot communities, like mine. What
13 is the protocol for accessing body-worn cameras if
14 there are incidents with those units?

15 DIRECTOR ARENSON: The protocol for any
16 cameras, whether recorded by a patrol officer or by
17 an NST officer is the same. Requests are sent
18 through email to our team. They all receive the
19 same analysis. It's determined whether or not we
20 can release it, laws that prohibit, if redactions
21 are necessary before we release it so they're
22 treated exactly the same.

23 COUNCIL MEMBER DE LA ROSA: Sorry. Just
24 going to follow up real quick. If there is an
25 incident of a death that occurs in that situation,

2 does that have a separate process or is it still
3 the same?

4 DIRECTOR CLARKE: I think if there's a
5 death, our Force Investigation Division will take
6 over and conduct the interviews and reviews. I
7 think the body-worn camera video would be shut down
8 from general access in those cases. Prior to doing
9 an interview...

10 CHIEF PONTILLO: When there's any death
11 that results from police action, the NYPD's Force
12 Investigation Division, which is part of the Office
13 of the First Deputy Police Commissioner, is tasked
14 with investigating those cases. They will work
15 closely with either the District Attorney's office
16 or in most cases with the New York State Attorney
17 General's office on those investigations. They will
18 immediately collect all the body cameras, upload
19 the video, and lock down the video so people across
20 the city and the Police Department cannot watch the
21 video then they control access to it. That also
22 prevents the officers who were involved from
23 watching the video until such time as appropriate.

24 COMMITTEE COUNSEL KINGSLEY: Council
25 Member Brewer.

2 COUNCIL MEMBER BREWER: Thank you. I just
3 have a question because I had a recent incident of
4 hate and bias in my office. I wasn't there, but
5 superior staff, management staff, reported it to
6 the precinct, and I must admit, and I love my
7 precincts, but it didn't go anywhere so then, of
8 course, Gale Brewer gets on the phone and the next
9 thing I know commanding officer, Hate Crimes,
10 everybody was in the office. What should've
11 happened in that case? In other words, we're
12 looking for data because sometimes things don't go
13 right, and I think in this particular case the
14 young woman was quite upset, it didn't go the way
15 it should have. It should have gone, I assume, to
16 the Hate Crimes Task Force so is that what
17 should've happened because that's why we need some
18 of this data is when things don't go right, we have
19 to know it, so what should've happened? Local
20 precinct didn't really act.

21 DIRECTOR CLARKE: I'm familiar.

22 COUNCIL MEMBER BREWER: You know the
23 case.

24 DIRECTOR CLARKE: I know the case. I
25 don't know every detail of it, but I think

2 typically when we have an incident with a possible
3 bias element, the Hate Crimes Task Force should've
4 been notified. I don't know if it wasn't notified
5 until you intervened or if that happened but...

6 COUNCIL MEMBER BREWER: No, I think when
7 I intervened, I'm afraid.

8 DIRECTOR CLARKE: Right. I know typically
9 what happens now, sometimes that's usually the case
10 and most officers want to have the experts come in.
11 I understand that may not have happened here.

12 COUNCIL MEMBER BREWER: How does that
13 recorded in terms of data? In other words, the
14 person who responded on the precinct didn't really
15 move with it so that would've been reported as a
16 what? A hate crime but not necessarily calling
17 anybody else?

18 DIRECTOR CLARKE: It could've been,
19 depending on the circumstances, even if it didn't
20 rise to the level of hate crime, many times some of
21 hate crimes end up being harassment, which isn't
22 one of the crimes that is listed as a hate crime,
23 right, so I don't know enough about that particular
24 incident, but you would take a complaint report for
25 harassment and a supervisor is supposed to sign off

2 on it, and hopefully the supervisor sees it, and if
3 they haven't notified the supervisor to make the
4 notification.

5 COUNCIL MEMBER BREWER: Okay. I bring it
6 up only because I'm worried that that kind of data,
7 the reason we ask for all this data, if I may say,
8 is to try to catch situations like that so they
9 don't happen again, and, to me, that would've been
10 an example of not the greatest police work and
11 would've shown up perhaps in the data.

12 Second question, this is more general
13 but how in the world do you suggest some of these
14 payouts not being so huge? Public Advocate, to his
15 credit, said we have to sit down and figure out how
16 to do better policing together. He always says
17 that, and I agree with him, but what do you suggest
18 in terms of the payouts? 143 million is a lot. I
19 don't know if it's worse or better than in the
20 past. It's been going on for many years. I've been
21 around a long time. I've seen it before. It seems
22 to me that we should be figuring out some way of
23 reducing that. What do you suggest?

24 DIRECTOR CLARKE: My understanding is it
25 has gone down from peak times...

2 COUNCIL MEMBER BREWER: But it's still a
3 lot.

4 DIRECTOR CLARKE: Understood, and the
5 number of lawsuits that have been filed have been
6 going down, and I think part of it is we have a
7 unit, a Police Action Litigation Section, and
8 they're trying to figure out issues before they
9 become issues...

10 COUNCIL MEMBER BREWER: Yes. When Victor
11 Kovner was the Corp Counsel many years ago, he had
12 the same conversation sitting right here just so
13 you know.

14 DIRECTOR CLARKE: Okay.

15 COUNCIL MEMBER BREWER: So we have to
16 figure out something that really works.

17 DIRECTOR CLARKE: I understand that, but
18 I think what we're trying to do is we have early
19 intervention systems, we have a system where we try
20 to identify any policy issues we have and fix it,
21 right, because it could be a policy issue, it could
22 be individual officer action issues (INAUDIBLE)
23 early intervention system, but our filings are down
24 in the last 10 years I think something like 54

2 percent so that's indicative of the work we're
3 trying to reduce the payouts.

4 Now, why the payouts are growing, not
5 growing, they're going down from their peak of I
6 think Fiscal '17, we're significantly down from
7 then, but it's still a lot of money, I get it, and
8 the goal is to keep reducing based on that.

9 COUNCIL MEMBER BREWER: I think Jumaane
10 Williams' suggestion of working generally is good,
11 but that might be something to really, really focus
12 on with the community.

13 Finally, I'm very familiar with, you
14 mentioned correctly how you submit a complaint,
15 which is really what the public wants to know. I
16 understand the CCRB process, precinct, going to IAB
17 sometimes, sometimes the CAB from there and
18 sometimes to IAB so my question is how public, and
19 I should know this, I don't, is the IAB process? Is
20 that something that's also on the website? Is that
21 something that knowledge is clear to the public as
22 to what their process is and what they're doing
23 because it always seems a little bit secretive to
24 me, not that I know.

2 DIRECTOR CLARKE: How to report it is on
3 our website.

4 COUNCIL MEMBER BREWER: That's different
5 than what the reports are.

6 DIRECTOR CLARKE: I'm sorry.

7 COUNCIL MEMBER BREWER: I'm trying to
8 understand what is the policy rationale for
9 shielding IAB disciplinary outcomes from the
10 public? IAB is more shielding than the CCRB.

11 DIRECTOR CLARKE: I think what we do know
12 is we post substantiated discipline on our website
13 per officer. That shows sort of more of the
14 transparency of what we're finding when we
15 discipline officers.

16 COUNCIL MEMBER BREWER: Okay, but the
17 process for getting to that point, that's not
18 something that's on the website?

19 DIRECTOR CLARKE: No. Each individual
20 step is probably, I'd have to doublecheck, but I
21 don't think, but how to file a complaint is.

22 COUNCIL MEMBER BREWER: How to file a
23 complaint is, but I'm saying the process to getting
24 to a disciplinary situation, that's what I was
25 wondering, doesn't seem to be.

2 DIRECTOR CLARKE: We also do a
3 disciplinary report that sort of outlines the whole
4 process where it's a 60-, 70-page report that
5 outlines what happens once we get in there, but
6 it's not on like a general website.

7 COUNCIL MEMBER BREWER: (INAUDIBLE) I'll
8 stop. On the web, I'm looking at the webpage,
9 there's a lot of 2021 data. When does 2022 data,
10 rank of uniformed members of the service, cases,
11 blah, blah, blah, when does '22 come because it
12 says '21 here?

13 DIRECTOR CLARKE: In terms of?

14 COUNCIL MEMBER BREWER: On the web.

15 DIRECTOR CLARKE: Some reports we're done
16 with 2022. Some take a little longer. I'm not sure
17 which ones we don't have.

18 COUNCIL MEMBER BREWER: Okay. The
19 disciplinary cases are not. I don't know, it says
20 here '21 and yet we're talking '22.

21 DIRECTOR CLARKE: Got it. Understood. The
22 discipline report usually comes out a little bit
23 later in the year for the prior year.

24 COUNCIL MEMBER BREWER: Okay, and then
25 what it shows very clearly, no surprises, police

2 officers are high, captain and above very low. I
3 guess when you're older like me you don't cause as
4 much trouble. That's what it says here. However, it
5 does show such a huge delta between the police
6 officer and the higher ranks. I guess that would
7 say something to me about more something, training.
8 I know people are trained constantly, but there's
9 still something wrong with this number if I may
10 say. Big delta between the police officer and
11 lieutenant, sergeant, captain. I guess you know
12 that, but it's so huge.

13 DIRECTOR CLARKE: I think a police
14 officer also is going to have a lot more contact
15 with members of the public.

16 COUNCIL MEMBER BREWER: Right.

17 DIRECTOR CLARKE: Captains aren't
18 responding to 9-1-1 calls and 3-1-1 calls.

19 COUNCIL MEMBER BREWER: Okay.

20 DIRECTOR CLARKE: Sergeants may and
21 lieutenants may but on a less frequent basis.

22 COUNCIL MEMBER BREWER: Okay. I would
23 love people to live in New York City, but I know
24 that's a very controversial topic. Thank you very
25 much.

2 COMMITTEE COUNSEL KINGSLEY: Council
3 Member Paladino followed by Yeger.

4 COUNCIL MEMBER PALADINO: Good afternoon
5 and thank you very much. (INAUDIBLE) starting
6 salary of 37,000 dollars a year. God, you guys are
7 really special, let me tell you, to put up with the
8 scrutiny that you put up with for the last decade
9 is absolutely unbelievable. We have the most, to
10 reiterate what Council Member Vernikov said, this
11 is by far the most diversified police department
12 this City has ever seen. I, too, have been around a
13 while. I'm in constant contact with the 109 and
14 with the 111, and everybody knows that the 109 and
15 the crime standards in the 109 is top in the City.
16 You mentioned that in 2022 you guys received
17 3,223,987 videos as Level 1 encounters. That's an
18 awful lot for a city of 9 million people. What more
19 do people expect of you? You're supposed to sit
20 down and give up the streets and just watch videos
21 all day? Is that what we're supposed to do? Are we
22 supposed to hire more people to make 37,000 dollars
23 a year? There's a lot of people out there looking
24 for work. Maybe we could hire them to look at the
25 videos. This is an absolute disgrace, and I'm

2 really sorry that you're being put through what
3 you're being put through. You have been defunded,
4 you have been handcuffed, you have been shackled.
5 You are not allowed to do your job, and when you do
6 do your job, you have to face a Civilian Complaint
7 Board. Who makes up the Civilian Complaint Board?
8 Former police officers that have walked in your
9 shoes and better understand or are they just some
10 random somebody off the street that just doesn't
11 get it? Because I think that's what it's made up
12 of. You've gone through enough. This here, body
13 cams, you've been doing this for a while. I believe
14 in transparency, I believe somewhat in body cams
15 absolutely because it helps to see two sides of a
16 very broad picture. There's a right side and then
17 there's a wrong side, and then there's somebody
18 that stands there with a phone camera for the
19 people to interpret any which way they like, cut
20 it, edit it, any way you like. On behalf of Vickie
21 Paladino, Council Member of District 19, I thank
22 you very much and not a single one of these things
23 will ever get my support. Thank you.

24 COMMITTEE COUNSEL KINGSLEY: Council
25 Member Yeger followed by Aviles.

2 COUNCIL MEMBER YEGER: Thank you, Mr.
3 Counsel. We hear a lot in this City, this Council
4 that the Police Department has too much money in
5 its budget and that you could do a lot more with a
6 lot less, that you spend too much money on
7 overtime, and if only you didn't that would just be
8 so wonderful and you could do a lot more with a lot
9 less.

10 My Colleague mentioned that in your
11 testimony you had classified in 2022 3.2 million
12 videos as Level 1. Let's break that down if we can
13 by day. How many hours of body cam footage of all
14 types does an average officer record during the
15 course of his or her day?

16 DIRECTOR CLARKE: It can vary. The
17 average length of each video is approximately 10
18 minutes. The average number of assignments per tour
19 is 27 assignments that a police officer is
20 responding to on each shift so 270 minutes. We're
21 talking almost three hours.

22 COUNCIL MEMBER YEGER: Okay. One of the
23 bills that are being heard today would require that
24 within 120 hours of recording the footage, that's
25 five days, the Department would have to make the

2 footage available to another agency. Another bill
3 that we're hearing today would require
4 contemporaneous immediate access to your servers
5 for the footage so I'm calling it direct access to
6 the footage. The second bill, the one that I just
7 referred to, does acknowledge that there's a
8 limitation on what the Department is allowed to
9 make available. You can't make every single second
10 of every single tape available. You are restricted
11 by law on what you can and can't make available
12 because there are circumstances that there's
13 information on those videos that are confidential
14 or private or in cases where nothing happened, it
15 goes away. That's just the way it's supposed to be.
16 In order for the purpose of these two bills to be
17 accomplished, you would have to have teams of
18 people looking at every single video as they're
19 happening in order to make them contemporaneously
20 available because one of the purposes of these
21 bills is that somebody in another office can push a
22 button and watch what's going on on your servers as
23 soon as the videos are uploaded to your server.
24 That's the same day. At the end of the police
25 officer's tour, somebody would need to sit at a

2 computer and look at these videos and say well,
3 this is okay for another agency to look at, this is
4 not okay. That's 270 minutes, you said, of time a
5 day following each officer's tour in a department
6 that's not allowed to have overtime and that has
7 too much money to spend as it is. That's not a
8 question. That's just parsing out the facts in ways
9 that I think may not have been looked at when the
10 drafters wrote these bills.

11 Level 1 stops, so Level 1 stops, as you
12 described in your testimony are, I don't want to
13 belittle it but it's a Level 1, a Level 1 means
14 nothing happened. You may be asking did you see
15 something, did you see this accident at the corner,
16 did you see this child running down the street
17 unaccompanied, did you see what happened a few
18 minutes ago. Ultimately, the person who you're
19 speaking to is not a target, is not a subject, is
20 not the subject of any criminal suspicion or
21 investigation. Do Level 1s usually stay Level 1s
22 throughout the entire encounter?

23 CHIEF PONTILLO: The vast majority do.
24 It's rare that something escalates beyond a Level
25 1.

2 COUNCIL MEMBER YEGER: Okay, let me pause
3 for a second, Chief, and let me turn to the Law
4 Department for a second. First Deputy Commissioner
5 Corporation Counsel, how many Level 1 stops to your
6 knowledge, if you know, have resulted in a lawsuit
7 against the City?

8 ASSISTANT COUNSEL GOODE-TRUFANT: I do
9 not know.

10 COUNCIL MEMBER YEGER: Do you not know of
11 any or you do not know that there are any or?

12 ASSISTANT COUNSEL GOODE-TRUFANT: I can't
13 say that there are none because there are cases
14 that are brought with little factual bases, but I
15 can say they're not plentiful.

16 COUNCIL MEMBER YEGER: Okay. All right.
17 These bills, as you know and we've talked ad
18 nauseum today, the clock is broken, I'm looking at
19 my watch, we've been here for a couple hours. The
20 Level 1s being included in this, remember and again
21 for those who are listening at home and I'm sorry
22 if you feel that's what you have to do today, Level
23 3s are Terry stops, those are restrictive, those
24 are in the nature of a stop, it's not necessarily a
25 frisk, it's certainly a question and it may become

2 a frisk if necessary. Level 2s are one step below
3 that, not necessarily a frisk, not necessarily even
4 a stop per se but there's something in an officer's
5 mind that says I have to talk to this person right
6 now. Leaving aside the 2s and 3s and just talking
7 about the Level 1s, you have 3.2 million videos of
8 Level 1 in 2022. Are you able to put that into
9 hours, minutes? You said it's 10 minutes. I don't
10 want to bore you with the math.

11 CHIEF PONTILLO: Just averaging, a little
12 over four hours that would be, but that's just a
13 rough estimation based upon the average number of
14 calls that officers respond on and the average
15 length of each video in the system.

16 COUNCIL MEMBER YEGER: Chief, let me ask
17 you this question. Even if we used the lowest
18 number that I could possibly think, that every
19 single Level 1 that happens anywhere in this
20 Department, there's no more than a minute of video,
21 no more than a minute, it's how are you doing and
22 moving on, that's 3.2 million minutes over the
23 course of the year that before they can be released
24 to another agency have to be looked at by somebody,
25 by somebody with the knowledge of some kind of

2 legal or law enforcement background, somebody with
3 a knowledge of what it is that may be released.

4 Okay. Is that good policy?

5 CHIEF PONTILLO: No, and I think one of
6 the unintended consequences as we talked about
7 information that could be sealed for a variety of
8 reasons under a number of State laws so not only
9 would we have to look at each body camera video
10 individually when it's recorded and uploaded, we'd
11 have to go back every day and then look at those
12 videos...

13 COUNCIL MEMBER YEGER: A rolling basis.

14 CHIEF PONTILLO: Because you can have an
15 arrest, for example, and now I'm going beyond Level
16 1, that's sealed a year and a half later after a
17 person has successfully completed a diversion
18 program. The charges get dismissed, the case is
19 sealed so now that's a body camera video that a
20 year and a half later is being sealed so we'd have
21 to not just look at them once, we'd have to go back
22 every day and look at every one over again to
23 verify the status of where that incident is.

24 COUNCIL MEMBER YEGER: Is that a good use
25 of Police Department time?

2 CHIEF PONTILLO: I don't think so.

3 COUNCIL MEMBER YEGER: Okay, thank you
4 very much.

5 COMMITTEE COUNSEL KINGSLEY: Council
6 Member Aviles.

7 COUNCIL MEMBER AVILES: Great. Thank you.
8 I'd like to remind everyone that in 2013 the Floyd
9 decision found that the NYPD was conducting stops
10 that violated the Constitutional rights of mostly
11 black and Latino New Yorkers which is why we are
12 here today. This didn't come out of nowhere.

13 One of the concerns that has been raised
14 by the stop and frisk monitor is that the NYPD has
15 significantly under-reported stops, making it
16 impossible for the monitor to determine whether the
17 NYPD is in compliance with the court orders and the
18 law. There are certainly many examples from case
19 law where the NYPD officers have misclassified
20 Level 3 stops as 1 or 2. Many legal experts,
21 including the former Chief Justice who wrote the
22 DeBour decision that created the framework, have
23 criticized the blurry distinction between Level 2s
24 and 3s stops. Judges have said it's confusing and
25 difficult to apply. Trial courts and appellate

2 courts have also disagreed on whether a stop was a
3 Level 1 or 2. If judges are having a hard time
4 applying the standard, how are you ensuring that
5 officers in the street aren't making mistakes in
6 classifying what is really Level 3 stop as a lower
7 level and then not writing a stop report?

8 CHIEF PONTILLO: A Level 3 stop is any
9 situation short of an arrest where somebody is
10 being deprived of their liberty. They are not free
11 to leave. We are going to detain them because we
12 are conducting an investigation, short-term
13 investigation. The courts have talked about
14 anywhere from a brief period of time up to maybe
15 15, 20 minutes depending upon the nature of what's
16 being investigated, but it requires some level of
17 information that allows that police officer to
18 believe that a reasonable police officer with
19 similar background, training, and experience would
20 determine that it appears that there's criminality.
21 One of the most common examples is we have a
22 description of somebody who just committed a crime,
23 we see somebody fitting the description, we stop
24 them, we bring the victim over to determine whether

2 or not that is in fact the person. That's a typical
3 scenario.

4 In terms of measuring compliance and
5 having safeguards in place, that's where those
6 concentric layers of auditing come in. In addition
7 to the court-approved auditing plan that I talked
8 about, developed in consultation with the monitor
9 and the plaintiff's attorneys as part of the Floyd
10 litigation, we've added other layers of auditing so
11 random sampling of body camera video. We just
12 thought a more systematic audit of body camera
13 video, looking at all levels of encounter, not
14 excluding it just to Level 3 and Level 4 arrests,
15 but rather looking at a broad array of videos in an
16 effort to identify situations where it may be
17 under-reported because, yes, there is some
18 confusion in the law. To address the confusion, we
19 undertook to develop and then implement a full-day
20 training course for every member of the NYPD that
21 was in-person as a combination of lecture,
22 classroom discussion, and then scenario-based
23 roleplays. I believe Director Clarke taught some of
24 those classes as well.

25 DIRECTOR CLARKE: That's true.

2 CHIEF PONTILLO: Very well-received, very
3 interactive. That's now replicated or a part of
4 it's replicated in the police academy for recruits.
5 We also conduct one-day training for all newly
6 promoted sergeants and lieutenants, basically a
7 refresher of the law and their responsibilities,
8 and, when we do our auditing, if we see misconduct
9 we report that to Internal Affairs and they will
10 examine it and determine whether or not it's
11 something that they're going to take or if it's
12 within CCRB's jurisdiction it'll go there. Most of
13 what we see are some minor training issues and then
14 we will address that, and we will bring people in
15 for retraining if that will be a help.

16 COUNCIL MEMBER AVILES: So the officers
17 are trained once a year on this for several hours?

18 CHIEF PONTILLO: Everybody was trained
19 once in-person, full-day training, combination of
20 classroom and scenario-based exercises. All newly
21 promoted supervisors get one-day training, but this
22 is all done once. In terms of refresher training,
23 that is done either at the command level or through
24 my office of the police academy for people we
25 identify who need refresher training, and also we

2 periodically will publish training videos that
3 everybody must watch that include a quiz.

4 COUNCIL MEMBER AVILES: In terms of the,
5 I mean justices, current justices, and former
6 justices on the highest courts have found
7 difficulty. Do you think a one-day training is
8 sufficient for the expense of ensuring that there
9 isn't misclassification?

10 CHIEF PONTILLO: The one-day training,
11 however, that is then buttressed by the audits that
12 occur every quarter and that have been done now for
13 years, and we've actually increased them recently
14 in order to identify people who are deficient. It's
15 also part of our Early Intervention program where
16 if people have deficient stops or if they have an
17 arrest where evidence is suppressed, we get that
18 information about a suppression, then that will
19 also be examined as part of Early Intervention.

20 COUNCIL MEMBER AVILES: In terms of the
21 143 million dollars in misconduct suits, don't you
22 think it would be a prudent investment to ensure
23 that these things are done properly and the reports
24 are full?

2 DIRECTOR CLARKE: I mean I think that's
3 part of the Chief's unit is to make sure that
4 everything is done well as part of the Early
5 Intervention system. A unit we have in the Legal
6 Bureau is to analyze the lawsuits and try and
7 figure out where we can make improvements. That's
8 all part of the work to lower the amount, and the
9 amount of filings have decreased since 2013 so that
10 is indicative of the work happening since then to
11 reduce this. As filings go down, there can be a lag
12 in payouts, but payouts, again, peaked in 2017 and
13 have been trending down since.

14 COUNCIL MEMBER AVILES: In terms of the
15 under-reporting on Level 3 stops, how have you been
16 addressing that?

17 CHIEF PONTILLO: That is part of the
18 auditing, both what we do presently and then those
19 new audits that have been added that are
20 exclusively designed to address Level 3s. Part of
21 that audit process is each quarter now when an
22 audit is complete, the commanding officer of the
23 Quality Assurance Division and her staff conduct an
24 exit interview with the precinct commander as part
25 of their audit to discuss the findings and make

2 sure that the commander is aware of it and has a
3 system in place to identify it. We're also
4 developing internal IT tools to replicate some of
5 these audits at the command level so commands can
6 do it themselves on a daily basis to catch
7 something when it first happens. With the under-
8 reporting, there is some. All indicators are it's
9 declined precipitously since we've began this
10 regimen over eight years ago. We have a number of
11 mechanisms for auditing. Some of what we see, it's
12 just a misunderstanding of paperwork. It's when
13 there's an arrest made, sometimes a stop report is
14 also required. Some people forget that or don't
15 realize it because they're reporting the same
16 information on the arrest report so one of the
17 audits we have is designed to look at those. In
18 that most recent report, we're looking at that
19 auditing for that period and that most recent
20 report, that was 49 events. We also look at radio
21 transmissions to look for indicators of police
22 action where somebody was stopped or detained based
23 upon what was transmitted over the radio. That's
24 one of the other indicators. Again, over the last
25 eight years or so, the noncompliance there has

2 improved or is down significantly. We went from a
3 49 percent compliance in 2017 to more than 71
4 percent in 2020 and then we look at the most recent
5 audits, we've found that through '21 there were
6 only 23 incidents citywide based upon that auditing
7 where this occurred. Then we look at CCRB, so CCRB
8 is an independent third party looking at some of
9 the same stuff, and their 2015 report, they
10 reported 136 incidents where there was a stop but a
11 stop report was not prepared, and then their 2021
12 report they reported 17 incidents so all the
13 indicators are, whether it's CCRB data or our own
14 internal auditing, show that the rate of under-
15 reporting has declined precipitously, and we think
16 that's all a credit to all of the oversight that we
17 have in place and all the training.

18 COUNCIL MEMBER BRANNAN: Council Member,
19 are you good?

20 COUNCIL MEMBER AVILES: Yes.

21 COUNCIL MEMBER BRANNAN: Okay. Any
22 further questions from my Colleagues?

23 Okay, seeing none, thank you so much.

24 DIRECTOR CLARKE: Thank you.
25

2 COMMITTEE COUNSEL KINGSLEY: Thank you.

3 Next, we'll hear a panel from CCRB.

4 Good afternoon. Executive Director,
5 please state your name for the record and repeat
6 the following.

7 Do you affirm to tell the truth, the
8 whole truth, and nothing but the truth before this
9 Committee and to answer honestly to Council Member
10 questions?

11 EXECUTIVE DIRECTOR DARCHE: I do. Good
12 afternoon. My name is Jonathan Darche, and I use
13 he/him pronouns. I will be reading the following
14 statement on behalf of CCRB Interim Chair Arva
15 Rice.

16 Council Members, I am grateful to have
17 the opportunity to address this council for the
18 third time this month. Today, I have been asked to
19 testify in regards to proposed bill Intro. 938 that
20 would grant the CCRB direct access to body-worn
21 camera footage as well as Resolution 3149 which is
22 in favor of exempting the CCRB from sealing
23 statutes. These are both key issues the Agency has
24 long advocated for.

2 After the 2013 case *Floyd v. City of New*
3 *York* found that the NYPD's use of stop, question,
4 and frisk was unconstitutional, the Court ordered a
5 one-year body-worn camera program. In December of
6 2014, the Department launched a volunteer body-worn
7 camera instead of implementing the court-ordered
8 program in April of 2017. In May of 2017, the CCRB
9 made its first request and by June had received its
10 first body-worn camera footage.

11 Body-worn camera footage became an
12 important tool the CCRB that we use to determine
13 whether misconduct occurred during an incident. In
14 2020, the CCRB released a report analyzing the use
15 of BWC footage in investigations. That report
16 determined that BWC footage more than doubles the
17 CCRB's ability to reach a conclusion as to whether
18 misconduct occurred during an incident. Both the
19 rate of substantiations and finding misconduct
20 occurred within guidelines go up when there is BWC
21 footage of an incident. With the increase of
22 footage, there was an increase of requests. The way
23 that NYPD shares BWC footage with the CCRB has
24 evolved. In the first two years of the program, the
25 CCRB received about half of the footage requested.

2 Soon after, NYPD response times doubled, reaching a
3 peak in 2020 with a backlog of 1,012 requests.

4 While investigating the 2020 protests, the Agency
5 was told footage did not exist that then turned up
6 later. Furthermore, the Agency was sometimes given
7 hours of footage that were not relevant to our
8 requests.

9 The Police Department and the CCRB have
10 come together many times to optimize this process.
11 In 2019, both agencies signed an MOU with targeted
12 plans to improve the process, including having a
13 room CCRB investigators could use and access all
14 footage so long as a member of the NYPD was present.
15 When COVID hit, this process was no longer practical.

16 The pandemic was a large disrupter for
17 both agencies, and we worked together to resolve the
18 backlog. Today, there is an average of seven days to
19 fulfill a request, and the backlog has shrunk to 137
20 requests. While the process is working better now, it
21 would still be an important improvement for the CCRB
22 to have direct access to body-worn camera footage.

23 The most qualified people to search
24 through BWC footage and identify what is relevant to
25 a CCRB investigation are CCRB investigators. Our

2 investigators have been specially trained on how to
3 analyze BWC footage using specialized software. They
4 are the ones speaking to civilians for an hour,
5 sometimes two, in order to best understand the
6 incident they are examining. At present, an
7 investigator has to summarize that conversation into
8 a few lines which get sent to someone at NYPD to
9 interpret and search for footage.

10 Presently, the NYPD and CCRB maintain
11 largely duplicative databases of body-worn camera
12 footage. The agencies both carry staff dedicated to,
13 in the case of CCRB creating BWC requests, following
14 up and tracking the requests, receiving the footage,
15 and distributing it to the relevant investigative
16 squad; and, in the case of NYPD, receiving requests,
17 searching video databases that are stored in the
18 cloud, marking responsive video, and then delivering
19 it to CCRB for it to be distributed to the investigators.

20 The CCRB will redeploy staff currently
21 engaged in the document and data exchange process and
22 delegate searching to the individual investigators.
23 Furthermore, NYPD and CCRB replicate data storage.
24 The CCRB stores it physically on its premises while
25 the NYPD stores in the Axon cloud. By sharing BWC

2 footage in the Axon cloud, the CCRB and NYPD could
3 avoid the double cost of video storage. This
4 structure would have a negligible, if any, impact on
5 the cost of NYPD's Axon contract and eliminate the
6 need for CCRB to maintain its own Axon databases and
7 help minimize CCRB's on premises storage needs. Right
8 now, CCRB storage of body-worn camera footage costs
9 the Agency 100,000 dollars a year and becomes more
10 expensive the more storage we need.

11 In fact, the need for rapid access to
12 evidence goes beyond BWC footage. It includes all
13 evidence in possession of the NYPD. This need became
14 increasingly clear with the creation of our Racial
15 Profiling and Bias-Based Policing Investigations
16 Unit. The City Charter mandates that the NYPD provide
17 information that is relevant and necessary for two
18 types of investigations, first, complaints of racial
19 and other profiling as abuses of authority under
20 Section 440 of the City Charter; and second,
21 complaints of bias-based policing for individuals who
22 have already been found to have committed acts of
23 bias or severe bias under Section 441.

24 In the summer of 2022, months before the
25 Agency began investigating profiling and biased

2 policing complaints, the CCRB informed the NYPD of
3 the types of data and documents it would need to
4 complete under both types of investigations. With
5 regard to investigations pursuant to Section 440, in
6 order to thoroughly investigate and assess
7 allegations of racial profiling and biased policing,
8 investigators need to review subject officers'
9 profiling and biased policing complaint histories,
10 EEO complaint histories, related documents as well
11 as subject officers' enforcement activity for the
12 year prior to the incident to look for potential
13 patterns of bias. We also need to look at
14 enforcement activity for the subject officers'
15 colleagues and supervisors. These are different and
16 larger datasets than the Agency has required in its
17 traditional FADO investigations but are the same
18 materials that the NYPD instructed its own
19 investigators to use in their internal
20 investigations into profiling. Since beginning to
21 investigate profiling cases under Section 440 in
22 October of 2022, the CCRB submitted well over 100
23 data and document requests to the NYPD, all of
24 which have been rejected, that are key to our
25 current racial profiling and bias-based policing

2 investigations. In order to avoid further case
3 backlogs or cases passing the statute of
4 limitations, we hope our requests will be honored
5 as soon as possible.

6 Sealing statutes are another cause of
7 case delays. The CCRB is currently barred access
8 from documents in sealed records. Assembly Member
9 Catalina Cruz has proposed a bill that would exempt
10 the CCRB from sealing statutes, which would grant
11 us access to key evidence. Being blocked from
12 accessing sealed evidence has negatively impacted
13 investigations in various ways.

14 For instance, the case against officer
15 Wayne Isaacs has been delayed for over a year and a
16 half because of sealed records. In 2016, Officer
17 Isaacs killed Delrawn Smalls. The Attorney General
18 commenced a criminal proceeding against Officer
19 Isaacs that resulted in an acquittal. In 2018, the
20 CCRB received a complaint about the incident and
21 commenced an investigation. The CCRB analyzed the
22 available evidence and substantiated misconduct
23 against Officer Isaacs. In his many attempts to
24 delay the administrative prosecution, Officer
25 Isaacs claimed that he should not face a

2 disciplinary trial as a result of the acquittal,
3 implying that there was evidence not examined by
4 the CCRB that would show he did not commit
5 misconduct. As a result, in October 2021, the CCRB
6 submitted a motion to unseal the evidence from
7 Officer Isaac's criminal case in order to be fully
8 prepared for our own trial. Just a few weeks ago,
9 the judge ruled in the CCRB's favor to unseal the
10 evidence. The CCRB was ready to move forward with
11 this case and get closure for Delrawn Smalls'
12 family. However, Officer Isaacs has now filed an
13 appeal, and this case will be further delayed.

14 Sealing statutes also affect our ability
15 to access BWC footage. The CCRB is currently
16 investigating an abuse of force incident that
17 circulated on social media platforms. We received
18 many complaints from civilians, yet investigators
19 are unable to track the alleged victim or the
20 witness who recorded the incident. Investigators
21 were, however, able to identify the officer
22 involved and submitted a request for the BWC
23 footage of the incident. While IAB found the
24 footage, the CCRB's request was denied because the
25 arrest was sealed. The investigation cannot move

2 forward without the BWC footage, and, without an
3 identified victim, the CCRB is unable to obtain
4 consent to view the sealed footage. This is just
5 one example of how sealing statutes prevent the
6 CCRB from fully investigating complaints of
7 misconduct.

8 That example emphasizes not only the
9 Agency's need for an exemption from sealing
10 statutes but the need for direct access to body-
11 worn camera footage as well. Direct access to the
12 NYPD's BWC footage platform would not be unique.
13 Other independent, civilian oversight agencies in the
14 United States have direct access. We are the largest
15 civilian oversight board in the country overseeing
16 the largest police force. We often lead the nation in
17 civilian oversight, but we fall behind when it comes
18 to body-worn cameras. In a report published in
19 November 2021, the Department of Investigation's
20 Office of Inspector General for the NYPD found that,
21 of the 20 largest police departments in the United
22 States, four of them have oversight agencies with
23 similar functions as the CCRB. Of these four, two of
24 them, the Office of Police Complaints in Washington,
25 D.C., and the Civilian Office of Police

2 Accountability in Chicago, have unfettered, read
3 only, direct access to their police departments' BWC
4 footage. There are civilian agencies that oversee
5 smaller police departments that also have direct
6 access to their departments' BWC footage platforms.
7 The Office of the Independent Police Auditor that
8 oversees the Bay Area Rapid Transit Police and the
9 Civilian Police Oversight Agency that oversees the
10 Albuquerque Police Department both have direct access
11 to their police departments' platforms as well.

12 In 1993, Mayor Dinkins and the City
13 Council voted to restructure the CCRB because they
14 decided our independence was paramount to having a
15 trusted oversight board. Depending on NYPD for every
16 single piece of evidence removes some of that
17 independence. The most important piece of evidence we
18 can find is in the hands of the people being
19 investigated. Civilians will have less confidence
20 knowing that we are only getting footage that the
21 Police Department has passed on to us.

22 I will end by reiterating that having BWC
23 footage improves investigation outcomes
24 substantially, increasing both the rates of
25 substantiation and finding officers acted within

2 guidelines. In 2022, the Board was able to close
3 cases with a definitive outcome 75 percent of the
4 time for cases with BWC footage, while cases without
5 BWC footage were only closed on the merits only 37
6 percent of the time. Direct access will help New York
7 City hold officers who have committed misconduct
8 accountable and find officers who acted within
9 guidelines acted properly and allow them to move on
10 with their careers.

11 We thank the City Council for championing
12 this bill, which would have a profound impact on the
13 CCRB's ability to investigate cases efficiently.
14 Thank you for your time.

15 COUNCIL MEMBER DE LA ROSA: Thank you so
16 much for coming and testifying. You testified that
17 the CCRB spends about 100,000 a year to pay for
18 storage of files?

19 EXECUTIVE DIRECTOR DARCHE: Yes, ma'am.

20 COUNCIL MEMBER DE LA ROSA: How much would
21 it cost for the CCRB to have direct access to body-
22 worn camera footage?

23 EXECUTIVE DIRECTOR DARCHE: It depends on
24 how many licenses we need to the Axon system and it

2 depends on the contract that we're able to negotiate
3 with Axon, substantially less though.

4 COUNCIL MEMBER DE LA ROSA: What is the
5 status of CCRB's investigations into racial profiling
6 and bias-based policing at this moment?

7 EXECUTIVE DIRECTOR DARCHE: As the
8 Department testified earlier, they provided us with
9 body-worn camera footage and documents about the
10 incidents that were complained about, but,
11 unfortunately, they have not responded to any of the
12 requests we've made for data and information beyond
13 just the incident that was complained about. We
14 didn't receive the EEO histories of the officers, we
15 did not receive the racial profiling complaint
16 histories of the officers, we did not receive their
17 disciplinary histories, all things that the IAB
18 training materials for officers who used to conduct
19 those investigations would receive. Furthermore, we
20 requested data for how the subject officer and
21 colleagues and supervisors behaved during the year
22 prior so that we could be able to compare what
23 happened at the incident to how the officer generally
24 acted but also to see if that officer acted in ways

2 different based on the race or gender of the person
3 involved.

4 COUNCIL MEMBER DE LA ROSA: You testified
5 that about 100 data points or documents from your
6 requests were rejected?

7 EXECUTIVE DIRECTOR DARCHE: Yes.

8 COUNCIL MEMBER DE LA ROSA: Was there an
9 explanation that was given when the rejection was
10 done or it was just a straightforward rejection?

11 EXECUTIVE DIRECTOR DARCHE: Just a
12 straightforward rejection.

13 COUNCIL MEMBER DE LA ROSA: Okay. Can the
14 NYPD both meet its legal obligations to protect
15 sealed records and grant the CCRB direct access to
16 body-worn camera footage in your opinion?

17 EXECUTIVE DIRECTOR DARCHE: 100 percent. I
18 think we're only asking for whatever access IAB has
19 to the body-worn camera footage.

20 COUNCIL MEMBER DE LA ROSA: Okay. What are
21 the current staffing needs for the CCRB in order to
22 expedite investigations?

23 EXECUTIVE DIRECTOR DARCHE: We've
24 requested an additional 91 members of staff which

2 would cost approximately 6 million more dollars than
3 is currently budgeted for FY24.

4 COUNCIL MEMBER DE LA ROSA: What are some
5 of the obstacles in your efforts to investigate
6 allegations of police misconduct? You spoke to some
7 of them, but are there any others?

8 EXECUTIVE DIRECTOR DARCHE: I think one of
9 the main factors we have is that people are not aware
10 that the CCRB is here, and so there is potential
11 misconduct that is not reported to the CCRB that we
12 don't investigate.

13 With regard to racial profiling, not
14 having access to that data and the EEO histories and
15 profiling histories and the disciplinary histories of
16 the subject officers as well as the larger datasets
17 is a huge impediment to us conducting those
18 investigations. We are not going to be able to close
19 those investigations before the statute of
20 limitations expires unless we can make rapid progress
21 on our negotiations with the Department.

22 COUNCIL MEMBER DE LA ROSA: You spoke to
23 the case of Delrawn Smalls and some of the delays
24 based on the ability to appeal. How often are you
25 seeing that?

2 EXECUTIVE DIRECTOR DARCHE: It is not
3 common, but part of the reason why it is important to
4 note when we're discussing sealed records is because
5 this is the process that would have to go on for all
6 of these cases, some of whom where the CCRB does not
7 know who the civilian is because we are getting
8 complaints from a third party or in the cases of the
9 racial profiling and bias-based policing
10 investigations where we need datasets for incidents
11 that are not the ones complained about so we have no
12 way of knowing who is in those datasets to get
13 consent to view the sealed records from. We've had
14 this problem for long as I've been at the agency.
15 It's as common as there would be alleged to have
16 misconduct occurring in a holding cell, and we would
17 try and find out who else was in the holding cell,
18 but the Department would redact the names of the
19 people who are also being held in that holding cell
20 because they're arrested and sealed, not because we
21 had any investigatory interest in the people who are
22 also in the holding cell, but they were saying that
23 that information had been sealed so we were prevented
24 from finding out who the witness was to talk to that

2 witness and find out what happened during that
3 incident.

4 COUNCIL MEMBER DE LA ROSA: All right.
5 That looks to be the extent of our questions on here.
6 Thank you so much for coming before us. I know you've
7 been here a few times already so thank you so much
8 for your information.

9 EXECUTIVE DIRECTOR DARCHE: Thank you.

10 COMMITTEE COUNSEL KINGSLEY: Thank you.
11 Now, we'll turn to the public section of testimony.

12 As we had a panel to start, we're going
13 to now move onto another panel with Kelly Young
14 followed by Michael Sisitzky, Keith Fuller, Leo
15 Ferguson, and Hadeel Mishal.

16 COUNCIL MEMBER DE LA ROSA: When you start
17 your testimony, please identify yourself for the
18 record. Thank you.

19 KELI YOUNG: My name is Keli Young. I am
20 testifying on behalf of VOCAL New York and
21 Communities United for Police Reform. VOCAL New York
22 is a grassroots, member-led organization building the
23 political power of people impacted by mass
24 incarceration, the war on drugs, homelessness, and
25 HIV/AIDS epidemic.

2 VOCAL New York is a voting member of
3 Communities United for Police Reform, or CPR. CPR is
4 a mult-sector campaign working to end discriminatory
5 and abusive policing practices in New York State and
6 reduce reliance on police to achieve true safety for
7 all. CPR organizes coalitions of over 200 local,
8 statewide, and national organizations on various
9 campaigns. Through community organizing, policy
10 advocacy, public education, litigation, civic
11 engagement, and other strategies, CPR works to build
12 a broad-based movement to end discriminatory and
13 abusive policing, promote community safety, and
14 respect for the rights and dignity of all New
15 Yorkers. Our members and partners include over 200
16 local and national organizations, many of whom are
17 based in and led by those most directly impacted by
18 abusive policing. Through this campaign, we have
19 helped to change the local conversation in public
20 safety, increase the knowledge and practice of New
21 Yorkers in observing and documenting police
22 misconduct, and have won key policy victories
23 including the repeal of statewide Police Secrecy Law
24 50-A by the New York State Legislature, passage of
25 Community Safety Act which established the first

2 Inspector General of the NYPD, and an enforceable ban
3 on bias-based policing, and Right to Know Act in New
4 York City Council.

5 We are here today to demand that this
6 City Council take concrete action to end police
7 violence and ensure true community safety by passing
8 the How Many Stops Act, Intro. 538, and 586. These
9 bills will require reporting on all NYPD street
10 stops, investigative encounters, and consent
11 searches. The impact of these regular interruptions,
12 indignities, harassments, violations cannot be
13 overstated, and they should not be ignored or
14 minimized. Mayor Adams' insistence on expanding the
15 size and scope of NYPD throughout the City makes the
16 need for transparency even more urgent. The Mayor and
17 the NYPD Commissioner have systematically expanded
18 the NYPD's power and presence in our communities by
19 doubling down on broken windows policing, bringing
20 back and rebranding the Anti-Crime Unit, and flooding
21 our subways with police officers. Research shows that
22 this kind of policing inflicts harm and real
23 emotional distress overwhelmingly on black and Latinx
24 New Yorkers as well as other communities of color,
25 LGBTQNC people, immigrants, unhoused folks,

2 religious minorities, low-income people, and young
3 people. These experiences are frightening and
4 traumatizing. In the worst cases, they escalate to
5 illegal stops, arrests, brutality, and death. The
6 NYPD and PBA bristle at this demand for oversight and
7 transparency, concerned about the "prospect of
8 boundless surveillance" and yet have no issue with
9 the reality of boundless surveillance they've
10 disproportionately subjected black and brown
11 communities to. I am grateful to Speaker Adams and
12 the Council Members here today for allowing a panel
13 of impacted New Yorkers to speak first. I hope this
14 becomes a regular practice. I hope their testimonies
15 won't be ignored. I hope that the horrors of their
16 lived experiences move you to do what safety demands.
17 Safety cannot exist without transparency and
18 accountability. Right now, we have no idea how many
19 New Yorkers total are questioned by police every
20 year, who they are, or what neighborhoods they are
21 stopped in. The How Many Stops Act would change that,
22 bringing urgently needed transparency, oversight, and
23 accountability to the black box that is policing. The
24 How Many Stops Act is an essential step towards true

2 police accountability and community safety. Thank
3 you.

4 MICHAEL SISITZKY: Good afternoon. My
5 name is Michael Sisitzky, Assistant Policy Director
6 with the New York Civil Liberties Union, also a
7 member of CPR. We'll be submitting full written
8 testimony including comments on many of the
9 proposed bills on the agenda today, but I'll focus
10 my comments today on the How Many Stops Act bills.

11 I want to start in 2001 when the New
12 York City Council passed a law requiring the NYPD
13 to begin reporting data on stop and frisk activity.
14 This measure was part of the City's response to the
15 1999 killing of Amadou Diallo by officers assigned
16 to the NYPD Street Crime Unit whose aggressive
17 tactics and patterns of racial profiling came under
18 increased scrutiny in the wake of Diallo's killing.
19 That law and subsequent efforts to force the NYPD's
20 compliance with it which were necessary because the
21 NYPD was unsurprisingly not enthusiastic about
22 Level 3 stop reporting either, equipping New
23 Yorkers with data that showed outrageous levels of
24 stops and racial profiling, and that data
25 ultimately played a central role in legal and

2 legislative efforts to respond to and curtail NYPD
3 abuses. Today, stop and frisk activity is below the
4 recorded levels of its height, though the racial
5 disparities remain deeply embedded in the practice.
6 As you've heard, the reported stop numbers do not
7 reflect the true scope of all NYPD investigative
8 encounters, and that's in large part because
9 there's no accounting for these Level 1 and 2
10 encounters. The DeBour framework might be useful
11 for letting officers know what conduct may or may
12 not be permissible when interacting with the
13 public, but for a member of the public who at Level
14 1 has been asked to produce identification, answer
15 an officer's questions about what they're doing in
16 a particular location, where they're going, or who
17 at Level 2 has been asked to consent to a search of
18 their backpack, what matters is that they've been
19 targeted by the police, and the need for
20 transparency and for ensuring that officers are
21 adhering to the legal requirements to justify these
22 encounters is no less important at Levels 1 and 2
23 than it is for Level 3 reasonable suspicion stops.
24 The potential for profiling and abuse increases in
25 the absence of any mechanism for oversight and

2 transparency, and that's what the How Many Stops
3 Act aims to address. While these encounters might
4 be legally distinct from one another, there's no
5 reason why the line for basic transparency and
6 reporting should be drawn only at Level 3 stops.
7 All of these encounters represent instances in
8 which NYPD officers are engaging members of the
9 public with all of the same risks of racial
10 profiling, bias, and potential for escalation as
11 any police/civilian interaction. The public has a
12 clear interest in knowing just how many of these
13 encounters are taking place throughout the city and
14 which communities experience them the most. The
15 data from the How Many Stops Act is particularly
16 vital given this Administration's approach to
17 policing. The Adams' administration has taken an
18 approach right out of the Giuliani playbook with
19 its commitment to broken windows policing, its
20 revival of the Street Crime Unit under the guise of
21 Neighborhood Safety teams, the administration is
22 embracing an approach to policing reminiscent of
23 that which led the Council to pass that 2001 stop
24 and frisk data law in the first place. At a time
25 when we continue to over-invest in law enforcement

2 to the exclusion of alternatives to address and
3 improve community safety and well-being, we don't
4 even have a comprehensive accounting of what it is
5 that we're paying for, of what the over-investment
6 translates to in terms of the full scale of police
7 investigative and enforcement interactions in
8 communities. The How Many Stops Act by itself won't
9 put an end to our over-reliance on policing nor the
10 Administration's commitment to the continued use of
11 broken windows tactics, but it will better equip
12 New Yorkers with more complete information with
13 which to push back on the seemingly ever-expanding
14 scope of policing in New York City, and, once we
15 understand that scope more fully, we'll be better
16 positioned to identify and advocate for
17 alternatives that better address and meet New
18 Yorkers' needs. Thank you.

19 LEO FERGUSON: Good afternoon. My name is
20 Leo Ferguson. I am the Director of Strategic
21 Projects at Jews for Racial and Economic Justice,
22 representing the less sharply dressed side of the
23 table and also representing Communities United for
24 Police Reform.

2 This weekend we learned about yet
3 another tragic case in which the NYPD shot a New
4 Yorker in emotional distress after his father
5 called 9-1-1 for help. Instead of receiving help,
6 his son was critically wounded. In the entire
7 United Kingdom in 2022, police only shot two knife-
8 wielding assailants. In New York City, the NYPD
9 shot and killed people with knives at a rate 39
10 times higher. This is not a department that needs
11 less oversight. It needs more.

12 The How Many Stops Act will enable more
13 oversight and is an important step towards more
14 transparency and accountability. The federal
15 monitor overseeing the NYPD's compliance with stop
16 and frisk reforms has consistently found that the
17 NYPD is not properly documenting and reporting on
18 all stops that take place. The monitor found that
19 in 2021, 29 percent of stops were not recorded
20 properly, meaning we're missing a huge amount of
21 information on police encounters in our
22 communities. This is not a department that needs
23 less oversight. It needs more.

24 Requiring NYPD to report on Level 1 and
25 2 encounters will close these data gaps and make

2 sure that every encounter is documented and
3 reported on. At the last Public Safety hearing, the
4 NYPD testified that it did not meet its PEG
5 targets, and, if you figure in all overtime the
6 NYPD is on track to be 3/4 of a billion dollars
7 over budget by the end of the year. This is not a
8 department that needs less oversight. It needs
9 more.

10 At a moment when the Mayor's proposed
11 budget cuts funding to libraries, schools, and city
12 services while preserving the NYPD's bloated 11
13 million dollar budget, New Yorkers deserve real
14 transparency from the NYPD about its most common
15 practices in our communities. The How Many Stops
16 Act will provide critical data to shed light on
17 whether the NYPD's enforcement practices are fair
18 and effective. Everyone in this city wants to feel
19 safe. We might not all agree about the role of
20 policing to achieve public safety, but surely we
21 can all agree that we need a clear picture of how
22 the NYPD is operating, especially in communities
23 that have historically borne the brunt of racist
24 and discriminatory policing. This is how we make
25 informed decisions as a democracy, and it is the

2 first step towards ensuring true public safety
3 based on equity and dignity for all. Our demand is
4 simple, we must know how many stops the NYPD is
5 actually making in our communities. Thank you for
6 the opportunity to testify.

7 KEITH FULLER: Good afternoon. My name is
8 Keith Fuller, and I'm a Youth Organizer with the
9 Youth Power Project over at Make the Road New York,
10 also in partnership with the Communities for Police
11 Reform.

12 As in my job title, I work with youth
13 who come from and go to schools in over-policed
14 communities. I am here before you all because I'm
15 concerned not only for their well-being and the
16 community but also for myself. I'm concerned
17 because whenever I see an officer on the street, I
18 ask myself am I next. I don't think about safety. I
19 think about all the lives taken away due to police
20 violence. I think about all the students I work
21 with and have that same thought, am I next. We know
22 what's wrong. The City is doubling down on the same
23 failed approach to public safety by expanding the
24 power and presence of the New York Police
25 Department in our neighborhoods and our schools

2 with no real accountability. It's our words against
3 theirs when there must be a mechanism or tool in
4 place that would allow us to track and analyze the
5 people being stopped, what communities they come
6 from, and what's the reasoning for doing so, at
7 what I know will disproportionately target black
8 and brown communities. We know what policing in our
9 communities looks like. It's time that everyone
10 else knows. That is why we are here today demanding
11 immediate action to pass the How Many Stops Act, a
12 first and important step towards true community
13 safety and accountability. Earlier in the year, my
14 best friend, Nick, was stopped on his way home from
15 work around Union Square. He works in IT so a lot
16 of the equipment he needed to be effective at what
17 he does was still in his backpack. Five officers
18 surrounded him and interrogated him about what was
19 in his bag and his reasoning for even being there.
20 He's very reserved and was fearful of a problem
21 escalating so he let them search his bag, knowing
22 he wasn't in the wrong, but he had to act as if he
23 was to make it back home safe, to not be next. When
24 I heard the story, I almost broke down in tears
25 because Tyree Nichols was stopped in Memphis just a

2 few days earlier and beaten to death by police.

3 Even when I think about it now, it frustrates me

4 that someone I know who would never cause harm to

5 anyone or anything could be made so helpless and

6 afraid by those with the motto of protecting and

7 serving, and that is the story of many black and

8 brown youth living in our communities, but these

9 experiences have never been reported and documented

10 for the public to see. It's connected to the same

11 systemic issues with policing that led to so many

12 New Yorkers being killed by the NYPD from Antonio

13 Williams, Kawaski Trawick, Allan Feliz, Delrawn

14 Smalls, Ronald Anthony Smith, Eric Garner, and so

15 many others. There are relationships, families, and

16 communities behind the people that you stop. When

17 you continue to police black and brown people in

18 this way, you tell our loved ones and communities

19 that this is a direct assault on our existence. We

20 need you to hold officers responsible like they

21 would me or anyone else in this room. The only way

22 we can accomplish this is by first increasing the

23 level of transparency and oversight of the NYPD and

24 their interactions with people and our communities.

25 Therefore, we need the How Many Stops Act signed

2 into law. It is one of the many steps our
3 coalition, Communities United for Police Reform,
4 has taken in our fight to tackle the large-scale
5 abuses of police power in New York and restore
6 power to those who have been made helpless for many
7 years in our city. Passing this legislation
8 alongside advancing a budget that divests from
9 policing and criminalization and invests in
10 housing, mental health, education, and services for
11 black and brown communities is necessary to change
12 the direction of the City and create a path forward
13 for true community safety. Thank you.

14 COUNCIL MEMBER DE LA ROSA: Thank you all
15 so much for your meaningful testimony here.

16 COMMITTEE COUNSEL KINGSLEY: Thank you
17 all. Next, we'll hear from Hadeel Mishal who is on
18 Zoom.

19 I'm going to read the name of the next
20 panel so you all can come up as well. Maggie
21 Hadley, David Moss, Chris Rivera, and Samah Sisay.

22 I will unmute you on Zoom and you may go
23 ahead.

24 SERGEANT-AT-ARMS: Your time will begin.

2 COMMITTEE COUNSEL KINGSLEY: Your
3 microphone is not working.

4 Try now.

5 HADEEL MISHAL: Can you hear me now?

6 COMMITTEE COUNSEL KINGSLEY: Yes. Great.

7 HADEEL MISHAL: Sorry about that. Good
8 afternoon. My name is Hadeel Mishal, and I'm the
9 Lead Organizer at the New York City Antiviolence
10 Project.

11 Our mission at AVP is to empower
12 lesbian, gay, bisexual, transgender, queer, gender
13 nonconforming, and HIV-affected communities and
14 allies to end all forms of violence through
15 organizing, education, advocacy, and counseling.

16 We know all too well that police
17 violence is a common violence that impacts our
18 communities. That's why we're here today to testify
19 in support of passing the How Many Stops Act.

20 The communities AVP serves have
21 historically been profiled and targeted by law
22 enforcement. LGBTQ people, especially black and
23 Latina trans women are subject to unrelenting
24 harassment by both police and other New Yorkers.
25 Although the so-called Walking While Trans Ban was

2 repealed at the State level in 2021, the NYPD
3 continues to harass BIPOC who they perceive as
4 gender nonconforming, and the passage of the How
5 Many Stops Act would support greater transparency
6 and accountability. A 2020 investigation by
7 ProPublica revealed that nearly everyone arrested
8 for misdemeanor prostitution offenses like
9 loitering were non-white, 89 percent of the 1,800
10 charged with prostitution. This racialized and
11 gendered harassment directly harms LGBTQ New
12 Yorkers. Passing the How Many Stops Act is one step
13 forward in repairing the damage that the NYPD has
14 caused by their escalatory and violent practices.
15 When Level 1 and 2 stops go undocumented, a piece
16 of the story for how policing truly looks in our
17 city goes missing. It is easier to hide abuse of
18 power and violence in these instances because the
19 NYPD simply does not have to report on them. We
20 need to hold the NYPD accountable for the ways that
21 they engage with our citizens. Police
22 accountability is critical right now. Data
23 collection on all NYPD stops can serve as a
24 preventative measure for police escalation and
25 violence. I'm sure many of us have read recently

2 that the NYPD Commissioner Sewell disregarded the
3 CCRB's recommendations on at least 425 civil
4 complaints in 2022. How can our communities have
5 faith and trust in the system when it lacks
6 accountability from the top down. The NYPD's budget
7 for Fiscal Year 2023 is 10.8 billion dollars, a
8 larger budget than some country's militaries. When
9 non-profit organizations get city funding, there is
10 a system of accountability to keep track of how the
11 money is spent, where it's spent, and that the work
12 is being done and done well. Why don't these same
13 systems apply for the NYPD? Once again, passing the
14 How Many Stops Act will serve as a means of
15 accountability for the NYPD. We entrust the NYPD to
16 keep our city safe, but it's a problem when our
17 communities don't feel safe with them because of
18 their biased, violent policing practices. The City
19 Council has the power to hold the NYPD accountable
20 and should therefore do right by our communities.
21 Thank you for your time.

22 COMMITTEE COUNSEL KINGSLEY: Thank you so
23 much for your testimony.

24 You all may go as you choose.

2 SAMAH SISAY: Good evening. My name is
3 Samah Sisay. I am an attorney at the Center for
4 Constitutional Rights, and I am here today to talk
5 about why CCR supports the How Many Stops Act,
6 which consists of Intro. 586 and 538, which are
7 about providing reporting on all of NYPD's stops
8 and investigative encounters and consent searches.

9 CCR is a legal organization that has
10 used litigation and advocacy to challenge the abuse
11 of discriminatory practices of the NYPD. We have
12 served for over a decade as plaintiff's counsel in
13 Floyd versus City of New York, the federal civil
14 rights class action lawsuit that successfully
15 challenged the NYPD's unconstitutional and racially
16 discriminatory stop and frisk practices and
17 resulted in a federal court monitorship, which has
18 been discussed a lot today.

19 However, what has been left out is that
20 the federal court monitorship required various
21 changes to the NYPD's practices of stopping
22 civilians, which 10 years later the Department has
23 unfortunately yet to fully implement, meaning 10
24 years later, a decade later, the NYPD is still not
25 in compliance, is still unconstitutionally stopping

2 New Yorkers, mainly black and Latinx New Yorkers.
3 The NYPD has stated that calling our bills the How
4 Many Stops Act is wrong because low-level stops
5 like Level 1 and Level 2 are not actually stops,
6 they're just encounters. However, we started this
7 hearing by hearing from family members who have
8 been directly impacted and had their loved ones
9 killed in these low-level encounters. Regardless of
10 what legal standards exist, we know that any
11 encounter with the NYPD can escalate, any encounter
12 with the NYPD can become deadly, and that is why we
13 are here today.

14 During the Floyd monitorship, there was
15 a process called the Joint Remedial Process in
16 which the monitor allowed a facilitator to do
17 interviews, discussions with communities who have
18 been most heavily impacted by the NYPD's practice
19 of stop and frisk, and, during these conversations,
20 what we heard over and over and over again is that
21 yeah, I get it, there's like different levels but
22 at the end of the day I'm still being stopped. Like
23 one young person said, for me I don't actually feel
24 comfortable walking away because even though
25 they're saying you're not being arrested or

2 detained, police have a certain authority over you,
3 and that's what exists in New York. We know that
4 them claiming that Level 1 and Level 2 are just
5 low-level encounters is not true.

6 A core recommendation that came out of
7 the Joint Remedial Process was for the NYPD to
8 report Level 1 and Level 2 encounters or stops in
9 two ways, one which they are currently doing and
10 which was what they were discussing through body-
11 worn cameras ensuring that they are recording those
12 interactions and then, of course, labeling them.
13 However, the second recommendation was not pushed
14 forward because of these arguments that they
15 continued to make today that they were making in
16 2015, which is that it's too hard, which is to say
17 that we need officers to actually collect this
18 information and show what their thought process is
19 when they are approaching someone and stopping them
20 because that's the only way we know whether the
21 interaction is constitutional and so the Department
22 is arguing that things are burdensome. We know that
23 everyone has an iPhone, they have apps, they're not
24 leaving the field to go and fill out paperwork.
25 They are simply checking things on an app in order

2 to get this done, and I think that compared to
3 someone possibly losing their life on the street,
4 there is no comparison, and that is why we need
5 oversight and that's why we need these bills to
6 pass. It's not about the burden on the officers;
7 it's about ensuring true community safety and
8 ensuring that New Yorkers are not dying or being
9 humiliated on the street every day.

10 MAGGIE HADLEY: Good afternoon. My name
11 is Maggie Hadley, and I'm a Fellow in the Special
12 Litigation Law Reform Unit at the Legal Aid
13 Society, a proud member of Communities United for
14 Police Reform. I thank you for the opportunity to
15 testify about the How Many Stops Act today, and
16 Legal Aid will also be submitting written testimony
17 on a number of the other bills discussed today.

18 Legal Aid is one of many of the
19 organizations involved in the federal monitorship,
20 which has been discussed at length today, and
21 oversees the reform process to bring the NYPD into
22 compliance with the Constitution in how it conducts
23 DeBour Level 3 stops.

24 Level 3 stops are encounters in which a
25 New Yorker is not free to leave while police

2 investigate a crime, but the person is also not
3 under arrest. To make a Level 3 stop, an officer
4 must have reasonable suspicion of a crime. The
5 monitorship and underlying lawsuits revealed that
6 all too often and in violation of the Constitution
7 the NYPD targets New Yorkers for Level 3 stops not
8 because of reasonable suspicion but because of
9 their race, age, and neighborhood. Recent
10 monitorship studies suggest that these unlawful
11 patterns continue as does anecdotal evidence from
12 Legal Aid's Criminal Defense Practice attorneys and
13 clients across all five boroughs. One way to root
14 out this kind of unlawful and discriminatory
15 policing is by checking the NYPD's paperwork.
16 However, as discussed at length today, officers
17 currently only need to fill out paperwork for Level
18 3 stops, not for Level 1 and 2 encounters, which
19 Intro. 586 would require. As a result, officers can
20 avoid documenting Level 3 stops by claiming they
21 are Level 1 and 2, a major loophole in the
22 reporting system that the HMSA would close.

23 While the federal monitor has access to
24 other means of reviewing encounters not documented
25 by paperwork such as body-worn camera footage,

2 communities and advocates do not, and, without
3 paperwork, no one, including the monitor,
4 commanding officers, and the NYPD's Risk Management
5 Bureau which is tasked with internal audits of NYPD
6 stops, has access to officers' subjective reasoning
7 for initiating encounters that they label Level 1
8 or 2. While those tasked with oversight of NYPD
9 stops might be able to identify some unreported
10 Level 3 stops, they are missing a major piece of
11 the puzzle in determining whether these stops were
12 made in compliance with the Constitution. They are
13 left to guess whether or not the officer had
14 reasonable suspicion for the stop.

15 The same logic applies to consent
16 searches. It is much harder to assess the
17 lawfulness of such searches without proper
18 documentation, including whether officers are
19 complying with the Right to Know Act passed by this
20 Council in 2018. Unfortunately, our experience
21 working with Legal Aid clients and community
22 members suggests that the NYPD is regularly
23 ignoring the Right to Know Act's requirement to let
24 people know that they have a right to say no to a
25 consent search. Collecting more data on these

2 searches is one important step to ensuring NYPD
3 transparency and compliance with the law.

4 If the NYPD is compliant with the law on
5 both stop and frisk and consent searches, then it
6 should have no problem collecting and sharing this
7 data, but, if it is continuing unlawful practices
8 in violation of the Constitution and laws passed by
9 this Body, we all need to know so we can work
10 together to root out these abuses and ensure that
11 the rights of all New Yorkers are respected.

12 Thank you for your time and I hope you
13 will choose to invest in public safety by
14 supporting the How Many Stops Act.

15 CHRISTINE RIVERA: Good afternoon. My
16 name is Christine Rivera, and I'm a Staff Attorney
17 and Policy Counsel to the Criminal Defense Practice
18 at the Bronx Defenders. Today, I want to explain
19 why it is necessary that the NYPD be required to
20 report on all police encounters and consent
21 searches.

22 As public defenders working in the
23 Bronx, we review hundreds of hours of body-worn
24 camera footage, we speak with those who have been
25 accused of crimes, and we litigate the legality of

2 these searches in court. That gives us a unique
3 insight as to what these street encounters actually
4 entail. While these interactions have historically
5 been problematic, we've noticed a truly disturbing
6 trend of increased illegal searches. The trend
7 coincides with the Adams' administration's decision
8 to bring back controversial anti-crime units
9 rebranded as the anti-gun unit.

10 I'd like to share with you one of the
11 experiences one of my clients had to illustrate the
12 harm that is done by this police overreach. I've
13 changed his name for confidentiality purposes. In
14 March 2022, Jason, a father, brother, and homecare
15 aide to his 80-year-old mother, was walking home in
16 Morris Heights with his best friend when he was
17 abruptly stopped, frisked, and pushed up against
18 the wall of his apartment building. He was arrested
19 and charged with criminal possession of a weapon.
20 Unfortunately, bail was set at an amount his family
21 could not afford. For nine months, he sat at Rikers
22 Island waiting for his day in court. Finally, after
23 a suppression hearing, the judge in his case found
24 that the officers who arrested him acted illegally.
25 Not only that, the judge indicated that he could

2 not credit the officer's testimony because it was
3 directly contradicted by the officer's body-worn
4 camera. This officer gave that untruthful testimony
5 in both the grand jury and before the suppression
6 court in Bronx Supreme Court. What's the
7 consequence for him delivering this untruthful
8 testimony? Who knows? This officer only had two
9 years of experience and who knows how many grand
10 juries he has continued to tell this untruthful
11 testimony to?

12 While this was ultimately a favorable
13 result for Jason, no one should have to sit in jail
14 for nine months after police have violated their
15 constitutional rights. Any amount of time in jail
16 can lead to devastating employment, housing, and
17 immigration consequences. Moreover, unlike Jason,
18 many individuals plead guilty rather than taking
19 the case of going to hearings and trial and we see
20 this every single day.

21 These examples are a part of a
22 disturbing trend that was borne out of our own
23 internal data that we've recently done. Since the
24 beginning of 2022 when the Adams' administration
25 began, the Bronx Defenders represented over 350

2 people charged with possession of a firearm. Thus
3 far, about 1/3 of these cases have been resolved,
4 and, of those resolved cases, 60 percent were
5 dismissed or adjourned in contemplation of
6 dismissal. These dismissals were not a result of
7 District Attorneys not being able to meet the
8 discovery obligations. They were due to
9 insufficient evidence to proceed with the case
10 because when the police are found to act illegally,
11 those cases do not hold up in court. The same way
12 that Jason's case was dismissed is the same way we
13 see so many other clients' cases get dismissed.

14 Furthermore, in half of those dismissed
15 cases, people had bail set on them at arraignments,
16 meaning they spent some amount of time in custody
17 of the Department of Correction while waiting for
18 their day in court. A significant majority of these
19 gun arrests made under the Administration are not
20 holding up in court because of these bad stops, and
21 these bad stops erode the trust with the community
22 and costs the City millions of dollars as many
23 Council Members have already mentioned. 143 million
24 dollars were spent settling police misconduct
25 lawsuits so, instead of investing in our schools,

2 housing, and healthcare, we are paying the ultimate
3 price for the NYPD's illegal stops and searches in
4 the City of New York. This is not a coincidence.
5 This is stop and frisk, and we should be wary. At
6 the Bronx Defenders, we're only seeing the searches
7 that actually make it to court, that are actually
8 turned into an arrest. However, we know that we are
9 missing tons. We know that tons are going under the
10 radar. The reporting bills that are being debated
11 today will only provide us the data that allows us
12 to see a fuller picture. We only have the data from
13 the Bronx right now, but I believe that it will
14 show a much larger picture if we get the data from
15 the entire City. That's why we're urging the City
16 Council to pass the How Many Stops Act and give New
17 Yorkers the transparency that we deserve. Thank
18 you.

19 DAVID MOSS: Hi. My name is David Moss,
20 speaking on behalf of the NAACP Legal Defense Fund,
21 LDF. We're also a proud member of Communities
22 United for Police Reform. We thank the Committee
23 for this opportunity to testify on Intro. 586 and
24 538, the How Many Stops Act, and we strongly urge
25 the Council to pass these important bills.

2 In 2010, LDF, the Legal Aid Society, and
3 the law firm Paul, Weiss filed Davis v. City of New
4 York, which challenged unlawful stops and arrests
5 in NYCHA buildings, and, after a settlement, these
6 issues became part of the federal monitorship in
7 2015. Eight years later, we are still concerned by
8 racial disparities and unlawful police activity,
9 and these bills will shed light on the full scope
10 of police conduct that impacts black and brown New
11 Yorkers every day.

12 I'd first like to note at the outset
13 that police are not allowed to randomly enter and
14 patrol private residential buildings, but they are
15 allowed to do this in NYCHA buildings. In fact,
16 they're directed to by the NYPD patrol guide. This
17 policy creates a second-class citizenship for many
18 NYCHA residents who live in the constant presence
19 of police. They face far too many police encounters
20 and far too many unlawful stops. According to a
21 recent study by the monitor, one out of every three
22 stops in a NYCHA building is unlawful, one out of
23 every three. Furthermore, black people make up 71
24 percent of people stopped in NYCHA buildings.

2 As you know, police currently only
3 report on Level 3 stops, which involve a detention,
4 but Level 1 and 2 stops do have a strong, strong
5 impact on people's lives, and they should be
6 reported as well. Level 1 stops can be very
7 invasive. They can target children. They can often
8 be used as fishing expeditions, and police often
9 escalate these encounters into more serious
10 encounters. In fact, the monitor has found that
11 improper escalation by police is a problem in NYCHA
12 policing.

13 Level 2 stops allow officers to target
14 people for extended and accusatory questions
15 without reasonable suspicion. These are extremely
16 intimidating encounters. People often feel as if
17 they are being detained without reasonable
18 suspicion as the Public Advocate aptly pointed out.
19 It's a very blurry distinction between Level 2 and
20 3, and police do not have to report about these
21 currently so that does need to change.

22 There may not be documentation from
23 these Level 1 and 2 stops, but they do leave a very
24 profound impact. People end up feeling violated,
25 communities feel persecuted, not protected, and, as

2 always, black and brown New Yorkers bear the brunt
3 of this burden.

4 As for consent searches, these are
5 extremely common, one of the most common types of
6 warrantless search, and they create staggering
7 racial disparities. Last year, there were over
8 5,000 consent searches in New York City. 88 percent
9 of all of those consent searches were of black and
10 Latinx people. Only 4 percent were of white people.
11 We do need to know about all the requests that are
12 made, not just the ones that are granted. If police
13 are consistently trying to gain access to black and
14 brown spaces without a warrant, we need to know
15 that information so that the policy solutions can
16 be crafted. Together, these bills are likely to
17 reveal more about racial disparities in policing.
18 They'll likely reveal more about unlawful conduct,
19 and we cannot hide from that information. We need
20 to see it out so that we can work towards a more
21 equitable city for all. Thank you.

22 COUNCIL MEMBER DE LA ROSA: Thank you so
23 much for your testimony. We heard earlier from the
24 panel, from the NYPD about the disproportionate
25 impact on black and brown New Yorkers and they seem

2 to not know the reason. Well, your testimony gives
3 us the reasons so thank you for sharing.

4 COMMITTEE COUNSEL KINGSLEY: Thank you
5 for your testimony.

6 We're going to turn to two people who
7 are online. We're going to hear from Jackie
8 Gosdigian and Nina Loshkajian.

9 Jackie, Nina, are you available? I see
10 Jackie. You're going first. Go ahead.

11 JACQUELINE GOSDIGIAN: Hi, everybody. Can
12 you hear me?

13 COMMITTEE COUNSEL KINGSLEY: Yes.

14 JACQUELINE GOSDIGIAN: Okay. My name is
15 Jackie Gosdigian, and I'm Senior Policy Counsel at
16 Brooklyn Defender Services, and I have been a
17 public defender for the past 13 years. We thank the
18 Committee on Public Safety, Speaker Adams, Chair
19 Hanks, and all the other Council Members for the
20 opportunity to address the Council about this slate
21 of NYPD data and transparency bills.

22 Police transparency is an essential
23 measure for holding the NYPD accountable for the
24 discriminatory and abusive policing practices they
25 employ that criminalize and harm New Yorkers, in

2 particular black and brown New Yorkers, LGBTQIA+
3 New Yorkers, and New Yorkers experiencing
4 homelessness. These practices have a markedly
5 negative impact on those they affect directly and
6 make all New Yorkers less safe. The City Council
7 must take action now and ensure both greater
8 transparency and accountability in order to make
9 our city safe for all our community members. Public
10 defenders usually become aware of police misconduct
11 in connection with an encounter that results in an
12 arrest. It is only after an arrest that someone is
13 brought to court and speaks with their attorney
14 about what happened to them, but the vast majority
15 of police/citizen encounters that do not result in
16 arrests are overlooked, and many times allegations
17 of police misconduct are unreported when there is
18 no arrest, and that is why the How Many Stops Act
19 is a critical piece of legislation.

20 Intro. 586 would require the NYPD to
21 provide quarterly reports detailing information on
22 Level 1, 2, and 3, investigative encounters between
23 police and civilians, encounters that happen
24 without or prior to an arrest. The data obtained as
25 a result of this bill will assist the City and the

2 public in monitoring and regulating the actions of
3 NYPD, which is especially important given the
4 increase in their budget and overall numbers and
5 near constant presence in primarily black, brown,
6 and low-income neighborhoods.

7 In addition to pretextual stop and frisk
8 tactics, NYPD also regularly relies on consent
9 searches as opposed to obtaining a search warrant
10 or obtaining enough evidence to amount to probable
11 cause to search. Many New Yorkers don't know they
12 have a choice not to consent to a search when asked
13 by a police officer, and, even if the person does
14 say no, it often comes down to the word of the
15 person being searched versus the word of the police
16 officer. Intro. 538 will require NYPD to report on
17 instances in which an individual denies consent to
18 search.

19 Body-worn cameras, if utilized properly
20 which we've already heard, can help to shed light
21 on the thousands of law enforcement interactions
22 many New Yorkers, particularly black and Latinx
23 people, experience every day. Research has shown
24 that body-worn cameras increase the likelihood that
25 an officer acting on racial biases or committing

2 misconduct will be discovered, investigated, and
3 disciplined. This is why BDS supports Intro. 938
4 because the bill would require the New York City
5 Police Department to provide the CCRB with direct
6 access to all footage recorded by officer body-worn
7 cameras. This access will greatly assist...

8 SERGEANT-AT-ARMS: Your time is expired.

9 JACQUELINE GOSDIGIAN: I'll finish up, in
10 investigating and prosecuting allegations of police
11 misconduct. I want to be clear that NYPD has a
12 problem turning over body cam footage in a timely
13 manner because prosecutors are regularly telling
14 the courts that they also haven't received body cam
15 footage from NYPD.

16 It is impossible to divorce modern
17 American policing from its roots in racist and
18 classist enforcement. As defenders, we regularly
19 see how black and brown New Yorkers are
20 disproportionately targeted for stops and arrests.
21 Neighborhoods that are predominantly black and
22 brown and low-income are subjected to constant
23 police presence and surveillance and are also the
24 exact neighborhoods in which NYPD chooses to deploy
25 teams of plainclothes officers like Neighborhood

2 Safety Teams. Through these teams, NYPD has created
3 a new locus for police/citizen encounters, one that
4 not only lacks oversight but increases the number
5 of unnecessary stops. We are hopeful that data
6 reporting, information sharing, and oversight
7 measures included in this package of bills will
8 assist the City in regulating and controlling the
9 City's police force. Thank you so much.

10 COUNCIL MEMBER DE LA ROSA: Thank you.

11 COMMITTEE COUNSEL KINGSLEY: Thank you so
12 much, Jackie.

13 Nina, you'll go next. We're going to
14 also hear from Tanesha Grant who is on Zoom then
15 we'll turn back to in-person testimony from Ben
16 Weinberg so Nina, Tanesha, and then Ben Weinberg.
17 You may begin once I unmute you.

18 SERGEANT-AT-ARMS: You're time will
19 begin.

20 NINA LOSHKAJIAN: Good evening. My name
21 is Nina Loshkajian, and I am a Legal Fellow at the
22 Surveillance Technology Oversight Project. We are a
23 New York-based civil rights and anti-surveillance
24 group. I appreciate the opportunity to testify
25 today on the bills in front of you, specifically

2 Intros 585 and 938, relating to body-worn camera
3 footage access and Intros 538 and 586, the How Many
4 Stops Act.

5 These four bills are commonsense, small
6 steps towards bringing much-needed transparency and
7 accountability to the NYPD. First, it is ridiculous
8 that body-worn cameras meant to promote officer
9 accountability have been turned not on officers but
10 on the public they are sworn to serve. These
11 cameras frequently capture a deceptive and
12 incomplete view of police encounters, reinforcing
13 the police narrative. Officers exercise unchecked
14 discretion over what encounters to record and often
15 fail to activate them or deliberately disable them
16 prior to violent encounters. While they are in use,
17 NYPD cannot have sole control over footage. It has
18 used this sole control to manipulate the narrative
19 and prevent victims of police violence from seeking
20 justice. The OIG and the CCRB must be granted
21 direct access to body-worn camera footage. This is
22 standard in other cities as we've heard today. As
23 the operator of the biggest body-worn camera
24 program in the country, the NYPD should be at least

2 as accountable as other cities, and passing Intros
3 585 and 938 would be a good step in making it so.

4 We also support Intros 586 and 538, the
5 How Many Stops Act, which would bring much-needed
6 transparency to how the NYPD interacts with
7 communities in our city. NYPD should be required to
8 report on Level 1 and 2 police stops because, when
9 they don't, we have an incomplete picture of the
10 police harassment and racial profiling that occurs
11 daily across the city.

12 NYPD should also be required to report a
13 fuller set of data about the use of consent
14 searches. We know that the NYPD has created a
15 private, rogue DNA database and engages in
16 dangerous and coercive practices of DNA collection.
17 This means giving kids a glass of water, harvesting
18 their DNA, and then using it potentially for any
19 purpose forever. The data these two bills could
20 bring to light would be fundamental in knowing how
21 the NYPD operates and the impacts these practices
22 have in our communities. Thank you so much for the
23 opportunity to testify today.

24 COUNCIL MEMBER DE LA ROSA: Thank you so
25 much.

2 COMMITTEE COUNSEL KINGSLEY: Next, we'll
3 hear from Ben Weinberg followed by Tanesha Grant
4 and then we'll move back to a panel of in-person
5 folks.

6 BEN WEINBERG: Good afternoon, Members of
7 the Public Safety Committee. My name is Ben
8 Weinberg, and I'm the Director of Public Policy at
9 Citizens Union. Citizens Union is a nonpartisan
10 good government group dedicated to reforming New
11 York City and State government by fostering
12 accountability, honesty, and a strong democracy.
13 We've been studying police accountability and
14 performance in New York City for more than a decade
15 and believe the best way to ensure the safe and
16 democratic application of policing is to strengthen
17 and streamline systems of oversight and
18 accountability both within the NYPD and within
19 independent monitors.

20 We'll speak about Intro. 938, which we
21 support. That is Speaker Adams' bill on body-worn
22 cameras. We support that bill because it would
23 expedite and improve the quality of investigations
24 into police misconduct and wrongdoing,
25 strengthening appropriate oversight and

2 accountability of the NYPD. Body camera footage
3 allows the CCRB to resolve conflicting testimonies
4 and receive a clear interpretation of the
5 circumstances of an encounter. Investigations with
6 camera footage have much higher chances of being
7 closed on the merits rather than just because the
8 CCRB did not have enough evidence to determine the
9 outcome. Data shows that the rates of both
10 substantiated and unfounded findings significantly
11 increase in investigations with body camera
12 footage. Unfortunately, the NYPD has resisted,
13 delayed, and limited access to the relevant footage
14 since the body camera program began. An MOU between
15 the two agencies left control by the NYPD lacked
16 deadlines to start searching for footage and
17 allowed the police to deny, edit, or redact footage
18 on nearly any ground, and the Police Department
19 also keeps sealed and unsealed records together in
20 the system, requiring attorneys to screen each
21 search request from outside agencies. The limited
22 access to footage impedes investigations into
23 police misconduct and creates significant delays,
24 which run counter to the Administration's own goal
25 of improving the timeliness of CCRB investigations.

2 It also contributes to the high (INAUDIBLE) rate
3 and disciplinary actions between the NYPD and the
4 CCRB. Now, the NYPD justifies its failure to
5 provide prompt access based on a variety of legal
6 and non-legal claims of privilege and privacy
7 concerns. These arguments do not appear to us to be
8 well-supported and, in any case, it should be the
9 Corporation Counsel, not the NYPD, who makes the
10 legal judgment as to whether there are any current
11 legal impediments to sharing all relevant materials
12 with the CCRB. However, the basic point is that the
13 City currently runs two parallel systems for
14 disciplining police officers. One is run by the
15 NYPD through Internal Affairs and has access to all
16 relevant information. The other one is run by the
17 CCRB and has access only to the materials that the
18 NYPD decides to turn over. This situation is
19 intolerable.

20 Intro. 938 would prevent the Police
21 Department from unjustifiably denying access to
22 body-worn camera footage and would codify the
23 timing, type, and uses of these effective
24 investigative resources. Citizens Union support it.

2 I'll just end by saying that other
3 oversight agencies like the Inspector General of
4 the NYPD also have an expressed interest in being
5 provided access to that footage, and we support
6 legislation that will allow that as well. Thank you
7 very much.

8 COUNCIL MEMBER DE LA ROSA: Thank you so
9 much.

10 COMMITTEE COUNSEL KINGSLEY: Next, we'll
11 hear from Tanesha Grant. You may go ahead.

12 SERGEANT-AT-ARMS: Starting time.

13 TANESHA GRANT: Hello. My name is Tanesha
14 Grant. I am the Executive Director of Parents
15 Supporting Parents, and I sit on the NYCHA
16 (INAUDIBLE)

17 COUNCIL MEMBER DE LA ROSA: I think we
18 lost you, Tanesha.

19 TANESHA GRANT: It is very upsetting and
20 it is very disgusting to sit here and listen to the
21 CCRB board talk about how their hands are tied for
22 getting justice for my childhood friend, someone
23 who was just coming (INAUDIBLE) someone who was
24 killed by the (INAUDIBLE) in the streets in front
25 of his family, whose family is still fighting for

2 justice who I am also close to. Because of his
3 death in 2016, even though I was always active in
4 my community, it made me become an even stronger
5 community organizer and create my own community-
6 based organization, and one of the (INAUDIBLE) is
7 because of police brutality, and these are my
8 friends.

9 While the CCRB tries to do great work,
10 their hands seem to be tied by the NYPD and not
11 being able to move forward with cases and, when
12 they do offer recommendations, their
13 recommendations are shut down by the Commissioner,
14 who it pains me to say is a black woman. That's why
15 I demand that the City Council pass the Community
16 Power Act, which will really put the power inside
17 the community's hands and reviewing police cases
18 and handing out justice because as we can see the
19 NYPD refuses to do it, and the Board that you have
20 created, which is not funded enough in the first
21 place, and which, again, has its hands tied cannot
22 get justice for my friend, Delrawn Smalls,
23 (INAUDIBLE) is still a member of the NYPD.

24 Again, I urge the City Council to
25 (INAUDIBLE) for the Community Power Act and give

2 the community the power to make sure that the cops
3 (INAUDIBLE) and give them the justice they deserve.
4 I yield back.

5 COUNCIL MEMBER DE LA ROSA: Thank you so
6 much, Tanesha. Thank you.

7 COMMITTEE COUNSEL KINGSLEY: Thank you so
8 much.

9 Next, we'll hear from Michelle Feldman,
10 Brett Stoudt, Carmen Perez, and Cody Bloomfield who
11 is on Zoom. Cody, we will unmute you and turn to
12 you after the individuals who are in-person.

13 MICHELLE FELDMAN: Thank you so much.
14 Good evening. My name is Michelle Feldman, and I'm
15 the Director of Partnerships at the Center for
16 Policing Equity. We're a national research and
17 action organization that uses science to do justice
18 so I'm going to give a little bit about the
19 national perspective on the How Many Stops Act,
20 which we strongly support. Just a little bit of
21 background, our cofounders are former Denver Police
22 Chief and the Head of the African American Studies
23 at Yale currently so we bring a really diverse
24 perspective to this work. We've worked with police
25 departments in more than 60 jurisdictions across

2 the country to collect much of the same data that
3 would be required in the How Many Stops Act, and
4 we've seen firsthand in this data analysis that
5 it's a powerful tool to shed light on how police
6 activity is affecting communities and, most
7 importantly, how it can measure racial disparities
8 in enforcement, but data analysis isn't just about
9 diagnosing the problem, it's also about pinpointing
10 opportunities to change policy and redirect
11 resources to better achieve public safety.

12 Collecting and analyzing policing data has the
13 power to drive meaningful reforms and address
14 racial disparities and improve safety. By passing
15 these bills, New York City would join an increasing
16 number of localities who are mandating the
17 reporting of essential police data. We have found
18 that at least 20 states require reporting of all
19 vehicle stops as of 2020, and in 2015 California
20 passed a bill that requires all police departments
21 in the state to collect comprehensive data on
22 vehicle stops and pedestrian stops including those
23 that would be defined as Level 1 and 2 in Intro.
24 586 and also detailed information about what
25 happens during those stops, and that led to

2 policymakers limiting police behavior in cities
3 like Los Angeles and San Francisco, they restricted
4 pretext stops. For a decade, Connecticut has
5 required similar detailed collection of vehicle
6 stop data and law enforcement use of force data.
7 Virginia recently expanded its data collection to
8 include all investigatory vehicle stops and stop
9 and frisk situations that are based on reasonable
10 suspicion, and Vermont conditioned state grant
11 funding on compliance with reporting on
12 demographics and other information related to
13 stops. We're also glad to see that Intro. 538 would
14 require officers to collect data on their use of
15 consent search because data from other localities
16 shows that officers ask black and Latino drivers to
17 conduct these searches at disproportionately high
18 rates and they're more likely than white drivers to
19 comply with the request because of heightened power
20 imbalance between police and communities of color
21 so this act will really bring New York City in line
22 with other national trends that require data
23 collection to shed light on how police operate in
24 our communities and promote accountability. We
25 encourage you to pass it. Thank you.

2 DR. BRETT STOUDT: Good evening. My name
3 is Dr. Brett Stoudt, and I'm a professor at the
4 City University of New York and also a member of
5 CPR.

6 In 2016 and 2017, I partnered with the
7 NYCLU to survey 1,181 New Yorkers, most black and
8 Latinx between the ages of 14 and 40 living in
9 Brownsville, South Bronx, and East Harlem. This
10 represented the age group most likely to be stopped
11 by police in neighborhoods with historically some
12 of the highest rates of stop and frisk in the city.
13 While we learned is significant for today's
14 hearing. Of those we sampled, 73 percent said the
15 police had initiated contact with them at least
16 once in 2016. Some of this was documented, but most
17 of this went undocumented and invisible to the
18 public. In fact, over half said they experienced at
19 least one police encounter that would have
20 officially gone undocumented by the NYPD. Indeed,
21 Level 3 stops were only a small portion of the
22 total police-initiated contact reported in our
23 survey. 25 percent said they experienced at least
24 one Level 1 police encounter, and 18 percent
25 reported at least one Level 2 police encounter.

2 Combined, 36 percent, more than a third, of the
3 people we spoke to reported experiencing either a
4 Level 1, 2, or Level 3 police stop in 2016, and
5 over half of them experienced only Level 1 or 2
6 stops meaning their only encounters with police
7 went entirely undocumented. Police stops that go
8 undocumented in essence publicly erases many of the
9 NYPD encounters experienced by women, especially
10 women of color, because we found they were much
11 more likely than men to report Level 1 or Level 2
12 stops.

13 Most people we surveyed were unfamiliar
14 with Level 1 and 2 police stops and unaware of
15 their rights within the context of these levels.
16 Over 60 percent of those who experienced a Level 1
17 or Level 2 stop reported they did not feel free to
18 leave or walk away. In other words, from their
19 perspective they were officially detained. Nearly
20 half of those who knew their specific rights during
21 Level 1 and Level 2 police encounters conveyed they
22 often still felt unable to express them. Again,
23 from their perspective, Level 1 and 2 stops are
24 functioning the same as Level 3 stops.

2 Our findings are further compounded when
3 considering that nearly a quarter of those who
4 reported a police stop of some kind were unsure how
5 to categorize the Level of their stop, which, of
6 course, makes expressing rights within any given
7 unclear stop impossible. We found the same trend of
8 those who reported they were asked permission by
9 police to search inside their clothing or bags.
10 Most of the people who gave permission did so
11 without full awareness or understanding of what
12 their rights were in that situation or they did not
13 feel safe enough to assert the rights they knew
14 they had. Therefore, in practice, those were not
15 consent searches but coercive searches.

16 How can New Yorkers hold the police
17 accountable for practices that are hidden from
18 public oversight? The implications of this research
19 are clear. Millions of police stops go undocumented
20 each year, impacting mostly black and Latinx New
21 Yorkers. Pass the How Many Stops Act.

22 COUNCIL MEMBER DE LA ROSA: Thank you.

23 CARMEN PEREZ-JORDAN: Good afternoon.

24 Thank you for the opportunity to testify today and
25 for staying to hear our testimony. My name is

2 Carmen Perez-Jordan. I am the President and CEO of
3 The Gathering for Justice and co-founder of Justice
4 League NYC. I am here to testify on Intro. 586 and
5 Intro. 538, also known as the How Many Stops Act.

6 Stop and frisk has long been a highly
7 debated and controversial issue. Two decades of
8 data show people who are stopped and frisked are
9 most likely to be people of color and
10 disproportionately black and, clearly, there is no
11 data available as to why this is. Despite the
12 dramatic drop in overall stops since 2013, black
13 and Latinx New Yorkers consistently represent over
14 80 percent of stops each year. In the August 2000
15 report by the U.S. Commission on Civil Rights on
16 Police Practices and Civil Rights in NYC, the
17 Commission recommended that the NYPD work to ensure
18 indicators of racial profiling do not occur, which,
19 one, suggests that the NYPD had been using racial
20 indicators in their stops and, two, that they were
21 violating the law since stopping individuals based
22 on race is prohibited by New York law. Eric Adams,
23 himself, testified in 1999 that an estimated one of
24 30 stop and frisks were reported and the number of
25 stops recorded on file were mere child's play given

2 the number of people harassed by the NYPD. That was
3 over 20 years ago, and the issue still remains the
4 same under his own Mayoral administration.

5 In 2013, a federal judge ruled that the
6 NYPD was routinely violating the civil rights of
7 black and Latinx New Yorkers because of excessive
8 stopping and frisking for no apparent reason other
9 than their race and ethnicity. Even the NYPD
10 federal monitor repeatedly noted in their recent
11 reports that the NYPD was not properly documenting
12 and reporting stops. The NYPD's actions have
13 resulted illegal profiling as well as humiliating
14 experiences for New Yorkers. These encounters have
15 long-lasting consequences that significantly
16 altered the trajectory of people's lives. Entire
17 neighborhoods in New York City exist in conditions
18 where residents feel like they are living in
19 military occupation where going to the store or
20 school can be a life-threatening situation. The
21 history, data, and reports as well as the
22 testimonies are clear. NYC and NYPD lack accurate
23 and complete data on stops in NYC. We must correct
24 this. As a Latina married to an African American
25 man with two black and brown babies, I am afraid

2 every single day when my husband takes my babies to
3 school, and so I urge you, I urge the New York City
4 Council to immediately pass the How Many Stops Act.
5 Transparency is the first step towards
6 accountability and true community safety. Thank you
7 for your time.

8 COUNCIL MEMBER DE LA ROSA: Thank you all
9 so much for being here and for lives dedicated to
10 this service. Thank you.

11 COMMITTEE COUNSEL KINGSLEY: Thank you.
12 Next, we'll turn back to Zoom to Cody Bloomfield.

13 Before doing so, Pilar DeJesus. Pilar,
14 you can go after that.

15 If there's anyone else in the Chambers
16 who wants to testify, come on up.

17 Let's do the Zoom one first. Cody, you
18 may begin in just a second. Go ahead.

19 CODY BLOOMFIELD: All right. Hello. I'm
20 Cody Bloomfield. I'm from Defending Rights and
21 Dissent. We're a national civil liberties
22 organization, and we support the passage of the How
23 Many Stops Act.

24 As a national civil liberties
25 organization that advocates both for making the

2 Bill of Rights a reality for everyone and for
3 greater transparency around law enforcement, we
4 urge the City Council to advance this bill. The How
5 Many Stops Act requires police to report the reason
6 for a stop, the demographic information of the
7 individual, and whether the encounter led to the
8 use of force or enforcement actions. While stops
9 based on reasonable suspicion, commonly known as
10 stop and frisk, must be reported, NYPD is not
11 required to report data on these two categories of
12 lower-level legal stops. This bill would change
13 that.

14 Requiring NYPD to report these lower-
15 level stops would give communities a fuller picture
16 of who is targeted for stops and why. This
17 transparency is essential to ensure that
18 communities have the data necessary to exercise
19 true oversight over policing. The passage of this
20 bill would represent a necessary first step towards
21 holding police accountable for their abuse of state
22 power in our communities. We know from the weight
23 of evidence that stops based on reasonable
24 suspicion have disproportionately impacted people
25 of color. We lack data on these low-level stops,

2 but, given the racial disparities throughout
3 policing and criminal law, one can anticipate that
4 these biases also exist here. These so-called
5 lesser stops should be of no lesser concern.
6 Research documents the psychological impact of
7 police stops on black and Latinx communities, and
8 the disparate impact of such stops in policing
9 data, but, without finer grained data, holding the
10 New York Police Department accountable for bias in
11 police stops is made much more difficult.

12 Defending Rights and Dissent strongly
13 believes in the people's right to know. The How
14 Many Stops Act empowers the public and informs
15 policy debates by requiring that information about
16 who is stopped and why be made available to the
17 public. This transparency legislation will be one
18 step of many towards ensuring that policing powers
19 are not weaponized against black and brown
20 communities. We applaud the organizers fighting for
21 this bill and urge the City Council to pass this
22 necessary legislation. Thank you.

23 COUNCIL MEMBER DE LA ROSA: Thank you so
24 much.

2 COMMITTEE COUNSEL KINGSLEY: Thank you
3 again. Pilar, go ahead.

4 PILAR DEJESUS: Good evening at this
5 point. My name is Pilar DeJesus. I am a Senior
6 Advocacy Coordinator at TakeRoot Justice, and we're
7 also a member of Communities United for Police
8 Reform. I'm a born and raised Latino in El Barrio,
9 Diana Ayala's District, and I just mostly want to
10 speak to, one, I want to really, really also echo
11 many of the advocates and folks who have endured
12 the violence from the NYPD for all their words and
13 taking the time to be here, but I also want to
14 encourage the Council to definitely support How
15 Many Stops. Part of my work, yes, I want it to be
16 supported because of the work that I do but mostly
17 because of my own experience and experience of even
18 friends and family. I literally can speak to most
19 of the different types of stops that were spoken
20 about in my experience with those types of stops
21 that are not being recorded. Again, I really don't
22 understand how an agency whose duty is to enforce
23 the law would be against the people having their
24 own data for evidence to build a case if they're
25 abusing their powers.

2 Especially in East Harlem, I've been
3 stopped one time for just having a cup. I think
4 before COVID, folks remember there was a lot of
5 profiling, especially if you were drinking outside
6 in public, and I've been stopped for just having a
7 cup, even pushed against the gate when I told the
8 officer, one, why was I being stopped. I told him I
9 want to leave, he said I couldn't, then after that
10 like five other officers came and, again, all
11 because I threw a cup in the garbage and the police
12 officer assumed there was some sort of form of
13 alcohol beverage.

14 I've been stopped in the car and
15 actually been held. The reason that they stopped
16 us, at the time they didn't tell us what we were
17 being stopped for but they asked to search the
18 vehicle, and, when they searched the vehicle, they
19 found marijuana so then that is why we were being
20 held because they found marijuana and then because
21 I did not be quiet while I was going through this
22 process, one of the officers even told me on the
23 side we profiled you because of the hat that my
24 partner was wearing and I talk with my hands and so

2 they said it was a domestic violence, they were
3 concerned. Again, a lot of profiles.

4 Not too long ago, I witnessed a Latino
5 man who spoke no English get stopped by
6 plainclothes officers, and I spoke to the person in
7 Spanish to ask him if he knew, the cops were
8 telling me to mind my business. They said they
9 didn't have to speak to him in Spanish. I just want
10 to say that it's just really important for us to
11 really have record of what's happening because, as
12 an advocate and all my networks and in my
13 involvement in the community on different political
14 campaigns, I'm still affected and impacted by this
15 over-policing, this abuse which, in all honesty, I
16 think on top of passing the How Many Stops bill, I
17 think we also really need to look into the mindset
18 of a lot of these officers because, again, the
19 history of policing goes back to slavery, and I
20 don't think a lot of our officers and maybe some of
21 our legislators that were here defending a lot of
22 them, may still be dealing with a lot of that
23 racist, slavery mentality unfortunately. Again, the
24 numbers don't lie, and I think it's going to be
25 very important for the Council and the State to

2 have this information, and we have apps and a lot
3 of technology that a lot of the burdensome things
4 that the officers spoke about, that can be
5 overlooked.

6 I'm going to end with this. It's a
7 burden to have to go to Central Booking, especially
8 as a woman. Women do not get processed as fast as
9 men in Central Booking, and so that's a whole other
10 issue, but to be sitting there, possibly losing
11 your job because also there's no phones in there.
12 Again, you create more of a burden for the citizen,
13 the constituent, the voters than the officer who
14 maybe, again, like someone mentioned, just press
15 this, have the video recording. It's a lot of
16 excuses, what feels like people who have this power
17 just don't want to be ever held accountable, and,
18 again, that's what history is just showing us.
19 There's no accountability, and I'd just like to see
20 some change before I die. Thanks.

21 COUNCIL MEMBER DE LA ROSA: Thank you so
22 much.

23 CHRISTOPHER LEON JOHNSON: Good evening,
24 Chair. My name is Christopher Leon Johnson. I know
25 it's kind of late.

2 I'm here to speak on behalf of myself,
3 and I'm here to say that yeah, you do need
4 transparency with the Right to Know Act, but I have
5 an issue with the fact that they're trying to
6 engineer a lot of stuff toward the CCRB and toward
7 the Inspector General. I had my deal with the CCRB,
8 and they're no good at all. I think they work with
9 the NYPD (INAUDIBLE) like they work with them
10 close-handedly. I think they're really useless so
11 to really hand, let's say you want to give the data
12 to the CCRB instead of the public, it's just like
13 counterproductive and it does not justice to the
14 public. The public wants that information to be
15 sent to them. We want to see it. Now, when it comes
16 to that, if that ever happens one day, I know it
17 might get passed through this Council or next
18 Council, whenever it happens, we want to know how
19 can we access information. It should be online, and
20 we need direct access to the information. Not going
21 to a runaround and depending on sites like 50-A.com
22 (sic), they do a lot of good work putting out
23 police records, but why do we need to go through a
24 third-party website to know if a cop is corrupt or
25 not. We need this to the public. We need this on

2 the nyc.gov website. When it comes to body cameras,
3 that should be done to the public too. It should be
4 all sent to the public. Like I said, CCRB, they
5 just can't be trusted. Anybody, if you're young,
6 black, Latino, living in an impoverished
7 neighborhood and you ever deal with the NYPD, you
8 get stopped and frisked or you get wrongfully
9 arrested or you get barged in your house, they find
10 some (INAUDIBLE) way to get into your home. You
11 file a complaint. It's just a waste of time.
12 Usually, it goes in the cop's favor, and majority
13 of the time all the CCRB can do is recommendations
14 but (INAUDIBLE) the last time the Commissioner will
15 ever say let's fire this cop because they messed
16 up. That's really rare. To be honest with you, this
17 stuff has got to get to the public. The public
18 wants this stuff to the public, not to CCRB, not to
19 Inspector General. The Inspector General is the
20 same thing. They work with the NYPD. There's just
21 no point at all.

22 To end this off, you need the Right to
23 Know, you need these bills to be passed and
24 amended, but it should be steered more to the
25 public and the public needs to know about this,

2 especially the people that need their hand to be
3 held to access the information. They need to know
4 more, especially the ones with no computers and
5 etc., the ones that have to literally go to these
6 city agencies and get the information. I'm going to
7 end with that right now. I know we got to go. It's
8 late. I know you got to too. I got to go to an
9 event in Brooklyn. Thank you, guys. I appreciate
10 it. Enjoy your day.

11 COUNCIL MEMBER DE LA ROSA: Thank you so
12 much for coming and for your testimony. Thank you
13 both.

14 COMMITTEE COUNSEL KINGSLEY: Does anyone
15 in person want to testify or on the Zoom?

16 Seeing nobody, Chair, you can now close
17 it out.

18 COUNCIL MEMBER DE LA ROSA: Thank you.
19 This hearing is adjourned.

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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 April 13, 2023