

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

OF THE

THE COMMITTEE ON PUBLIC SAFETY

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Monday, December 16, 2024

Start: 10:13 a.m.

Recess: 2:10 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Jumaane Williams, Public Advocate
Hon. Dr. Yusef Salaam, Chair
Deputy Speaker Diana I. Ayala

COUNCIL MEMBERS:

Joann Ariola
Diana I. Ayala
Tiffany Cabán
Carmen N. De La Rosa
Robert F. Holden
Rita C. Joseph
Christopher Marte
Chi A. Ossé
Carlina Rivera
Althea V. Stevens
Kalman Yeger

Other Council Members Attending: Avilés; Paladino

THE COMMITTEE ON PUBLIC SAFETY

A P P E A R A N C E S

Samah Sisay,
Attorney at Center for Constitutional Rights

Samy Feliz,
Brother of Allan Feliz; Justice Committee Member

Babe Howell,
Professor at CUNY School of Law; Member of The
Grassroots Advocates for Neighborhood Groups and
Solutions - the GANGS Coalition

Kezilar Cornish,
Member of the Civil Rights Union of Voices of
Community Activists VOCAL-NY, Member
of Communities United for Police Reform (CPR)

Michael Gerber,
Deputy Commissioner of Legal Matters
New York City Police Department (NYPD)

Jeffrey Maddrey,
Chief of Department
New York City Police Department (NYPD)

Paul Gamble,
Deputy Commissioner Department Advocate
New York City Police Department (NYPD)

Julie Morrill,
Deputy Chief of Quality Assurance Section of the
Professional Standards Bureau of the New York
City Police Department (NYPD)

Josh Levin,
Director of the Legislative Affairs Unit of the
New York City Police Department (NYPD)

Rebecca Blumenkopf,
Assistant Deputy Commissioner, Executive Agency
Counsel, New York City Police Department (NYPD)

THE COMMITTEE ON PUBLIC SAFETY
A P P E A R A N C E S (CONTINUED)

Germain Thompson,
The Community Liaison for the Office of the
Community Liaison

Tatiana Hill,
Senior Organizer from Office of the Community
Liaison

Mauricia Harry,
Manhattan Community Organizer from Office of the
Community Liaison

Michael Sisitzky,
Assistant Policy Director with the New York Civil
Liberties Union; Steering Committee Member of
Communities United for Police Reform

Brittany McCoy,
Managing Director of Policy at Bronx Defenders;
Member of the Communities for United for Police
Reform

Alan Abraham,
Communities United for Police Reform

Andrew Case,
Supervising Attorney at LatinoJustice PRLDEF;
Member of Communities United for Police Reform

Kimberly Saltz,
Legal Fellow, Justice in Public Safety Project
NAACP Legal Defense and Educational Fund, Inc.

Karina Tefft,
Staff Attorney, Cop Accountability Project
Criminal Law Reform Special Litigation Unit

Anya Weinstock,
Legal Fellow, Surveillance Technology Oversight
Project ("S.T.O.P.")

THE COMMITTEE ON PUBLIC SAFETY
A P P E A R A N C E S (CONTINUED)

Jacqueline Gosdigian,
Senior Policy Counsel at Brooklyn Defender
Services

Veronica Leventhal,
Social Worker with the Adolescence Intervention
Defense Project at Legal Aid Society

Mylana Gerard,
Coordinator of Youth Initiatives at the Bronx
Community Justice Center

Tanesha Grant,
Executive Director of Parents Supporting
Parents NY; Moms United for Black Lives NYC;
Member of the Davis Round table on NYCHA Policing

Sakeena Trice,
Senior Staff Attorney of Disability Justice
Program at New York Lawyers for the Public
Interest

Dr. Tawanna Gilford,
Licensed psychologist; Cofounder of the Stop
False Police Reporting Initiative

Christopher Leon Johnson,
Member of the Public

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2 SERGEANT LUGO: Good morning, this is a microphone
3 check for The Committee on Public Safety. Today's
4 date is December 16, 2024, located in the Chambers,
5 recording done by Pedro Lugo.

6 SERGEANT AT ARMS: Quiet down, please, and take
7 your seats, we will be starting soon.

8 (PAUSE)

9 SERGEANT AT ARMS: Good morning, and welcome to
10 today's New York City Council hearing for the
11 Committee on Public Safety. At this time, we ask you
12 to silence all electronic devices, and at no time is
13 anyone to approach the dais.

14 If you would like to sign up for in person
15 testimony or have any questions throughout the
16 hearing, we ask that you see one of the Sergeant at
17 Arms, either in the back of the room, or on the sides
18 of the room.

19 Chair, we are ready to begin.

20 (PAUSE)

21 CHAIRPERSON SALAAM: Good morning, I am Council
22 Member Yusef Salaam, Chair of the Committee on Public
23 Safety. I want to recognize the members of the Public
24 Safety Committee who are here with us today: Council
25 Member Marte, Deputy Speaker Ayala, Council Member

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2 Holden, Council Member Cabán, and we are joined by
3 our public advocate, Jumaane Williams.

4 Today, the Committee will be conducting an
5 *Oversight - The NYPD's Use of Stop-and-Frisk and*
6 *Other Investigative Encounters.*

7 In doing so, we plan to examine relevant NYPD
8 operations, including training protocols, patrol
9 guide directives, superlative review... I'm sorry,
10 supervisory review, and officer discipline as it
11 relates to police civilian investigative encounters.

12 We will highlight the human impact certain police
13 practices have on communities throughout the City,
14 particularly communities of color that continue to
15 bear the brunt of these interactions on a daily
16 basis. The practice commonly known as stop-and-frisk
17 is an investigative technique where police officers
18 stop, question, and search an individual suspected of
19 being involved in a crime in circumstances where the
20 officer otherwise lacks evidence to establish
21 probable cause needed for arrest.

22 For such stops to comply with constitutional
23 standards of the 4th Amendment, an officer must have
24 a reasonable suspicion the person has committed, is
25

1
2 committing, or is about to commit a felony or
3 misdemeanor offense.

4 The NYPD's use of stop-and-frisk has been the
5 subject of significant controversy due to racial
6 disparities amongst these... amongst those subject to
7 NYPD's investigations, racial profiling, and
8 unconstitutional policing.

9 This unfortunate history has marred the
10 Department and been a focus of legal challenges and
11 advocacy efforts aimed to reform NYPD practices for
12 more than 25 years.

13 In 1999, a New York state attorney general
14 investigation found high rates of unconstitutional
15 stops by NYPD officers. The attorney general
16 concluded Blacks and Hispanics were significantly
17 more likely than whites to be stopped even after
18 controlling for race specific present crimes, crime
19 rates, and present population composition by race.
20 That same year, a class action lawsuit was filed
21 against the City alleging racial profiling and
22 unconstitutional stop-and-frisk by NYPD.

23 In 2003, a settlement was reached and the City
24 agreed to adopt written policies prohibiting racial
25 profiling and requiring audits of police officer

1 stop-and-frisk to determine whether stops were being
2 sufficiently documented and conducted in compliance
3 with the Constitution.
4

5 Despite this agreement, stop-and-frisk rose
6 significantly during the Bloomberg Administration,
7 increasing from 97,000 stops in 2002 to over 500,000
8 stops in 2006 and peaking at over 685,000 stops in
9 2011.

10 During this period, Black and Latino individuals
11 were subject to being stopped by the NYPD at
12 disproportionately high rates, as those populations
13 consistently accounted for over 80% of all stops, and
14 nearly 90% of individuals stopped by NYPD were found
15 to have done nothing wrong.

16 In 2008, additional lawsuits were filed against
17 the city and NYPD. Following a nine week trial, a
18 federal court found the City liable due to NYPD's
19 deliberate indifference to the constitutional
20 violations arising from the Department's stop-and-
21 frisk practices. This is this resulted in a remedial
22 order, which sought to address the constitutional
23 violations found in the NYPD's use of stop-and-frisk,
24 including the appointment of a federal monitor tasked
25 with developing reforms to department policies,

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2 evaluating compliance with ordered reforms, and
3 publishing public reports on related NYPD compliance.

4 Through work with the federal monitor, in
5 coordination with plaintiff representatives and the
6 court, the NYPD has implemented many court ordered
7 reforms. These reforms included adopting update
8 policies related to racial profiling and street
9 encounters, equipping officers with body worn cameras
10 to document police civilian encounters, and adoption
11 of new performance evaluation standards and auditing
12 systems.

13 However, a decade later, the federal monitor has
14 continued to find persistent issues with the NYPD's
15 failure to document stops, deficits in officers
16 obtaining required reasonable suspicion to legally
17 justify stops, and lack of discipline when officers
18 are found to have conducted unconstitutional stops.

19 Today, we seek to examine NYPD's efforts to
20 change department practices as part of the federal
21 monitorship and further reforms needed to ensure NYPD
22 officers are conducting investigations and
23 enforcement in an unbiased manner that meets
24 constitutional standards.

1
2 Additionally, today, today's hearing will examine
3 the Administration's implementation of how the How
4 Many Stops Act, a Local Law enacted by Council
5 earlier this year, which requires NYPD to report on
6 all police civilian investigation encounters. The
7 purpose of this legislation was to bring much needed
8 transparency and accountability to those interactions
9 and require the NYPD to document the reasons for
10 encounters, their outcomes, and the demographics
11 information of those stopped. We will question the
12 NYPD about how they implemented the law, their
13 established report reporting procedures, and any
14 trends that the Department has identified from
15 initial data reporting pursuant to the law.

16 We will also delve into whether the data reported
17 pursuant to How Many Stops Act is sufficient to
18 provide the public much needed transparency.

19 Our hope today is to promote dialogue to ensure
20 that policing in New York City is fair, equitable,
21 and effective. Through transparency and
22 accountability, we hope to build public trust in the
23 Department and confidence that the Department is
24 taking necessary steps to ensure its use of stop-and-

1 frisk and other investigative encounters are not
2 discriminatory.

3
4 I look forward to hearing from the NYPD,
5 community advocates, and my fellow council members as
6 we collectively work towards a safer and more just
7 city for all New Yorkers.

8 Prior to inviting the NYPD to testify, the
9 Committee will hear from a brief panel of advocates,
10 legal practitioners, and directly impacted
11 individuals. Thank you.

12 And now we will hear from our public advocate,
13 Jumaane Williams.

14 PUBLIC ADVOCATE WILLIAMS: Thank you, Mr. Chair.

15 Good morning, everyone, as mentioned, my name is
16 Jumaane Williams, Public Advocate for the City of New
17 York. I'd like to thank Chair Salaam and the members
18 of the Committee on Public Safety for holding this
19 very important hearing.

20 As mentioned, in 2013 a federal judge ruled that
21 NYPD stop and frisk policy was unconstitutional,
22 violating the 4th and 14th amendment. This ruling was
23 based on 1963 Supreme Court ruling, Terry v. Ohio,
24 which found that an officer must have reasonable
25 suspicion of criminality before the officer can

1
2 statistical one for one, the amount of stops in the
3 neighborhood versus how safe that neighborhood is and
4 the amount of shootings and weapons found.

5 The effects of stop-and-frisk were devastating to
6 Black and brown communities. Those exposed to
7 aggressive policing are more likely to drop out of
8 school, to struggle with anxiety and depression, and
9 to be distrustful of the police. I will say it also
10 hurts officers' ability to solve cases, as sometimes
11 the communities are less likely to provide
12 information if the trust isn't there - It subjected
13 people to inappropriate arrests, violence, and
14 incarceration, and did not result in the type of, uh,
15 addressing the violence and crime or recovery of
16 weapons or the contraband that people would have
17 liked to see.

18 In short, the only significant outcome of abuses
19 that I've talked about, uh, were damage to
20 communities of more color.

21 One year ago, this council passed and
22 subsequently overruled a mayoral veto of the How Many
23 Stops Act, now known as Local Law 43. As a bill I
24 sponsored with Council Member Avilas, the NYPD is now
25 required to report on the apparent race, age, and

1 gender of those stopped in level 1, 2, and 3
2 investigative encounters, which they are... were not
3 previously required to do. The NYPD recently
4 published the data from the first quarter, and it's
5 apparent why they may have pushed back. We still see
6 the type of stops that we were worried about.

7
8 I will say, uh, that unfortunately, there were
9 months' long resources of Mayor Eric Adams and
10 Administration lying about what that bill would do,
11 and most folks who are hearing this now may not know
12 that the report was even put out. It came out with no
13 fanfare, the sky did not crack open, uh, police are
14 still policing.

15 So all of the things - all of the things - all of
16 the things - that they said during those times were
17 about fearmongering had nothing to do with what we
18 were trying to accomplish with the bill.

19 Despite the abundance of data that NYPD continues
20 to use illegal Terry stops, there are few
21 consequences for officers who do it. NYPD routinely
22 tosses out cases of misconduct, including illegal
23 stops, despite completed and substantiated CCRB
24 (Civilian Complaint Review Board) investigations.
25 CCRB has the ability to recommend but not the power

1
2 to impose discipline even when allegations are
3 substantiated. Under former commissioner of Caban,
4 the NYPD ended without review more than 500
5 incidents, more than half the cases that CCRB
6 referred to it.

7 A recent independent review of discipline found
8 that NYPD fails to discipline officers who violate
9 New Yorkers' 4th Amendment's rights from the precinct
10 level to the top of the force. Often officers are
11 assigned training instead of discipline; although,
12 research has shown us that this type of training has
13 very little impact on racial and ethnic disparities
14 in policing outcomes.

15 In order to curtail violations of New Yorkers'
16 rights to be free from unlawful stops and harassment,
17 there must be some accountability for officers. The
18 culture of looking the other way or undermining
19 discipline needs to end. While reporting data
20 illustrates the problem, it is meaningless if NYPD
21 makes no real effort to address the clear disparities
22 in who gets policed.

23 We should also empower CCRB, uh, to be able to
24 impose discipline when allegation of misconduct are
25 substantiated, to directly access evidence like body

1 camera footage to ensure that NYPD cannot purposely
2 run out the statute of limitations, which we've seen
3 happen more than once, and to end the practice of
4 allowing commissioners to unilaterally intervene in
5 substantiate the cases of misconduct.
6

7 I also want to say in the work I've been doing
8 for 15 years, it's now clear to me that most of what
9 we're doing, I'd like to call whack a mole. Whether
10 it is abuses of Stop, Question, and Frisk, trying to
11 address broken windows, trying to address the gang
12 database, How Many Stop Acts, the real issue is how
13 we police, when we police, who we police. And believe
14 it or not, there is a lot of agreement on all sides
15 that that has to change. And until we have a mayor
16 that is willing to sit down with everyone and we
17 figure out how we structure a public safety that is
18 not reliant on police officers who don't have the
19 tools to address many of the issues that we have -and
20 when they use those tools, they rightfully so are
21 admonished. I believe that is the question that I
22 hope at some point we're really focused on, because I
23 know there's agreement on all sides of that. And
24 until we do that, we're going keep playing this dance
25 back and forth, and it becomes unnecessarily tense,

1 uh, when we can all be having the conversation that I
2 think most of us agree on. If we want to support our
3 law enforcement, we should stop asking them to do all
4 of the jobs that so many agencies should be doing and
5 that communities are also doing.

6 It is a difficult conversation. It is a hard
7 conversation, but we have to have it. Nobody wants to
8 deal with the violence that's happening in those
9 communities more than the people who live there, more
10 than the people who are fighting for those resources,
11 and for changing how we do policing, uh, than the
12 people who live there and represent them, thank you.

13 CHAIRPERSON SALAAM: Thank you. I would also like
14 to acknowledge that we have been joined by Council
15 Member Ossé.

16 And now I would like to call up our first panel
17 of witnesses, Samah Sisay, Center for Constitutional
18 Rights; Samy Feliz, Justice Committee; Kezilar
19 Cornish, Vocal NY; and Babe Howell, GANGS Coalition.

20 (PAUSE)

21 MS. SAMAH SISAY: Good morning, good morning,
22 Chair Salaam, Public Advocate Williams, and members
23 of the City Council. My name is Samah Sisay, and I'm
24 an attorney at the Center for Constitutional Rights,
25

1
2 a member organization of Communities United For
3 Police Reform. Thank you for the opportunity today to
4 testify regarding the NYPD's use of Stop, Question,
5 and Frisk, and other investigative techniques.

6 As Chair Salaam alluded to, in February 1999,
7 officers of the NYPD's now disbanded Street Crime
8 Unit killed Amadou Diallo during a stop and sparked
9 outrage both within and beyond New York City.

10 Since Mr. Diallo's death, millions of New Yorkers
11 have been subjected to humiliation, unlawful arrest,
12 unlawful search, physical injury, and even death
13 because of the Department's stop-and-frisk
14 practices.

15 The Center For Constitutional Rights has served
16 with co-counsel at the law firm of Beldock Levine &
17 Hoffman for over a decade as lead plaintiff's counsel
18 in Floyd v. City of New York. Before Floyd, we also
19 filed the Daniel's litigation, which brought to light
20 the level of stops that was happening within the
21 city.

22 In August 2013, following a nine week trial, a
23 federal judge found the NYPD liable for a pattern and
24 practice of racial profiling and unconstitutional
25 stops. The court's decision in Floyd, which

1
2 predominantly dealt with street stops, along with
3 resolution of two other federal lawsuits, Davis,
4 which challenged the NYPD's practice of racially
5 discriminatory stops and arrests around NYCHA
6 buildings, and Ligon, which challenged the NYPD's
7 practice of unlawful trespass stops in around private
8 apartment buildings, resulted in a federal court
9 monitorship requiring various changes to the NYPD's
10 practice of stopping civilians, changes which 11
11 years later the Department has yet to fully
12 implement.

13 As ordered by the court, the NYPD has engaged in
14 trainings, revised stop forms, started using body
15 worn cameras, and stops have gone down from the
16 height of stop-and-frisk. Yet the NYPD's continuing
17 failure to ensure adequate supervision, adequate
18 documentation for stops, and discipline for still
19 prevalent racial profiling means they are not in
20 compliance with the court order to engage in
21 constitutional policing. In fact, we have seen an
22 increase in unconstitutional stops by the NYPD over
23 the past few years, and racial disparities have
24 worsened, with Black and Latinx New Yorkers making up
25 almost 90% of reported stops.

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2 As Chair Salaam alluded to, we also saw an
3 increase of stops recently. In 2013... or in 2023, we
4 saw the highest number of reported stops since 2015,
5 up to almost 17,000. Yet we know that even this data
6 cannot be trusted, because the Federal Monitor has
7 consistently found in public reports that the NYPD is
8 not properly documenting and reporting on all stops
9 that take place, with almost 30% of stops not being
10 properly documented for.

11 There are also circumstances in which officers
12 incorrectly label an encounter as low level, but upon
13 review of body worn camera, it becomes evident that
14 it was actually a stop that required reporting.

15 The level 1 and 2 encounter reporting
16 requirements of the How Many Stops Act, which was
17 originally a reform suggested by impacted New Yorkers
18 during the Floyd joint remedial process, is one
19 positive step towards taking... tracking these
20 encounters, but incident level data is needed for
21 further analysis.

22 According to the federal monitor, the NYPD's
23 specialized units make a majority of unlawful stops.
24 In 2022, only 77% of stops by the Housing Bureau
25 officers at NYCHA properties were lawful. The highly

1 trained neighborhood safety teams, NSTs, Mayor Adams'
2 revamped Street Crime Unit, are also engaged in a
3 high number of unlawful stops. Even with officer
4 underreporting, the data shows that over 24% of NST
5 stops reviewed by the monitor are unlawful. Nearly
6 (TIMER CHIMES) everyone stopped is Black and Latino -
7 I'm going wrap up in a minute - and supervisors
8 routinely approve bad stops by NST officers.
9

10 Lastly, officers are rarely disciplined for
11 unconstitutional stop-and-frisk even when
12 substantiated by the CCRB, as we Heard Public
13 Advocate Williams speak to.

14 In September, the court published a comprehensive
15 report that highlights these severe issues. For
16 example, the current NYPD discipline metrics only
17 recommends three day lost vacation time as a penalty
18 for an illegal Stop, Frisk, or Search of a person,
19 yet even this level of discipline is a rarity, as
20 supervisors and police commissioners regularly excuse
21 illegal stop, frisk, in searches of New Yorkers.

22 Unconstitutional Stop, Question, and Frisks are
23 still a problem in New York City. The NYPD continues
24 to stop thousands of New Yorkers, racial disparities
25 have worsened, and much more must be done to ensure

1
2 police accountability and true community safety,
3 thank you.

4 CHAIRPERSON SALAAM: Thank you.

5 MR. SAMY FELIZ: Good morning. My name is Samy
6 Feliz, and I am the brother of Allan Feliz, who was
7 unjustly stopped in his car and murdered by NYPD in
8 2019. I am also a member of Justice Committee, an
9 organization that works with families whose loved
10 ones were killed by police. I am also a New Yorker
11 who was regularly stopped because of my appearance
12 and the color of my skin.

13 I think that you guys know Allan's story. After
14 Lieutenant Rivera climbed into Allan's car, beat,
15 tased, threatened to kill, and shot Allan at close
16 range, officer Barrett dragged Allan out of the car,
17 exposing his genitals rather than covering him up;
18 the NYPD let him to bleed out in the street, cuffed
19 and exposed.

20 Lieutenant Rivera recently faced a discipline
21 trial, and my family continues to fight to ensure
22 that Commissioner Tisch fires him for murdering my
23 brother.

24 Allan was killed during a car stop, which is not
25 the focus of this hearing, but at the same disregard

1
2 for human life and dignity the NYPD showed for Allan
3 is evident in their pedestrian stop practices.

4 When I testified at the first How Many Stops Act
5 hearing, I shared that under Eric Adams, the NYPD's
6 abusive stop practices were getting worse in my
7 neighborhood of Washington Heights. Now, a year and a
8 half later, things are even worse.

9 This past July, I was just walking out of my home
10 carrying a satchel, which I usually have with me,
11 officers suddenly jumped out of their car and
12 demanded to know if I had any weapons on me. When
13 officers jump like that and tell you that they think
14 that you have weapons, what goes through your mind is
15 that this could be the end of my life. They found a
16 hairbrush inside of my bag, which they said it was a
17 bulge that they thought it was a gun. I'm lucky that
18 the incident ended there, but I no longer carry the
19 hairbrush, and as you can see, I no longer carry that
20 bag.

21 As someone who knows all my neighbors and works
22 to make my community safer, I hear stories like mine
23 all the time. Over the past several months, people
24 have told me about being followed down the street by
25 officers and who they see interacting with... just

1
2 to see who they interact with. When they shake hands
3 with a friend or offer somebody a dollar just to lend
4 some need, or to lend some help to somebody in need,
5 officers roll up and start questioning them.

6 Others have shared about how they're just sitting
7 out in front of their stoops of their building, maybe
8 smoking a cigarette or joint, which is totally legal,
9 but continue to get harassed by officers demanding
10 IDs and explanations on why they're being... why
11 they're there and why their presence is there.

12 Some of these encounters have escalated to unjust
13 arrests and community members I know have filed
14 complaints with the CCRB. Most of these incidents
15 involve officers with khaki pants, the so called
16 Community Response Cops, to me they're just community
17 robocops. It's absurd to call them a community team
18 when their actions only harm the community.

19 Thanks to the How Many Stops Act, we know now
20 that in spite of Black and Latin New Yorkers making
21 up about 73% of the population in Washington Heights,
22 they made up to 85% of those target Level 1 stops and
23 97 of those target Level 2 stops last quarter.

24 The data shows that these kinds of racial
25 disparities exist across the city, and we need the

1
2 NYPD to provide us the raw data so that we can
3 further understand the rationale behind these stops
4 and address these discriminatory impacts.

5 Some think that these so called low level stops
6 are just minor inconveniences, but when it happens to
7 you all the time, and you're consistently hearing
8 about what hap what's happening to your neighbors,
9 and when you know that the worst case scenario is
10 that it can escalate to a loss of life, it causes
11 constant fear and anxiety, and that's what my
12 community feels.

13 So thank you, Chairman Salaam, and thank... and
14 the whole Public Safety Committee for holding this
15 hearing and paying attention to what is happening in
16 our communities. This issue is deeply important to me
17 and other families whose loved ones have been lost by
18 the police, because we want to make sure that no
19 other family joins this club that nobody wants to be
20 in.

21 We appreciate your partnership on these issues so
22 far, and we ask that you continue to partner with us
23 in the new year, especially because the NYPD's abuse
24 is only going increase under Trump and at least
25 another year under Adams.

1
2 Lastly, my family would like to call on you to
3 help us to ensure that Commissioner Tisch and Mayor
4 Adams hold and fire Lieutenant Rivera for murdering
5 my brother. The NYPD's violence and abuse must end,
6 and it starts with meaningful accountability and
7 systematic change. Thank you.

8 CHAIRPERSON SALAAM: Thank you.

9 MS. BABE HOWELL: Good morning, I'm Babe Howell, a
10 member of the Grassroots Advocates for Neighborhood
11 Groups and Solutions, the GANGS coalition.

12 Our coalition includes young people, their
13 parents, those who represent young people, those who
14 work with them through community based organizations,
15 and organizations striving to protect their civil
16 rights. We focus on the policing of our city's
17 vulnerable children and young adults and the impact
18 this has on their safety and the safety of their
19 communities. Thank you, Chair Salaam and the
20 Committee on Public Safety for holding this hearing
21 on stop-and-frisk and other investigative encounters.

22 To begin with, how does gang policing relate to
23 stop-and-frisk? Two ways - first, gang policing is,
24 in New York, a cynical end run around the historic
25

1 ruling that the NYPD's misuse of stop-and-frisk
2 violates both the 4th Amendment and equal protection.
3

4 The NYPD announced Operation Crewcut in response
5 to the stop-and-frisk litigation at a time when crime
6 was at historic lows in New York City, and gang crime
7 accounted for a minuscule amount of the crime in New
8 York. Operation Crew Cut gave a new name to policing
9 based on appearance and location.

10 The second connection, critical for today's
11 hearing, is that once labeled a gang member by the
12 NYPD in their database, young people are targeted for
13 and vulnerable in stop-and-frisk and investigative
14 encounters.

15 A bit of background on the NYPD's gang policing
16 before I go on to stop-and-frisk. NYPD's gang
17 definition requires only three or more individuals.
18 There are 500 gangs in the gang database, averaging
19 about 30 members each. Gang policing in New York
20 covers friendship groups and neighborhood groups. It
21 is not limited to gangs. The database is populated
22 entirely using noncriminal criteria. People are added
23 to the gang database based on what they post on
24 social media, what they wear, their friends and
25

1 relatives, and where they live - with no notice and
2 no ability to challenge their inclusion.
3

4 The NYPD's Office Of Inspector General's Report
5 last year found that people could be added to the
6 gang database for wishing a friend happy birthday or
7 for using certain emojis. They found that gang
8 locations included NYCHA properties, whole precincts,
9 and people's home addresses. Children as young as 13
10 are added to the gang database, and they've added
11 people down to age 11 in the past. And the NYPD also
12 lacked documentation for many entries. They used
13 illegally sealed arrests and denied a 100% of Freedom
14 of Information Law (FOIL).

15 The resulting gang database is 99% Black and
16 Latinx - 99%. The NYPD claimed this is about
17 precision policing, but it is only precise in how it
18 profiles and targets only Black and Latinx youth.
19 There are no white supremacists, no mafia, no Russian
20 or Armenian gangs, no Proud Boys, almost no white
21 people in the gang database.

22 Back to the stop-and-frisk connection - The
23 Domain Awareness System means the gang designation is
24 available to every police officer and puts a target
25 on those that are labeled as gang members. Our youth

1
2 report being stopped as regularly (TIMER CHIMES) as
3 they were at the height of Stop-and-Frisk, some
4 monthly, some multiple times a week.

5 As the Federal Monitor reports, 11 years on, NYPD
6 still has no plan for equal protection. Stops, frisk,
7 and surges are all increasing. Moreover, the
8 neighborhood safety teams, public safety teams, and
9 housing are the officers most likely to conduct,
10 self-initiated stops, unconstitutional stops, and
11 searches.

12 The harms of this policing cannot be overstated -
13 Individuals are not safe online, they are not safe in
14 the streets, they are dragged unnecessarily into the
15 criminal system, often for minor offenses. They are
16 denied off ramps and second chances in criminal and
17 family courts. They are held at Rikers and subjected
18 to violence. They are punished for the crimes of
19 others. All this because of a label that is affixed
20 by the NYPD without criminal conduct and a label that
21 is reserved for Black and Latinx New Yorkers.

22 Of utmost concern, as we look to the future, gang
23 labeled individuals are subjected to ICE (U.S.
24 Immigration and Customs Enforcement) sweeps,
25

1
2 detention, removal, and denied discretionary
3 immigration relief.

4 In closing, I make three asks: First, the GANGS
5 Coalition asked that you support Intro 798, which
6 would abolish the gang database; second, ask the OIG
7 (The Office of Inspector General), the Federal
8 Monitor, and the NYPD to track and study
9 investigative encounters of gang labeled individuals;
10 and third, of course, increase community based
11 support for vulnerable youth to protect and promote
12 true community safety.

13 Thank you for this opportunity to testify, and
14 The GANGS Coalition, uh, written testimony will
15 include more citations and facts to support this,
16 thank you

17 CHAIRPERSON SALAAM: Thank you.

18 Before we go with the next member of the panel, I
19 just want to acknowledge that we have been joined by
20 Council Member Paladino.

21 (PAUSE)

22 MR. KEZILAR CORNISH: Hello, my name is Kezilar
23 Cornish, and I reside in Brooklyn. I'm a member of
24 the Civil Rights Union of Voices of Community
25 Activists Leaders(VOCAL-NY) and a member of

1
2 Communities United for Police Reform (CPR) We're
3 trying to end mass incarceration and harmful
4 policing.

5 I'm here to testify on police misconduct and
6 corrupt police practices that I've endured
7 personally. I want to express to the panel that for
8 most of my life I felt powerless against the
9 seemingly God-given authority that the New York
10 Police Department has had over me and most of the
11 people that I've known growing up our entire lives.

12 When we're in front of these, uh, police officers
13 and, you know, other, representatives of law
14 enforcement, we feel powerless. We feel as if they're
15 given this godlike and God-given like authority,
16 which should not be, since they're supposedly working
17 for the citizenry, and we are citizens for sure.
18 Besides the powerlessness, you know, when, you know,
19 the cops stop pedestrians, they feel like they have
20 to put their hands up. You know? Why is the public
21 trained to be fearful in that way? Right? It's
22 because it's so ingrained within society that it's
23 now become a normal thing, like, it's the norm;
24 although, that's actually not policing, but that's
25 just a culture that has developed over the years.

1
2 Department begins to look for any Black man that's
3 suitable. And so I became the Any Black man. So he
4 searched the car and, uh, they were looking for, you
5 know, someone, some description that we don't know
6 of, but the people that were in the car with me, but
7 this officer told me to step out of the car. Now I
8 had an appointment, I was going to the studio. I
9 could have possibly, uh, made some really big waves
10 in the music industry, but that was derailed (TIMER
11 CHIMES) because of this incident that completely
12 changed my life and impacted me, my family, and so
13 forth and so on. I ended up doing 30 years not for
14 that crime, but because I was picked up for this
15 crime that is now completely dismissed. And so
16 because of this dismissed case, I ended up doing 30
17 years for unlawful conviction as well.

18 So these types of illegal stops are still far too
19 common in the city of New York. The consequences of
20 my wrongful conviction was a direct result of that
21 illegal stop. I didn't do anything. And because of
22 the fact that the case is dismissed, there's no way
23 for me to receive any recompense. You know? There is
24 no compensation when something is thrown out and
25 there's no way to actually take that information from

1
2 the case and then bring it to the next case to show
3 that this is not something that should be because we
4 have probable cause laws. You know? We have the fruit
5 of the your poisonous tree, where if one thing
6 happens, you know, and then something else happens
7 behind it, this fruit that it came from is something
8 that, you know, can't be in law.

9 CHAIRPERSON SALAAM: Mr. Cornish, we are going to
10 have to wrap. But, I definitely, I hear you.

11 MR. KEZILAR CORNISH: Yes.

12 CHAIRPERSON SALAAM: And I want to say, welcome
13 home.

14 MR. KEZILAR CORNISH: Thank you so much.

15 CHAIRPERSON SALAAM: For doing that time, the
16 unjust time that you did.

17 KEZILAR CORNISH: And may I say one thing? I am
18 extremely proud, Mr. Yusef Salaam, to see you on this
19 Council. And I am glad to say, welcome home to you as
20 well.

21 CHAIRPERSON SALAAM: Thank you.

22 MR. KEZILAR CORNISH: Yes.

23 CHAIRPERSON SALAAM: So, wow, is was definitely
24 very passionate for me.

1
2 I want start in terms of questions to Mr. Feliz,
3 but I want to first, you know, express my condolences
4 for the loss of Allan, your brother.

5 Mr. Feliz, what reforms can NYPD make today to
6 ensure that more tragedies like the one that happened
7 to you and your family don't happen again?

8 MR. SAMY FELIZ: Understanding that this council
9 here is for something different from what my brother
10 was stopped for. Like, we're talking here about
11 regular traffic stops. My brother was stopped in the
12 vehicle, we're talking about pedestrian stops here. I
13 think it starts here at the pedestrian level, that
14 it'll correlate and, at some point, translate to the
15 police stops in the vehicles as well.

16 But I would say having - things that I would like
17 to see is full blown camera footage. No 10 second
18 runoff, so you can see what the reasoning is that the
19 officers are coming up with before they make the stop
20 - that's audio and video.

21 I would also like to see accountability. There
22 aren't any reforms or trainings that will bring the
23 level of, I guess, of understanding of the necessity
24 for change without these officers being held
25 accountable. At this moment, officers are not being

1 held accountable for any of the actions, whether it's
2 minor or it's for taking a life.

3 So accountability is the is the biggest thing.
4 And... and that's a start.

5 CHAIRPERSON SALAAM: Thank you.

6 You also mentioned the NYPD's Community Response
7 Team, what is your experience with this unit in your
8 neighborhood?
9

10 MR. SAMY FELIZ: It hasn't been a good one. It's
11 been one of, I would say, constant harassment,
12 constant abuse of authority, and a lot of unfair
13 practices where we feel at threat.

14 And I would like to see things change, because
15 it's just getting worse than what we were promised.
16 We were promised to have safer streets, and now we're
17 at more fear to be outside and for those policing us.
18 And these are happening in unmarked vehicles, so you
19 don't know who's approaching you, who's coming out of
20 these vehicles, so you don't know what's your first
21 reaction until either it's a weapon in your face or
22 them holding you down and telling you not to move,
23 because they wanna see what's on your person. So it's
24 just those practices of abuse that need to change.

1
2 CHAIRPERSON SALAAM: And a question for the entire
3 panel.

4 It's been over 10 years since the Floyd trial
5 concluded, and the court ruled that NYPD had an
6 unconstitutional pattern and practice of racial
7 profiling in conducting unlawful stops. This case
8 continues to this day with a federal monitor
9 monitoring compliance with court ordered reforms.

10 In your opinion, if the NYPD wanted to end this
11 case and get into constitutional compliance, what
12 specific reform efforts would be most impactful to
13 achieve this goal?

14 And that's to the entire panel.

15 MS. SAMAH SISAY: Thank you for the question,
16 Chair Salaam, and I can start.

17 And I just wanted to quickly add to, uhm, about
18 the CRT, just to note that the OIG recently released
19 a report about the community response teams and the
20 lack of transparency within the unit. So just to say
21 that that report exists about needing more
22 transparency about how they engage.

23 I think the question about how - and this
24 monitorship is a big one, but I think maybe I can
25

1
2 answer more so, like, how the NYPD can actually work
3 towards being in constitutional compliance.

4 I, you know, the monitor, like I said, released
5 this report around discipline, and I think discipline
6 is a huge... and accountability, like many people
7 have said on this panel, is a huge step towards
8 compliance. Right?

9 I think officers, supervisors, and police
10 commissioners need to take this seriously in order to
11 shift culture. Training is important. You know,
12 having officers report on stops is important. But
13 unless there's a real showing that there is
14 consequence for not policing in a constitutional
15 manner, uhm, for humiliating, harassing, racially
16 profiling New Yorkers, we're not going to get
17 anywhere. So I think that is a huge, huge step.

18 And within that report that was released by The
19 Monitor, there's 55 recommendations about ways to
20 change the, uhm, New York City discipline process,
21 specifically related to stop-and-frisk, uh, for
22 there to be more transparency and accountability.

23 So think that is a huge step, and we'll see what
24 happens, what the court will do, because the hope is
25 that there will be some recommendations ordered of

1
2 the NYPD, in regards to discipline relating to Stop,
3 Question, and Frisk.

4 I think another issue is, you know, I try to talk
5 a lot about these specialized units, and we're seeing
6 that these specialized units are the ones that are
7 engaging, according to the monitor, the federal
8 monitor, in a lot of these unconstitutional stops.
9 And they're supposed to be highly trained, highly
10 supervised; however, when, you know, you look at the
11 data, you're seeing that they're engaged in more
12 unconstitutional behavior than other officers. Right?

13 And so I think the use of these units, the
14 revamping of these units, we have the Street Crime
15 Unit, they were plain clothes, they were disband. We
16 had another iteration, that was disband.

17 And now we have NST, CRT, PST. Right? And the
18 entire purpose is for them to be doing precision
19 investigative work, but what we're seeing is they're
20 actually racially profiling folks.

21 And so I think really looking at these units and
22 deciding, do we need them? How are they being
23 trained? Are officers who are actually engaged in
24 unconstitutional behavior being rewarded and put on
25 these units in order to target New Yorkers?

1
2 I think those are questions that really need to
3 be asked about how these units are being ran, uhm,
4 and what behavior they're engaging in.

5 MR. KEZILAR CORNISH: I believe that it's a
6 question of integrity, because many of these laws and
7 the procedures that govern the police department,
8 they speak about how to interact with the citizenry
9 in such a way that it's a degree of respect that goes
10 on, but that is not practiced. And because it's not
11 practiced, we create a culture of acceptance.

12 And so beyond that, if these bad practices result
13 in criminal acts and so forth, but they're not being
14 recognized as criminals, then who's actually law
15 enforcement and who are the criminals?

16 If law enforcement is allowed to commit crimes,
17 because when you're going against the procedures and
18 laws that are on the books, then you're committing a
19 crime, but it seems as if somehow there's a gateway
20 of acceptance and a blanket of protection that goes
21 over them to, you know, as long as they have the
22 color blue on.

23 And so, we're sending out the wrong signals to
24 the population, because what you... what you're
25 saying is that, uh, just become a police officer and

1 then you can do whatever you wanna do. And so, true
2 individuals who have crime in mind for real, they
3 say, oh, that's how we can do it and get away with
4 it. And this is what it seems is going on.
5

6 And so there has to be, a degree of
7 accountability. And the training, is not about the
8 training because, you know, it depends on whatever
9 news, uh, conference is being held that they'll say,
10 "We have the best training," and then as soon as
11 something happens, then they're like, "Well, we need
12 more training."

13 But the reality is they are trained, and that
14 means that they're making an informed decision as to
15 whether or not they want to commit these foul
16 practices, and that's something that has to be dealt
17 with, integrity and principle amongst the law
18 enforcement when it comes to interacting with the
19 populace and to understand that you're working for
20 the populace.

21 MS. BABE HOWELL: Reviewing the Monitor reports
22 over the last 11 years, it seems quite clear that
23 actually when the NYPD does the responsive
24 investigation, uh, they are in 95, 96, 97 percent of
25 compliance.

1 The patrol officers have high compliance. It...
2
3 are... it is the special units out there claiming
4 predictive or precision, self-initiating stops that
5 are not documenting their stops whatsoever,
6 misrepresenting them, uh, responsible for the vast
7 majority of unconstitutional stops, unconstitutional
8 frisk, and unconstitutional searches.

9 As the Public Advocate pointed out, we cannot
10 expect the police to do all the things. Their job is
11 solving crimes, responding to calls. If we remove
12 this part where they are somehow supposed to, uh,
13 guess who is committing crimes and find them by
14 stopping them, investigating them. Until we remove
15 that part, we will continue to see this abuse, uh,
16 and particularly the racial profiling that that
17 characterizes it.

18 So first, eliminate self-initiated stops and
19 investigative encounters; second, we do also need to
20 eliminate the gang database, because once we have a
21 label on someone that they are a "gang member" based
22 on things they post on social media, that is
23 automatically going to elevate, uh, the police
24 interest in them, and they'll see reasonable
25 suspicion where it might not otherwise exist.

1
2 So we... in order to get rid of, uh, the equal
3 protection violations, we must get rid of a database
4 that is 99% Black and Latinx based on utterly lawful
5 conduct.

6 And on that note, I think we also need to
7 proactively limit social media reviews. We have whole
8 teams scouring only, uh, people of colors' social
9 media. That can be used as an investigative technique
10 in a responsive sense, but should not be self-
11 initiated. We have to stop the mass surveillance of
12 people of color. Thank you.

13 CHAIRPERSON SALAAM: Thank you.

14 I would like to acknowledge that we have been
15 joined also by Council Member De La Rosa and Council
16 Member Avilas.

17 And I want to pass the questions to Council
18 Member Cabán to start.

19 COUNCIL MEMBER CABÁN: Thank you. Good morning,
20 and thank you to everyone for your advocacy, your
21 testimony.

22 I want to ask a couple of questions about the
23 gang database. So just to get in a little bit further
24 detail, you talked about, obviously, the over
25 representation particularly of Black and brown youth

1 on the database. Can you tell me whether, uh, in your
2 experience, uh, research that social connections that
3 are, like, heavily influenced by proximity, influence
4 whether a youth is placed on that list?

5 MS. BABE HOWELL: Yes, 100%. And in fact, the
6 OIG... OIG's report showed that many, many people
7 were documented based on known associates, which
8 could be a cousin, a friend, someone that they, uh,
9 wish a happy birthday to on social media, but often
10 just, you know, photos of (INAUDIBLE)... (CROSS-TALK)

11 COUNCIL MEMBER CABÁN: Go to school with...

12 MS. BABE HOWELL: friends...

13 COUNCIL MEMBER CABÁN: Live on the same floor...

14 MS. BABE HOWELL: Exactly.

15 COUNCIL MEMBER CABÁN: Uhm, and...

16 MS. BABE HOWELL: and there... One moment...

17 COUNCIL MEMBER CABÁN: Oh, sure...

18 MS. BABE HOWELL: There they found that less than
19 one-third of those documented known associates, had
20 enough information to even to support that.

21 COUNCIL MEMBER CABÁN: Mm-hmm

22 MS. BABE HOWELL: So ,you know, kind of...

23 COUNCIL MEMBER CABÁN: Yeah...

24 MS. BABE HOWELL: a crazy world... (CROSS-TALK)

1
2 COUNCIL MEMBER CABÁN: In your experience and
3 research, is also true that, uh, even loose or
4 tenuous associations can land you on the gang
5 database list?

6 MS. BABE HOWELL: Absolutely. They'll say, "There
7 you are in the background of somebody's music video
8 or here you are in the same picture with so and so,"
9 that will land you on the gang database.

10 COUNCIL MEMBER CABÁN: Great.

11 Now, I wanna give you, uhm, just like an example,
12 a hypothetical, and then maybe you can just give me a
13 reaction to, uhm, a reaction to it.

14 So I'm gonna use myself as an example. I grew up
15 in South Richmond Hill. I went to public elementary
16 school and middle school. Uhm, where I live, the
17 school was predominantly, like, vast majority people
18 of color and immigrants. And then (TIMER CHIMES) I
19 went to... - may I continue, Chair? I'll wrap up
20 quickly - Then I went to a Catholic high school in
21 Northeast Queens, vast majority, white, higher
22 socioeconomic status, and my experience was that the
23 factors, uh, that influence social connection, they
24 mirrored in each of those places. The same ways we
25 were connected to people at my high school, kids in

1
2 the schools I went to when I was younger connected in
3 that way, but... and they used social connections the
4 same way. I would imagine today you can throw in - a
5 little older so - throw in social media.

6 When you look at it now, I was a public defender
7 for seven years, use social media very, very
8 similarly, but for whatever reason, uhm, the kids
9 that I grew up with and the neighborhood I grew up
10 with were much, much more likely to be on a gang
11 database, whereas I don't know anybody from my high
12 school community that ended up the same. But the
13 social connectives and behaviors kind of mirrored
14 each other. Like, can... can you talk... like, what's
15 your reaction to that?

16 BABE HOWELL: That's true. Young people, they... I
17 mean, you can think about your child, your niece,
18 your nephew, your cousin, think about the color of
19 their skin and that's going to determine whether for
20 the exact same social media post, my 6-year-old
21 nephew, every single time I see a post, he's got his
22 hands up with his three, four, five, friends, you
23 know, that same conduct will land, a Black or Latinx
24 New Yorker in the gang database. And I will say it's
25 also 97% male. So you might not actually end up...

1
2 It's very, you know, just profiled. Uh, but the same
3 conduct that will land, uh, Black and brown kids in
4 the gang database will be ignored when white kids
5 engage in it, even when there are more red flags.

6 I do wanna say all kids also make mistakes. You
7 know, all kids dress alike and act silly and even do
8 stupid things. Your parents cannot control what you
9 do when you're 16, 17. You certainly can't control
10 what your other friends do.

11 And finally, a lot of the social media back and
12 forth, according to researchers who follow it like
13 Desmond Upton Patton, and, Lane is his last name,
14 skipping my mind, see that, you know, in the same way
15 that rap battles and dance and breakdance battles,
16 played out in the past to, like, as a diversion for
17 violence, actually, the social media kind of
18 conflicts and beefing is a way to keep, uh, violence
19 off the street and kind of posture and enact things
20 out online.

21 So, yeah, my reaction is a 100%. And it's not
22 fair. All children deserve to be children, to
23 actually to try on different personalities, to dress
24 like their friends, and to get second chances, and,
25 you know, thrive.

1 COUNCIL MEMBER CABÁN: Thank you...

2 MS. BABE HOWELL: They are our next... They're our
3 future.
4

5 COUNCIL MEMBER CABÁN: Yes. Thank you, Chair.

6 MR. KEZILAR CORNISH: May I speak to that?

7 COUNCIL MEMBER CABÁN: Go for it.

8 MR. KEZILAR CORNISH: Okay.

9 So what we found in the community is that, uh,
10 you can get in a gang database if you just have a
11 tattoo. And we've also found that many of the people
12 who are on the policing special units that are
13 supposed to be gang specialists, they create a whole
14 listing of things that are supposedly gang related
15 that are not. And because there's no oversight, they
16 get to say whatever they want to say.

17 And so they may have inside the listing, when you
18 throw up a peace sign or a deuces sign, you're a gang
19 member, even if they get a picture of you with that.

20 Now your mother may be 84 years old, and she's
21 doing a peace sign with all of her grandchildren, and
22 she will be labeled as a gang member in some way,
23 shape, or form, because this is the culture and this
24 is what's being done, but there is no oversight.
25

1
2 Now, we do also understand that there are gang
3 members who have reformed themselves and changed
4 their lives, and they're doing really good things in
5 terms of education, producing jobs, and just being
6 productive citizens. But they're not utilizing any of
7 them so that they can actually, uh, verify and say
8 whether or not this is what this is, and this is what
9 this, you know, what is not, so that they can make a
10 real determination as to whether or not these are
11 gang members or these are gang signs or any of those
12 sorts of things.

13 And many of them are just, uh, basic things that
14 we do when we take pictures, you know, as the lady
15 said. So, you know, I think a little bit of common
16 sense and oversight from entities outside of the
17 police department, there should be some citizenry
18 involved in these special units that can say, "Come
19 on, you're being ridiculous, that's a that's a peace
20 sign, come on." You know?

21 CHAIRPERSON SALAAM: Thank you. I just want to
22 acknowledge that we have been joined by Council
23 Member Stevens and Council Member Joseph.

24 I am going to pass it to Council Member Ayala.

25 DEPUTY SPEAKER AYALA: Thank you.

1
2 First and foremost, I wanted to direct comment at
3 Samy Feliz. I just wanna say that I'm happy to see
4 you to see you here today, and that I join you and
5 your family in calling for accountability from the
6 NYPD and firing Lieutenant Jonathan Rivera. It's been
7 a long time, and I think that the NYPD has an
8 opportunity here to do the right thing and to regain
9 the trust of the individuals that they serve every
10 single day.

11 Miss Howell, could you tell us a little bit more
12 about how an individual ends up, especially, I mean,
13 you mentioned that there were young kids as young as
14 13 on the gang database. Is the only way to get on...
15 what is the way to get on the gang database? I heard
16 that you mentioned... you referenced, you know,
17 pictures and some social media. Is DNA also a part of
18 that factor?

19 MS. BABE HOWELL: DNA is not used to the best of
20 my knowledge. There are three ways of ending up on
21 the gang database: One is self-admission, but the
22 NYPD will interpret a social media posting with an
23 emoji, or "free so and so" or "rest in peace, so and
24 so" as self-admission, uh, to admitting in... to
25 being in a gang so they interpret social media posts.

1
2 That is one and probably the most common way to end
3 up on the gang database.

4 The NYPD has a smart unit social media analysis
5 and research team or something that spends their time
6 looking at young people and many people of color's
7 social media.

8 A second way is through two independent sources;
9 although, the independent sources are almost all
10 NYPD, the precinct, intel, (TIMER CHIMES) the school
11 safety officers. So, in the OIG's report says that of
12 the... of the case of the people who are certified
13 based on two sources, 27% actually did not have two
14 sources listed, 9% had zero sources listed.

15 The most common way is two or more of the, uh,
16 other criteria seen in a known gang location, which,
17 as I said, could be your whole precinct, your NYCHA
18 property, your home address, seen with known gang
19 associates, if they've labeled your friends gang
20 members, that could be one of the criteria.

21 As was mentioned, tattoos, clothing, color. So
22 appearance, association, and expression, there's not
23 a single criteria that involves being convicted of
24 anything.

1
2 So many people end up on the gang databases based
3 on social media, but others can be... It incentivizes
4 to stop too. I see three kids hanging around, I've
5 already identified one of them as gang member, I
6 could put the other two in, they're in a known gang
7 location, like the basketball court near their home,
8 and they're with a known gang member - boom, boom -
9 you can put a 13-year-old on the gang database.

10 There's no review. You know, this is the end run
11 around the 4th Amendment and the Floyd and equal
12 protection. They're collecting information without
13 necessarily trying to put it in to court, but when
14 they talk to a DA and say, this person is gang
15 involved, that means the DA is looking to move them
16 to adult court or deny youthful offender or wrap them
17 up in a bigger case.

18 So you could get on without knowing it either.
19 You won't be notified.

20 DEPUTY SPEAKER AYALA: I just... One followup, do
21 you know what the number is of individuals on the
22 data base to date?

23 MS. BABE HOWELL: According to the OIG's report,
24 which is the last number we had, I think it was
25 16,700, someplace between 16 and 17,000.

1
2 And I FOILED that several times, which is the
3 only way we've ever known what the numbers are until
4 this OIG report as April of 2023.

5 DEPUTY SPEAKER AYALA: Perfect, thank you.

6 CHAIRPERSON SALAAM: Thank you, I am going to pass
7 it to Council Member Holden.

8 COUNCIL MEMBER HOLDEN: Thank you, Chair. And
9 thank you, panel.

10 How many attorneys are on this panel?

11 UNKNOWN: (OFF MIC) (INAUDIBLE)

12 COUNCIL MEMBER HOLDEN: Okay. Have you know, since
13 you're an expert on policing, or have testified to
14 that fact, have any of you done ride alongs?

15 UNKNOWN: (OFF MIC) (INAUDIBLE)

16 COUNCIL MEMBER HOLDEN: You've done how many?

17 UNKNOWN: (OFF MIC) (INAUDIBLE)

18 COUNCIL MEMBER HOLDEN: I can't hear you.

19 MS. BABE HOWELL: One.

20 COUNCIL MEMBER HOLDEN: You've done one? Okay.

21 MS. SAMAH SISAY: I have not.

22 COUNCIL MEMBER HOLDEN: And would you admit that,
23 uhm, policing is dangerous?

24 MR. SAMY FELIZ: Can you admit that being Black in
25 America is dangerous?

1
2 COUNCIL MEMBER HOLDEN: I didn't ask... I didn't
3 ask you, sir.

4 MR. SAMY FELIZ: Would you... Would you..

5 COUNCIL MEMBER HOLDEN: I didn't... My questions
6 are directed...

7 (BACKGROUND NOISE)

8 COUNCIL MEMBER HOLDEN: If we're gonna allow this,
9 uh... I mean, I asked the two attorneys.

10 MS. SAMAH SISAY: I just want to highlight that
11 the point of this panel is to uplift the experience
12 of people who've been directly impacted. So I'm happy
13 to answer the question as an attorney. I think, you
14 know, there are many instances where engaging in any
15 type of interpersonal or one on one interaction can
16 be dangerous.

17 COUNCIL MEMBER HOLDEN: Of course...

18 BABE HOWELL: And I, too, will say that especially
19 engaging in proactive, self-initiated encounters,
20 jumping out when you're not in uniform, those
21 encounters are very dangerous. And reducing stop-and-
22 frisk and investigative encounters and making them
23 responsive would make police safer and make our
24 community safer.

1
2 COUNCIL MEMBER HOLDEN: On March 25th, police
3 officer Jonathan Diller approached a vehicle with,
4 uhm, two individuals inside. He was shot and killed
5 when he approached the vehicle. The one person, Guy
6 Rivera, allegedly, uhm, shot him. Guy Rivera had 21
7 prior arrests. (TIMER CHIMES) His... the guy that was
8 driving, Lindy Jones had 14 prior arrests and was out
9 on bail for a weapons charge.

10 Now put yourself in those positions and just
11 think of how dangerous this job is. When you leave
12 for the day, leave your wife and child, young wife
13 and young child, and you go out into the streets of
14 New York and are dealing with the most dangerous
15 people. It's not an exact science. Things can happen.
16 Things can go very, very bad either way.

17 But I understand, because I've done three ride
18 alongs, and I've seen officers who...

19 SERGEANT AT ARMS: Quiet, please.

20 COUNCIL MEMBER HOLDEN: I've seen officers... you
21 may not like what I'm saying, but this is the truth.
22 This job is very, very dangerous. And at any time,
23 you can get shot, just like the streets of New York.
24 But you're dealing with the worst of society many
25 times, especially the special units. So we hear one

1
2 side, but sometimes we have to hear the other side
3 and see, and actually understand the other side, that
4 the police officers, and the vast majority are
5 hardworking, they go out risking their lives for the
6 citizens of New York City. Thank you. Thank you,
7 Chair.

8 MR. KEZILAR CORNISH: Will we be able to say
9 anything to that?

10 UNKNOWN: (INAUDIBLE)

11 MR. KEZILAR CORNISH: No? Okay.

12 CHAIRPERSON SALAAM: So I want to pass it to
13 Council Member Paladino.

14 COUNCIL MEMBER PALADINO: Good morning. I have to
15 say, I wanna ask youse all a question. Are you
16 racist? Are you racist? I wanna go down the line. I'd
17 like to start first with the gentleman that's
18 representing the section...

19 CHAIRPERSON SALAAM: (GAVEL)

20 DEPUTY SPEAKER AYALA: That's inappropriate...

21 CHAIRPERSON SALAAM: I would like to bring back,
22 on topic and order... (CROSS-TALK)

23 COUNCIL MEMBER PALADINO: That's inappropriate?
24
25

1 CHAIRPERSON SALAAM: to the dais... (CROSS-TALK)

2 COUNCIL MEMBER PALADINO: well, yet, we sat here
3 and we've listened to comments that I consider
4 racist.
5

6 UNKNOWN: (INAUDIBLE)

7 COUNCIL MEMBER PALADINO: Don't... Don't... No.
8 This is two sides here.

9 DEPUTY SPEAKER AYALA: (OFF MIC) (INAUDIBLE) It's
10 inappropriate.

11 COUNCIL MEMBER PALADINO: It's not... It... I... I
12 didn't get to that, Diana.

13 DEPUTY SPEAKER AYALA: (OFF MIC) No, we're not
14 going there. (INAUDIBLE)

15 COUNCIL MEMBER PALADINO: Okay, wait, one
16 moment...

17 CHAIRPERSON SALAAM: (GAVEL)

18 COUNCIL MEMBER PALADINO: We are doing it...

19 CHAIRPERSON SALAAM: I want to make sure... (CROSS-
20 TALK)

21 COUNCIL MEMBER PALADINO: Oh, yes, we are, this is
22 a hearing! This is a big hearing...

23 CHAIRPERSON SALAAM: I want to make sure
24 that... (CROSS-TALK)

25 COUNCIL MEMBER PALADINO: Yes, we are!

1
2 CHAIRPERSON SALAAM: Can I... Can I... (CROSS-
3 TALK)

4 COUNCIL MEMBER PALADINO: I'd like to recognize
5 people...

6 CHAIRPERSON SALAAM: Can we just level set for a
7 second... (CROSS-TALK)

8 COUNCIL MEMBER PALADINO: on the panel!

9 CHAIRPERSON SALAAM: Can we level set for a
10 second? I would like to make sure that we have a
11 respectful dialogue, that's what... (CROSS-TALK)

12 COUNCIL MEMBER PALADINO: Absolutely...

13 CHAIRPERSON SALAAM: this is about.

14 COUNCIL MEMBER PALADINO: That's absolutely,
15 correct...

16 CHAIRPERSON SALAAM: So, I would like to... I
17 would like to say this, because...

18 COUNCIL MEMBER PALADINO: You...

19 CHAIRPERSON SALAAM: The respect that has to be
20 acknowledged on both sides, is to in fact -
21 especially for this young man at the end who lost his
22 family member - to ask this young man if he's racist,
23 is very... (CROSS-TALK)

24 COUNCIL MEMBER PALADINO: I was ask...

25 CHAIRPERSON SALAAM: It is a very... (CROSS-TALK)

1 COUNCIL MEMBER PALADINO: it was a general...

2 CHAIRPERSON SALAAM: problematic thing... (CROSS-
3 TALK)

4 COUNCIL MEMBER PALADINO: question. It was... I
5 did not (INAUDIBLE)...

6 CHAIRPERSON SALAAM: I know it's a general
7 question, but we have to begin to start...

8 COUNCIL MEMBER PALADINO: Okay, can I... Let...
9 Let me start over...

10 CHAIRPERSON SALAAM: with (INAUDIBLE) in mind...
11 (CROSS-TALK)

12 COUNCIL MEMBER PALADINO: let me start over...

13 CHAIRPERSON SALAAM: which is respect... (CROSS-
14 TALK)

15 COUNCIL MEMBER PALADINO: Let me start over.

16 We have four people sitting on this panel. One is
17 the Center for Coalitional Rights, the other
18 represents the Justice Committee, the other
19 represents VOCAL-NY, and the other represents the
20 GANG'S Coalition.

21 Now I've sat here and I've listened to you speak,
22 And I'm really up... I was going to get to you and
23 your loss of your family member. And I wanted to
24 start there, and I wanted to start the right way. And
25

1 the right way was this - I'm sorry for your loss. I
2 wanted to move on to the gentleman who represents
3 VOCAL-NY, when you spoke about your... and what
4 happened to you 30 some odd years ago, I want you to
5 be aware, I was around 30 some odd years ago, and we
6 were pulled out of cars, too, because they didn't
7 like the way we wore our hair, or they didn't like
8 the way we dressed or anything like this. We have
9 made this situation here a Black and brown issue.
10 This is not a Black and brown issue. And I sit here
11 each and every time, and I listen to what is supposed
12 to be the Safety Committee, and I listen to everybody
13 turn this into Black and white or brown and white as
14 if the people who are white-skinned don't matter at
15 all. And this is absolutely pushed too far. Our
16 police officers do their job. My colleague brought up
17 the most recent murder of a police officer. We have a
18 gang problem whether you like it or not. Trump is
19 going to be our next president whether anybody likes
20 it or not. And you know what? As far as a gang's
21 database goes, soon enough we won't much have to
22 worry, because a lot of our gang members are here
23 illegally and they will be deported.

24
25 Now with that being said, that the...

(BACKGROUND NOISE)

CHAIRPERSON SALAAM: Let's make sure we... (CROSS-TALK)

COUNCIL MEMBER PALADINO: That doesn't sit real well, does it? (TIMER CHIMES) Well, I'm here to tell you, that our police do their very best. And there are innocent cops gettin' killed each and every day. And I'm really sorry...

CHAIRPERSON SALAAM: Thank you, thank you Council Member Paladino.

COUNCIL MEMBER PALADINO: Council Member Paladino...

CHAIRPERSON SALAAM: I'd like to pass it...

COUNCIL MEMBER PALADINO: I'm really sorry, that's why my thoughts get... (CROSS-TALK)

CHAIRPERSON SALAAM: I'd like to pass it... (CROSS-TALK)

COUNCIL MEMBER PALADINO: jumbled up, because I get interrupted every time...

DEPUTY SPEAKER AYALA: Next! Next!

CHAIRPERSON SALAAM: (GAVEL)

COUNCIL MEMBER PALADINO: I talk, because you don't like what I have to say...

2 DEPUTY SPEAKER AYALA: Council Member, you're out
3 of order.

4 CHAIRPERSON SALAAM: Council Member, you're out of
5 order... (CROSS-TALK)

6 COUNCIL MEMBER PALADINO: Okay, well, that's
7 enough.

8 (BACKGROUND NOISE)

9 CHAIRPERSON SALAAM: Council Member? Thank you,
10 Council Member Paladino.

11 I would like to pass...

12 (BACKGROUND NOISE)

13 CHAIRPERSON SALAAM: Thank you, Council Member
14 Paladino... I would like to pass...(CROSS-TALK)

15 COUNCIL MEMBER PALADINO: You don't cut anybody
16 else off...

17 CHAIRPERSON SALAAM: Thank you...

18 COUNCIL MEMBER PALADINO: do you?

19 CHAIRPERSON SALAAM: Thank you, Council Member
20 Paladino... (CROSS-TALK)

21 COUNCIL MEMBER PALADINO: You don't cut anybody
22 else off at these hearings, do you?

23 (BACKGROUND NOISE)

24 COUNCIL MEMBER PALADINO: But, Paladino gets cut
25 off!

1
2 CHAIRPERSON SALAAM: (GAVEL) I would like to
3 regain order of this dais and in this chamber.

4 COUNCIL MEMBER PALADINO: (OFF MIC) (INAUDIBLE)

5 CHAIRPERSON SALAAM: Thank you, Council Member
6 Paladino.

7 I would just like to recognize for the record
8 that this is the United States of America. We have
9 been living in a divided states of America, and we're
10 trying to get back to what the ideals of what this
11 country is about. We haven't gotten there yet. This
12 hearing is an attempt to restore balance. That's what
13 this hearing is about. And we have to make sure that
14 we respect each other and hear each other.

15 So I'd like to pass the microphone to Council
16 Member De La Rosa.

17 COUNCIL MEMBER DE LA ROSA: First of all, let me
18 say that Samy Feliz and Allan Feliz were my
19 constituents, and I will be damned in this body if I
20 have members of this body question this family that
21 has lost their son, their father, their brother.

22 COUNCIL MEMBER PALADINO: (OFF MIC) (INAUDIBLE)

23 COUNCIL MEMBER DE LA ROSA: Do not speak to me,
24 because I am not speaking to you.

1
2 COUNCIL MEMBER PALADINO: (OFF MIC) Well, then
3 point your face that way...

4 COUNCIL MEMBER DE LA ROSA: Because I'm looking at
5 you because you know what you said.

6 So let me just say that my condolences go out to
7 this family who is seeking justice.

8 All of us leave our house in the morning trying
9 to get back home at night. All of us deserve safety.
10 But what I do know is that the men in my community in
11 Washington Heights, Inwood, and Northern Manhattan
12 have been on the crosshairs on the war of drugs my
13 entire life. And I do not need to go on a ride along
14 to know what happens on the streets of my
15 neighborhood, because I walk the streets of my
16 neighborhood every single day. And I've been stopped
17 for standing in front of my building, I've been
18 stopped. Therefore, I do not need... having a ride
19 along does not make you an expert in how policing
20 happens. And there are two very, very opposing tales
21 to that story.

22 So I will put that there for the record.

23 And the other thing, too, is I'm an immigrant,
24 and I'm a proud immigrant, and I'm the first
25 Dominican woman elected to this body from my

1
2 community. So do not question, okay, the
3 contributions of immigrants in this chamber.

4 With that being said, I want to say that one of
5 the things that we are guided by in this conversation
6 is data. Data that is publicly available and rare,
7 because it is not always publicly available. But,
8 what we do see in the data that is available, is a
9 glimpse in a system that is not working and that has
10 not been working. A system that treats my children
11 differently than it treats children of people on this
12 dais. Period. Black and brown New Yorkers being
13 stopped, questioned and frisked unconstitutionally.
14 And, those numbers are on the rise under this
15 administration.

16 So, what I hope to get out of this hearing, since
17 the circus has begun, is to make sure that we are
18 able to ask the questions that pertain to why the
19 system is working inequitably in communities like
20 mine.

21 So, I have one question for this panel and my
22 question is, in your experiences with the gang
23 database, with what we're seeing with the new units
24 that have been put out into the street, are you
25 seeing that the data that is available after an

1 interaction is accurate and up to date and readily
2 available in cases where accountability and
3 discipline are needed for the NYPD?

4 That's my question.

5 MS. BABE HOWELL: The short answer is no. The
6 database is secret. They do not tell people they're
7 on the gang database. We, uh, the Legal Aid Society
8 has started a "FOIL Yourself" campaign, and they
9 normally have to, make the FOIL request, have it
10 denied, and then sued to follow-up.

11 So that is a data piece that we would very much
12 like. The Office of Inspector General of the LAPD has
13 analyzed gang unit stops. They have specific units
14 and found that they are longer and more likely to end
15 up with searches and unconstitutional searches than
16 other stops.

17 So that's data we're missing, and we really
18 appreciate this city council's efforts with this, How
19 Many Stops Act, and the Monitor Report, and the OIG's
20 report in New York to fill some holes, but there are
21 many more holes than certainties.

22 MS. SAMAH SISAY: I would just like to state for
23 the record, I'm with the Center for Constitutional
24 Rights. And so for the for the specialized units,
25

1
2 uhm, neighborhood safety team, the public safety
3 teams, and the community response teams, which I
4 think, are misnamed in the ways that they interact
5 with communities.

6 But, the data is available with regards to Terry
7 stops, so those are, Level 3 stops. And though that
8 data is what the Federal Monitor uses for reports and
9 to do analysis as to whether or not the NYPD is in
10 compliance.

11 But like I said earlier, the issue with the data
12 is that it's shown that a substantial amount of, uh,
13 the data is actually not available, because 30% of
14 stops - about 30% of stops - are not being reported
15 on or properly documented.

16 And so part of that problem is that, you know,
17 whether it's officers just not documenting, whether
18 it's officers thinking it's like a Level 2 encounter,
19 when actually it's a stop that needs to be documented
20 on, you know, we're seeing that there's a huge chunk
21 of the data missing.

22 And then there have been discussions, I don't
23 think that's what this hearing is about around, like,
24 CCRBs access to body worn camera and other, uhm,
25 information when they are doing disciplinary hearings

1
2 and trying to get information in order to move
3 discipline along. So I think that's another part of,
4 you know, available data. Thank you.

5 CHAIRPERSON SALAAM: Thank you.

6 MR. KEZILAR CORNISH: In terms of data - and
7 accurate data, since there's no oversight, any piece
8 of data that we receive is data that is put out by
9 the same people who are corrupt in terms of their
10 police practicing. And if we were to go further,
11 which we should, many... it's not just about racism.
12 We find that most of the data crunching has to do
13 with funding.

14 And so we have to look into the economics of this
15 thing because they create what you call job security.
16 That is a term in law enforcement. And so they target
17 people and continue to keep people coming to the
18 prison system so that they can ensure that their jobs
19 will be there and available for them and their
20 children as they go on 10, 20 years from now.

21 And so, uh, in terms of any data, there has to be
22 some sort of outside agency or groups of people that
23 are there to determine whether or not the data that's
24 coming in is actually accurate.

1
2 CHAIRPERSON SALAAM: Thank you. Moving along, I am
3 going to pass it to Council Member Stevens.

4 COUNCIL MEMBER STEVENS: So, I'm just gonna start
5 off by saying this - Everybody wants to be safe. And
6 this idea that just because we are focusing on a
7 group of people that have historically and
8 disproportionately been affected by the brutality of
9 NYPD - We are here trying to right the wrongs and set
10 the balance straight. I want to be safe. I am not the
11 enemy of NYPD. I'm not the enemy of Republicans. We
12 are all here.

13 But let's be clear, if we want to talk about
14 race, then why do we have a database that has 99%
15 people of color on it and no one else?

16 So the question isn't to ask us if we're racist.
17 The question to ask is are the practices the NYPD is
18 putting into place racist? And that's where we need
19 to start and that's where... that's why we are
20 focusing on this.

21 So it is unacceptable for us to be in here and
22 ask victims if they're racist. So I have to say that
23 because it's unacceptable.

24 I worked with kids for 20 years who have been
25 terrorized, and what I say to NYPD all the time, we

1
2 need to fix and to right... and fix the trauma that
3 they've caused in our community before we can do
4 anything else. They're not our enemies.

5 So a young person does not wanna play basketball
6 with you if you have not addressed the traumas that,
7 when they come out the community center, you're going
8 to kick their ass. And it happens all the time in my
9 community and I'm sick of it. And so we will not sit
10 in these chambers today and victimize people who are
11 consistently victimized.

12 So I'm gonna start there.

13 But I do have a question about the database,
14 because again it's 99% Black and Latinos, which is a
15 problem for me. Because it's to me baseline racist,
16 we're done, let's move on. But we keep getting pushed
17 back.

18 Babe, can you tell us how many young people - or
19 if you know how many young people have been FOILED to
20 find out if they were on the database? Do you have
21 that information?

22 MS. BABE HOWELL: I don't. I'm pretty sure there's
23 somebody from Legal Aid who could answer. I know it's
24 more than 500.

1
2 COUNCIL MEMBER STEVENS: But do you know how a
3 young person or a person who is on the database, do
4 you know how they would get off the database?

5 MS. BABE HOWELL: There (TIMER CHIMES)... there is
6 no way to get off the database. There's no way to
7 appeal. They can be reviewed at age, uh, 23 and 28,
8 they're supposed to be reviewed every three years.

9 Those reviews are happening late, and only one
10 person is looking at them. There is no input from the
11 individual to get themselves off the database. And by
12 the way, they do enter people as young as 11 and 13,
13 but up to age 70 as well.

14 COUNCIL MEMBER STEVENS: And just real quick, has
15 there been other databases like this across the
16 country? And if so, were they eliminated? Do you know
17 the status of those? And then I'm done.

18 MS. BABE HOWELL: Yes. These types of gang
19 databases are very common, and what they have in
20 common is, A, they often rely on entirely noncriminal
21 criteria as the New York City one does, and that they
22 are typically, uh, wildly and disproportionately
23 Black and Latinx or nonwhite people of color.

24 Portland and Chicago have eliminated their gang
25 database. LDF just has a report out saying that that

1 had no effect on crime rates before and after, no
2 statistically significant effect. LA is also backing
3 off of their gang database, and we're hopeful that
4 those databases will be changed.

5
6 So London also had a gangs matrix, also included
7 people based on no criminality. They reformed it
8 somewhat, but this is a push that we should show
9 leadership in. There is no reason for the NYPD, or
10 any other police department, to keep data on people
11 based on no criminal activity. There's no reason for
12 that. So I'd like us to... we won't be number one,
13 Portland wins, and then Chicago, but I... I think
14 we'd be the biggest, shining example when we
15 eliminate this database.

16 CHAIRPERSON SALAAM: Thank you. I think part of
17 that, uh, is... as the... As New York goes, so does
18 the rest of the nation.

19 I would like to thank you all for your testimony.
20 And I would like to know introduce our panel of
21 administration witnesses and turn it over to the
22 Committee Counsel to swear them in.

23 So, we will be joined by Chief Jeffrey Maddrey;
24 Deputy Commissioner, Michael Gerber; Deputy
25 Commissioner Paul Gamble; Assistant Chief Julie

1
2 Morill; Assistant Deputy Commissioner Rebecca
3 Blumenkopf; Director of Legal Affairs Unit, Josh
4 Levin.

5 (PAUSE)

6 COMMITTEE COUNSEL: Okay, if everybody from the
7 NYPD who plans to testify could raise their right
8 hands?

9 Do you affirm to tell the truth, the whole truth,
10 and nothing but the truth, before this committee, and
11 to respond honestly to council member questions?

12 PANEL AFFIRMS (OFF MIC)

13 Noting for the record that all witnesses answered
14 affirmatively.

15 You may begin your testimony.

16 (PAUSE)

17 DEPUTY COMMISSIONER GERBER: Good morning, Chair
18 Salaam, and members of the Council. My name is
19 Michael Gerber, and I'm the Deputy Commissioner of
20 Legal Matters for the New York City Police
21 Department. I'm joined here today by Chief Of
22 Department, Jeffrey Maddrey.

23 On behalf of police commissioner Jessica Tisch,
24 we are here to testify regarding the Department's
25 policies and practices in connection with

1
2 investigative encounters. These encounters, covering
3 a wide range of circumstances, are at the heart of
4 policing and public safety. As you know, the New York
5 courts recognize four different types of
6 investigative encounters:

7 A Level 1 encounter is a request for information;
8 at Level 1, there must be an objective, credible
9 reason to approach, but it does not require that the
10 officer suspect the individual of criminality. Level
11 1 encounters include conversations with victims and
12 witnesses, those who might be victims or witnesses,
13 those who might have evidence regarding a crime, who
14 might know where a missing child is located, and or
15 who may, for whatever reason, be in need of police
16 assistance.

17 A Level 2 encounter, based on the Common Law
18 Right of Inquiry, requires an officer to have a
19 founded suspicion of criminal activity. At Level 2,
20 as at Level 1, the individual is free to leave.

21 At Level 3, by contrast, where an officer has
22 reasonable suspicion that a person has committed, is
23 committing, or is about to commit a crime, the
24 officer has the authority to temporarily detain that
25 person in what is often referred to as a Terry stop.

1
2 Finally, in a Level 4 encounter, there is
3 probable cause that a person has committed an offense
4 and is subject to arrest.

5 For years, the Department has reported to the
6 city council on level 3 and level 4 encounters. Late
7 last year, the City Council passed the How Many Stops
8 Act, which requires the Department to provide
9 quarterly data regarding Level 1 and Level 2
10 encounters. For months, we convened an executive
11 level working group. We created new policies and
12 procedures, new electronic forms, new systems to
13 aggregate the data, and new training for our
14 officers. In October, consistent with the How Many
15 Stops Act, we reported the required data for the
16 third quarter of 2024. This is a major change for the
17 Department, and we continue to learn and improve. It
18 is no secret that the Department was opposed to the
19 Level 1 component of the How Many Stops Act. We are
20 not here to rehash that debate. We are committed to
21 complying with the law, and we have worked very hard,
22 and in good faith, to meet our obligations under the
23 law.

24 With regard to Level 3 encounters, the Department
25 has been under a federal monitorship for a decade. I

1 safety and their own safety. This is challenging
2 work, and the challenge is compounded by the fact
3 that the law in this area is incredibly complex and
4 fact specific. Retired judge, Barry Kamins, who
5 literally wrote the book on the subject, has
6 explained how confusing the law in this area can be.
7 He writes: "Probably no area of search and seizure
8 law has caused more confusion and frustration than
9 that of street encounters with the police, where the
10 officer acts on less than probable cause. New York
11 appellate courts have acknowledged for some time that
12 the subject is riddled with problems. The First
13 Department has stated that one of the most vexing of
14 judicial issues is the delineation of permissible
15 police intrusion on the liberty of the private
16 citizen in a street encounter. The same court has
17 noted that seemingly similar fact patterns sometimes
18 result in different outcomes and lead to confusion."
19 He continues, "One of the primary reasons for the
20 state of confusion in this area is the diversity of
21 fact patterns involving street encounters and the
22 realization that the proper determination in cases of
23 this sort must necessarily turn on the facts in each
24 individual case. Two separate cases with almost
25

1
2 identical facts can produce different results because
3 of a subtle difference in only one factor. If there
4 is any conclusion one can draw from this, it is the
5 realization that this is not a precise and exact body
6 of law with equations that can readily produce easy
7 solutions."

8 This is a lawyer and judge writing for other
9 lawyers and judges who have the benefit of time to
10 ponder the facts, review court decisions, debate
11 abstract legal principles, and ultimately decide how
12 to analyze and categorize a particular encounter.

13 We require our police officers, most of whom are
14 not lawyers, to do this out on patrol in real time,
15 sometimes in highly volatile situations. We must
16 require this of our officers because it is the law.
17 But I think it is important, as we discuss these
18 issues, to acknowledge how much we demand of our
19 police officers and how challenging their work can
20 be.

21 Thank you for the opportunity to testify about
22 these important issues. We look forward to answering
23 any questions you may have.

24 CHAIRPERSON SALAAM: Thank you.

25 (PAUSE)

1
2 Thank you for your testimony. Before we dive into
3 the details of policing and procedures, I would like
4 to start by asking a simple big picture question.

5 Do you believe that racial profiling or other
6 forms of bias are reflected in how the Department and
7 its officers engage with civilian and conduct
8 investigative encounters?

9 DEPUTY COMMISSIONER GERBER: So the CCRB, as you
10 know, has responsibility for investigating, uh,
11 racial profiling, bias based policing. They took that
12 over, I guess it was end of last year, really
13 beginning of this year. And that... that process they
14 have a whole unit that looks at this, investigates
15 cases, uhm, some matters have not been substantiated,
16 some matters have. Those, you know, allegations and
17 those cases then make their way through, our
18 disciplinary system. We do have a number of such
19 cases pending, and I think those cases need to play
20 out through that disciplinary system. Obviously,
21 these are incredibly sensitive cases, incredibly
22 serious allegations. The presumptive penalty for bias
23 based policing or racial profiling is termination,
24 and rightfully so. But, of course, there's a need for
25 due process and for these cases to play out. That...

1 that's what's actually happening, uhm, that's what's
2 happening now, and that's what will be happening in
3 the future.

4
5 CHAIRPERSON SALAAM: And I would just wanna push a
6 little bit more on this, because the goal of today is
7 to have an honest conversation and discuss potential
8 reforms, and must agree on the underlying facts.

9 It remains a consistent and painful truth that
10 despite over a decade of oversight from the federal
11 monitor and ongoing efforts to reform Department
12 practices, whether or not you are stopped by the NYPD
13 still seems to be influenced by the color of your
14 skin.

15 In 2013, when a federal judge found that the NYPD
16 was liable for a pattern of practices of racial
17 profiling in violation of the equal protection clause
18 of the 14th Amendment, approximately 82% of people
19 stopped by the police were Black and Latino, even
20 though these two groups made up only 52% of the
21 city's population.

22 While the total number of stops has gone down
23 over the years, the racial disparities and who gets
24 stopped has gotten worse. Last year, 90% of the
25 people stopped by the NYPD were people of color.

1
2 Is the NYPD comfortable continuing policing
3 practices that have resulted in Black and brown New
4 Yorkers being stopped at a rate nearly eight times
5 greater than that of white people? Or would you agree
6 that these stark racial disparities are an indication
7 that there are Department practices that must change
8 so that every community in New York City is policed
9 the same way?

10 DEPUTY COMMISSIONER GERBER: So I think in
11 answering that question, I would start, uhm, with
12 referring to the Monitor's Report on this issue
13 earlier this year.

14 The monitor did a very comprehensive, detailed,
15 very nuanced report about racial disparities. It came
16 out, I'm not sure the exact one, but it was
17 definitely earlier this year. Looking at racial
18 disparities, 2013 to 2022, I believe, and that
19 report, uhm, in some ways, uh, was... so I'd...that
20 report describes very positive developments, but also
21 pointed to some issues, like the ones you're talking
22 about, that really do require very careful analysis.

23 So I do want to highlight that, in terms of the
24 post-stop disparities, and that was a major issue in
25 Floyd back in the day, you know, the sort of post-

1 stop racial disparities along variety of lines,
2 arrest, summons, use of force, recovery of
3 contraband. You know, the monitor found that those
4 racial disparities, and there's are... the monitor
5 used a sophisticated statistical model, which I could
6 not describe to you. I'm not a statistician. But, the
7 moderator found those disparities, in many cases, had
8 had collapsed entirely, which is welcome news. And
9 even with regard to frisks and searches post-stop,
10 depending on which area you were looking at and
11 depending on the race, again, you saw disparities
12 that either had been, narrowed or collapsed entirely.
13 So that is very positive. Now the report also pointed
14 to the issue, Chair Salaam, that you just described,
15 which is that the, racial breakdown in terms of
16 stops, even as the total number has fallen, the sort
17 of racial breakdown has remained roughly the same
18 over time.

19
20 One thing we are working on right now, uh, is a
21 14th Amendment compliance plan with the monitor. And
22 that's something that's incredibly important. It's
23 important for the monitorship. It's important to
24 address the issues that you're... that you're talking
25 about. I don't think I can say too much about the

1 substance, because it has not been approved by the
2 monitor yet, but we provide the monitor with a draft,
3 we got comments back, we're in we're in that process.
4 There will be input from plaintiff's counsel as well,
5 and any 4th Amendment compliance plan obviously has
6 to have the final approval of the monitor.
7

8 But I'll say, big picture, that the entire point
9 of that compliance plan is to get at these issues, to
10 look at these disparities, to do it in a quantitative
11 way, in a rigorous way, and understand what is
12 driving that.

13 So I just, I do want to say that that's something
14 that we're actually very focused on. It's been a
15 priority of ours in connection with the monitorship.
16 And that's something... that's something we're hoping
17 to implement.

18 Again, as we go back and forth with the monitor,
19 we need to get to something that the monitor
20 obviously approves. We also will need to get input
21 from plaintiff's counsel, which is very important.

22 CHAIRPERSON SALAAM: So developing this plan has
23 been a legal mandate for over 10 years. I have a very
24 simple question: What's taking so long, and what are
25 the details of that plan?

1
2 DEPUTY COMMISSIONER GERBER: When you say the
3 plan, do you mean the Racial Disparity... the, uhm,
4 14th Amendment Compliance Plan or you mean, uh,
5 monitorship compliance more generally?

6 CHAIRPERSON SALAAM: The 14th Amendment. It's...

7 DEPUTY COMMISSIONER GERBER: So I think... I think
8 it's a fair question, and I think it's a fair
9 critique.

10 You know, I think for the early years of the
11 monitorship, I think there was a lot of focus on
12 revising policies, revising training. There has been
13 for a long time now I think a lot of focus on the 4th
14 Amendment piece. I think it is totally fair to say
15 that the monitor has been pushing the Department to
16 have a... they do a (UNINTELLIGIBLE) development
17 compliance plan for quite some time, and there
18 certainly wasn't extended period of time when we had
19 not done that. It's a fair criticism.

20 But, I mean, we really (UNINTELLIGIBLE) push on
21 this year, this calendar year, is to is to is to fill
22 that gap. So we're doing it now, working with the
23 monitor on that, and it is a priority.

24 CHAIRPERSON SALAAM: In September, at the request
25 of the Federal Monitor, a report was published that

1 included recommendations for how long the Department
2 could curb misconduct by improving disciplinary
3 procedures.
4

5 I want to ask about some of these
6 recommendations, many of which directly relate to
7 curbing unconstitutional investigative encounters.

8 The report explains that when the CCRB recommends
9 penalties for misconduct, the police commissioner
10 often decreases them when an officer asserts that
11 their actions were in good faith or mistake.

12 Does the NYPD have a written policy regarding how
13 officer discipline is impacted by claims that an
14 officer acted in good faith or due to a mistake?

15 DEPUTY COMMISSIONER GERBER: Yeah. Sure.

16 So, the Patrol Guide 212-11, which sort of covers
17 investigative encounters generally and it does speak
18 to this issue. And I think it's important to
19 emphasize that that 212-11, what I'm about to
20 describe, is monitor approved, court approved. It's
21 not just our acting unilaterally. Because, obviously,
22 many Patrol Guide procedures, we do ourselves. That's
23 not true for 212-11, because of the monitorship, uhm,
24 that was the product of, you know, court oversight.
25 And frankly, if we make changes to that, uh, that

1
2 relate to the monitorship in any way, uh, we need to
3 get, approval from the monitor.

4 So 212-11 says that to the extent you have one
5 time, inadvertent, good faith mistakes, it is, uh,
6 instructions and training are appropriate, and it's
7 not presumptively disciplined. And that point, I
8 think, actually makes very good sense in light of
9 what I said a moment ago about the complexity of the
10 law in this area. It is an incredibly complex area of
11 law. There are many situations in which multiple
12 lawyers are looking at body worn camera video, and
13 we're debating, is it Level 2? Is it Level 3? And,
14 you know, it's one thing for lawyers to debate that,
15 and ultimately, of course, we have to categorize it.
16 We have to make a decision.

17 The monitor and her team and her work have to
18 make that decision. That's necessary and
19 understandable. But, of course, the police officer in
20 the moment who gets that wrong, you know, that one
21 time mistake, that good faith mistake, you know, our
22 policy says training and instruction is appropriate,
23 and I think... I think that's right.

24 Now, to the extent that someone has gotten
25 training and instruction over and over and over

1
2 again, and continues to do the same thing, then there
3 is a need for discipline. That is a 100% true. And to
4 the extent we've gotten away from that, to the extent
5 we've gotten, uh, in a situation where someone is
6 repeatedly receiving instructions and training over
7 and over, you know, at some point, that's no good.
8 And there needs to be discipline. And I can say also,
9 this is an issue. We have a new police commissioner,
10 as you know, she is aware of this issue, she's been
11 briefed on this issue. I think you're gonna see her
12 very much addressing this issue. Commissioner Tisch
13 is very much a problem solver. This is a problem. It
14 is going to get solved.

15 (PAUSE)

16 CHAIRPERSON SALAAM: The report also notes that a
17 stop, a failure to file a report, a frisk, or a
18 search are all separate and distinct acts, and that
19 penalties for each type of misconduct should be
20 addressed... or sorry, should be assessed
21 consecutively and not concurrently.

22 In other words, if an officer conducts an illegal
23 stop, goes on to conduct an illegal search, and then
24 fails to file... to fill out the required report
25 right now, they will and are often penalized as if

1
2 they are engaging in one act of misconduct and not
3 three.

4 So my question is why does the NYPD allow an
5 officer disciplinary penalties for distinct acts to
6 be served concurrently? And in what circumstances
7 does the Department impose disciplinary penalties
8 that require it to be served consecutively?

9 DEPUTY COMMISSIONER GERBER: So I'm gonna answer
10 your question in one moment.

11 I just wanna say two things first: One, I do
12 wanna say, you know, the report you're referring to,
13 the Yates Report, you know, the court has set sort of
14 a schedule for us to provide comments on that. And
15 we're gonna do that consistent with, you know, the
16 court's direction.

17 I am gonna answer your question, I just do wanna
18 be clear, you know, there is, like, a separate sort
19 of sort of judicial process for us to do that. I
20 certainly don't wanna... I don't want to be any
21 suggestion that this is sort of usurping that or a
22 substitute for that.

23 I also do wanna say that, again, when it comes to
24 discipline, you have a new police commissioner and
25

1 she's looking at these issues, and I certainly would
2 not want to get ahead of her.

3 That said, when it comes to concurrent versus
4 consecutive penalties, two things: One, the matrix
5 actually does speak to this. There's an entire
6 section in the matrix about concerning... concurrent
7 and consecutive penalties. We actually worked on this
8 language with the monitor's team. And, we made
9 certain revisions, uh, to that language that were
10 approved by the monitor. That's one thing.

11 The second thing is, in the scenario you
12 described, it depends. It depends on the particular
13 circumstances. And the question is, are we talking
14 about one problem or multiple problems?

15 So imagine a police officer who believes, for
16 example, that they've received consent. They think
17 they have consent for whatever reason, uh, and
18 they're wrong about that. Right? Maybe if... and so
19 they think it's Level 2. They think they have
20 consent, uh, consistent with the consent they believe
21 they have, there's a frisk, there's a search, they
22 don't do a Level 3 report, because they think they're
23 a Level 2.

1
2 Now that's a mistake. That's a mistake. And
3 consistent with our disciplinary system, consistent
4 with our matrix, consistent with many things, there
5 may well be a need for discipline. But if it is
6 really one mistake, I'm not sure they should be
7 penalized multiple times for that. Right?

8 Now to the extent you have an officer who is, you
9 know, deliberately saying, okay, I, you know, I know
10 there's a Level 3 encounter, but I'm gonna... I'm
11 gonna fly right by that, I'm, you know, I'm gonna...
12 I'm gonna, I'm not gonna do a report; I'm separately
13 gonna do unconstitutional frisk. Again, if they are
14 independent acts and independent decisions, I hear
15 exactly what you're saying in terms of the need for a
16 disciplinary system to account for that.

17 There's also a matter of fairness. If someone's
18 making one mistake that plays out in multiple ways, I
19 think that the system should account for that as
20 well.

21 CHAIRPERSON SALAAM: Thank you, I am going to pass
22 it to Council Member Cabán.

23 And, also, I want to just note that we have been
24 joined by Council Member Ariola on Zoom.

25 COUNCIL MEMBER CABÁN: Thank you.

1 I wanna start by talking about the... what the...
2 How Many Stops Act, and specifically about that that
3 Level 1 stop that's being reported.
4

5 One of the reasons for the encounter that
6 officers can select on the Level 1 form is QOL, which
7 we know to mean quality of life.

8 Can you explain what that means, and what are
9 examples of behaviors or actions a New Yorker might
10 take that would result in an officer initiating a
11 Level 1 encounter with them?

12 DEPUTY COMMISSIONER GERBER: In connection with
13 QOL, you mean, with quality of life?

14 COUNCIL MEMBER CABÁN: No, in... So, yes, so, you
15 can select that on the form...

16 DEPUTY COMMISSIONER GERBER: Yes.

17 COUNCIL MEMBER CABÁN: Correct?

18 DEPUTY COMMISSIONER GERBER: Yes.

19 COUNCIL MEMBER CABÁN: Okay. Can you explain what
20 that means when if an officer is selecting QOL on
21 that form, what does that mean?

22 DEPUTY COMMISSIONER GERBER: Right so that...

23 COUNCIL MEMBER CABÁN: And, then, what are...
24 Like, what are the examples of the behaviors or
25

1 actions that a New Yorker might take that would
2 result in an officer initiating that Level 1...

3 DEPUTY COMMISSIONER GERBER: Sure.

4 COUNCIL MEMBER CABÁN: And filling out the form
5 that way.

6 DEPUTY COMMISSIONER GERBER: Sure. And just to be
7 clear. Right? So, you know, it's... it's... it's...
8 it's not a stop. Right? I think it's important, Level
9 1 encounters by definition...

10 COUNCIL MEMBER CABÁN: We know that, I just... I
11 don't have... I have limited time, so I...

12 DEPUTY COMMISSIONER GERBER: (INAUDIBLE)...

13 COUNCIL MEMBER CABÁN: would like to know, what
14 are the behaviors or actions...

15 DEPUTY COMMISSIONER GERBER: I mean, you referred
16 to it as a stop. So, but it's not a stop. And, to
17 answer your question, I would say, typically, right,
18 it's a quality of life situation, meaning, let's say
19 there have been 311, 911 calls about a quality of
20 life issue in that neighborhood. We have a variety of
21 things. Officers are... officers, you know, go to
22 that... go to that area, they're trying to understand
23 what's going on. They see people who might be
24 witnesses, who might have information about that
25

1
2 quality of life matter, and they have a Level 1
3 encounter. And they say: Hey, we got reports about x.
4 Have you seen that? Have you heard that? Is that an
5 issue around here?

6 That I think, would be the typical scenario.

7 COUNCIL MEMBER CABÁN: Well, what kinds of
8 violations and crimes are the officers looking for,
9 when they engage in these quality of life related
10 Level 1 encounters?

11 DEPUTY COMMISSIONER GERBER: It could be really
12 any matter where there's been either an 911 call, 301
13 calls, community complaints.

14 COUNCIL MEMBER CABÁN: Okay...

15 DEPUTY COMMISSIONER GERBER: Because, obviously,
16 there's a there's a range of things. I do wanna be
17 clear that...

18 COUNCIL MEMBER CABÁN: But violations and crimes,
19 right? Because we get a lot of 311 calls about
20 conditions that don't amount to violations of our
21 penal codes. So what are the kinds of violations and
22 crimes officers are looking for when they...

23 DEPUTY COMMISSIONER GERBER: Right, but, so I do
24 want to be clear, right? The Level 1 encounter here
25 is almost never (UNINTELLIGIBLE) or really every

1 going to be a situation where you think that the
2 person you are talking to engaged in some quality of
3 life offense or violation. That would be exceedingly
4 rare, almost impossible, because, frankly, quality of
5 life violations, uh, you're almost always, frankly,
6 at probable cause. In the vast majority of
7 situations, you see something, you see something
8 happening...

9
10 COUNCIL MEMBER CABÁN: That's not my question...

11 DEPUTY COMMISSIONER GERBER: I'm trying to answer
12 your question.

13 COUNCIL MEMBER CABÁN: Uh, no, it's simply, what
14 kinds of violations and crimes are officers looking
15 for when they engage in this? So, you're not
16 answering...

17 DEPUTY COMMISSIONER GERBER: It could be... It
18 could be...

19 COUNCIL MEMBER CABÁN: my question.

20 DEPUTY COMMISSIONER GERBER: It could be anything.
21 It could be...

22 COUNCIL MEMBER CABÁN: Okay...

23 DEPUTY COMMISSIONER GERBER: Uhm, hey ,you know,
24 we have a graffiti issue here in the area...

25 COUNCIL MEMBER CABÁN: Okay.

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THE COMMITTEE ON PUBLIC SAFETY

95

DEPUTY COMMISSIONER GERBER: Hey, , you know, there's... There's been a question about drag racing... (CROSS-TALK)

COUNCIL MEMBER CABÁN: Thank you, so it could be anything is your answer...

DEPUTY COMMISSIONER GERBER: It could be...

COUNCIL MEMBER CABÁN: So, it could be anything that...

DEPUTY COMMISSIONER GERBER: It could be anything that you...

COUNCIL MEMBER CABÁN: that, uhm...

DEPUTY COMMISSIONER GERBER: that you (INAUDIBLE)... (CROSS-TALK)

COUNCIL MEMBER CABÁN: Initiates a Level 1 encounter?

DEPUTY COMMISSIONER GERBER: Something that comes in... (CROSS-TALK)

COUNCIL MEMBER CABÁN: Uhm...

DEPUTY COMMISSIONER GERBER: As a quality of life...

COUNCIL MEMBER CABÁN: Okay...

DEPUTY COMMISSIONER GERBER: concern, 911...

COUNCIL MEMBER CABÁN: Well...

1
2 DEPUTY COMMISSIONER GERBER: 311, those are, as
3 you know...

4 COUNCIL MEMBER CABÁN: Okay...

5 DEPUTY COMMISSIONER GERBER: often violations...

6 (CROSS-TALK)

7 COUNCIL MEMBER CABÁN: So, as...

8 DEPUTY COMMISSIONER GERBER: occasionally...

9 COUNCIL MEMBER CABÁN: Thank you...

10 DEPUTY COMMISSIONER GERBER: misdemeanors.

11 COUNCIL MEMBER CABÁN: Thank you, noted.

12 So as of course, you know, the NYPD has been
13 asserting this whole time that Level 1 encounters
14 don't involve suspicion of criminal activity and
15 therefore don't need to be reported. So there's some
16 inconsistencies here, but certainly interested in
17 seeing the connection between these Level 1
18 encounters and broken windows policing.

19 Okay, I am going to move on. I have a few
20 questions regarding NYCHA housing: Are community
21 members living in NYCHA housing especially dangerous?

22 DEPUTY COMMISSIONER GERBER: Excuse me?

23 COUNCIL MEMBER CABÁN: Are community members
24 living in NYCHA housing especially dangerous?

25 DEPUTY COMMISSIONER GERBER: No.

1 COUNCIL MEMBER CABÁN: Okay.

2 Does NYPD believe that by living in NYCHA
3 housing, people waive their constitutional protection
4 from unreasonable searches?
5

6 DEPUTY COMMISSIONER GERBER: Absolutely not.

7 COUNCIL MEMBER CABÁN: Okay. Does the NYPD believe
8 being Black in a low income neighborhood creates
9 grounds for a reasonable search?

10 DEPUTY COMMISSIONER GERBER: Absolutely not.

11 COUNCIL MEMBER CABÁN: And does being Black in any
12 neighborhood create reasonable grounds to be
13 searched?

14 DEPUTY COMMISSIONER GERBER: The question is
15 offensive, and the answer is no.

16 COUNCIL MEMBER CABÁN: Okay. So if the question is
17 offensive, why does your data consistently show that
18 regardless of neighborhood, Black people are subject
19 to stop-and-frisk tactics more than any other race?

20 If it's offensive, why does the data back up...

21 DEPUTY COMMISSIONER GERBER: Because you are...
22 you are...

23 COUNCIL MEMBER CABÁN: the justification for what
24 I'm asking?
25

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2 DEPUTY COMMISSIONER GERBER: suggesting... You are
3 suggesting that we are targeting people because of
4 their race. And we are not doing that...

5 COUNCIL MEMBER CABÁN: Well, does the data say?

6 DEPUTY COMMISSIONER GERBER: We are not...

7 COUNCIL MEMBER CABÁN: Disproportionately, Black
8 and brown people are being searched, are being
9 stopped and searched. Are...

10 CHIEF MADDREY: I took a look at the data... I
11 took a look at the data, and of course I want to do a
12 deeper dive. I was looking at the data in preparation
13 of this. But, when I look at the neighborhoods that
14 we're working in with where we are deploying, and I'm
15 in charge of the deployment, along with my bureau
16 chiefs...

17 COUNCIL MEMBER CABÁN: Mm-hmm

18 CHIEF MADDREY: When I look at neighborhoods like
19 East New York, a neighborhood I'm very familiar with,
20 who has 650 robberies versus Forest Hills, who has 79
21 robberies, of course we're going to be doing more
22 (TIMER CHIMES) enforcement over there, we're going to
23 be deploying more. There's gonna be more cops...

24 (CROSS-TALK)

25 COUNCIL MEMBER CABÁN: I wonder why that is?

1
2 CHIEF MADDREY: Alright? No, it's very much
3 organized. There's more cops over there, we're doing
4 more deployment there, we're addressing quality of
5 life conditions and crime conditions - 55 shootings,
6 11 murders versus zero in Forest Hills.

7 COUNCIL MEMBER CABÁN: So...

8 CHIEF MADDREY: So, is that... Is that... (CROSS-
9 TALK)

10 COUNCIL MEMBER CABÁN: So would you say then
11 that...

12 CHIEF MADDREY: that... that reason alone is
13 (INAUDIBLE) cause... (CROSS-TALK)

14 COUNCIL MEMBER CABÁN: Would say that that
15 neighborhoods that are majority Black are more crime
16 prone or inherently dangerous? (CROSS-TALK)

17 DEPUTY COMMISSIONER GERBER: That is not what the
18 chief said, no... (CROSS-TALK)

19 CHIEF MADDREY: (INAUDIBLE) There have... But
20 there are more crime issues there. I'm not saying
21 it's more crime prone, but there are crimes that have
22 been committed there...

23 COUNCIL MEMBER CABÁN: Why are there more crime
24 issues there?

2 CHIEF MADDREY: and we have to... Well, if there's
3 more crimes there, maybe because of lack of resources
4 and a whole lot of other things.

5 COUNCIL MEMBER CABÁN: Oh, okay...

6 CHIEF MADDREY: And I don't disagree with you on
7 this...

8 COUNCIL MEMBER CABÁN: Okay...

9 CHIEF MADDREY: point. So...

10 COUNCIL MEMBER CABÁN: And so... So you take a
11 neighborhood that has a lack of resources, that then
12 generates harmful behavior, and you send more police
13 in when you've noticed that in these other
14 neighborhoods, with different demographics, you don't
15 need to go out and police them because they have more
16 (INAUDIBLE)...

17 CHIEF MADDREY: We... No, no, no...

18 DEPUTY COMMISSIONER GERBER: We... We send police
19 to keep people safe...

20 CHIEF MADDREY: I got to... I got to...

21 (INAUDIBLE)... (CROSS-TALK)

22 COUNCIL MEMBER CABÁN: Uh, Chair, can I please
23 finish...

24 CHIEF MADDREY: So, uh...

25

1
2 COUNCIL MEMBER CABÁN: this line questioning with
3 a couple more questions?

4 CHIEF MADDREY: (INAUDIBLE)...

5 CHAIRPERSON SALAAM: Yes, just wanted to also...
6 (CROSS-TALK)

7 CHIEF MADDREY: So... (CROSS-TALK)

8 COUNCIL MEMBER CABÁN: Thank you... (CROSS-TALK)

9 CHAIRPERSON SALAAM: Just say that we have, uh...
10 We're going to... (CROSS-TALK)

11 CHIEF MADDREY: I... I have a (INAUDIBLE)...
12 (CROSS-TALK)

13 CHAIRPERSON SALAAM: have a second round...
14 (CROSS-TALK)

15 COUNCIL MEMBER CABÁN: Okay, I just have two more,
16 uh...

17 CHIEF MADDREY: Now, wait, uh, let me answer the
18 question. I have duty to protect people.

19 COUNCIL MEMBER CABÁN: Mm-hmm.

20 CHIEF MADDREY: And when there's a high amount of
21 shootings, a high amount of robberies, I have to send
22 more cops over there. Alright? Listen, I wish I could
23 bring the resources over there. I look to you to
24 bring the resources over there. Alright? And I'm not
25 saying that (INAUDIBLE) New York... (CROSS-TALK)

1
2 COUNCIL MEMBER CABÁN: Are you looking to the
3 mayor to bring those resources? (CROSS-TALK)

4 CHIEF MADDREY: Looking to you to bring the
5 resources (INAUDIBLE)... (CROSS-TALK)

6 COUNCIL MEMBER CABÁN: Have you asked the mayor to
7 bring those resources?

8 CHIEF MADDREY: Alright? So, with that being said,
9 I have a duty... (CROSS-TALK)

10 COUNCIL MEMBER CABÁN: Have you asked the mayor...
11 (CROSS-TALK)

12 CHIEF MADDREY: I have a duty to... (CROSS-TALK)

13 COUNCIL MEMBER CABÁN: to bring those resources?

14 CHIEF MADDREY: bring police officers where crimes
15 are being... (CROSS-TALK)

16 COUNCIL MEMBER CABÁN: Okay.

17 CHIEF MADDREY: committed... (CROSS-TALK)

18 COUNCIL MEMBER CABÁN: But have you asked the
19 mayor for the resources for these communities...

20 CHIEF MADDREY: I talk to the mayor all of the
21 time about a lot of things... (CROSS-TALK)

22 COUNCIL MEMBER CABÁN: It's a yes or no question.

23 CHIEF MADDREY: (INAUDIBLE)... (CROSS-TALK)

24 COUNCIL MEMBER CABÁN: Have you asked the mayor
25 for the resources?

1 CHIEF MADDREY: So, like, I said... (CROSS-TALK)

2 DEPUTY COMMISSIONER GERBER: Would you please stop
3 interrupting the chief?

4 CHIEF MADDREY: Like, I said, I have a duty to
5 bring... put resources... (CROSS-TALK)

6 COUNCIL MEMBER CABÁN: Yes or no?

7 DEPUTY COMMISSIONER GERBER: He's not answering
8 you yes or no...

9 CHIEF MADDREY: That...

10 CHAIRPERSON SALAAM: Alright, we're going... We're
11 gonna to come back... (CROSS-TALK)

12 COUNCIL MEMBER CABÁN: So, for the...

13 CHAIRPERSON SALAAM: for a second round.

14 COUNCIL MEMBER CABÁN: for the record, he will not
15 answer whether he has, as a public safety servant,
16 asked for the mayor for resources that he knows
17 reduce the crime... (CROSS-TALK)

18 CHIEF MADDREY: I... I have asked the mayor for
19 resources for a lot of things. Okay? A lot of things.
20 But, I'm talking specifically about my... (CROSS-
21 TALK)

22 COUNCIL MEMBER CABÁN: To my question...

23 CHIEF MADDREY: duty right now... (CROSS-TALK)

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2 COUNCIL MEMBER CABÁN: And I'm asking you, in my
3 capacity... (CROSS-TALK)

4 CHIEF MADDREY: And that's to bring more police in
5 (INAUDIBLE) in areas... (CROSS-TALK)

6 COUNCIL MEMBER CABÁN: as an oversight officer...
7 (CROSS-TALK)

8 CHIEF MADDREY: in areas where we see crime.

9 COUNCIL MEMBER CABÁN: It's a very simple question
10 you did not answer. Thank you, Chair, I look forward
11 to a second round.

12 CHAIRPERSON SALAAM: (BACKGROUND NOISE) Okay,
13 we're gonna come back for a second round. I am going
14 to mic to Deputy Speaker Ayala.

15 DEPUTY SPEAKER AYALA: Oh my goodness. Good
16 afternoon or good morning or whatever it is at this
17 point.

18 I will start with the same thing that I say at
19 every Public Safety hearing. I am not anti-NYPD as,
20 you know, as much as that would please other people
21 to say, uhm, we are not, you know, anti-keeping
22 communities safe. We have questions. We have
23 questions about discrepancies and maybe, you know,
24 data that may look like it's more targeted towards a
25 specific population.

1
2 And so one of my questions was really on implicit
3 bias training and wondering whether that's something
4 that the Department has... has implemented, uhm, as
5 part of the revamping of stop-and-frisk?

6 DEPUTY COMMISSIONER GERBER: So just, uhm, you
7 wanna hear about training generally or about implicit
8 bias in particular?

9 DEPUTY SPEAKER AYALA: Implicit bias in
10 particular.

11 DEPUTY COMMISSIONER GERBER: Yeah, Yeah, so...so
12 that's something that we have been doing and continue
13 to do. So earlier this year, we did a 75 minute
14 training for, really, the entire NYPD executive
15 staff, uhm, risk factors for biased behavior, which
16 gets at these types of issues. That was something
17 that... that was... that was, I think, very
18 productive and helpful.

19 And then more importantly, even more importantly,
20 something were rolling out in January of this coming
21 year, departmentwide fair and impartial policing
22 training. That's for... that's for all employees. You
23 know, we have a module we've done, a training module
24 about racial profiling and bias based policing.

1
2 We've had over... I think we had 24,000 officers
3 who have been trained on that. I'm not sure I've
4 gotten it at all of the... all of the trainings...

5 DEPUTY SPEAKER AYALA: 24,000 officers to date
6 have been trained on implicit bias?

7 DEPUTY COMMISSIONER GERBER: On... I've done
8 the... I've done the... It's a... I think it's a
9 video module, Racial Profiling and Biased Based
10 Policing, yes.

11 DEPUTY SPEAKER AYALA: And how many officers are
12 on the force?

13 DEPUTY COMMISSIONER GERBER: Uh, I think we have,
14 uhm, uniforms? We're around 30,000-ish.

15 CHIEF MADDREY: Yeah, total uniform about 33,000.
16 (CROSS-TALK)

17 DEPUTY SPEAKER AYALA: Uh, I don't think your mic
18 is on.

19 CHIEF MADDREY: Oh, sorry, uniform, 33,000.

20 DEPUTY COMMISSIONER GERBER: Yeah, and I should
21 say, just to be clear, every... every... all of our
22 recruits get training in the academy on this, right?
23 We do training on both policing legally, and we do
24 separate training on policing impartially. We do
25 training on policing in a multicultural society.

1
2 So, it's... there's... Everyone's getting this in
3 the academy. And then on top of that, we're talking
4 about essentially either ,you know, refresher courses
5 or sort of where you're getting that kind of implicit
6 bias issues and sophisticated training about that.

7 So, it's very much a work in progress. But it's
8 something that we... we... we definitely do, yes.

9 DEPUTY SPEAKER AYALA: Okay. So the use of stop
10 and frisk skyrocketed during the Bloomberg
11 administration, and highlighting its central role in
12 the NYPD's policing strategy during that era.
13 Following the Floyd decision, the NYPD drastically
14 reduced the number of stops, decreasing from, uh,
15 conducting 685,724 stops in 2011 to 532,911 stops in
16 2012, to 191,851 stops in 2013 down to 46,787 stops
17 in 2014, 22,000 stops in 2015, and now, and reaching
18 a low of 8,947 stops in 2021.

19 In recent years, under the administration of,
20 Mayor Eric Adams, stop-and-frisk numbers have
21 consistently increased, reversing prior, trends.

22 Do you have an... how do you explain that? I
23 mean, that's a significant increase. Right? We're
24 recording, so in 2023, there were 17,000 stops; in

1
2 2021, there were 8,900 stops. That's a pretty big
3 jump.

4 DEPUTY COMMISSIONER GERBER: Well, you... Yes, and
5 no...

6 DEPUTY SPEAKER AYALA: How do you... How do you...

7 DEPUTY COMMISSIONER GERBER: I mean, I think... I
8 think... I think... But, the historical perspective
9 you just provided, I think, is very important.

10 DEPUTY SPEAKER AYALA: Mm-hmm

11 DEPUTY COMMISSIONER GERBER: Right? I mean, you
12 know, you're right, like, looking over, I'd say,
13 maybe, let's say, two to three year timeframe, you
14 have seen a significant increase. There's no question
15 about that.

16 Looking at over a decade, decade plus, you've
17 seen an astronomical decrease. So I think in... in
18 even... so in any sort of real historical
19 perspective, what you're really seeing is a shift in
20 policing and just a really incredible drop in the
21 number of Level 3 encounters and the number of stops.

22 DEPUTY SPEAKER AYALA: But those numbers have
23 since skyrocketed back up to 17,000.

24 DEPUTY COMMISSIONER GERBER: Understood. All...
25 all I'm saying though is...

1
2 DEPUTY SPEAKER AYALA: So... so there seems to be
3 a disruption. Right? And whatever trend was... was
4 occurring that was taking us on a downslide has now,
5 you know, taken us back up.

6 CHIEF MADDREY: Yeah...

7 DEPUTY SPEAKER AYALA: How do... How do we
8 justify...

9 CHIEF MADDREY: Council Member, I mean if you look
10 at the crime in 2016, 2017, 2018, it was a lot. It
11 was significantly lower. Alright, we have been going
12 up in crime, especially after COVID. So, I mean, our
13 police officers are out there, they're engaging more,
14 they're trying to reduce the crime, they're trying to
15 bring down shootings. So, I think there is a
16 correlation with there being more crime as compared
17 to 2016, 2017, and 2018 versus 2021, 2022, and 2023.

18 DEPUTY SPEAKER AYALA: Yeah, and I... I'll just,
19 I... Look, I do see that... And I recognize that
20 stop-and-frisk was a tool that was used, right, to
21 stop crime or prevent crime from occurring. I get
22 that. I think that it's the way that it's used, uhm,
23 has shown to be abusive. Right? There's been a lot of
24 abuse of power from NYPD officers as it relates to
25 stop-and-frisk. My son has been ,you know, on the

1 receiving end of that, coming out of his building,
2 walking to the store - he stops to talk to his
3 friends in front of his own building, gets stopped.
4 Right? Uhm, he's walking ,you know, to work, helps a
5 lady to carry her carriage into the building, he gets
6 stopped because he looks like somebody. So, it's
7 not... When it happens enough times, and it is not...
8 it is no longer a coincidence, right? Then there is
9 something obviously in the universe of policing that
10 is skewed against people of a specific community, of
11 specific identities. And that's the part I think that
12 we're here to learn - is how ,you know, have we
13 applied those lessons learned, uh, the new, uh,
14 policies around stop-and-frisk to reduce the numbers
15 and to ensure that we're not stopping ,you know,
16 young men and women of color just because they live
17 in a specific community. Right? And... And you can...
18 You know, and I... And I can... If you tell me, well
19 ,you know, Council Member, the reason that ,you know,
20 in this specific precinct, it's because that's ,you
21 know, you had a lot more crime there, then... And,
22 I... It kind of makes sense, but it... I don't
23 believe that crime is not happening in other
24 precincts as well. So, the fact that the demographics
25

1
2 are primarily made up of Black and brown people,
3 doesn't look good. Right? So there has to be an
4 explanation for that that makes sense to us, right,
5 as legislators, so, that ,you know, we're better able
6 to work with the NYPD to ensure that ,you know, this
7 is not happening. Right? That we are not just
8 stopping people. So that's why I asked the question
9 about implicit bias, because I think that, because
10 policing is a difficult job, and ,you know, and I've
11 seen... I've... I've seen it. You know? I... I... I
12 work very closely with my officers. And I have no
13 problem holding the NYPD or anybody else to task when
14 I think something is wrong.

15 But, I do acknowledge that it is a very difficult
16 job. But, I think in the course of that, right, you
17 have to make these decisions in rapid turnaround,
18 mistakes are often made. And the fact that they are
19 consistently made in communities like mine, is
20 problematic. So, I think that what I'd like to hear
21 from these, uh ,you know, interactions is
22 recognition. Like, look ,you know, it isn't... It
23 isn't a perfect system. Right? We're looking at the
24 numbers, and we agree, right, that there is a
25 significantly higher census data for Black and brown

1
2 people. This is why, alright? Or, we're trying to
3 figure out the why and change that. Because implicit
4 bias, I believe, does play a significant part of
5 those stops.

6 I believe that ,you know, our young kids are
7 walking around ,you know, with their pants down,
8 they're walking around ,you know, as, uhm, Samy said
9 with a bookbag that may have a brush in ,you know, in
10 it. And somebody saw it and ,you know, maybe assumed
11 the wrong thing. But, these interactions are very
12 traumatic. So, it's not ,you know, if the arrests are
13 not significant enough, right, that lends to the
14 argument that the stop-and-frisk is a valuable...
15 such a valuable tool for the NYPD, then something is
16 going to have to change in the culture of the NYPD in
17 the way that you do this. Right? And I don't want
18 to.. I think that it would be really nice to kind
19 hear that from the NYPD, as opposed to having
20 legislators force that upon you.

21 CHIEF MADDREY: Well, let me just address
22 something... (CROSS-TALK)

23 DEPUTY SPEAKER AYALA: Do I make sense?

24 CHIEF MADDREY: No, no, I understand. So, let me
25 address something, Council Member.

1 Now I've been in the Department a long time.
2
3 Alright? And I was around for 2009, 10, and 11 when
4 Stop, Question, Frisk was at its highest. Alright? It
5 was something where, you know, we had to answer for.
6 We had to answer for why? Why? Why? It wasn't
7 properly used, and there was a lot of pressure with
8 it. We don't do that anymore. We don't do that
9 anymore. I'm the Chief of Department. I chair
10 CompStat (Compare Stats). That is not a question
11 that's asked. I don't want ever... any of my
12 office... officers to ever think that they have to go
13 out there and stop somebody because there's a certain
14 pressure coming from the top. That is not the case.
15 Alright? We ask our officers to go out there and use
16 that intelligently. Alright? It's rooted in the
17 constitution, and we want them to use it
18 intelligently, we want them to use it properly.

19 Do we see mistakes? Absolutely. Do we see things
20 that we need to address? Absolutely. Alright?

21 In preparing for this meeting, I've... I became
22 aware of some things that I wanna go back and take a
23 deeper dive on. But one thing I can assure you is
24 that we do not pressure our officers to go out and do
25 this. Alright? We put officers in places that need

1
2 help. Alright? Places that require help, places where
3 we see crime. That's where we put our officers. And
4 we want them to go out there and be visible and talk
5 to the communities and work with them.

6 And if there's a situation where they have to
7 conduct a stop, I want them to document it. Alright?
8 Be truthful about what happened out there. Explain
9 what happened, and maybe we could teach you better.

10 Maybe we say, hey, you messed up, or maybe we
11 say, you did a great job, you prevented something.
12 Alright?

13 So this is what we want, and this is what we
14 expect. We'll keep looking at it and keep working on
15 it, because I don't want people to feel that we're
16 doing it just because - we're going into a community
17 just because you're Black or you're brown. That's not
18 what we're pushing out.

19 DEPUTY SPEAKER AYALA: Yeah, but do you rec... Do
20 you keep records of like, in a non-Black and brown
21 community, you know, what the... what the numbers of
22 stop-and-frisk are and compare that?

23 CHIEF MADDREY: Absolutely...

24 DEPUTY SPEAKER AYALA: Okay...

1
2 CHIEF MADDREY: I have stop-and-frisk for every
3 precinct.

4 DEPUTY SPEAKER AYALA: Okay.

5 CHIEF MADDREY: And for every precinct, I can tell
6 you the stop-and-frisk. I look at the precincts, I
7 look at the crime, and like I said, the example I
8 use, I looked at the 112, Forest Hills, an area I
9 know, I looked at the 75, I mean, the crime numbers
10 are completely different. They're completely
11 different. We need more cops over there. We need cops
12 to engage. People are being shot over there. People
13 are being... (CROSS-TALK)

14 DEPUTY SPEAKER AYALA: No, I, listen, I get that,
15 and I hear that in my precinct council meetings,
16 right, I hear that a lot from my... especially, like,
17 a lot of the senior citizens that are sitting in
18 front of benches that are ,you know, sometimes having
19 to ,you know, throw themselves on the floor, because
20 there's gunshots happening. I get that. Like, I want
21 to feel safe in my own community...

22 CHIEF MADDREY: Yes...

23 DEPUTY SPEAKER AYALA: I want to... I want people
24 to feel safe in their community. But I just don't
25 want there to be any impression that because there

1 are people in my community that ,you know, may be
2 committing crimes, that we're all committing crimes.
3 And how do we get to a place where we're not
4 necessarily stopping folks just because they have
5 drooping pants or are wearing a bookbag that looks
6 like it, you know, it may have something in it when
7 there's no other obvious reason for stopping that
8 person. Right?

9 CHIEF MADDREY: Right...

10 DEPUTY SPEAKER AYALA: There has to be that... And
11 unless we meet there, we're con... gonna have this
12 conversation every single year. We're never going to
13 change, because we're doing the same thing and
14 expecting a different outcome.

15 CHIEF MADDREY: Mm-hmm, and I agree with you. We
16 don't want people stopped because of their pants are
17 drooping or the kind of sneakers that they're
18 wearing. But, as you just said, you go to the
19 meetings and you hear this from the people...

20 DEPUTY SPEAKER AYALA: Mm-hmm.

21 CHIEF MADDREY: I've gone to numerous meetings
22 throughout the community, throughout this whole city,
23 a lot of times I go to these... go to these community
24 meetings, and people are asking me, "Oh, we want the
25

1 officers to come to the building because of
2 problems." "We want them to come to this corner
3 because of the problems." "We want them to do this
4 because of these problems." What do you think they're
5 asking us? They're asking to come there to stop
6 people, to challenge people, to move people along.
7 This happens all the time. This... Even in your
8 district...

9
10 DEPUTY SPEAKER AYALA: Mm-hmm

11 CHIEF MADDREY: I've been in some of the
12 developments where they call and said, "There are
13 people in here, we're not safe." And we have to go in
14 there, and say, "Hey, do you live here? If you don't
15 live here, you have to leave." This is exactly what
16 our officers are doing. They're conducting a stop
17 when they do that. And a lot of this is based on
18 community complaints. I've been in community meetings
19 all over this city, people ask us to go out there and
20 do this.

21 DEPUTY COMMISSIONER GERBER: And...

22 DEPUTY SPEAKER AYALA: People ask me all the time,
23 too, but I know better than that. Right? So, when
24 people ask me that, I also explain that while, yes,
25 we're absolutely right to want to feel safe in our...

1 in our... in our buildings, uhm, in our place of
2 residence, in our streets, that there is also ,you
3 know, a fine line when now we're ,you know, trampling
4 on people's basic rights. Right?

5 CHIEF MADDREY: And...

6 DEPUTY SPEAKER AYALA: to... to walk the streets.
7 And these are young impressionable, often times,
8 impressionable young, you know, men of color. And
9 that has a long lasting impact on that individual for
10 many, many more years. I can tell you every
11 interaction that I've had with an NYPD officer. And I
12 haven't even done anything. Like ,you know, I have...
13 I've never been arrested. I have never committed a
14 crime. And yet, I... and the... and again, and that's
15 part of the implicit bias. Right? Like, their... It
16 goes both ways.

17 CHIEF MADDREY: Absolutely.

18 DEPUTY SPEAKER AYALA: Whenever I see a police
19 officer that's interacting in a specific ,you know,
20 type of stop, like, I'm nervous. And I ,you know, I
21 tell my husband all the time, do not make eye
22 contact. Like, when we're driving, I tell him, do not
23 make eye contact. Because I've made eye contact with
24 an officer that looks like me, that has stopped me...
25

1 CHIEF MADDREY: Mm-hmm

2 DEPUTY SPEAKER AYALA: because I looked at him.

3 CHIEF MADDREY: Right.

4 DEPUTY SPEAKER AYALA: And ,you know, and, so,
5 these things ,you know, they continue to happen, and
6 I just ,you know, I... And I don't think we're going
7 to get to a resolution today, I think I would like
8 ,you know, I would love there to be some sort of
9 initiated response from the NYPD that says, like,
10 look, "We're looking at this data, and you're
11 absolutely right." Especially because we have so many
12 people of color at the top ,you know, we expect a
13 little bit more. Because these are our communities
14 that we're talking about, and I'm not saying that
15 everybody's a saint, and I'm not saying that crime is
16 not being committed, those things are happening. But
17 95-97% of the people that live in my community are
18 good, decent people that are going to work every day
19 that are just trying to live ,you know, a decent
20 life. And ,you know, it...

21 CHIEF MADDREY: And I... And I agree with you,
22 Council Member. We could definitely take a better
23 look. And I don't want people to feel that way. We
24 will work on it. We will work on it.
25

1
2 DEPUTY SPEAKER AYALA: I appreciate that, thank
3 you.

4 CHAIRPERSON SALAAM: Thank you, I would like to
5 pass it to Council Member Joseph.

6 COUNCIL MEMBER JOSEPH: Thank you, Chair.

7 Something I've always said ever since I was an
8 educator, communities that have resources have less
9 crime. And in your statement earlier, you stated
10 that, and Council Member Cabán also highlighted the
11 need for that. So that's... that's where that is.

12 So, we know as a mom of boys - and my boys get
13 stopped all the time, and there's no excuse for it.
14 Right? Whether they're driving my car or not, getting
15 pulled over, put in handcuffs, to say to them, "Well,
16 you didn't match the description on the car, the
17 driver is unacceptable for me." So that's the
18 experience that many of the Black men who come here
19 experience, and that's unfortunate.

20 So let's talk about accountability and
21 responsibility. Does the public have access to the
22 How Many Stop Acts data that you collect?

23 DEPUTY COMMISSIONER GERBER: It's posted online,
24 yes.

25 COUNCIL MEMBER JOSEPH: It's what?

1
2 DEPUTY COMMISSIONER GERBER: It's posted online,
3 yes.

4 COUNCIL MEMBER JOSEPH: So, if I were to do a
5 survey, how many New Yorkers know that's available
6 and online?

7 DEPUTY COMMISSIONER GERBER: So there's...
8 there's certainly...

9 COUNCIL MEMBER JOSEPH: I'm sure...

10 DEPUTY COMMISSIONER GERBER: it is true that many
11 New Yorkers may not know about, you know, the How
12 Many Stops Act data that's online, but it is a 100%
13 on our... it's available on our website, yes.

14 COUNCIL MEMBER JOSEPH: So now they heard it on
15 the record here.

16 Have you received any feedback from community
17 members? Have you engaged community members on the
18 How Many Stops Act?

19 DEPUTY COMMISSIONER GERBER: Have I heard I... I
20 have not heard directly back from community members,
21 no. I have offered on multiple occasions to meet with
22 advocates and advocacy groups to talk about the How
23 Many Stops Act, they haven't taken me... (CROSS-TALK)

24 COUNCIL MEMBER JOSEPH: And what was the response?
25

1
2 DEPUTY COMMISSIONER GERBER: They have not taken
3 me up on that yet.

4 COUNCIL MEMBER JOSEPH: And can you figure out
5 why?

6 DEPUTY COMMISSIONER GERBER: I hope they will meet
7 with me about it. I'd like to talk...

8 COUNCIL MEMBER JOSEPH: There's a trust issue.
9 Just like I don't trust, because of my boys, when
10 they step outside, I'm worried about them. I'm sure,
11 across the city, the parents, and as an educator, I
12 felt the same way about the students that I taught.
13 That coming to school is about the same experience.
14 So, that perception has to change. That trust has to
15 be gained. And over the summer, I had an incident
16 with Chief Maddrey. He had to come to the district to
17 apologize to my young people, because NYPD came in
18 and trampled over my young people at a basketball
19 game. And some of my colleagues will never understand
20 that. You ask young people to work with you, we ask
21 young people to trust them. But yet you come and
22 violate that space. You have to do right. By imposing
23 trauma on young people, we have to do... We have to
24 right the wrong. Right? And we have to make it right.

1
2 Right? So maybe that's why they're not meeting
3 with you. Because there's no trust. And I told
4 Commissioner Stewart the same thing. He's, like,
5 "Chair, I... I.. I created all these great programs,
6 no kids show up." They don't trust you. So, you have
7 to build better messengers. And as you're doing this,
8 you have to start talking to young people.

9 How does the NYPD address community concern about
10 racial disparities highlighted in the How Many Stop
11 Act data? How do you how do you talk to community
12 members about that?

13 DEPUTY COMMISSIONER GERBER: So what I would say
14 is, though, I... I think it's important, we have for
15 the How Many Stops Act, we have one quarter of data.

16 COUNCIL MEMBER JOSEPH: Mhmm.

17 DEPUTY COMMISSIONER GERBER: I think it is way too
18 soon to draw any conclusions about that data. I think
19 we need a lot more of it before we draw any
20 conclusions for good or ill. I, you know, that I
21 don't say that in defense of the department or... or
22 almost as an advocate. I just say it's like, with
23 only one quarter of data, I don't think you can draw
24 conclusions any which way. I think we're gonna get
25 data over time, it will be quarters, it'll be years.

1
2 And then I think... I'm sure there will be, I'm sure
3 there will be analyses that are done, sophisticated
4 analyses of that data. I will say that on the Level 1
5 piece, you know, a Level 1 encounter, right, is
6 fundamentally different than, you know, a Level 3
7 Terry stop.

8 COUNCIL MEMBER JOSEPH: What are the differences?
9 Please explain.

10 DEPUTY COMMISSIONER GERBER: Sure. I mean, a Level
11 1 encounter, I mean, it's like, a (UNINTELLIGIBLE)
12 legal matter. Right? The person's free to leave. It's
13 not there's no, suspicion of criminality. I'm sure it
14 doesn't have to be. You see an objectable...
15 objective, credible reason to approach. And most of
16 those scenarios are about talking to victims, talking
17 to witnesses.

18 I think about level... level ones... Level ones
19 as being about responding to the community,
20 responding to 911 calls, responding to community
21 concerns. Obviously, when you're talking about Level
22 3, you're talking about enforcement. You are. It's a
23 stop. The person is not free to leave.

24

25

1
2 COUNCIL MEMBER JOSEPH: But how do you use that
3 data that you've captured to also inform policies on
4 how you're gonna do better? Because earlier you...

5 DEPUTY COMMISSIONER GERBER: Right.

6 COUNCIL MEMBER JOSEPH: talked about Patrol Guide,
7 training, refreshers course, officers that do not put
8 in their information. How does that happen?

9 DEPUTY COMMISSIONER GERBER: Sure...

10 COUNCIL MEMBER JOSEPH: You call CCRB, there's no
11 leader to lead the CCRB right now, so where's the
12 accountability and responsibility?

13 DEPUTY COMMISSIONER GERBER: So think there are a
14 few different pieces of this.

15 So one, I... I do want to say, talk for a minute
16 about compliance stat, which is something that we...
17 we started earlier this year. It... it is a major
18 innovation for the Department. I think it's gonna
19 have a really significant effect on how we do things.

20 You know, there's a joke in the Department that
21 if you, you know, if we're serious about something,
22 we create a stat about it. And there is.. there's...
23 there's truth to that in the sense that you're
24 gathering data, you're getting executives involved,
25 (TIMER CHIMES) you're... you're pushing

1
2 accountability. And compliance stat functions very
3 much like ComStat. Right? In the same sense that we
4 have a ComStat, we have COs at the podium being held
5 accountable with our crime problems and their
6 respective commands. Here, it's about accountability
7 in terms of under reporting, body worn camera
8 activation, the Level 2, Level 3 distinction. You
9 have you have you have COs standing there being
10 grilled by some of the most senior executives,
11 uniforms in the department, uhm, on their on how they
12 do compliance, how they do oversight. I think that's
13 incredibly important.

14 There's an entire team that's been created, in
15 the in the CO's patrol's office, that what they're
16 doing, you know, pretty much all day every day is
17 they're... they're prepping for... for compliance
18 stat, pulling videos, analyzing videos.

19 We put up a compliance stat, both good videos and
20 bad videos. I think it's actually a really helpful
21 thing.

22 We have all the COs who are borough command in
23 the room, and we're walking through videos, and we're
24 showing examples of really great policing. And, by
25 the way, when I say great policing, it's not just

1
2 lawful policing, but also that they're talking to
3 people the right way.

4 COUNCIL MEMBER JOSEPH: And how does that trickle
5 down to communities that are being impacted?

6 DEPUTY COMMISSIONER GERBER: Right. So the... the
7 idea, the idea is that COs are taking this back to
8 their cops, are learning from this, learning from
9 this because they're seeing what's appropriate and
10 what's not. They're getting feedback from executives
11 on what works and what's not. And that's... they're
12 taking it back to their teams, and they... they wanna
13 do this right. In the same way they wanna succeed in
14 ComStat, they wanna succeed in compliance debt. I
15 think it does have an effect.

16 And, frankly, it is... compliance stat is a great
17 example of the monitor raising concerns, some of the
18 same concerns that you're talking about right now,
19 and the Department being proactive, being responsive.

20 I should say there are many things that we do
21 because the monitor requires some of us, a 100%.
22 Compliance, that was something that we came up with.
23 We said, we wanna do this. We came to the monitor
24 with it. We said, hey, we think this would be really
25 important, really helpful. The monitor comes to every

1 meeting - or the monitor or a member of her team,
2 she's come to some herself, sometimes it's members of
3 her team. But they're... they're at every single one
4 of these meetings. They are giving us feedback, and I
5 think it's a very important step.
6

7 On the discipline piece, as I said earlier, we
8 have a new police commissioner. She is looking at
9 this issue, this issue. And I... and I don't wanna
10 get ahead of her, but what you are gonna see under
11 Commissioner Tisch is a disciplinary system that is
12 fair and that is effective. And that is what you are
13 going to see.

14 COUNCIL MEMBER JOSEPH: And we will hold you to
15 that. Chair, I will come on back in on the second
16 round.

17 CHAIRPERSON SALAAM: Thank you.

18 I am going to pass it to Council Member Stevens.

19 COUNCIL MEMBER STEVENS: Hello, good afternoon.

20 I just want to start off by saying, Deputy
21 Commissioner, I was texting with groups as we were
22 sitting here. I know you said you reached out to them
23 to meet with them on How Many Stops. Folks said... I
24 don't know who you reached out to, but I'll be happy
25 to help you connect because I am a problem solver.

1
2 And if that's an issue, let's make sure it happens
3 because that's...

4 DEPUTY COMMISSIONER GERBER: That's great.

5 COUNCIL MEMBER STEVENS: That is important. We're
6 bringing people in the room together to have real
7 conversations, because it's the only way we're ever
8 gonna solve anything. So I will be helping you set
9 that up, so don't worry about it. Don't you worry
10 your pretty little face.

11 DEPUTY COMMISSIONER GERBER: Thank you.

12 COUNCIL MEMBER STEVENS: And, I just wanna also
13 say, Chief Maddrey, you're not lying, people in my
14 community are always asking for more cops. That is...
15 when I'm at the precinct council meetings, that is
16 what I hear often like, we need more cops, we need
17 more cops, but you know, and I always reeducate them
18 that we need more resources. Right?

19 Like even if we get more cops, it's gonna
20 continue to happen, because what happens, poverty is
21 going to drive the crime up, and so we have to make
22 sure that we are infusing the same amount of
23 resources that we are infusing cops.

24 And so I say it all the time, which is why my...
25 well my inspectors love me, because I'm like, I'm

1
2 trying to get you to do your job and not everybody
3 else's job. You are not a social worker, you are not
4 a you are not... you are not gonna do all the things
5 that it's a good... that needs to get done. You don't
6 have to... you shouldn't be doing Homeless Services -
7 You... none of the things. So my job is to help you
8 guys get the resources so you don't have to be there.
9 Right?

10 So you are correct, and you're not lying. And I
11 do wanna make sure that that's being said, because I
12 hear that all the time, we need more cops. And I'm
13 like, is that what we need? Is that gonna solve the
14 issue? No. We don't have any community centers. The
15 kids have nowhere to go. "Oh, why they standing in
16 front of the building?" Where they gonna go? Who's
17 gonna let them come in their program?

18 So I think we have to work together to make sure
19 that we are figuring out how we get more resources.
20 Right? I think, you know, us together should be going
21 to the mayor saying like, you see these areas? We
22 need more resources. And I know they've tried to do
23 different things with like Saturday Night Lights and
24 all those things, but as we can see it's not working
25 the way we want it to work. So then what we should do

1
2 is go back and say, let's reevaluate it to see what
3 else we could do, and this is why I'm always saying -
4 because I'm the chair of DYCD and ECS, and which is
5 why I'm always saying, well how do we evaluate that?
6 How do we know it's working?

7 Cause if we don't have the data to back it up,
8 then we can't say it's working. And today the data is
9 showing that we are criminalizing certain people, and
10 so that's why for me it's like how do we now figure
11 out how to move forward and change this? So the next
12 time we come, we're reporting on how we've changed it
13 and what that really looks like. And so that's how I
14 really wanna focus the conversation.

15 And so in the 4 6 precinct, there has been the...
16 they've had a really bad record of escalating Level 1
17 encounters to more serious offenses. Uh, 18% of the
18 Level 1 stops led to summonses, and 2.6% led to
19 arrest, but 95% of all Level 1 stops of Black and
20 brown and Latinos is a higher percentage of stops of
21 25%, uhm, self initiated.

22 And so we're seeing that this is trending up. Can
23 you talk to me about what trainings officers and
24 detectives are getting around conducting Level 1
25 encounters?

1
2 DEPUTY COMMISSIONER GERBER: So, officers don't
3 really get... Well, we've gotten training about the
4 How Many Stops Act. (UNINTELLIGIBLE) with How Many
5 Stops Act.

6 COUNCIL MEMBER STEVENS: Mm-hmm.

7 DEPUTY COMMISSIONER GERBER: When you talk about
8 training... (CROSS-TALK)

9 COUNCIL MEMBER STEVENS: But, what are some of
10 those... What... Could you talk a little bit about
11 those trainings, too?

12 DEPUTY COMMISSIONER GERBER: Sure. Sure. Well, if
13 I may, just in terms of sort of how we rolled out the
14 How Many Stops Act and how we sort of...

15 COUNCIL MEMBER STEVENS: Mhmm.

16 DEPUTY COMMISSIONER GERBER: Yeah. So...

17 COUNCIL MEMBER STEVENS: I don't have a lot of
18 time, so succinct, don't be trying to eat up all my
19 time. Because I see what you be doing...

20 DEPUTY COMMISSIONER GERBER: (LAUGHS) No, no,
21 I'm... I want to answer your question.

22 In connection with the How Many Stops Act, before
23 sort of July 1, and even after July 1, we did a lot
24 of things. Right? We did an operations order; we did
25 an administrative bulletin; we did a legal bulletin

1 about Level 2, uh, Level 2 interaction and consent;
2 we did a training video.

3
4 COUNCIL MEMBER STEVENS: Alright, you're eating up
5 my time...

6 DEPUTY COMMISSIONER GERBER: Okay.

7 COUNCIL MEMBER STEVENS: You do a training video?
8 Okay.

9 DEPUTY COMMISSIONER GERBER: We did a training
10 video, uhm, and also we've had conversations at the
11 executive level and with groups of COs about the
12 importance of this.

13 In terms of the nature of the interaction itself
14 though, I do wanna say, like, a Level 1 encounter,
15 you're talking about a cop saying to someone, you
16 know, did you see anything? Did you hear anything?
17 Hey, we got a call about this. Do you know anything
18 about that? Hey, we're looking for this kid. Hey, we
19 got a report of gunshots, did you hear anything?

20 I mean, those are, like, your basic Level 1
21 encounters. So I mean... I mean, that's sort of... I
22 mean, our cops (UNINTELLIGIBLE) know how to talk to
23 people a 100%, but I'm but... I'm not... and that's
24 incredibly important. But I'm not sure that it's

25

1
2 really about, like, a special training for how to do
3 a Level 1 encounter, if that makes sense?

4 COUNCIL MEMBER STEVENS: Well, I might differ. So
5 that's where we might differ. Because I think you do
6 need a special training on how to, like, interact
7 with people period. Right? Because even saying, like,
8 "Did you see something?" and those things, sometimes
9 people do need to have additional training or prompts
10 or whatever they might need.

11 And because you ate up a lot of my time, I have
12 another question really quickly. And this is
13 pertaining to the gang database. Could you talk to me
14 a little bit about, like, how the gang database has
15 improved crime throughout the city? Like, how are
16 those things correlating? Because for me, has it,
17 like, changed dramatically? Does it, like, help with
18 like, how is it improving, policing in in New York
19 City?

20 DEPUTY COMMISSIONER GERBER: Right. So the gang
21 database is an intelligence tool, and I do wanna say,
22 and I know you're watching the clock, but also there
23 were things that were said before the gang database
24 that are not true.

25 And I do wanna say that just for a second. Right?

1
2 Criminal gang database (TIMER CHIMES), there was
3 a DOI report last year. We made major changes to the
4 database in light of that report. We took most of
5 DOI's recommendations, implemented most of those
6 recommendations. Some of it was being described...

7 (CROSS-TALK)

8 COUNCIL MEMBER STEVENS: Are you notifying people
9 that they're on the database?

10 DEPUTY COMMISSIONER GERBER: We do not notify
11 people. We did say, though, as one of the things, is
12 that if someone... if someone does FOIL it, we will,
13 consistent with the FOIL Law, we'll honor that...

14 (CROSS-TALK)

15 COUNCIL MEMBER STEVENS: Has anybody been removed
16 off the database this last year?

17 DEPUTY COMMISSIONER GERBER: What was that?

18 COUNCIL MEMBER STEVENS: Has anybody been removed
19 off the database this last year?

20 DEPUTY COMMISSIONER GERBER: We have an entire
21 process for reviewing this. Right?

22 COUNCIL MEMBER STEVENS: No, I'm asking you, how
23 many people have been removed from the database this
24 year? If you implemented all these....

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THE COMMITTEE ON PUBLIC SAFETY

DEPUTY COMMISSIONER GERBER: I... I.. I do not have... I do not have the data with me, right, because...

COUNCIL MEMBER STEVENS: Okay, well, you should. Always. You know? Be prepared. So...

DEPUTY COMMISSIONER GERBER: Well... well, there's... You're... This is a hearing about...

(CROSS-TALK)

COUNCIL MEMBER STEVENS: So, but if you don't have it here...

DEPUTY COMMISSIONER GERBER: investigations encounters (INAUDIBLE)... (CROSS-TALK)

COUNCIL MEMBER STEVENS: You... You can send it back to us in written testimony, too. So, don't worry, you don't have to... If you don't have it right here... (CROSS-TALK)

DEPUTY COMMISSIONER GERBER: I will... we will... (CROSS-TALK)

COUNCIL MEMBER STEVENS: we know how to get in contact with you.

DEPUTY COMMISSIONER GERBER: we will get you data on that. We have... We have changed the rules regarding the criminal group database, both in terms

1
2 of the criteria and documentation. It has changed
3 dramatically.

4 COUNCIL MEMBER STEVENS: And what are those
5 changes?

6 DEPUTY COMMISSIONER GERBER: Alright, so, for
7 example, we have changed the criteria for someone
8 being admitted to the... being put in the database.
9 Some of what was being described before in terms of
10 ,you know, location, uh, that sort of thing ,you
11 know, these friendship groups, like, that does not...
12 Absolutely not. Absolutely not. That was... That was
13 something that we changed, that change is in writing.
14 The criteria is about self admission or we...

15 COUNCIL MEMBER STEVENS: How many young people
16 have come to you and said, "Hey, I'm in a gang, put
17 me on the database."?

18 DEPUTY COMMISSIONER GERBER: Self admission, when
19 they are... when they are being interviewed by
20 detectives...

21 COUNCIL MEMBER STEVENS: So, they are telling
22 detectives, and I just want to be clear, and I'll
23 wrap it up here...

24 DEPUTY COMMISSIONER GERBER: Yes.
25

1
2 COUNCIL MEMBER STEVENS: They are telling
3 detectives, "I'm in a gang."?

4 DEPUTY COMMISSIONER GERBER: There are... Are
5 there times when people are being... are being
6 questioned and they admit to gang membership?
7 Absolutely, yes, that happens.

8 COUNCIL MEMBER STEVENS: That is very hard for me
9 to believe that they are sitting in interrogation
10 rooms, like, "I'm in a gang. And put me in a
11 database," that's very hard for me to believe. And
12 maybe it's happening. I don't... Listen, stranger
13 things have happened, but I do not believe that if we
14 have about 1,600 to 17,000 in this database, that
15 1,600 people have self identified and said... (CROSS-
16 TALK)

17 DEPUTY COMMISSIONER GERBER: As...

18 COUNCIL MEMBER STEVENS: that, "I'm in a gang".

19 DEPUTY COMMISSIONER GERBER: As you know...

20 (CROSS-TALK)

21 COUNCIL MEMBER STEVENS: I mean...

22 DEPUTY COMMISSIONER GERBER: I... I didn't say
23 they all self-admitted, but, but... (CROSS-TALK)

24 COUNCIL MEMBER STEVENS: So the majority of
25 them...

1
2 DEPUTY COMMISSIONER GERBER: But... They... It's
3 self admission, and multiple, at least two separate
4 witnesses - and do people sometimes, when they're
5 being interviewed by law enforcement admit to gang
6 membership? The answer to that is, yes, absolutely
7 that happens.

8 COUNCIL MEMBER STEVENS: Okay. And they might have
9 mentioned someone else being on there or something
10 like that, got it. But, again, I think that if you...
11 That hasn't really told me how that has helped
12 improved crime...

13 DEPUTY COMMISSIONER GERBER: So...

14 COUNCIL MEMBER STEVENS: throughout the city. But,
15 we can talk more about it, and I would love to hear
16 more about the criteria that has been changed, and
17 talk about it, uhm, because it's still very alarming
18 to me. Right? Because the race disparities are,
19 again, it's alarming. And Black and brown people are
20 not the only ones in gangs. And that's a problem. And
21 you cannot tell me by any means that it's helping
22 anything, other than showing that you are terrorizing
23 one group of people.

24

25

1
2 DEPUTY COMMISSIONER GERBER: I do want to say
3 though, to say that we are terrorizing people through
4 the criminal group database, it...

5 COUNCIL MEMBER STEVENS: Yeah, I'm terrorized by
6 it, because I could be on there. I can feel
7 terrorized by that.

8 DEPUTY COMMISSIONER GERBER: Gangs and crews are
9 real, and sometimes (INAUDIBLE)... (CROSS-TALK)

10 COUNCIL MEMBER STEVENS: I didn't say that they
11 weren't.

12 DEPUTY COMMISSIONER GERBER: And sometimes they
13 hurt people, people get hurt, sometimes people are
14 shot or killed, and we have to have to a way of
15 keeping track of who is in which gangs or crews...
16 (CROSS-TALK)

17 COUNCIL MEMBER STEVENS: Deputy Commissioner, we
18 are on the same page. I am not saying that we don't
19 have gangs. I do... But, it's not illegal to be on a
20 gang, that is not a criminal thing. If you done
21 something, and you have done a crime, I am not saying
22 that that is okay. But, if people have not committed
23 a crime, they should not be being surveillanced.
24 That's a problem for me. So, again, this to me is
25 very point blank period. And I understand, like, oh,

1 this is a tool, but if the tool is not doing what we
2 need, right? We just talked about data and having
3 evaluations, but if it's not doing what we need it to
4 do, then why are we... why do we have it?

5 So, that's just my take. And we'll continue the
6 conversation. And I am going to leave it there. And
7 we are going to keep... And I'm going to connect you
8 to the organizations, so you can talk about How Many
9 Stops. And we are going to continue to have this
10 conversation about the database, so set some time up
11 with me.

12 DEPUTY COMMISSIONER GERBER: Okay, thank you.

13 CHAIRPERSON SALAAM: Thank you. We are going to
14 pass it to Council Member Holden.

15 COUNCIL MEMBER HOLDEN: Thank you, Chair. And
16 thank you for your testimony, Deputy Commissioner and
17 Chief.

18 I just want to bring up, on How Many Stops, I
19 know you don't have the data yet, but you do have the
20 data on response times and critical response. Could
21 you tell us since, uh, recently, since that law was
22 enacted, are there is... there an increase in the
23 response times?
24
25

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2 DEPUTY COMMISSIONER GERBER: So the very short
3 answer to that is, no.

4 Let me... let me give you a little bit more data
5 about that, though. So I'll pull it up in a second.
6 The response times in the third quarter of 2024 were
7 down slightly. Obviously, there are a lot of factors
8 that go into that. It's something that the Department
9 has been very focused on, and Chief Maddrey can speak
10 to that. But third quarter response times were down
11 slightly. I think when it comes to How Many Stops,
12 what we've done as part of our policy is we've given
13 officers the choice, essentially. They can either...
14 for the Level 1 form, they can fill it out
15 essentially in real time. Right? You can sort of...
16 as you have each Level 1 encounter, you can add to
17 the form and essentially, like, save the form over
18 the course of the day, if that makes sense. Or you
19 can do it at the end of your tour, based on body worn
20 camera, based on your activity log, based on your
21 memory.

22 That flexibility we thought was important for a
23 variety of reasons, in part because this is new and
24 we just, uh, we're trying to figure out what works
25 best. Part of it also is, obviously, depending on the

1
2 command, the tour, uh, it can vary very widely. And
3 there are places where officers are running from one
4 critical call to the next. We didn't want them to
5 have to fill it out in real time. Obviously, if they
6 if they have the time, then great. But if they don't
7 have the time, they can do it at the end of tour.

8 I think we are seeing a lot of officers doing it
9 at the end of tour, which would explain why you're
10 not seeing an increase in response times. We do have
11 an overtime code for How Many Stops. So the third
12 quarter of 2024 is about 18,000 hours spent on the
13 form by our police officers. That's about \$1.44
14 million in overtime. So I think you're not seeing it
15 play out in response times. You're seeing it play
16 out... (CROSS-TALK)

17 COUNCIL MEMBER HOLDEN: So, but you'll get
18 criticized for that, because of, uh, overtime. So,
19 it's a no win situation many times I've seen in
20 policing.

21 But I just wanna, you know, I've been to almost
22 40 years now going to civic and precinct council
23 meetings. I've never gone to one where they don't
24 want cops - more cops. So I and I know, Chief, you
25

1
2 ever hear that before? Like, go to a precinct council
3 and they don't want cops?

4 CHIEF MADDREY: I've been more meetings than I can
5 ever remember...

6 COUNCIL MEMBER HOLDEN: Right.

7 CHIEF MADDREY: I've never been to one where they
8 ask for that... (CROSS-TALK)

9 COUNCIL MEMBER HOLDEN: Exactly.

10 CHIEF MADDREY: (INAUDIBLE) ask for more cops...
11 (CROSS-TALK)

12 COUNCIL MEMBER HOLDEN: Again, but you don't...
13 But, you don't hear that. So, you... You kind of
14 don't hear that.

15 And on the resource level, I just want to talk
16 about, uhm, something that I proposed and even,
17 proposed legislation and spoke to the Mayor and spoke
18 to the Council many times, the City... our City
19 Council, that we should open up our schools as areas
20 for recreation for our kids. It's not much money.
21 It's an investment into our all our communities, and
22 this should be done in every community around the
23 city. Open up our schools. They exist. They have
24 beautiful gyms, some of them. They have a large area
25 of recreation, both the school yards or inside. And

1 yet, every year for the last three years in the
2 budget, the mayor said he likes the idea, he's... And
3 when he was borough president, he liked the idea. And
4 every year in the budget, it doesn't happen. So
5 that's what my suggestion has been. I have
6 legislation. My colleagues should sign on to that
7 legislation, because that does help with the
8 resources of communities where kids are not on the
9 street and they don't get into trouble.

11 But, uhm, so I think we have to get to, you know,
12 to stop vilifying our police officers who are trying
13 to do their job. Like you said, Deputy Commissioner,
14 it is a dangerous, uh, job, and we get... they get
15 second guessed a lot.

16 And I'd just like to ask the chief about, on
17 these encounters ,and now number... first of all,
18 Level 1 is an encounter, like you mentioned, Deputy
19 Commissioner. It's not a stop... (CROSS-TALK)

20 DEPUTY COMMISSIONER GERBER: It is not. Correct.

21 COUNCIL MEMBER HOLDEN: But everybody keeps
22 calling it stop. And you're free to leave. Right? If
23 an officer says, wait a minute, I gotta ask you a
24 question, and they say, get out of here, they could
25 just walk. Right?

1 DEPUTY COMMISSIONER GERBER: Correct.

2 COUNCIL MEMBER HOLDEN: So to call it a stop is
3 actually incorrect. And you mentioned that. But
4 resisting arrest, what percent of, like, the Level 3,
5 let say you have reasonable suspicion that this
6 person has done something, uhm, and they... And in a
7 Level 3, how many go south because they resist at
8 least that? They just want to walk away or they try
9 to get away?
10

11 DEPUTY COMMISSIONER GERBER: Well, I could say
12 this, I don't have the data on resisting arrest. I
13 can... I have... I do have some data here on use of
14 force in connection with Level 3 encounters (TIMER
15 CHIMES). It's actually, quite... quite low. Uhm, we
16 can definitely provide you with that data, through.

17 COUNCIL MEMBER HOLDEN: Alright...

18 DEPUTY COMMISSIONER GERBER: We will... We will
19 provide that to you.

20 COUNCIL MEMBER HOLDEN: Alright, thank you.

21 CHAIRPERSON SALAAM: Thank you, I am going to pass
22 it to Council Member Paladino.

23 COUNCIL MEMBER PALADINO: Thank you both for being
24 here today. I wanna thank my colleague Althea Stevens
25

1
2 and my colleague Bob Holden. They brought up a lot of
3 the things that I have here on my paper.

4 I wanna know what percentage of the NYPD is non-
5 white? Forty percent?

6 CHIEF MADDREY: Sixty percent.

7 COUNCIL MEMBER PALADINO: Sixty percent? Yes.

8 So the implication here, made by many of my
9 colleagues is that the police force that is... that's
10 compromised of almost half non-white minorities,
11 Black, Hispanic, Asian, and such, is somehow acting
12 on racial hostility against their own communities.

13 How would you say these accusations by my city
14 council members impact the morale of the NYPD?

15 CHIEF MADDREY: What I will say about that,
16 Council Member, is that you have a lot of men and
17 women in this department who put their lives on the
18 line. They're very selfless. They don't think about
19 their own lives, sometimes their own families, and I
20 think we, seen that as a Council Member Holden spoke
21 about officer Jonathan Diller, March 25th. Last week,
22 I was with the family of Pete Figoski, I was his
23 commanding officer, and he responded to basically a
24 drug rip and lost his life. And, 13 years ago, and
25 it's still to this day, I think about it every day.

1
2 They'll... the men and the women of this department
3 are selfless. They're not perfect, but they're
4 selfless. They go out there. They're trying their
5 best, and we just need the support of the people of
6 New York and especially the people of City Council.

7 COUNCIL MEMBER PALADINO: I agree with you a 100%.
8 Because it seems that whenever we get together here
9 for what's supposed to be a Safety Committee hearing,
10 it always turns a little ugly. And there's no reason
11 for that, because I think we're both... we're all
12 here as human beings. And what we want here is the
13 very best for our city and especially our young
14 people.

15 When your officers patrol a neighborhood, uh,
16 Bob brought this up, would you believe that the
17 residents are generally very happy to see your
18 presence there?

19 CHIEF MADDREY: I would say the big portion of the
20 neighborhood, the greater portion of the neighborhood
21 is happy that the officers are there. From my
22 experience going to community meetings all over the
23 city, I've been in community meetings almost in every
24 precinct in this city, and people say they wanna see
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1
2 the police, they wanna work with the police, they
3 want their police to be respectful of them.

4 COUNCIL MEMBER PALADINO: That's correct.

5 CHIEF MADDREY: We have to acknowledge that.

6 COUNCIL MEMBER PALADINO: Mm-hmm

7 CHIEF MADDREY: But I demand that from our
8 officers as well to be respectful of them, but they
9 do wanna see the police.

10 COUNCIL MEMBER PALADINO: And, in in my experience
11 as an older person and raising kids of my own and,
12 uh, generational, uh, it's been my experience that
13 what you teach at home you take outside with you. And
14 one of the things I think that needs to be taught
15 more often, both at home and in schools, is to
16 respect the men and women who are brave enough to put
17 on the uniform. And I think if they're taught at a
18 very young age, three, five, seven, nine, I think as
19 they grow older, they will respect you, and others
20 like you who, like I say, are brave enough to do
21 this. A relationship with our young people is a must,
22 an absolute must. And, that's best lessons taught at
23 home and in school. And when they hear this rhetoric
24 that goes on here, both in chambers and outside of
25 chambers, all it does is reinforce a negative towards

1 our police. And I think that really needs to stop.
2 You don't need to come here and be, uh, questioned as
3 if you are criminals yourselves. So I'm gonna leave
4 it at that. Thank you very, very much, uh, for coming
5 here and, putting up with what you, uh, put up with.
6 I appreciate that, thank you.
7

8 CHAIRPERSON SALAAM: Thank you. We are going to
9 pass it to Council Member Carmen De La Rosa.

10 COUNCIL MEMBER DE LA ROSA: Thank you, Chief and,
11 Commissioner for... Deputy Commissioner for being
12 here.

13 I wanna bring us back to the data because;
14 although, uhm, the inequities are clear, I think one
15 of the things that is important to note is that if
16 there is a racial bias in a policy, whether the
17 person is racist or not, when they are asked to
18 execute that policy by matter of their job, they're
19 executing a policy that is inherently racist. Not
20 necessarily their intention to be racist, but the
21 policy that they're being asked to execute has racial
22 implications, and we've seen that in the data.

23 So I have a question: In the information we've
24 received, you know, Stop, Question, and Frisk kind of
25 peaked in 2011, then we saw a historic low in 2021,

1
2 and now we are seeing an increase once again. What
3 accounts for the increase under the Mayor Adams
4 administration? And that increase from the data that
5 I have in front of me is consistent with the racial
6 inequalities that existed previously. So what
7 accounts for that increase?

8 CHIEF MADDREY: I think, like I said earlier, in
9 2016, 17, 18, we've seen... we had less crime. So, of
10 course, less crime, less arrest, less contact. We've
11 seen less stops. We've seen 2019, 2020, 21 crime
12 started to rise again. So officers will... we had to
13 deploy them to address crime. So with that, of
14 course, there's more contact, you know, more
15 engagement. So doing it properly should be more
16 stops. Documented stops - documented stops. That's
17 important.

18 COUNCIL MEMBER DE LA ROSA: That does cause a
19 little bit of confusion to the general public,
20 because the rhetoric that we continue to hear from
21 our City leaders is that crime is down. And so when
22 we say crime is down, but then to justify Stop
23 Question, and Frisk, crime is up, that causes
24 confusion in people. Can you elaborate on that?

1
2 CHIEF MADDREY: Crime is down because we're
3 driving it down. We're out there doing police work.
4 Alright? Believe me, I'm not a... I don't want
5 numbers to go up. I don't want more arrests. I don't
6 want more stop-and-frisk. To me, that's a bad
7 indicator. It should be less. We want to work in our
8 communities and do less of that. That's not the
9 answer to it. But right now, we're out there. We're
10 deploying and we're engaging. We're engaged. We're
11 seeing more young people carrying guns. Gun arrests,
12 the last two years, record numbers, record numbers.
13 Something's wrong with that. More guns in our
14 community, something is wrong with that. Alright?
15 We've seen an increase in certain crimes. Alright? So
16 when you look at the big picture, crime is down
17 overall, but in certain communities, crime is...
18 we're still having challenges with the community
19 itself overall crime, maybe certain crimes. So we're
20 still out there addressing this stuff.

21 COUNCIL MEMBER DE LA ROSA: Okay.

22 CHIEF MADDREY: Right? We need the help. We need
23 the help.

24 COUNCIL MEMBER DE LA ROSA: Okay. Let me ask you a
25 few questions regarding Level 1 stops: So, Local Law

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2 43 is written and it states, the information shall be
3 disaggregated by the precinct where such an encounter
4 occurred and further disaggregated by the following:
5 apparent race and ethnicity, gender and age, the
6 mem... of the member of the public involved. These...
7 the factors leading to the investigative encounter
8 and whether a criminal or civil summons was issued in
9 connection with the encounter, whether the use of
10 force, uhm, of the incident is as identified in §14-
11 158, occurred in connection to the encounter - so use
12 of force as well.

13 And the NYPD is presenting the data for each of
14 those categories by precinct. However, we haven't
15 seen the data presented in a way that allows for a
16 detailed analysis of how many of these categories
17 relate to one another. For example, we can't tell how
18 many people of color were stopped at a Level 1 for
19 quality of life issues, or how the use of force in
20 these encounter varies based on race and other
21 factors.

22 So that level of detail is important for us to
23 understand what is occurring when we see the data
24 that is presented to us. Will the NYPD commit to
25

1 making the raw incident level data available for the
2 public in the full interest of transparency?

3 DEPUTY COMMISSIONER GERBER: So we don't have, I
4 don't think, the data that you're describing with
5 regard to Level 1 encounters. We... the way the Level
6 1 data works is we gather it by tour, and, again,
7 consistent with the law - And I do think it's
8 important to say, we, you know, we have the... you
9 know, we sort of we have this new law in front of us,

10 COUNCIL MEMBER DE LA ROSA: Agreed.

11 DEPUTY COMMISSIONER GERBER: And we're providing
12 it, and we're one quarter in. So we're gathering that
13 and providing it. We don't actually gather it in the
14 way I think you're describing. You're describing it
15 basically, gathering it by on an encounter by
16 encounter basis, essentially a separate form for
17 every single encounter. We actually don't do that.

18 COUNCIL MEMBER DE LA ROSA: Okay.

19 DEPUTY COMMISSIONER GERBER: Uh, so I... I... we
20 can't give you what we don't have.

21 COUNCIL MEMBER DE LA ROSA: Okay. (TIMER CHIMES)
22 Maybe we can work on getting more clarity on the
23 encounters. I just have one kind of followup, Chair,
24

1
2 if I may. One followup, but it's also kind of like
3 more of a statement.

4 You testified earlier, or we heard someone say
5 earlier that in a Level 1 stop, you're able to walk
6 away. And I wanna talk a little bit about that,
7 because the reality of the matter is that in
8 communities like mine, if you walk away, there is a
9 consequence. Right? And the trust that should exist
10 in communities that we've heard our colleagues talk
11 about dictates that common sense for us as people of
12 color in this city is not to walk away, because if we
13 walk away, we risk our lives.

14 And I just want to know if there is an actual,
15 like, acknowledgment of that when we talk about what
16 a Level 1 stop means, because I could be stopped and
17 asked a question about whatever, I can't necessarily
18 just walk away. That, you know, the... I think that
19 people in communities don't feel safe just simply
20 walking away and evoking that right to walk away. And
21 so we should have a conversation about what that
22 looks like.

23 CHIEF MADDREY: I'm not here to challenge anyone's
24 lived experiences. Alright? Everyone's gonna speak. I
25 can speak about my experiences growing up, even now

1
2 experiences. I'm not here to challenge anybody's
3 lived experiences. I'm here to learn from them and
4 see how we can make things better. I'll gladly have
5 that conversation. As you as we said, we have a new
6 police commissioner here, I'm sure she wants to
7 implement some changes to make sure all our
8 communities are safer, and we'll work with that.
9 We'll work to that.

10 COUNCIL MEMBER CABÁN: (OF MIC) (INAUDIBLE) Thank
11 you, Chair.

12 CHAIRPERSON SALAAM: You're welcome.

13 I do wanna know, based on the question that was
14 presented just now, what is the NYPD's practice when
15 it... when an individual attempts to disengage an
16 officer conducting a Level 1 stop and leave the
17 scene?

18 DEPUTY COMMISSIONER GERBER: They're... they're
19 free to leave. And just to be clear, if an officer
20 approaches someone, at what should be a Level 1
21 encounter, let's say... let's say the person walks
22 away and the officer prevents them from leaving.
23 That's a Level 3 encounter, period. Right?

24 CHAIRPERSON SALAAM: As soon as the officer
25 prevents them from leaving?

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2 DEPUTY COMMISSIONER GERBER: Yeah, if, uh, the
3 question is right, when... for a Level 3 encounter,
4 the question is does someone reasonably believe that
5 they're free to leave? If they do not reasonably
6 believe they're free to leave, we're talking about a
7 Level 3 encounter.

8 So in a scenario in which someone... an officer
9 walks up to someone, let's say a potential victim or
10 witness, did you see anything, did you hear anything?
11 Classic Level 1 encounter. If... if the person just
12 turns and walks away, there are... they're... they
13 have that legal right to turn and walk away. To the
14 extent an officer were, for example, to prevent them
15 from doing that, to... to grab them, to block them
16 from leaving, without more, that's totally
17 inappropriate. That... that is an improper Level 3
18 stop. That is... if they're preventing them from
19 leaving, that is an improper Terry stop.

20 CHAIRPERSON SALAAM: Are officers ever instructed
21 to follow someone after a Level 1 stop?

22 DEPUTY COMMISSIONER GERBER: Instructed to follow
23 someone after a Level 1 encounter? I'm... I'm not...
24 I'm not familiar with that. I'm not familiar with
25 that. I... I...

1
2 CHIEF MADDREY: You said are they instructed to
3 follow someone after a Level 1 encounter? No, we
4 don't instruct that.

5 Uh, Level 1 encounters could be innocuous. And I
6 used an example as ,you know, the Level 1 encounters
7 were being introduced. A simple example, I'm standing
8 at the, uh, at the marathon, and I saw someone who
9 finished the marathon, and he got woozy, and looked
10 like he was about to faint. And I say, sir, are you
11 okay? Technically, I just, uh, that... that was a
12 Level 1 invest... Uh, Level 1 encounter. By me asking
13 a question, are you okay? And I saw this man who
14 looked like he... he just ran 26 miles, and he looked
15 like he was getting ready to drop. Technically asking
16 that question, yeah, I was supposed to do a report.

17 So sometimes these reports can be very, very
18 innocuous. But, letter of the law, we should be
19 filling out a piece of paper.

20 CHAIRPERSON SALAAM: Is there an official, uhm,
21 maybe the way I'm thinking about it, because I
22 understand what you're saying in terms of that...

23 CHIEF MADDREY: Each...

24 CHAIRPERSON SALAAM: If I were... if I was... if I
25 was an officer and I saw something like that, I would

1 say that it's my duty to make sure that this person
2 is okay. But what I'm wondering is, is there language
3 that speaks to what a Level 1 is? Because I know you
4 said it's...

5 DEPUTY COMMISSIONER GERBER: Yeah...

6 CHAIRPERSON SALAAM: It's like unofficial, but
7 what... is there like an official, "This is a Level
8 1, now we're required by law to document this."

9 DEPUTY COMMISSIONER GERBER: Yeah...

10 CHIEF MADDREY: Correct...

11 CHAIRPERSON SALAAM: Is there language that...
12 Because I think part of the issue that has been
13 brought up is, no one who has had the experience in
14 more impoverished communities has ever felt like, I
15 could just leave. I've been stopped. Many people saw
16 the stop that I was stopped and I was on the job. And
17 that was, I was actually stopped before then that was
18 even more egregious. I've never showed the video.
19 Maybe... probably would never show the video. Maybe
20 16 officers came out of four different cop cars and
21 stopped me. And I didn't feel like I had the - I
22 mean, it didn't become anything. You know, everybody
23 turned their body cameras on. But I didn't feel
24 personally like I said, like I'm like, "No, I'm
25

1
2 leaving," I was in my car, "I'm leaving. Excuse me,
3 move out the way." I've seen, I think, most of the
4 people probably have seen, social media examples
5 where the interaction, of course, is very negative
6 from the community. "Get out of my face", so forth
7 and so on. It almost like escalates, and so the
8 officer has to provide the level of training that
9 they were trained to, to make sure that they keep a
10 level head. And so, you know, part of it is...

11 CHIEF MADDREY: Right. I... I kinda think I
12 understand what you're talking about. I mean, listen,
13 we train our officers, we train our officers in
14 deescalation. We talk to them about Level 1
15 encounters and stuff like this.

16 The conversation I had in the office about a week
17 ago, we want to increase our training, more of our
18 roll call training, the 10, 15 minutes our officers
19 have to roll... have after roll call to address
20 certain scenarios just like this.

21 Again, your lived experiences, you think... I can
22 come up to you and ask you something very innocuous
23 and you feel that you're not free to leave, and
24 that's not the case by law. That's not the case by
25 law. You can just say, "I don't wanna talk to you

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2 Officer," and walk away. This is something that we
3 have to work on. I mean, it's the police department,
4 the communities, where people understand what it is.
5 So for officers approaching you and ask you an
6 innocuous question, you could talk, you... you don't
7 have to talk. Alright? A lot of these innocuous
8 questions, people know that they have questions to
9 help. When the officer says, "Hey, did you... you
10 just hear gunshots?" People know that the officer's
11 just looking for help. Whether they choose to answer
12 or not answer is, again, up to the individual, but
13 it's something that, you know, we're not gonna be
14 able to solve it here, Chair. It's something that we
15 really have to get the communities and work with.

16 CHAIRPERSON SALAAM: I definitely understand that.
17 The named plaintiff in the landmark case Floyd
18 versus the city of New York, was a 28 year old Black
19 man named David Floyd. In 20... in 2007, Mr. Floyd
20 was repeatedly stopped and frisked near his home in
21 the Bronx. And at the time, the officer who put their
22 hands on... into Mr. Floyd's pocket searched under
23 his shirt. These officers were part of the Anti-
24 Crime Unit. This unit had previously been abolished

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1 as part of the NYPD settlement that resolved
2 litigation claiming unconstitutional policing.

3
4 However, in the Adams' Administration, they
5 created new neighborhood Safety and Public Safety
6 Teams that have faced criticism in that they appear
7 to replicate many of the practices of the former
8 Anti-Crime Unit that stopped mister Floyd.

9 So my question is, what types of operations did
10 the former Anti-Crime Unit conduct? How were they...
11 how were former Anti-Crime Units deployed? And to
12 what extent did these units utilize investigative
13 encounters or street stops while operating in
14 communities? And can the Department identify what
15 problem what was problematic about the former Anti-
16 Crime Unit? That was a lot, but...

17 CHIEF MADDREY: Yeah... So I think, one thing I
18 wanna correct you on, the, uh, after the Floyd
19 settlement, anti-crime was not abolished. That's not
20 true. Commissioner Shea abolished the Anti-Crime
21 Unit, I believe, in, uh, 2020 or 2019, somewhere in
22 between there, I don't... I can't remember exact
23 year. He abolished the Anti-Crime Unit at the time
24 just based on, you know, just history and for
25 whatever reasons he made that decision.

1
2 We've implemented certain proactive teams,
3 Neighborhood Safety Team, CRT, because, again, this
4 work is important. Alright? It's important. It's
5 about saving lives. We definitely revamped it. We put
6 everybody in uniform so there's no confusion, when
7 officer gets out the car, the person sees the officer
8 in uniform, their name is prominently displayed,
9 their shield number is prominently displayed. We need
10 our officers to go out there and engage. We have
11 people out there carrying guns. We have young people
12 shooting each other. Alright? This is no secret, you
13 watch the news. Alright? We have people being hurt
14 out there. We need officers that are gonna go out
15 there and be proactive, but be respectful. We don't
16 want them to go out there and use any, uh, illegal
17 tactics. We don't want them to go out there to harm
18 people. We want them to go out there to be smart,
19 alright, to be intelligent, be patient. A lot of
20 patience involved in police work. Alright? Be
21 patient, understand what the crime conditions are,
22 understand what the needs of the community are.
23 Listen to the people in the community, because in my
24 experience, the people in the community, they're
25 telling you what the problems are. They do. Alright?

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2 This is why we create these enforcement units, very
3 small units, they're not big units, they're small
4 units. Alright? And we work with them, and we know
5 they make mistakes, and we try to train them, and we
6 try to make them better, but this is important. We
7 have to be able to go out there and be proactive in
8 enforcement.

9 And if we stop being proactive, I think the
10 results are... show immediately and there won't be
11 good results.

12 CHAIRPERSON SALAAM: Definitely.

13 One of the... one of the things that I was
14 thinking about in preparation for our hearing today
15 was that... that very thing. You know, part of the
16 issue, of course, in our communities, especially in
17 the more impoverished communities as been stated, is
18 the resources that are needed. The opportunities
19 that, you know, even Council Member Holden had
20 brought up about opening up the schools and going to
21 the mayor to ask for those types of resources that
22 are needed.

23 But I'm thinking about some of the, uhm, I guess,
24 the trends that have been explained.

25 CHIEF MADDREY: Mm-hmm.

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2 CHAIRPERSON SALAAM: I'm trying to understand the
3 trends from the perspective of, are we talking about
4 things that could be fixed if we fix poverty?

5 Like, I know, you know, Council Member Cabán, you
6 know, you talked about the differences in the levels
7 of what was happening in schools and the communities
8 and things of that nature. And of course, in more
9 impoverished communities, especially when we talk
10 about what happened during COVID, people who are
11 already in the margins of life now trying to figure
12 out how can they feed their families and, of course,
13 you know, unfortunately folks had the masks on as
14 well, right? So it was a lot harder to identify
15 folks.

16 I think part of the real push that we should be
17 trying to figure out as a city is, how do we really
18 increase the... it's not just the quality of life
19 issues.

20 CHIEF MADDREY: Mm-hmm.

21 CHAIRPERSON SALAAM: I think a lot of things can
22 be fixed if we solve for poverty. Because then the
23 folks in the community, because I've had the same
24 experience in my community - People have said, we
25 need officers to show up right next to grocery

1 stores, because folks were... their grandmothers were
2 afraid to go to grocery stores. This is prior to me
3 becoming a councilman. And when I left the meeting, I
4 was shocked to see officers maybe every two blocks.
5 And people were still saying, we're afraid to go to
6 grocery stores and things of that nature.
7

8 But I do know a lot of it is related to poverty
9 in the communities that we're in - The lack of
10 resources, the opportunities, the things that folks
11 find themselves doing trying to survive.

12 I think... and the reason why I'm bringing this
13 up in terms of just, uhm, a start is, the level of
14 sensitivity needed in those communities has to
15 acknowledge the history that happens in those
16 communities. Like what, what is this community? What,
17 what are we going to?

18 You know, oftentimes, I don't want to think that
19 I'm joining a police department, because I want to
20 just make sure that I'm safe if I'm a Black person.
21 Right? Go along to get along or so, you know, those
22 types of issues. I want to really be able to say that
23 police officers are people who are there to protect
24 and serve. These are guardians of society. And that
25 guardianship is a guardianship that is not always

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2 perceived in the best ways in more impoverished
3 neighborhoods, even though we want officers to keep
4 us safe. But that... that historical piece is there.
5 Right?

6 I'm gonna pass it to, I know we have a second
7 round coming, uh, I want pass it back to Council
8 Member Cabán to... Yes.

9 COUNCIL MEMBER CABÁN: Thank you.

10 So I just want to state for the record that,
11 before I ask my questions that during, Council Member
12 Stevens' questioning, y'all both nodded when she, uh,
13 was saying that poverty contributes to crime, and
14 also continued... nodded when she talked about, uhm,
15 the need for more resources in certain communities,
16 uhm, just because, you know, that can't be reflected
17 without... without stating it on the record, which
18 still rhetorically begs my question as to whether or
19 not you guys ask the mayor about these things.

20 But I wanted to shift over to asking about ICE.
21 If ICE calls up NYPD about a person that's currently
22 or formally in their custody and they wanna know
23 the... the person's last known address, is NYPD
24 providing that info?

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DEPUTY COMMISSIONER GERBER: Could you ask the question one more time? Just make sure I understand the question.

COUNCIL MEMBER CABÁN: Sure. If ICE calls up the NYPD...

DEPUTY COMMISSIONER GERBER: Yep.

COUNCIL MEMBER CABÁN: about a person currently or formally in NYPD's custody...

DEPUTY COMMISSIONER GERBER: Yep.

COUNCIL MEMBER CABÁN: And ICE wants that person's last known address, is the NYPD providing that info?

DEPUTY COMMISSIONER GERBER: And if you're talking about anything in relation to civil immigration enforcement, the answer is no, we can't do that.

COUNCIL MEMBER CABÁN: Okay. And can ICE access the address info on DCJS (Division of Criminal Justice Services) rap sheets?

DEPUTY COMMISSIONER GERBER: I actually don't know what ICE can and can't do on DCJS rap sheets. I... I just have no idea.

COUNCIL MEMBER CABÁN: Okay. Can you find out if...

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2 DEPUTY COMMISSIONER GERBER: Uh, I think that's
3 actually a question for ICE. I mean, in other words,
4 you're asking what ICE's capabilities are...

5 COUNCIL MEMBER CABÁN: Okay, what... What info
6 does NYPD share with ICE?

7 DEPUTY COMMISSIONER GERBER: No, so... So in
8 connection with Civil Immigration Enforcement, we are
9 not allowed to share anything with ICE, and we... and
10 we don't. ICE has a criminal component within it, a
11 criminal... HSI, Homeland Security Investigations,
12 they do criminal cases.

13 And as you know, in connection with criminal
14 cases, we are allowed to work with HSI. We do work
15 with HSI on criminal investigations and city law
16 provides for that.

17 But in connection with Civil Immigration
18 Enforcement, we're not allowed to give anything to
19 ICE, period.

20 COUNCIL MEMBER CABÁN: But if a person is con...
21 is fingerprinted in connection with an arrest, right,
22 those... those prints are shared with federal law
23 enforcement, including ICE?

24 DEPUTY COMMISSIONER GERBER: So, again, you know,
25 if you're asking sort of, what... we fingerprint

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2 someone it goes to DCJS, what the federal authorities
3 have access to, how they access that, I... you're
4 just asking the wrong person.

5 COUNCIL MEMBER CABÁN: Okay.

6 (PAUSE)

7 COUNCIL MEMBER CABÁN: I wanna go back to your
8 testimony, and then I will... I will finish early
9 this time, Chair.

10 You testified at the beginning of this hearing,
11 quote, that, "There has been a significant shift in
12 the nature of policing in the city." Correct?

13 DEPUTY COMMISSIONER GERBER: Yes.

14 COUNCIL MEMBER CABÁN: And you're right, there has
15 been - Payouts for police misconduct settlements are
16 going up and further burdening taxpayers. Stop-and-
17 frisk is the highest it's been in a decade according
18 to NYCLU (New York Civil Liberties Union) - lower
19 than the Bloomberg peak of 2011, again, over a decade
20 ago, highest in the past decade.

21 Your previous commissioner had buried more cases
22 of gross misconduct and abuse by police officers than
23 any commissioner ever, uh, before according to
24 ProPublica, and I hope to see a change from
25 Commissioner Tisch.

1 The NYPD is cracking down on freedom of the press
2 and reporters and that's even, uh, according to the
3 New York Post, dangerous police crashes have
4 skyrocketed, averaging more than one a day at this
5 point, including a chase that killed a cyclist in my
6 district.
7

8 And the data shows that Black and brown people
9 are disproportionately stopped, regardless of
10 precinct, and that still continues to be the case.

11 So I think that you're right, there has been a
12 significant shift in the nature of policing in the
13 city. Thank you. Thank you, Chair.

14 CHAIRPERSON SALAAM: You're welcome, thank you.

15 I am going to pass it Council Member Joseph.

16 COUNCIL MEMBER JOSEPH: Thank you, Chair.

17 Just a quick question, earlier when you talked
18 about... you saw an uptick in crime among young
19 people. Are you working in partnership with Project
20 Pivot or any other cure violence group to make sure
21 that you're addressing the needs of the young people?
22 And where do you see the uptick, and what's being
23 done to address it?

24 CHIEF MADDREY: Just overall, you see more
25 shootings. You see more gun arrests, you see more

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2 young people being the victims of shootings, and
3 we're seeing this all over the city.

4 Do I work with the violence interrupters?

5 Absolutely. I've been working with the violence
6 interrupters for years, years - 2011, 2010. I've been
7 probably one of the first commanding officers to
8 really work with them, still work with them. Just met
9 with a couple of them recently asking to do a little
10 bit more because we see what's going on with the
11 violence.

12 The Department itself, what we do for youth, I
13 mean, we have more programs than ever working with
14 youth. We have two youth centers now, one in
15 Brooklyn, one in the Bronx that are open that we
16 bring young people to. And a lot of our precincts,
17 and something we don't get credit for, a lot... in a
18 lot of our precincts, young... they have officers who
19 are doing things with young people.

20 One of your districts is a 67, and you remember
21 what Officer Barry did over there with young people.
22 I mean, she had one of the best programs in the city
23 - Officer Duhaney out in Queens - I can name so many
24 of them who are doing many programs working with
25 young people. Alright?

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2 But we need to do more, because we see young
3 people being hurt at an alarming rate. We just have
4 to get to them, and we need everybody's help to get
5 them.

6 COUNCIL MEMBER JOSEPH: What... about around
7 Project Pivot, how are you partnering up with them in
8 New York City Public Schools? There also it has to
9 be, uhm, interagency, it can't be siloed. It has to
10 be interagency and... because the work overlaps.

11 CHIEF MADDREY: Right. I... Assistant Commissioner
12 Of Youth, Alden Foster, he worked with a lot of the
13 different youth organizations, Project Pivot, DYCD.

14 Over the summer, we brought about a 1,000 young
15 people into the police department to work, to learn
16 about policing and then to get paid for it. He does a
17 lot a lot with a lot of CBOs, with Project Pivot,
18 with DYCD. Him, the Community Affairs Bureau, and a
19 lot of our youth officers that do a lot of different
20 programs.

21 COUNCIL MEMBER JOSEPH: We'll... we'll talk
22 (UNINTELLIGIBLE) the line. I would love to see what
23 those programs look like, and where... I'm sure if I
24 were to talk to any violence interrupter group, I'm
25

1
2 sure there's a lot of gaps that can be filled in,
3 uhm, when it comes around to young people.

4 And one of the things, uhm, we also see is how
5 are you engaging young people? Because we always tend
6 to say, oh, we're doing this for the young people,
7 but we never engage them in conversation, and I'm big
8 on making sure young people are at the table, because
9 we always want to do things for them but not with
10 them.

11 How are we engaging young people to make sure
12 that their voices are heard? Because their needs, I
13 can go and say, as the Education Chair, oh, this is
14 what young people need, and turn around and they're
15 like, nah, Chair, that's not what we need, this is
16 what we need.

17 How are you engaging young people in this
18 conversation?

19 CHIEF MADDREY: I mean, I would really have to
20 drill down to the commanding officers and what they
21 do in each precinct, because every precinct does
22 something a little different.

23 One thing I stress to the commanders and to the
24 cops is, there are a group of young people who you
25 don't really need to talk to. They'll come to the

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2 precincts. They'll come to the programs. They'll join
3 the Explorers. You know, it doesn't require a lot. We
4 really have to go to the corners and talk to the
5 young people who don't want to deal with us.

6 COUNCIL MEMBER JOSEPH: The young people we
7 haven't seen, the young people that have not attended
8 school...

9 CHIEF MADDREY: Right...

10 COUNCIL MEMBER JOSEPH: when they should be in
11 school, those are the young people we need to target.
12 Those are the young people we also need to bring to
13 the table to have conversations with as to what's
14 happening. Is it is it employment? Is it housing
15 security? What are you facing that needs you that
16 drives you there?

17 Because when I visit my young people,
18 unfortunately, my portfolio goes all the way into
19 East River Academy, it's the no engagement, no...
20 nothing happening in communities to keep them
21 engaged.

22 CHIEF MADDREY: I agree, and we need to work
23 together and work in our communities to do more of
24 that. We need to keep the young people engaged. What
25 we've been seeing in the last few years is not good,

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2 and we're just seeing the gun violence rising. We're
3 seeing crime rising. We're seeing, you know, young
4 the victimization being rise... rising, and we need
5 to get in front of that.

6 COUNCIL MEMBER JOSEPH: And how do the guns get
7 into the hands of the young people? That's the
8 million dollar question.

9 CHIEF MADDREY: I wish I had the answer, because
10 we're seeing more gun arrests with, you know, and
11 with young people, and it's alarming. It's alarming,
12 14 year olds, 13 year olds carrying guns, bringing
13 guns to school. Nine guns (INAUDIBLE)...

14 COUNCIL MEMBER JOSEPH: Something along the way is
15 happening. That's why they're bringing it to schools.

16 Are we creating safe passages for young people to
17 go to and from schools? Are these things happening
18 for young people to wanna go to school, get there -
19 because they don't bring them into the school
20 buildings.

21 CHIEF MADDREY: Oh, yes, they do.

22 COUNCIL MEMBER JOSEPH: They do

23 CHIEF MADDREY: Oh, we... We removed nine already
24 this school year... (CROSS-TALK)

25 COUNCIL MEMBER JOSEPH: This... This week?

1 CHIEF MADDREY: (TIMER CHIMES) This school year.

2 But, we do have Safe Corridors. Every precinct is
3 required to have a Safe Corridor for the young people
4 - Transit, they're required to have Safe Corridors as
5 well. That's part of our plan to work with young
6 people. You know, but we're just seeing the uptick,
7 so we need some more help.
8

9 COUNCIL MEMBER JOSEPH: And how are we using
10 restorative justice to also work with young people?
11 Everything doesn't have to be punitive.

12 CHIEF MADDREY: Uh, I 100% agree. Again, we'd have
13 to drill down to the, YCLs. We have to really talk to
14 them, what they're doing in individual precincts.
15 What precincts have programs?

16 Back when I was in Brooklyn as a commander, we
17 had a youth court right there in Brownsville that we
18 were using with a judge and other community, uh, a
19 community person. It was good. Unfortunately, we lost
20 the court, but, again, it's something that we need to
21 do. Alright?

22 So I'll talk to the... the precinct commanders
23 will really have the answers in terms of what they
24 are doing in their individual precincts and how
25 they're working with young people.

1
2 COUNCIL MEMBER JOSEPH: Do the COs have a youth
3 advisory group that they meet with young people to
4 talk to?

5 CHIEF MADDREY: Yes, we do have youth councils, we
6 have youth councils. We have our Explorers. We took a
7 hit with COVID. We took a hit with COVID, we lost a
8 lot of young people, something that I just spoke
9 about recently at a meeting that we gotta get back
10 out there to bring any young people back to the
11 Explorer Program. But, all the precincts have youth
12 councils.

13 COUNCIL MEMBER JOSEPH: Thank you, Chair.

14 (PAUSE)

15 CHAIRPERSON SALAAM: I now open the hearing for
16 public testimony.

17 I want to remind members of the public that this
18 is a formal government proceeding and that decorum
19 shall be observed at all times. As such, members of
20 the public shall remain silent at all times.

21 The witness table is reserved for people who wish
22 to testify. No video recording or photography is
23 allowed from the witness table. Further, members of
24 the public may not present audio or video recordings
25 as testimony, but may submit transcripts of such

1
2 recordings to the Sergeant at Arms for inclusion in
3 the hearing record.

4 If you wish to speak at today's hearing, please
5 fill out an appearance card with the Sergeant at Arms
6 and wait to be recognized. When recognized, you will
7 have two minutes to speak on today's hearing topic of
8 bills that were considered today: *Oversight- The*
9 *NYPD's Use of Stop-and-Frisk and Other Investigative*
10 *Encounters.*

11 If you have a written statement or additional
12 testimony and you wish to submit for the record,
13 please provide a copy of that testimony to the
14 Sergeant at Arms.

15 You may also email written testimony to
16 Testimony@council.nyc.gov, or other email address,
17 within 72 hours after the close of this hearing.
18 Audio and video recordings will not be accepted.

19 So, I will now call the first panel and that will
20 be: Germain Thompson, Tatiana Hill, and Mauricia
21 Harry.

22 (PAUSE)

23 CHAIRPERSON SALAAM: Thank you, you may begin in
24 whichever order. I always say ladies first, but...

25 (LAUGHTER)

1
2 MR. GERMAIN THOMPSON: Good morning - good
3 afternoon.

4 My name is Germain Thompson, I'm here to speak
5 about... speak about the critical role of the
6 community liaison in a reform process related to New
7 York City's Police Department Stop, Question, and
8 Frisk practices and trespass enforcement.

9 On December 16, 2022, I was appointed by the
10 honorable Alyssa... Analisa Torres by the Southern
11 District to be the Community Liaison. This position
12 is essential for ensuring that voices of those
13 impacted by these practices are heard and integrated
14 into the reform process.

15 The objective of the Community Liaison, also
16 known as OCL, is to engage in community, particularly
17 those who have been directly affected by the NYPD's
18 practices, offering them more opportunities to
19 provide input and share their experiences. By working
20 with community organizations and stakeholders, OCL
21 can develop greater opportunities for dialogue and
22 feedback. This information is then shared with the
23 Monitor to the Federal Monitor Team and the courts
24 informing them the assessments of City compliance
25

1
2 with the court's remedial order in the Floyd, Davis,
3 and LeGon cases.

4 Community input is vital, it ensures that the
5 perspectives of the experiences of community members
6 are considered in assessing the NYPD's practices.
7 This includes addressing concerns around Stop,
8 Question, and Frisk practices, trespass enforcement,
9 and racial bias.

10 OCL's role is to seek, receive, and organize
11 these concerns, making sure that they are
12 communicated effectively to the monitor.

13 The independence of my role from the monitor and
14 the other parties ensures unbiased communication. OCL
15 is not an advocate for any party, but a conduit for
16 the community voices, ensuring that the Monitor Team
17 regularly hears from a diverse set of community
18 voices. The diversity is crucial for understanding
19 the full impact of NYPD's practices and determining
20 compliance within the course orders.

21 OCL has been tasked to develop a community
22 engagement plan, conduct surveys, (TIMER CHIMES)
23 public forums, and meet in to gather feedback.

24 OCL is about building relationships with
25 community organizations, tenant associations, faith

1 based institutions, youth organizations, and most
2 importantly, those affected by Stop, Question and
3 Frisk practices.
4

5 The input gathered will provide context for the
6 monitor's assessment, helping to identify issues or
7 pathways that need further examination.

8 Feel free to cut me off this. This is a lot...

9 CHAIRPERSON SALAAM: The bell has rung (LAUGHS).
10 So if you could wrap it up...

11 MR. GERMAIN THOMPSON: (LAUGHS) Since the
12 beginning since the beginning of 2024, we have
13 connected and reached out to 238 organizations and 37
14 public officials.

15 With these connections at the end of third
16 quarter of 2024, we have completed 262 info sessions
17 citywide, which are workshops designed to inform
18 people about the levels of encounters we've been
19 hearing about all day today, and a host of outreach
20 meetings.

21 We have been involved in tenant association,
22 public forums, and various, conferences nationwide.

23 We also urge community members, via... we also
24 engage with community members via social media and
25 our websites, Office of The Community Liaison, across

1
2 the board, which also gives community members an
3 anonymous platform to share information about their
4 experiences.

5 Through our reporting to the Monitor Team in the
6 courts...

7 CHAIRPERSON SALAAM: If you could wrap up?

8 MR. GERMAIN THOMPSON: Yeah, I'll wrap it up right
9 now.

10 Through the... through our reporting from the
11 Monitor Team and the courts, from the community
12 shared with us, we have discussed a number of
13 significant issues, one being issues around body worn
14 cameras and the inconsistent activation by officers
15 during community interactions. Community members have
16 repeatedly expressed concerns about officers
17 activating their body worn cameras unless prompted by
18 the public. And I yield back from there.

19 CHAIRPERSON SALAAM: Thank you.

20 MS. TATIANA HILL: Hi, good afternoon.

21 I'm Tatiana Hill, I'm the Senior Organizer, and
22 primarily organize in Brooklyn, New York for our
23 office. I'm gonna talk more about our public
24 education where Germain left off.

1
2 So the info sessions, we basically go to
3 communities that are most impacted by NYPD stop-and-
4 frisk based on the data on NYPD's website.

5 That data proves that many of these neighborhoods
6 are policed at a higher rate than others, and;
7 therefore, they are the ones we want to interact with
8 to find their feedback on police interactions. Those
9 may be encounters as well as stops, which was talked
10 about earlier.

11 The public education is really necessary. We find
12 that a lot of people in our communities don't know
13 the laws, the policy, and procedure of NYPD. So
14 they're not able to name if their rights are being
15 violated during these stops, and, therefore; they're
16 not able to give feedback to us or other agencies
17 such as CCRB.

18 So when we do these info sessions, it changes the
19 dynamic a lot in the neighborhoods and communities
20 that we work with, because now people understand
21 where their rights have been violated legally, not
22 just in the sense of how they feel in that moment,
23 but according to the law and the Constitution.

24 So once we educate these groups, we now are able
25 to collect feedback, and that is the largest part of

1
2 our work. Our office reports directly to this the
3 judge mentioned, Honorable Analisa Torres, and she is
4 overseeing this whole lawsuit for stop-and-frisk. So
5 she's able to implement changes currently as well as
6 in the future in the larger process of reform.

7 So it's really important that people who are most
8 impacted by policing are able to give their feedback
9 on what they would like to see change in this
10 policing system.

11 I primarily work in neighborhoods such as Bed-
12 Stuy, Brownsville, Crown Heights, Flatbush, Canarsie,
13 Bushwick, Fort Greene in East New York. We do know
14 that these neighborhoods are more heavily policed
15 than others because of the data NYPD provided.

16 We attend events that elected officials have as
17 well as collaborate with them to educate their
18 constituents. We want to do more of those with your
19 staff as well and other city council members.

20 (TIMER CHIMES) We also have, uhm, attended NYPD
21 events such as community council meetings. So we do
22 hear both sides of the stories on how people see
23 police and view them and what they would like to see
24 change. Our feedback is collected from all
25 neighborhoods, all people, and all views on policing.

1
2 But we do know that more neighborhoods are
3 impacted more negatively than others, and we speak on
4 that throughout our work in our reports.

5 I'll now pass it off to my colleague, Mauricia.
6 And I'll close and just say that we're also working
7 on feedback sessions where people specifically can
8 talk about their feedback - after we have done these
9 info sessions for the last year and a half.

10 CHAIRPERSON SALAAM: Thank you.

11 MS. MAURICIA HARRY: So, good afternoon, my name
12 is Mauricia Harry, I am the Manhattan Community
13 Organizer for OCL.

14 Today I wanted to just cover the feedback that
15 I've received from some of the areas of concern. And
16 most of community, throughout all five boroughs and
17 Manhattan is included, has expressed the decrease in
18 regular blue and white patrol stops and an increase
19 in specialized units.

20 These increases are taking place in NYCHA,
21 schools, and also vehicle stops as it is heightened
22 in lieu of street stops. The CRT team, we know that
23 their role is to respond to quality of life issues;
24 however, based on the feedback, these teams are more
25 present and it has expanded throughout all boroughs

1
2 using enforcement tactics that result in negative
3 policing.

4 The community... the community is afraid of
5 making it out alive from these unconstitutional stops
6 and searches based on the way that the officers jump
7 out of unmarked vehicles, their offensive language,
8 and use of force. Our office continues to receive
9 videos from the CRT team referring to them as the
10 "Tan Khaki pants Crew". As per the OIG report
11 released last month, there is a opportunity, uhm, and
12 a gap in transparency around the formation, staffing,
13 and structure of that unit as well as the NST
14 response team. Our Monitors' Team, last month... last
15 year had released a report stating that they were
16 contributing to the biggest amount of
17 disproportionate stops. And amongst these two units,
18 we have collected feedback on the Right to Know Act
19 as gaps with officers identifying themselves and body
20 cam usage.

21 The community acts for consistency and equality
22 when it comes to discipline and accountability
23 related to Stop, Question, and Frisk, because of the
24 threat these units place in the neighborhoods.

25 CHAIRPERSON SALAAM: Thank you.

1 MS. MAURICIA HARRY: Thank you.

2 CHAIRPERSON SALAAM: So I have... I have a
3 question, uh, Germain, you mentioned body worn camera
4 activation as a community concern. Can you say more
5 about what OCL is hearing about body worn camera
6 usage?
7

8 MR. GERMAIN THOMPSON: Sure, uhm, so we receive a
9 lot of feedback, uhm, in general, but we're... around
10 body worn cameras, we've seen videos of community
11 members having to remind officers that their body
12 worn cameras are not activated.

13 So, say for instance, I could... I could cite our
14 last report that we put out. It was, a group of
15 individuals in Brownsville in NYCHA housing, they
16 were out at night hanging around, four NST officers
17 approached them, and none of them had their body worn
18 cameras on. Community members start yelling, "Why us,
19 why y'all approaching us?" "Why y'all surrounding
20 us?" "Please get your body worn cameras on."

21 So we see instances like that throughout the
22 city, and that's why I chose to highlight that today
23 because it's a concerning issue for community.

24 CHAIRPERSON SALAAM: Thank you. Thank you for your
25 testimony, I appreciate it.

1 (PAUSE)

2 CHAIRPERSON SALAAM: So, I will now call Michael
3 Sisitzky, Alan Abraham, and Brittany McCoy.

4 Okay, you may begin.

5 MR. MICHAEL SISITZKY: Alright, good afternoon,
6 thank you, Chair.

7 My name is Michael Sisitsky, Assistant Policy
8 Director with the New York Civil Liberties Union and
9 a steering committee member of Communities United for
10 Police Reform.

11 So, you know, the NYCLU has been analyzing stop-
12 and-frisk data for years because of the critical
13 importance of being able to identify trends, uh,
14 that the data reveals in unconstitutional policing
15 practices. And now to that data, we are able to add a
16 more comprehensive view with the data that we're
17 getting from the How Many Stops Act.

18 So I want to give just a few top lines on some of
19 what we saw from our analysis - of course,
20 recognizing this is just one quarter of data, uhm,
21 without much to compare it to as a baseline.

22 But the data really showed that disparities do
23 exist at all levels of police investigative
24 encounters in New York City: 68% of Level Ones
25

1 reported during that quarter, targeted Black and
2 Latinx New Yorkers, and 86% of Level Twos, involved,
3 people who were Black or Latinx, and those
4 disparities largely mirrored what we see in Level 3
5 stop-and-frisk data.
6

7 In the Level 1 category, notably the, second
8 largest category of, uh, of justifications for L
9 One's in that data set were just listed as "other".
10 Given the sheer volume of of encounters that we're
11 talking about, we're talking about nearly 79,000
12 interactions that aren't given a clear justification.
13 It's a point for further oversight and investigation
14 as to whether or not there are more clear lines that
15 could be drawn there, more clear categories that
16 could be made, because that's a lot of encounters to
17 not have any justification listed for with just that
18 broad other category.

19 There were a few kind of eye popping numbers that
20 jumped out from our analysis, some of which, uh,
21 Council Member Stevens asked about earlier, including
22 in the 46th Precinct in the Bronx where, more than
23 1,300 summonses were recorded as being issued in
24 connection with Level 1 encounters, which was by far
25 the largest in that data set and is, uh, something

1
2 that is really demanding of closer oversight and an
3 explanation from the NYPD as to how that (TIMER
4 CHIMES) precinct is driving so much enforcement from
5 the lowest level of interactions.

6 I'll just quickly note some limitations and this
7 was discussed as well.

8 We really need to have a clearer sense of
9 incident level information, uh, on these Level 1 and
10 Level 2 encounters, because that's what's really
11 necessary to get at whether or not there are real
12 trends or disparities and potential bias in how
13 interactions are playing out.

14 We have data that's broken down that can tell us
15 how many Black people were stopped in a given
16 precinct, how many of those Level 1, uh, encounters
17 were a radio run, how many were self initiated, uh,
18 how many were for a quality of life issue?

19 But we can't link those things together. We can't
20 say that there were this many Black people who were
21 stopped in a precinct on an officer initiated
22 encounter for a quality of life issue. And getting
23 that level of detail is going to be what's really
24 critical for identifying whether there's bias,
25

1
2 I watched classmates, some as young as 14 years
3 old, stopped and searched for doing nothing more than
4 walking to the gym after school or to the corner
5 store or to basketball games or simply just standing
6 outside in our neighborhood. It was rarer to hear
7 that a friend hadn't been stopped.

8 After watching this happen to my friends for
9 months, I used the class speech assignment to channel
10 my thoughts, writing, "Is it really worth the
11 intrusiveness and embarrassment for New Yorkers to go
12 through this every single day just for police
13 officers to find something in less than 1% of
14 cases?". This question unfortunately still stands.

15 That speech was the beginning of my career in
16 advocacy, and now 12 years later, I sit before you as
17 the Managing Director of Policy for the Bronx
18 Defenders, yet I'm still fighting against these same
19 practices.

20 Even though we know stop-and-frisk doesn't keep
21 our communities safe, the NYPD continues to use these
22 degrading and unconstitutional tactics every single
23 day. And although I will never stop fighting for my
24 community, I would love for the NYPD to just follow
25 the law.

1
2 The How Many Stops Act promises transparency and
3 accountability, and although the initial data we have
4 indicates the NYPD is not complying with the law,
5 it's still enough to confirm what our clients tell us
6 - that stop-and-frisk continues.

7 At the Bronx Defenders, where we represent nearly
8 20,000 people every year, we see the ripple effects
9 of these stops - A mother detained and missing work
10 because of an unnecessary stop, a teenager's future
11 derailed because a false arrest leads to suspension
12 or expulsion.

13 The Council must hold the NYPD accountable, but
14 this is also a moment to demand more, to reimagine
15 public safety (TIMER CHIMES) as something built on
16 trust, dignity, and opportunity, not surveillance,
17 punishment, and fear.

18 We know what works - Investment in affordable
19 housing, education, and mental health services, and
20 youth programs create safety and stability. Thank
21 you.

22 CHAIRPERSON SALAAM: Thank you.

23 MR. ALAN ABRAHAM: Thank you to Public Safety
24 Committee Chair Salaam and Council members who are
25

1
2 concerned about the NYPD's use of stop-and-frisk and
3 other investigative encounters.

4 My name's Alan Abraham, and I'm speaking on
5 behalf of Communities United for Police Reform. We're
6 an unprecedented campaign to end discriminatory and
7 abusive policing practices in New York that's been
8 operating for over a decade. The partners in this
9 campaign come from all five boroughs and from all
10 walks of life and represent many of those unfairly
11 targeted by the NYPD.

12 As judge Scheindlin noted in her August 2023
13 remedy opinion, "Nothing can replace the unique and
14 vital expertise of directly impacted communities, and
15 whether reforms are viewed as legitimate by our
16 communities is of primary importance."

17 The How Many Stops Act is now the law of the
18 land, and although it's one... and although it's only
19 one quarter of data, we're already seeing the
20 continued targeting of Black and brown communities in
21 police civilian encounters. And there are clear
22 racial disparities between which communities are
23 subject to Level 1 and 2 encounters.

24 It's unacceptable that Black and Latin New
25 Yorkers make up 68% of Level 1 encounters across NYPD

1
2 precincts, even though they're only half of the
3 city's population. This discrepancy is even more
4 egregious when it comes to Level 2 encounters where
5 Black and Latin New Yorkers make up 87% of the total
6 encounters. This data shows exactly why HMSA was
7 passed in the first place. Without full transparency,
8 these racist policing practices would continue in the
9 shadows.

10 Police transparency and accountability are more
11 important now than ever given the current mayoral
12 administration. Since taking office, Mayor Adams, a
13 recently indicted former police officer, and NYPD
14 have systematically worked to dismantle
15 accountability and oversight. This ranges from his
16 failed attempts to block HMSA, his funding cuts to
17 CCRB, and his failure to address the fact that his
18 former commissioner tossed out over 400 misconduct
19 cases, including stop-and-frisk abuses without even
20 looking at them, and proceeded to weaken the NYPD
21 discipline matrix just days before submitting his
22 resignation. It's a staggering cycle of corruption.

23 (TIMER CHIMES) It's clear that the NYPD and the
24 mayor put the protection of the police ahead of the
25 protection of everyday New Yorkers. Until the NYPD is

1 fully transparent and held accountable and officers
2 are fired for their misconduct, abuses of power will
3 continue.
4

5 And to wrap it up - together, all these factors
6 call for the City to transform its approach to public
7 safety and minimize reliance on law enforcement, so
8 that we can maximize investments in services and
9 infrastructure for our communities that actually
10 promote safety. Thank you.

11 CHAIRPERSON SALAAM: Thank you.

12 I would now like to call Andrew Case and Kimberly
13 Saltz.

14 (PAUSE)

15 CHAIRPERSON SALAAM: You may begin.

16 MR. ANDREW CASE: (OFF MIC) Good afternoon, I'm
17 Andrew Case, supervising attorney at LatinoJustice
18 PRLDEF.

19 Is that better?

20 Good afternoon, I'm Andrew Case, supervising
21 attorney at LatinoJustice PRLDEF, member of CPR, and
22 one of the many attorneys on the, stop-and-frisk
23 litigation with the federal monitor.

24 The federal court in the stop-and-frisk
25 litigation wants to hear from you and your

1
2 constituents about the Monitor's Discipline Report
3 that was issued in September. That report is 503
4 pages long, but thankfully, the plaintiff's group
5 have put together a five-page summary of its
6 findings. I've distributed those. I've given Josh
7 the, uh, link to that is on the LatinoJustice website
8 and the website for every group that is involved in
9 the monitorship.

10 In 2013, the court ordered the NYPD to improve
11 discipline, and that order included the line that the
12 changes quote, "Must include increased deference to
13 credibility determinations by the CCRB."

14 The report shows that has not happened. For
15 example, between them, PO Dervant Williams and PO
16 Ahsan Zafar have been the subject of 23 CCRB
17 investigations. The agency has substantiated 12
18 allegations against them. Their misconduct cost the
19 City \$650,000, and when the CCRB, again, found they'd
20 convicted a bad stop, a Deputy Commissioner for
21 Trials lowered the discipline saying, quote, "Neither
22 respondent has a disciplinary record."

23 The report details the career of a deputy
24 inspector we have identified as William Taylor, who
25 over the course of two years was the subject of 11

1
2 CCRB investigations and four lawsuits, who kept
3 getting promoted, was never punished, and retired
4 without receiving any discipline.

5 The discipline report is full of this. Officers
6 are fully excused for misconduct, and no officer has
7 ever, according to the report, or rarely been
8 disciplined for solely an illegal stop-and-frisk.

9 The report said that in response to that court's
10 order from 2013, the NYPD (TIMER CHIMES) is in clear
11 defiance of the opinion in Floyd.

12 The Court would like you and your constituents to
13 respond to it about what to do about the NYPD's
14 failure to discipline and its failure to abide by a
15 decades old court order. Thank you.

16 CHAIRPERSON SALAAM: Thank you

17 MS. KIMBERLY SALTZ: Hello. My name is Kimberly
18 Saltz, I'm a law fellow at the Legal Defense Fund,
19 which is also a member of Communities United For
20 Police Reform. Thank you for this opportunity to
21 testify.

22 Today, we want to bring to the Council's
23 attention that the same people targeted through the
24 NYPD's unconstitutional stop-and-frisk practices are
25

1
2 also subjected to the NYPD's racially biased gang
3 policing practices.

4 The NYPD's criminal group database - or gang
5 database - labels more than 16,000 city residents as
6 members of so called street gangs and youth crews.

7 Under the guise of what it calls precision
8 policing, the NYPD has subjected the people in this
9 database, primarily Black and Latino teenagers and
10 young adults, to sustain surveillance and harassment.

11 The gang database has become a mechanism for
12 continuing the unconstitutional stop-and-frisk
13 practice of using race as a proxy for crime. Ninety-
14 nine percent of people in the NYPD gang database are
15 Black and or Latino, and less than 1% of people in
16 the database are white.

17 Entry into the gang database is not tied to
18 actual criminal activity. Instead, the NYPD uses
19 broad, vague, and subjective criteria such as the
20 colors a person wears or their use of undefined
21 symbols on social media to label them as gang
22 members.

23 Under these criteria, many New Yorkers who have
24 never committed a crime could be designated as gang
25 members.

1
2 In our written testimony, we provide research
3 from our Thurgood Marshall Institute that shows that
4 after Portland and Chicago eliminated their gang
5 databases, there was no statistical increase in
6 reported crime.

7 These findings suggest that gang databases do not
8 reduce crime nor do they improve public safety. It
9 underscores why New York City must eliminate its gang
10 database.

11 To that end, we strongly urge City Council to
12 abolish the gang database through taking up and
13 passing Intro 798 to end the unjust surveillance of a
14 select group of New Yorkers. Thank you.

15 CHAIRPERSON SALAAM: Thank you.

16 I would now like to call Karina Tefft, Anya
17 Weinstock, and Jacqueline Gosdigian.

18 (PAUSE)

19 MS. KARINA TEFFT: Good afternoon, Chair Salam.

20 My name is Karina Tefft, and I'm an attorney at
21 the Legal Aid Society's Cop Accountability Project.

22 At the Legal Aid Society, we see the profound
23 harms of NYPD's persistent racist tactics, including
24 the gang database and unlawful stops and frisks.

1
2 I'm one of the many lawyers involved in the
3 Floyd, Davis, and Ligon lawsuits in which a federal
4 court found that NYPD's use of stop-and-frisk and
5 racial profiling is unconstitutional and placed NYPD
6 under a federal court monitorship.

7 Over a decade has passed since that finding, and
8 still the NYPD is not and has never been in
9 compliance with the constitution.

10 Both unlawful stops and the sheer volume of stops
11 have been trending up since 2021. In the first half
12 of 2023, over 30% of documented frisks and searches
13 were unconstitutional. And bad as they are, these
14 numbers don't account for the significant number of
15 stops that NYPD never reports.

16 The monitor's audits of officer body worn camera
17 footage showed that in 2023, only 59% of stops
18 requiring stop reports were documented.

19 Black and brown New Yorkers bear the brunt of
20 these unconstitutional stops. And while the number of
21 stops have declined between 2013 and 2022, racial
22 disparities remain the same.

23 Over 80% of people stopped each year were Black
24 and Hispanic, and today that rate is even higher, as
25 you have pointed out, Chair Salaam.

1
2 Central to these persistent constitutional
3 violations is NYPD's failure to discipline officers
4 for engaging in unlawful stops, frisks, and racial
5 profiling. These issues were examined in detail in a
6 recently published court ordered report on the NYPD's
7 disciplinary system.

8 The report found that officers rarely, if ever,
9 receive any discipline for stop-and-frisk related
10 misconduct, even when the Civilian Complaint Review
11 Board finds that the officer committed the
12 misconduct.

13 The report attributes this disturbing lack of
14 accountability to many factors. But in our view, the
15 primary barrier to accountability is the police
16 commissioner's final authority over discipline, which
17 often means that officers get no discipline at all.

18 You may know the quote, "Culture eats strategy
19 for breakfast". In this case, culture eats policy for
20 breakfast.

21 (TIMER CHIMES) The law is rendered meaningless as
22 long as the police commissioner continues to
23 facilitate NYPD's culture of impunity by refusing to
24 discipline officers, even when confronted with clear
25 evidence of misconduct. Without fundamental

1 structural changes to NYPD's discipline system, that
2 culture simply will not change.

3
4 Thank you for the opportunity to testify today,
5 and I'll direct you to Legal Aid's forthcoming
6 written testimony that expounds on these issues in
7 greater detail.

8 CHAIRPERSON SALAAM: Thank you.

9 MS. ANYA WEINSTOCK: Good afternoon, Chair Salaam.
10 My name is Anya Weinstock, thank you for organizing
11 this important hearing. I'm an attorney with the
12 Surveillance Technology Oversight Project. We're a
13 New York based nonprofit that advocates and litigates
14 against discriminatory surveillance.

15 We heard extensively today about how stop-and-
16 frisk continues to harm New Yorkers. I'm here to
17 testify about how every day a growing number of NYPD
18 technologies are replicating the exact same
19 injustices in a digital form of stop-and-frisk.

20 The NYPD's vast surveillance network includes
21 sprawling databases, nearly a 100,000 cameras, social
22 media monitoring software, predictive policing
23 analytics, historic NYPD crime data, and countless
24 other monitoring tools including the gangs database.

1
2 Even worse, this data is then pushed out to every
3 officer's phone giving tens of thousands of officers
4 the power to access this data and giving officers the
5 pretext for to unconstitutionally stop someone. These
6 systems are riddled with error and racial bias
7 replicating the violence of stop-and-frisk.

8 One such technology is ShotSpotter which is a
9 dangerous driver of discriminatory stops.
10 ShotSpotter is a notoriously error prone tool that
11 claims to detect gunshots, but it's actually
12 incorrect 90% of the time. And, when alerts go off,
13 when ShotSpotter alerts go off, this gives a pretext
14 for NYPD officers to enter a neighborhood to try to
15 find the shot and to... this leads to discriminatory
16 stops.

17 So, in the worst case scenarios, a ShotSpotter
18 alert can even lead to lethal force being used, and
19 in Chicago there was a 13-year-old, Adam Toledo, who
20 was killed by police because of a false ShotSpotter
21 alert.

22 In New York City, ShotSpotter has led to police
23 stops (TIMER CHIMES) and harassing, uhm, individuals
24 who are legally, uh, legally on the street and not
25 doing anything wrong.

1
2 ShotSpotter is just one example of the countless
3 flawed technologies, including automated license
4 plate readers, including the gangs database, which we
5 heard about that are error prone, racially biased,
6 and concentrated in communities of color that lead to
7 discriminatory stops.

8 In our written testimony, we highlight some of
9 the, uh, bills that you can... that we urge you to
10 support to mitigate the abuses of these technologies.

11 And so we are calling to abolish the gangs
12 database, to abolish the use of ShotSpotter, to
13 grow... to for New York City to join the growing
14 number of cities that has canceled contracts with
15 ShotSpotter, and to pass resolutions against
16 technologies that lead to discriminatory and
17 ineffective and harmful stops. Thank you so much.

18 CHAIRPERSON SALAAM: Thank you.

19 MS. JACQUELINE GOSDIGIAN: My name is Jackie
20 Gosdigian, I'm Supervising Policy Counsel at Brooklyn
21 Defender Services.

22 I've been a public defender for 15 years, and I
23 wanna thank the Committee, public the Public Safety
24 Committee and Chair Salaam for the opportunity to
25 address the Council about New York City Police

1
2 Department's use of stop-and-frisk and other
3 investigative encounters.

4 Public transparency is an essential measure for
5 holding the NYPD accountable for the discriminatory
6 and abusive policing practices they employ.

7 These practices criminalize and harm New Yorkers,
8 disproportionately Black and Latin New Yorkers,
9 LGBTQIA+ New Yorkers, and New Yorkers experiencing
10 housing insecurity.

11 Discriminatory and abusive policing practices
12 make all New Yorkers less safe. And in order to make
13 our city safer for all our community members, the
14 city council must take action now to ensure greater
15 transparency and accountability.

16 The Federal Monitor Report, which we've already
17 talked a lot about today, indicates the NYPD is
18 moving in the wrong direction, conducting more
19 unlawful stops, more unlawful frisks, and more
20 unlawful searches.

21 The gang narrative is used to justify even more
22 aggressive stops, summonses, arrests, and
23 surveillance than before stop-and-frisk was declared
24 unconstitutional.

1
2 In the last several years, thousands of New
3 Yorkers have been swept up in so called gang raids or
4 takedowns, nearly all of them Black or Latine.

5 The city council must move to eliminate the gang
6 database and pass Intro 798, which would abolish the
7 NYPD gang database altogether.

8 Public defenders usually become aware of police
9 misconduct in connection with an encounter that
10 results in arrest. It's only after an arrest that
11 someone is brought to court and speaks with their
12 attorney about what happened to them.

13 The vast majority of police citizen encounters
14 that do not result in arrest go unreported or
15 overlooked. That is why data from the How Many Stops
16 Act is critical.

17 Our hope is that this data will assist the City
18 and the public in monitoring and regulating the
19 actions of the NYPD.

20 The ever increasing budget of NYPD is also a
21 concern. (TIMER CHIMES) You already heard my
22 colleague talk about ShotSpotter Technology. That
23 technology has a \$54 million price tag and absolutely
24 does not work. It also provides technical
25 justification for disproportionate deployment to

1
2 Black and Latino neighborhoods to stop, frisk, and
3 harass New Yorkers when that technical alert is
4 neither accurate nor valid.

5 As defenders, we see how Black and Latino New
6 Yorkers are disproportionately targeted for stops and
7 arrests and how individual officers who engage in
8 racist, bias, or hateful behavior remain on the job.

9 We cannot allow these biases to continue to
10 entangle New Yorkers in the criminal legal system.

11 Thank you.

12 CHAIRPERSON SALAAM: Thank you. If anyone here
13 wishes to testify but has not had their name called
14 yet, please go to the back of the room to fill out a
15 witness slip. After this panel, we will be moving to
16 testimony on Zoom.

17 So, next, I would like to call Veronica
18 Leventhal, Mylana Gerard, and Marquis Jenkins.

19 (PAUSE)

20 CHAIRPERSON SALAAM: You may begin.

21 MS. VERONICA LEVENTHAL: Good afternoon, my name
22 is Veronica Leventhal, and I am a social worker with
23 the Legal Aid Society's Adolescence Intervention
24 Defense Project. We help young people navigate their
25 felony cases in the youth part of Supreme Court.

1
2 My clients are all teenagers. Most of them live
3 in the same neighborhoods in Brooklyn, and none of
4 them are white.

5 I'm here today to speak out against NYPD's use of
6 stop-and-frisk, and the gangs database, both of which
7 actually contribute to increased criminality.

8 By utilizing these drag nets, the NYPD
9 criminalizes people, including children, based on
10 where they live, how they look, and the color of
11 their skin without any consideration of whether they
12 in fact committed a crime. Kids as young as 12 are
13 targeted, harassed, and searched based entirely on
14 their external appearance.

15 The impact this can have on a child's sense of
16 self is profound. If an adult is telling you every
17 single day that you are a hazard to your community
18 and continually, aggressively stopping and searching
19 you, it can severely damage your psyche. And what's
20 more, it permanently hinders your faith in the police
21 to keep you safe, making you less likely to seek
22 their assistance in crisis.

23 I personally have witnessed the 73rd Precinct
24 repeatedly abuse their power to subjugate the
25 children of Brownsville. Our children need guidance

1
2 and support, and instead, the 73rd illegally stops,
3 searches, and uses violence to arrest them.

4 I cannot count the number of times I've seen a
5 child with cuts and bruises all over their bodies,
6 thanks to those sworn to serve and protect us at the
7 73rd.

8 The murder of Jordan Neely drove me to testify
9 here today. It haunts me, because I worry it has now
10 defined who in this city constitutes a criminal, who
11 is categorized as a threat to our safety, and who is
12 not.

13 I know my clients. They are not just reflections
14 of the worst day of their lives, and they do not
15 deserve the dozens of illegal searches they endure at
16 such young ages. I wonder if they would have even
17 been arrested if they weren't in the racist gang
18 database, if they weren't already targeted.

19 I'm asking this council to end this unchecked
20 abuse of stop-and-frisk and the racist gang database
21 by passing Intro 798. But I'm also asking you to
22 simply talk to the kids in our communities, (TIMER
23 CHIMES) to hear their experiences directly from them,
24 and then to invest in their communities and resources
25

1 for our children rather than in police and jails.

2 Thank you.

3 MS. MYLANA GERARD: Good afternoon, Chair Salaam.

4 My name is Mylana Gerard, and I serve as the
5 Coordinator of Youth Initiatives at the Bronx
6 Community Justice Center, an initiative of the Center
7 For Justice Innovation. I am also here today
8 representing the Gangs Coalition. Thank you for the
9 opportunity to testify.
10

11 Ample research shows that the practice of stop-
12 and-frisk continues to harm vulnerable communities'
13 relationships with the police.

14 A study of young people living in highly
15 patrolled, high crime areas in New York City found
16 that 88% of young people believed residents of their
17 neighborhood did not trust the police.

18 The use of stop-and-frisk is deeply racialized
19 and disproportionately impacts young people. Nine of
20 the 10 precincts with the highest stop rates have
21 been in predominantly Black and brown neighborhoods.

22 In the last two decades, 18 to 24 year olds were
23 stopped at a rate of 2,070 for every 1,000 residents
24 in the same age group.
25

1
2 New Yorkers between the ages of 15 and 17 were
3 stopped at an even higher rate, 2,127 stops per 1,000
4 residents.

5 Stop-and-frisk is being used to populate the
6 NYPD's gang database, creating another deeply
7 racialized tool with 99% of people in the database
8 being Black or Latino.

9 This hyper surveillance has resulted in children
10 as young as 11 being added to the database, marking
11 them for life as they cannot be removed once added.
12 No criminal conduct whatsoever is required to be
13 identified as a gang member.

14 At the Bronx Community Justice Center, our SOS
15 Team, which works to disrupt incidents of violence
16 and provide positive youth mentorship may unknowingly
17 be on the gang database with no way of being removed.

18 Participants in our programming report that
19 activities as simple as getting food at their
20 neighborhood deli or greeting a childhood friend is
21 enough to have them placed in the database.

22 Participants living in NYCHA say that they are
23 regularly targeted for the database simply as a
24 result of where they live.

1
2 Like the stop-and-frisk narrative, gang
3 affiliation is defined so broadly that NYPD can
4 capture any neighborhood (TIMER CHIMES) or individual
5 they deem suspicious.

6 Residents deserve to feel safe in the communities
7 they reside in. Over policing and surveillance
8 conducted through methods such as stop-and-frisk and
9 the gang database fracture trust and
10 disproportionately harm young people and people of
11 color.

12 Community programs developed in partnership with
13 residents empower young people, providing them with
14 an abundance of tools and resources to flourish.

15 We urge the Council to leave broad strokes
16 policing behind, relying instead on tailored
17 programming that suits residents' needs. Thank you.

18 CHAIRPERSON SALAAM: Thank you for your testimony.

19 We will now move to panelists on Zoom. Please
20 wait for the Sergeant at Arms to announce that you
21 may begin before delivering your testimony.

22 We will start with Tanesha Grant.

23 SERGEANT AT ARMS: Starting time.

24

25

1
2 MS. TANESHA GRANT: Thank you, good afternoon,
3 Chair Salaam, and Public Safety City Council
4 Committee members.

5 Thank you for this hearing. My name is Tanisha
6 Grant, and I am the Executive Director of Parents
7 Support and Parents New York and Moms United For
8 Black Lives New York City. I am also a member of the
9 Davis Roundtable on NYCHA Policing and have been for
10 more than two years. I was one of the people, Chair,
11 that helped, hire Germain Johnson, and he's doing...
12 uh, Germain and he's doing an amazing job.

13 I live and serve the community of Washington
14 Heights and Harlem. Our reality is that stop-and-
15 frisk wears heavy on our community for generations.
16 This unlawful practice has been used continuously and
17 continues to be used to unlawfully search and lock up
18 our loved ones.

19 In recent years, the practice of stop-and-frisk
20 has returned. We the people, fund the violent actions
21 through our taxes. We know all... I'm sorry, I lost
22 my place.

23 In recent years, the practice (UNINTELLIGIBLE) we
24 know all the ways stop-and-frisk violates community
25 members' lawful rights.

1 Our recommendations are as follows: Stop funding
2 the police and give our communities the resources...
3 the resources we need to thrive. Too much money is
4 focused on criminalization of Black and brown
5 communities. Instead of and... and instead of
6 innovative and fully funded programs and
7 opportunities, we, again and again, are attacked and
8 told that our personal lived experience with police
9 does not matter.
10

11 I myself have been unlawfully frisked in the
12 street trying to visit a friend. She lived in a
13 building the police deemed a drug spot. They pulled
14 me out of my car, pulled out my bra, made me take my
15 shoes off in the middle of the street - all because
16 they were surveilling the building. When I protested
17 and asked for their badge number, they took me to
18 jail.

19 The gang database is a direct attack on our Black
20 and brown sons and daughters. It must... (TIMER
21 CHIMES)

22 SERGEANT AT ARMS: Time is expired, thank you.

23 MS. TANESHA GRANT: it must be... Thanks, thank
24 you. I put in my written testimony.

25 CHAIRPERSON SALAAM: Next will be Sakeena Trice.

1 SERGEANT AT ARMS: Starting time.

2 MS. SAKEENA TRICE: Good afternoon, My name is
3 Sakina Trice, I'm a Senior Staff Attorney with the
4 Disability Justice Program at the New York Lawyers
5 for the Public Interest. Thank you for the
6 opportunity to present my testimony today on *The*
7 *NYPD's Use of Stop-and-Frisk and Other Investigative*
8 *Encounters*.

9 Police officers routinely arrest, and involuntary
10 transport to a hospital, individuals in New York City
11 who are experiencing or perceived to be experiencing
12 mental health emergencies, uh, pursuant to NYPD's
13 unlawful involuntary removal policies and practices,
14 specifically Patrol Guide 22-13. Uh, 22-13 on its
15 face, and or as applied, expands the NYPD's authority
16 to remove people with mental disabilities and
17 involuntarily transport them to psychiatric
18 evaluation even when probable cause for arrest is
19 lacking.
20

21 The guide needlessly heightens the risk of harm
22 to people experiencing a mental health crisis and
23 results in unlawful detentions and transport.

24 The stated purpose of the Patrol Guide is to
25 provide technical operations, but it does not

1
2 instruct police on how to respond to the health care
3 needs of a person with mental health concerns who is
4 the subject of a 911 call.

5 Unfortunately, the City's current attempt to
6 offer a non-police program, the Behavioral Health
7 Emergency Assistance Response Division Program, does
8 not meet the goal of actually offering a non-police
9 response.

10 So, for example, in Fiscal Year 2024, more than
11 70% of all mental health calls in the B-HEARD Pilot
12 (The Behavioral Health Emergency Assistance Response
13 Division) areas were still directed to the NYPD.

14 We are asking New York City to join other cities
15 across the country to remove police entirely from the
16 equation and ensure that health care workers respond
17 to health care crisis.

18 The City must establish a system whereby
19 individuals who experience a mental health crisis
20 receive appropriate services, which will deescalate
21 the crisis and which will ensure their well-being and
22 the well-being of all other New Yorkers.

23 We are asking the City to invest in a true non-
24 police response model. Thank you.

1 CHAIRPERSON SALAAM: Thank you.

2 SERGEANT AT ARMS: Starting time.

3 DR. TAWANNA GILFORD: Hello, good afternoon.

4 Everyone able to hear me? Hello?

5 CHAIRPERSON SALAAM: Yes, we can hear you.

6 DR. TAWANNA GILFORD: Okay, Thank you.

7 Good afternoon, Chair Salaam, and to the City
8 Council Public Safety Committee. I appreciate the
9 time.
10

11 My name is Dr. Tawanna Gilford, and I'm a
12 licensed psychologist in New York state. I'm also
13 the, co-founder of the Universal Stop False Police
14 Reporting Initiative.

15 And I'll start, uh, with a very provocative
16 statement by saying the Special Narcotics
17 Prosecutor's Office is the place where accountability
18 and transparency around stop-and-frisk goes to die.

19 My reason for making such a bold assertion is
20 based on my family experiences and the experiences of
21 other individuals that have been convicted of a
22 questionable stop-and-frisk that led to a drug
23 conviction in a prosecutorial office.

24 My brother, he was convicted and sentenced to six
25 and a half years for a drug crime that he had no

1 participation in, one that did not exist. But because
2 NYCHA has been deemed a high crime area and because,
3 the (UNINTELLIGIBLE) are working tandem with the
4 Specialty Narcotics Prosecutor's Office, there is
5 very little oversight about how those handoffs work,
6 and that's, uh, those were issues that came up during
7 today's testimony.

9 So we all know that the Special Narcotics
10 Prosecutor is appointed by all five borough-based
11 district attorneys. However, these attorneys have no
12 jurisdiction over the Special Narcotics Prosecutor's
13 Office and cannot reach in to take a second look at
14 these questionable stop-and-frisk convictions.

15 These convictions never receive the justice they
16 deserve, because there's no objectivity in the review
17 process, and this is what I mean when I say the SMP's
18 office is where justice goes to die.

19 I'm speaking out in this manner in... out in this
20 manner for my brother, Tariq (phonetic) Guilford, and
21 for all of the other Tariq Guilfords in New York
22 state.

23 My call to action is for the Commission to create
24 a provision that would allow each borough-based
25 District Attorney's Conviction Review Unit to be

1 granted the ability to pull cases for review when
2 officer credibility has (TIMER CHIMES) been pulled
3 into question.
4

5 Us New Yorkers deserve... (CROSS-TALK)

6 SERGEANT AT ARMS: Time is expired.

7 DR. TAWANNA GILFORD: every opportunity for
8 justice... (CROSS-TALK)

9 SERGEANT AT ARMS: Thank you.

10 DR. TAWANNA GILFORD: in this legal system...

11 SERGEANT AT ARMS: I'd like to call Christopher
12 Leon Johnson.

13 CHRISTOPHER LEON JOHNSON: Alright. Hello? Can you
14 hear me? Can you hear me?

15 COMMITTEE COUNSEL: Yeah, we can.

16 CHRISTOPHER LEON JOHNSON: Yeah, yeah, hello.

17 My name is Christopher Leon Johnson, thank you,
18 Chair Salaam, so much for holding this hearing on
19 this bad Monday.

20 But I want to make this clear that we need to
21 bring back stop-and-frisk. I support stop-and-frisk,
22 because I live in a high district... high crime
23 district, District 41, and it's a bad neighborhood. A
24 lot of (UNINTELLIGIBLE) that happen around here and
25 with stop-and-frisk, if we could stop people from...

1 on the street, we could catch a lot of these guns and
2 knives and maybe the crime will be mitigated like
3 that. You ever know people are out to kill or maim
4 somebody if they have a gun or the knife. Stop-and-
5 frisk is needed because of that.
6

7 And another thing is, I know everybody want to
8 eradicate the gang database, which was done by
9 Reynoso. But the truth and... of the matter about the
10 gang database is that we can't abolish it right now,
11 because we have a criminal migrant, uhm, segment in
12 this city that is doing a lot of damage to the city,
13 and Donald Trump is coming back. I'm not here to for
14 to push a candidate, but Donald Trump is coming back,
15 and ICE needs to know who these guys and gals are.
16 It's easier for the NYPD and the federal government
17 agencies to know who these guys and gals are. It's
18 easier for the NYPD and the federal government
19 agencies to know who these guys and guys are.

20 So you cannot eradicate the gang... gang
21 database. I understand that there's a lot of, uhm,
22 disparity with the gang... gang database, but if this
23 was about three years ago, before this crisis and the
24 situation with the migrant crisis, I understand that
25 the gang database would be... should have been

1
2 abolished, but right now, you just can't do. It's
3 unrealistic. And back to stop-and-frisk, uhm, we need
4 it because crime is high in a lot of these districts,
5 especially in the hot... like, my district, District
6 41, Meeley's district, uhm, district 55, 80-55,
7 Latrice Walker, we need it. I'm Black, and I'm saying
8 as a Black man that we need to bring it back. We need
9 to increase it more. Because with this, it can get a
10 lot of guns up the street. It can get a lot of these
11 knives off the street. It could save a lot of lives.
12 It can save a lot of (UNINTELLIGIBLE) who are getting
13 shot and killed by a stray bullet because
14 (UNINTELLIGIBLE) keep on beefing and stuff like that.

15 So I'm Black, uhm, I totally support stop-and-
16 frisk. I understand that these guys and gals are out
17 here today fighting against it. I understand their
18 pain, (TIMER CHIMES) but this is a new time right
19 now. This is 2024... (CROSS-TALK)

20 SERGEANT AT ARMS: Time is expired, thank you.

21 CHRISTOPHER LEON JOHNSON: 2025. So, thank you,
22 thank you so much. Thank you.

23 CHAIRPERSON SALAAM: I would like to thank
24 everybody for today's testimony. This hearing has
25 been concluded. (GAVEL SOUND) (GAVELING OUT)

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 January 12, 2025