

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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October 25, 2010  
Start: 10:13 am  
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HELD AT: Council Chambers  
City Hall

B E F O R E:  
GALE A. BREWER  
Chairperson

COUNCIL MEMBERS:  
Melissa Mark-Viverito  
Elizabeth Crowley  
Peter F. Vallone, Jr.  
Brad Lander  
Domenic M. Recchia, Jr.  
Erik Martin Dilan

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

Liz Weinstein  
Director  
Mayor's Office of Operations

Sami Naim  
Assistant Counselor  
Mayor Bloomberg

Michael Polenberg  
Vice President of Government Affairs  
Safe Horizon

Karina Claudio-Betancourt  
Organizer, LGBT Justice Project  
Make the Road New York

India Rodriguez  
Make the Road

CHAIRPERSON BREWER: Good morning, I'm Gale Brewer, City Council Member for the West Side of Manhattan and we're here in the Governmental Operations Committee to talk about three bills. I want to thank particularly Matt Gewolb for all of his assistance, Counsel to the Committee. And we will hear in a few minutes from Council Member Mark-Viverito about some of her bills.

Proposed Introduction 373-A by Council Member Mark-Viverito and the Speaker, Speaker Quinn, would amend the New York City Charter in relation to requiring--sorry--the Mayor's Office of Operations to report certain hate crime statistics on the My Neighborhood Statistics website, which is actually a very good website.

Number two, a Preconsidered Introduction by Council Member Mark-Viverito also would amend the New York City Charter in relation to requiring the Mayor's Office of Operations, again, to report certain domestic violence statistics on the same My Neighborhood Statistics website.

2 Intro 361 by myself, Council Member  
3 Brewer, would amend the Administrative Code in  
4 relation to requiring that all executive orders  
5 and memorandum of understanding, known as MOUs,  
6 would be made available to the public on the  
7 city's website and, of course, at no charge.

8 Some of you may not know what My  
9 Neighborhood Statistics is, but according to the  
10 Office of Operations, the website allows New  
11 Yorkers to learn how government agencies are  
12 performing in their neighborhood by viewing  
13 locally mapped performance statistics using a  
14 street address or intersection. This website  
15 provides year-to-year neighborhood and citywide  
16 comparisons for agency performance data, as well  
17 as month-to-month and citywide comparisons for  
18 select services requested through 311.

19 The proposed legislation would  
20 require--the ones that Council Member Mark-  
21 Viverito is introducing--that the following  
22 information regarding domestic violence be  
23 proposed by the Mayor's Office of Operations on  
24 this website. One, the number of DV, domestic  
25 violence, radio runs by the police department;

1  
2 two, the number of murders related to DV; three,  
3 the number of rape incidences related to DV; and  
4 four, the number of felonious assaults related to  
5 domestic violence.

6 Intro 373-A would require that the  
7 following information regarding hate crimes,  
8 another piece of legislation, be posted by the  
9 Mayor's Office of Operation on the same My  
10 Neighborhood Statistics site. One, the number of  
11 hate crimes; two, the number of murders determined  
12 by the police department to be hate crimes; three,  
13 the number of felonious assaults determined by the  
14 police department to be hate crimes.

15 Intro 361, this particular  
16 legislation would mandate that the city make  
17 executive orders and memorandum of understanding,  
18 known as MOUs, as I said, available, free of  
19 charge is obvious, but free of charge on the  
20 internet so that the public may conveniently view  
21 these documents, furthering the goal of increased  
22 governmental transparency.

23 And I think some people would say  
24 why are we doing this when it should be done  
25 already and the answer is, to be sure that it's

1  
2 always done no matter who the Mayor is, is always  
3 my answer for anything that goes up on the  
4 website.

5 Thank you very much. And we have  
6 been joined by Council Member Elizabeth Crowley,  
7 and now we will hear from the first panel from the  
8 Administration. We have Liz [off mic] and then  
9 we'll hear from Council Member Mark-Viverito  
10 before we start. So the Mayor's Office of  
11 Operations and Sami Naim, also from the Mayor's  
12 Office. But first I'd like to turn it over to  
13 Council Member Mark-Viverito while they're coming  
14 up for any opening statement.

15 COUNCIL MEMBER MARK-VIVERITO:

16 Thank you, Chairwoman Brewer. I want to thank all  
17 of those that are here this morning for this  
18 hearing and I want to thank you as Chair of the  
19 Government Operations Committee for holding this  
20 hearing and Speaker Quinn for joining me in  
21 sponsoring Intro 373.

22 So I want to, you know, I'm the  
23 lead sponsor of these two pieces of legislation  
24 which are being heard this morning, both of which  
25 seek to make statistics more readily available to

1  
2 the public on two critical areas: Domestic  
3 violence incidents and hate crimes. Each of these  
4 crimes remains at endemic levels in our city. A  
5 startling number of women continue to endure  
6 physical violence perpetrated by their husbands or  
7 boyfriends, a significant percentage of all  
8 murders in our city are committed at the hands of  
9 an intimate partner.

10 Equally unsettling is the uptick in  
11 hate crimes we have experienced in recent months  
12 including a number of high-profile incidents  
13 against the LGBT and Latino communities.

14 The two pieces of legislation I  
15 have introduced will serve to utilize the My  
16 Neighborhood Statistics website run by the Mayor's  
17 Office of Operations to make data on these two  
18 crimes more accessible to the public.

19 This website currently enables  
20 users to view statistics on a number of issues,  
21 not only citywide, but broken down by community,  
22 district, and police precinct.

23 Adding domestic violence and hate  
24 crimes to those available statistics will help New  
25 York City residents monitor the trends in these

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2 crimes in their communities and ensure that  
3 resources are being distributed adequately, while  
4 also demonstrating that both of these crimes  
5 remain at a high frequency in our city and are in  
6 need of greater attention.

7 October is Domestic Violence

8 Awareness Month and just this month we witnessed  
9 some of the most disturbing hate attacks against  
10 the LGBT community. Therefore, this hearing is a  
11 timely one, and I know that we as its Council will  
12 continue to take leadership in addressing these  
13 two critical issues.

14 I look forward to the hearing today  
15 and the testimony and I want to thank you all.  
16 But I just wanted to add, Chairwoman, that, you  
17 know, I served, prior to being a Council Member,  
18 as the chair of an organization in my district,  
19 the Violence Intervention Program which provides  
20 services to survivors, to victims of domestic  
21 violence. It's an issue that I'm very passionate  
22 about and one of the things that I constantly, as  
23 an activist, as a community resident, when I would  
24 go to the precinct council meetings, one of the  
25 things that I would ask the local commanders is



1  
2 that in their reports to provide the number of DV  
3 incidents. And the fact that it had to be--it was  
4 not something that was readily available concerned  
5 me, and my ideal legislation was hoping that these  
6 statistics would be included in the CompStat  
7 report, 'cause I think, as a city, the more aware  
8 and visible we see these figures, the more alarmed  
9 we will be and continue to provide the needed  
10 resources for this issue to be addressed. That  
11 was not something that was welcomed by the  
12 Administration so I think that this is at least  
13 one way of again making information more readily  
14 available--something that we, as residents in this  
15 city, should continue to be alarmed about. It's  
16 unfortunate that we're seeing an uptick in both DV  
17 incidents and also in hate crimes, and I'm hoping  
18 that with the great advocacy that this Speaker has  
19 demonstrated, that the Council has demonstrated  
20 come, and our Mayor has demonstrated on these  
21 issues, that we will be able to provide all the  
22 adequate resources to see those numbers decline.  
23 So thank you very much for today's hearing.

24 CHAIRPERSON BREWER: Thank you very  
25 much. Go ahead, glad to have you here again,

2 thank you. [Pause] The guard is supposed to do  
3 it, but--

4 FEMALE VOICE: Oh, sorry.

5 [Crosstalk]

6 CHAIRPERSON BREWER: --thank you  
7 very--

8 FEMALE VOICE: It's just one page  
9 [off mic].

10 CHAIRPERSON BREWER: Thanks. Go  
11 right ahead, whomever wants to begin [off mic].

12 LIZ WEINSTEIN: Good morning, Chair  
13 Brewer and members of the Government Operations  
14 Committee. My name is Liz Weinstein and I'm the  
15 Director of the Mayor's Office of Operations.  
16 Thank you for the opportunity to testify in  
17 support of a Preconsidered Introduction and  
18 Proposed Introduction 373-A, both relating to  
19 posting statistics on the My Neighborhood  
20 Statistics, or MNS as we call it, page of the  
21 city's website.

22 The Preconsidered Introduction  
23 would require the Mayor's Office of Operations to  
24 post on the MNS page information relating to  
25 incidents of domestic violence. Statistics would

1  
2 include the number of domestic violence radio runs  
3 and the number of murders, rapes, and felonious  
4 assaults related to domestic violence. Intro 373-  
5 A would require the Office of Operations to post  
6 the number of hate crimes, murders determined by  
7 the police department to be hate crimes, and  
8 felonious assaults determined by the police  
9 department to be hate crimes.

10 The Administration supports these  
11 bills and all efforts to make New York City  
12 government transparent and accessible. MNS is a  
13 valuable tool for presenting quality-of-life data  
14 that can be broken down beyond a city or a  
15 borough-wide focus and the domestic violence and  
16 hate crime statistics requested by these bills are  
17 examples of such important data.

18 The web-based MNS application was  
19 introduced in fiscal year 2002 to give residents  
20 and visitors a snapshot of agency performance in  
21 individual communities. Through NYC.gov, users  
22 can see and download performance information for  
23 their own neighborhood by community district,  
24 police precinct, or a school district as  
25 appropriate and map this information to compare

1  
2 with other neighborhoods and the city as a whole.

3 MNS contains neighborhood level  
4 data for 51 indicators, each indicator can be  
5 shown on a map of the city by inputting a street  
6 address or intersection. Color shaded maps of the  
7 city allow for easy comparison of highs and lows  
8 in different neighborhoods, data shown in year-to-  
9 year comparisons for each district and each  
10 district is compared to citywide total. MNS is  
11 updated annually with the release of the fiscal  
12 year Mayor's Management Report. Users can search  
13 for performance information by thematic agency  
14 grouping, such as public safety, or by a word  
15 search. They can also use word searches to match  
16 names and keywords associated with a given  
17 statistic and return results in a single  
18 customized page.

19 While MNS already serves as a  
20 valuable tool, the Mayor's office will be working  
21 with the Department of Information Technology and  
22 Telecommunications in the coming months to find  
23 ways to make the website even better. Our hope is  
24 that we can make some technological advances in  
25 the way data are displayed while providing the

1  
2 user with even more information about their  
3 communities. Adding the data proposed by these  
4 bills will be another step we can take together to  
5 enhance this offering.

6 I'd now be happy to answer any of  
7 your questions.

8 CHAIRPERSON BREWER: Thank you very  
9 much.

10 CHAIRPERSON BREWER: Thank you very  
11 much.

12 [Off mic]

13 SAMI NAIM: Good morning, Chair  
14 Brewer and members of the Committee. I am Sami  
15 Naim, Assistant Counselor to Mayor Bloomberg and  
16 I'm here to testify on behalf of the  
17 Administration on Intro Number 361, which would  
18 require the publication of all Mayoral Executive  
19 Orders and all memoranda of understanding.

20 Transparency and accountability  
21 have been the cornerstones of the Bloomberg  
22 Administration since day one. Indeed, over the  
23 last seven years, we have worked hard to provide  
24 New Yorkers with the information they need to hold  
25 their government accountable. From Citywide

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2 Performance Reporting, an innovative online tool  
3 that gives New Yorkers access to critical  
4 performance measures from more than 40 city  
5 agencies in an easy to understand snapshot format  
6 to NYC Big Apps, an open-data competition that  
7 encourages the use of publicly-available,  
8 operational City data to develop web-based  
9 applications that will benefit New Yorkers,  
10 improve business efficiency, and save taxpayer  
11 dollars. The Administration is constantly looking  
12 and seeking new ways to provide New Yorkers with  
13 greater access to their government.

14 The bill before you today is  
15 intended to build upon the progress the City has  
16 made and we commend the Council for its desire to  
17 work with us to make government more transparent  
18 and accountable.

19 With respect to the portion of the  
20 bill that addresses the publication of Mayoral  
21 Executive Orders, I note that the Administration  
22 is in the process of developing a page on NYC.gov  
23 that will allow the public to access all Executive  
24 Orders issued by the Bloomberg Administration and  
25 other administrations. We are, therefore,

1  
2 supportive of this particular aspect of Intro 361,  
3 which would codify an initiative we are already  
4 poised to launch.

5           With respect to the portion of the  
6 bill that addresses the publication of memoranda  
7 of understanding, however, we believe that there  
8 needs to be further discussion with Council staff  
9 to clarify the scope of this requirement. We also  
10 suggest that there be reasonable safeguards put in  
11 place to ensure that the legislation does not  
12 unintentionally jeopardize law enforcement or  
13 other critical agency operations. Moreover, as  
14 currently drafted, the bill does not reflect the  
15 types of protections contained in the Freedom of  
16 Information Law, which provides guidance on how to  
17 manage the disclosure of documents that would, by  
18 reason of their disclosure, undermine law  
19 enforcement investigations, raise issues  
20 concerning commercial trade secrets that could  
21 potentially expose the City to lawsuits from its  
22 vendors, or violate an individual's personal  
23 privacy.

24           Once we clarify these issues, we  
25 can work with the Council on incorporating

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2 language into the bill that addresses these  
3 concerns. We would also like to reach out to our  
4 IT personnel and ask them to develop a reasonable  
5 timeframe for constructing the infrastructure  
6 necessary to accommodate the publication of these  
7 documents. We suggest that such a timeframe also  
8 be built into the final version of this bill to  
9 ensure that city agencies are capable of fully  
10 complying with Intro 361.

11 We clearly support developments to  
12 make government more transparent, accessible, and  
13 accountable, and applaud the Council for  
14 introducing this important piece of legislation.  
15 We hope to build upon and further refine Intro 361  
16 in order to provide New Yorkers with this  
17 information in the most effective and efficient  
18 manner.

19 Thank you for allowing me to  
20 testify, and I'd be happy to answer any questions  
21 you may have.

22 CHAIRPERSON BREWER: Thank you.  
23 Council Member Mark-Viverito has questions and  
24 then I'll ask some questions.

25 COUNCIL MEMBER MARK-VIVERITO:



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2 Yeah, just a quick question with regards to the  
3 Intro 373-A and the Preconsidered Intro that we  
4 talked about. It says obviously in the  
5 legislation, the way it's written, that it would  
6 be enacted 60 days after it's signed by the mayor,  
7 do you see any problems in fulfilling that  
8 timeline?

9 LIZ WEINSTEIN: I don't think so.

10 COUNCIL MEMBER MARK-VIVERITO: It  
11 should be 'cause that's statistics--

12 [Crosstalk]

13 LIZ WEINSTEIN: Yes.

14 COUNCIL MEMBER MARK-VIVERITO: --  
15 that are readily available, okay. That was my  
16 only question. I'm glad to hear that the  
17 Administration is in favor. Again, as I said,  
18 ultimately, I would love to see it as something  
19 that is on the CompStat report. I think that, as  
20 I indicated, right now, when you just see the  
21 numbers and the indicators it's, you know, it's  
22 murders, it's felony assaults, it's rapes, and all  
23 of it is combined. Being able to break out  
24 exactly how many of those murders are related to  
25 domestic violence or hate crimes, I think, again,

1  
2 is really an important one. So at least this is a  
3 step forward in that direction, and I appreciate  
4 the support from the Administration. Thank you,  
5 Madam Chairwoman.

6 CHAIRPERSON BREWER: Thank you very  
7 much. I have a couple questions--and thank you  
8 for your testimony, both of you. Regarding the  
9 MOUs, I know that you had some questions about  
10 that and I'm sure we will be able to work  
11 something out, but how do you track them now, how  
12 do you keep track of the MOUs? 'Cause obviously  
13 executive orders, I think, are perhaps easier to  
14 track, they come out of mostly one central source,  
15 MOUs more varied. How do you track MOUs now?

16 SAMI NAIM: Well part of the  
17 difficulty is just understanding what we mean by  
18 MOUs. So, for example, contracts, certain  
19 contracts are held at the--or managed at the  
20 agency level by the legal division within an  
21 agency, and then certain contracts that meet a  
22 threshold are handled, managed, and reviewed by  
23 the city's Law Department, and the Mayor's Office  
24 of Contract Services, with regards to concessions  
25 and procurement, manages those contracts as well.

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2 So if we're speaking about contracts, that's how  
3 those are handled and managed and--

4 CHAIRPERSON BREWER: [Interposing]  
5 That's MOC, and then the Law Department does many  
6 of the other ones is what you're saying. The Law  
7 Department probably signs off on everything, even  
8 MOC though, I would imagine.

9 SAMI NAIM: Yeah, certain contracts  
10 that meet a threshold--

11 CHAIRPERSON BREWER: Just MOC?

12 SAMI NAIM: --will be reviewed by  
13 the Law Department--

14 CHAIRPERSON BREWER: Okay.

15 SAMI NAIM: --they require the Law  
16 Department's review and approval, yeah.

17 CHAIRPERSON BREWER: Okay. And in  
18 terms of executive orders, I assume those are  
19 tracked because they do come more readily from one  
20 source, is that correct?

21 SAMI NAIM: Right.

22 CHAIRPERSON BREWER: Okay. The  
23 other question I have is, I'm looking at--I have  
24 one of these little machines, I don't know how to  
25 use it very well, but I got one--and

1  
2 unfortunately, the City Council doesn't have that  
3 thing live, which, you know, of course, if I was  
4 in charge, things would be more liver in terms of  
5 the net, but when you go to My Neighborhood, which  
6 I'm sure you know extremely well, particularly  
7 Liz, then the question is, can you get a  
8 comprehensive list? Do you have to go  
9 neighborhood by neighborhood or can you get a  
10 comprehensive list of all of the DV or, in this  
11 case, other kinds of hate crimes? In other words,  
12 can you compare other than going neighborhood by  
13 neighborhood? Is there like a citywide  
14 spreadsheet that could be determined etc.? I'm  
15 just trying to see what the format would be and I  
16 guess it would mirror what already exists. So if  
17 you could just describe the format that would  
18 exist for some of these, go ahead.

19 LIZ WEINSTEIN: So Gwen--

20 [Crosstalk]

21 LIZ WEINSTEIN: --who's the Deputy  
22 Director for Performance Management is handing me  
23 notes here, but, yes, you can run citywide  
24 statistics. In fact, I think when you come to the  
25 page, you are seeing automatically the first

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column on any given--

CHAIRPERSON BREWER: Correct.

LIZ WEINSTEIN: --it's giving you the citywide statistics--

CHAIRPERSON BREWER: Yeah, yeah, yeah.

LIZ WEINSTEIN: --so making that comparison is easy. And then I think if you wanted to compare two districts, what you would be doing is downloading--is this right, Gwen?-- downloading the information into Excel and then you would have the ability to do everything. What you can't do, and one of the things that I would mention as far as in my testimony wanting to improve the site, is being able to pull up, for example, one Community Board next to another and seeing both of those things on your screen.

CHAIRPERSON BREWER: Right.

LIZ WEINSTEIN: So you're limited in that way now, but that's one of the things that we're working with DOITT on. So you could do side-by-side comparisons--

[Crosstalk]

CHAIRPERSON BREWER: [Interposing]

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2 And that would be for all kinds of statistics, not  
3 just for DV and so on, or we would--

4 [Crosstalk]

5 LIZ WEINSTEIN: [Interposing]

6 Exactly, that would be for anything that's on MNS.

7 CHAIRPERSON BREWER: So that's a  
8 limitation in general.

9 LIZ WEINSTEIN: Exactly, that's  
10 what--

11 CHAIRPERSON BREWER: Okay.

12 LIZ WEINSTEIN: --that's part of  
13 the site and, you know, the site is terrific, as  
14 you mentioned, but it has 2002 technology and many  
15 parts of what we're offering on the Web, for  
16 example, New York City CityMap can do a little bit  
17 more complicated comparisons and so we want to  
18 bring this into that technology.

19 CHAIRPERSON BREWER: Okay. We've  
20 been joined by Council Member Peter Vallone, who's  
21 very knowledgeable in these topics, this Chair of  
22 Public Safety.

23 [Off mic]

24 MALE VOICE: Brad.

25 CHAIRPERSON BREWER: And Council

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Member Brad Lander, who's also joined us.

COUNCIL MEMBER LANDER: [Off mic]  
not especially knowledgeable.

CHAIRPERSON BREWER: No, he knows a few things. Just a few. The other question I have is, what would be, and maybe you mentioned this, the date by which you would start either DV, hate crimes, or even the executive orders and MOUs and we work it out? In other words, do you have different dates for different aspects, different start dates depending on the bill or the statistic?

LIZ WEINSTEIN: So for the public safety indicators that are being requested or--  
[Crosstalk]

CHAIRPERSON BREWER: [Interposing]  
Hate crimes and domestic violence.

LIZ WEINSTEIN: Right. There's a 60-day window written into the legislation, we intend to meet that window, so that--  
[Crosstalk]

CHAIRPERSON BREWER: [Interposing]  
And how far back would you go or would it be starting from the date at which the legislation--

2 LIZ WEINSTEIN: [Interposing] I  
3 believe we're thinking of it prospectively, but I  
4 can get back to you. So that would mean in our  
5 case that we're looking at fiscal year 2010--

6 CHAIRPERSON BREWER: Correct.

7 LIZ WEINSTEIN: --so that's the MMR  
8 that we put out, so we would use the data that  
9 would have corresponded with that.

10 CHAIRPERSON BREWER: And the reason  
11 that it can't be part of CompStat is just, is  
12 what?

13 LIZ WEINSTEIN: That I'm not sure  
14 of, I think we would have to talk to the police  
15 department, but I can help you have that  
16 conversation.

17 CHAIRPERSON BREWER: Okay. And  
18 these statistics are kept now, is that why it's  
19 quite easy to put them up, it's just a question of  
20 making sure that they are up?

21 LIZ WEINSTEIN: I believe this is  
22 data the police department has available and  
23 that's why we're able to provide it so speedily in  
24 terms of--it's not as if we're collecting it  
25 afresh, we have it, it just hasn't been on this



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site, so it should be and it will be.

CHAIRPERSON BREWER: Okay. Do you know if other cities or states are putting up Executive Orders or the federal government and if MOUs are something that is put on a site by any other jurisdiction?

SAMI NAIM: With respect to Executive Orders, I know there are executive branches of government at state level and at the federal level, they're posted online.

CHAIRPERSON BREWER: I know that also, I just wanted to see what you were going to say. Go ahead.

SAMI NAIM: With respect to MOUs actually, I'm not sure and I can definitely look into that, but it would be good to see what types of agreements that they post online.

CHAIRPERSON BREWER: [Interposing]  
That's what I--

[Crosstalk]

CHAIRPERSON BREWER: --yeah, okay.

SAMI NAIM: And that might provide some helpful guidance for us as we move forward.

CHAIRPERSON BREWER: Okay. Would

1  
2 it be possible as time goes on to put--obviously  
3 we're going to prospective, is there the way that  
4 we're thinking about going for the domestic  
5 violence and for the hate crimes, is it possible  
6 that the MOUs, if we work something out, and the  
7 Executive Orders could also go back, perhaps to  
8 the beginning of this Administration, would that  
9 be something that would be a challenge or not?  
10 Executive Orders, it would seem to me, would not  
11 be a challenge.

12 SAMI NAIM: Right, and as far as  
13 the MOUs, I mean, once we scope out what that  
14 requirement entails, then we'll reach out to our  
15 IT folks and, you know, move from there as far as  
16 a reasonable timeframe to accommodate all this  
17 data and how to best present it to the public.

18 [Long pause]

19 CHAIRPERSON BREWER: The only other  
20 question I would have is how does the police  
21 department or how do you track in terms of the  
22 current statistics? Is it all done through the  
23 police department for domestic violence and for  
24 hate crimes? In other words, that's 100% PD, is  
25 that correct? Is there no other agencies

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involved.

LIZ WEINSTEIN: That's correct.

CHAIRPERSON BREWER: So the Mayor's Office, Yulanda [phonetic] and so on, that's all through police department, is that what you're saying?

LIZ WEINSTEIN: The data that we're talking about here would be, I suspect that they have a relationship where they go back and forth and are discussing that data and having a more iterative discussion. As far as the statistics that we collect and we show, it would be coming from that source, just the NYPD.

CHAIRPERSON BREWER: Okay. All right.

[Off mic]

CHAIRPERSON BREWER: Council Member Lander. And we've been joined by Council Member Domenic Recchia.

COUNCIL MEMBER LANDER: Let me just follow up on this question, then I have one question back on the MOUs. Obviously, the intake data in the city's domestic violence shelters is related to what gets reported to the NYPD, but I

1 think would be worth looking at in some  
2 relationship to that, try to figure out, you know,  
3 what's the relationship between reports to intake  
4 in the shelters. So I don't know if it would be  
5 possible to try to figure out what's worth doing  
6 there, but it would sure be interesting to see,  
7 you know, as reports go up, what's happening with  
8 intake and, like, the stay and some other things,  
9 so if there could be some thought to--

11 [Crosstalk]

12 LIZ WEINSTEIN: [Interposing] Yeah,  
13 I think one of the things that we're looking at in  
14 all of our reporting tools to the Mayor's  
15 Management Report, citywide performance reporting,  
16 which is the electronic version of that, and our  
17 mapping tools is how we can look at themes and  
18 issues that are cross-agency and try to tell a  
19 story about what's happening looking at different  
20 agency data. So we do that in a couple places on  
21 our website after the MMR comes out, but I don't  
22 believe we do it here, and there's certainly many  
23 more areas where we could be doing that. So a  
24 subject does--and many agencies have an impact on  
25 one topic area and it's just one of the things in

1  
2 performance management that's tricky to do is to  
3 hold people accountable at those different  
4 agencies and tell one story citywide, so it's  
5 something worth looking in--

6 COUNCIL MEMBER LANDER:

7 [Interposing] It just seems like--

8 [Crosstalk]

9 COUNCIL MEMBER LANDER: --just to  
10 use two, I mean, if you just had HRA and NYPD  
11 here, you could probably do--

12 [Crosstalk]

13 LIZ WEINSTEIN: [Interposing] I'm  
14 sure there's things that we could do. It would  
15 get tricky once you got to mapping and trying to  
16 figure out how to map sort of intake versus crime  
17 and those pieces, but it's certainly something  
18 that we're aware of it and looking into.

19 COUNCIL MEMBER LANDER: Great,  
20 thank you. On the MOU side, I mean, the set of  
21 MOUs to me that seem especially important to  
22 provide some additional transparency for are the  
23 ones around the Land Use agreements, as you know,  
24 there have been these set of--I don't even know if  
25 we would call them memorandums of understanding,

1  
2 they're like Dear City Council letters generally  
3 from the Deputy Mayor for Economic Development  
4 which have laid out substantial, kind of, policy  
5 commitments by the Administration, but I  
6 understand from people who have tried to get them,  
7 that they're essentially impossible to get, they  
8 foiled them, they haven't received them. And so I  
9 guess I would like to ask, I don't know, I mean, I  
10 know you're looking for some additional definition  
11 from the Council on what will be covered, I don't  
12 know if you have any thoughts on those in  
13 particular, to me, that would be top of my list  
14 for what to cover.

15 SAMI NAIM: I think that's our  
16 overall comment with respect to the MOUs was it  
17 could encompass a lot of things, whether it's  
18 those letter agreements between a deputy mayor and  
19 a council member or an agreement between an  
20 individual constituent and an agency. So I mean  
21 as we kind of flesh out that understanding of what  
22 is a memorandum of understanding--

23 COUNCIL MEMBER LANDER:

24 [Interposing] So on these land use ones, I mean, I  
25 understand in some there could be issues related

1  
2 to law enforcement or privacy--excuse me--I  
3 understand in some cases there could be issues  
4 related to privacy or law enforcement, but can you  
5 think of any reason why commitments from the  
6 Administration to the Council related to land use  
7 agreements and infrastructure investments would  
8 [off mic] as privacy, law enforcement, or anything  
9 else not be fully in the public interest to  
10 disclose?

11 SAMI NAIM: I mean, our general  
12 approach is, you know, more information that we  
13 can provide New Yorkers, the better. I mean, with  
14 respect to those documents, if you said they were  
15 foiled and I can reach back and see who managed  
16 those foils and see what the determination was.

17 COUNCIL MEMBER LANDER: All right,  
18 well, Madam Chair, as you guys are working on this  
19 list, I think this is one that would be a lot of  
20 public benefit from receiving and I can't see any  
21 harm, so I hope that'll get in the list. Thank  
22 you very much.

23 CHAIRPERSON BREWER: You have a  
24 question, Council Member Recchia?

25 COUNCIL MEMBER RECCHIA: No.

[Pause]

CHAIRPERSON BREWER: ...Funny comment but he says I can't say it in public so I'm going to leave it off. [Pause] Thank you both very much, thank you, I appreciate it. And we will work out the issue of MOUs. I think also we have Local Law 11 that we passed in 2003 and I think some of those MOUs to do land use might be covered under the EISs, we're trying to find out so...

All right, we have another panel. Michael Polenberg from Safe Horizon, whom we know well, and India Rodriguez from Make the Road, and also Karina Claudio-Betancourt from Make the Road. This is the second and last panel on this topic. [Long pause] Good morning to you all.

MICHAEL POLENBERG: Good morning.

[Pause]

MICHAEL POLENBERG: Thank you, Chairperson Brewer and members of the committee for the opportunity to testify here today. My name is Michael Polenberg, I'm Vice President of Government Affairs for Safe Horizon, the nation's leading victim assistance organization and the city's largest provider of services to victims of



1  
2 crime and abuse. Specifically in the area of  
3 domestic violence, Safe Horizon, as you surely  
4 know, offers a wide array of crisis services,  
5 emergency and transitional shelter, expert legal  
6 services, and court-based advocacy in all five  
7 boroughs. We also have children's centers based  
8 in the court so children don't have to accompany  
9 their parents to hear detailed proceedings  
10 involving abuse, and we have supervised visitation  
11 programs in Bronx and Brooklyn Family Courts.

12 Safe Horizon supports the Council's  
13 efforts to make certain DV stats available on the  
14 city's website. It is important for providers who  
15 offer services to victims of domestic violence to  
16 understand emerging trends across each borough and  
17 throughout the city, and offer services and care  
18 where it's needed the most. It is important for  
19 policy makers to understand the impact of  
20 resources allocated to fight this scourge, and to  
21 alter the designation of resources to match  
22 shifting needs. And it is important for law  
23 enforcement to track the progress of their efforts  
24 to intervene in domestic disputes and to prosecute  
25 the offenders.

1  
2                   Particularly for a City Council  
3 initiative like DOVE--and Safe Horizon is the  
4 fiscal conduit for the DOVE initiative--this  
5 initiative directs fundings to neighborhoods  
6 throughout the five boroughs with the highest  
7 incidences of domestic violence and where  
8 immigrant communities might be fearful or  
9 reluctant to seek help, it is very important to  
10 track which neighborhoods continue to see unmet  
11 need to ensure that the Council's funding is  
12 appropriated in the most effective way possible.  
13 So, you know, there's a lot of synchronicity  
14 there.

15                   So we applaud Council Member  
16 Viverito and Speaker Quinn and the rest of the  
17 Council and we look forward to continuing to  
18 partner with the Council to help raise awareness  
19 of DV and to provide immediate and long-term care  
20 to its victims.

21                   And please note we also support the  
22 Council's effort to make hate crime statistics  
23 more widely available, particularly--and you  
24 mentioned this, you referenced this earlier  
25 Council Member Viverito--the horrific incidents

1  
2 that we've seen around the city, one worse than  
3 the next, makes it all the more important to have  
4 this kind of information available.

5 Thank you.

6 CHAIRPERSON BREWER: Thank you, go  
7 ahead.

8 [Pause]

9 KARINA CLAUDIO-BETANCOURT: So my  
10 name is Karina Claudio-Betancourt, I'm the  
11 organizer with the LGBT Justice Project at Make  
12 the Road New York. I would like to thank the  
13 Chair and members of this committee, and Council  
14 Member Mark-Viverito and Speaker Quinn for the  
15 opportunity to testify today.

16 One of my first experiences  
17 organizing at Make the Road New York was after the  
18 unfortunate death of Jose Sucuzhanay. As many of  
19 you know, Jose was an Ecuadorean resident from  
20 Bushwick who was murdered in December of 2008  
21 because of his perceived sexual orientation.  
22 After his death, many Bushwick residents from  
23 diverse backgrounds came together to denounce and  
24 stand together against hate in our community. It  
25 was impressive to see diverse communities come

1  
2 together for a common cause and to facilitate  
3 conversations between the LGBTQ, Latino, and  
4 African-American communities to find commonalities  
5 of struggle between us.

6           After Sucuzhanay's death, Make the  
7 Road New York organized a series of forums where  
8 we brought these communities together and started  
9 strategizing a plan to respond to the recent wave  
10 of anti-LGBTQ and anti-Latino violence. From  
11 these forums we got sufficient feedback from  
12 community members, leaders, young people, and  
13 politicians to start our Not Another Hate Crime  
14 campaign. Through the Not Another Hate Crime  
15 Campaign we supported many victims of Hate Crimes  
16 such as Jack Price, a gay man attacked in Queens;  
17 Carmella Ettienne, a transgender woman attacked in  
18 Queens; Mario Vera, a Latino immigrant attacked in  
19 Bushwick; as well as many other victims. We also  
20 developed a citywide platform to address issues of  
21 underreporting of hate crimes in our communities,  
22 as well as suggestions as to how to prevent hate  
23 crimes from happening in our communities. We also  
24 surveyed our members and found that underreporting  
25 was common, specifically in the Latina immigrant

1  
2 communities and LGBT communities because of fear  
3 of deportation or fear of homophobia and  
4 transphobia.

5 We would like to congratulate  
6 Council Member Mark-Viverito and Speaker Quinn on  
7 introducing this important bill that will help us  
8 identify where we need resources in the city to  
9 prevent and address hate crimes. However, we also  
10 feel like it's important to amend some things in  
11 the bill in order to make it stronger and more  
12 representative of our communities. We would like  
13 the bill to amend the categories that the Hate  
14 Crimes Task Force uses in their classification of  
15 hate crimes and to separate gender identity and  
16 expression from the sexual orientation category.  
17 We feel like this is particularly important  
18 because it recognizes the trans and gender non-  
19 conforming communities and acknowledges the  
20 violence that these folks go through on a day to  
21 day basis.

22 We would also like to suggest that  
23 this bill be amended to stipulate that the NYPD  
24 report specific information about hate crimes by  
25 precinct and type of hate crime, in other words,

1  
2 if it's anti-gay, if it's anti-Muslim or anti-  
3 Latino. This will help us better identify where  
4 resources need to be allocated in order to prevent  
5 and reduce hate crimes in our city.

6 I thank you for your time today and  
7 I'm really looking forward for a version of this  
8 bill that helps us combat hate crimes to the  
9 fullest extent.

10 CHAIRPERSON BREWER: Thank you.  
11 Does anybody else want to testify?

12 INDIA RODRIGUEZ: Yes.

13 CHAIRPERSON BREWER: Go right  
14 ahead.

15 INDIA RODRIGUEZ: Hello, my name is  
16 India Rodriguez and I'm an active member of Make  
17 the Road New York. Thank you to the Chair and  
18 members of the committee for allowing me to  
19 testify today. I am really happy and would like  
20 to congratulate the office of Melissa Mark-  
21 Viverito and Speaker Christine Quinn for  
22 introducing this important bill and taking the  
23 leadership in helping us designate resources to  
24 areas that have seen increases in hate crimes.

25 By having the NYPD report publicly

1  
2 on the number and types of hate crimes and where  
3 they happen, we are going to be able to monitor  
4 where we should put more resources into the  
5 prevention and reduction of hate crimes.

6 As a transgender female, I have  
7 suffered many incidents of hate violence and  
8 harassment against my person, and have witnessed a  
9 lot of hate violence in and against my community.  
10 A lot of those areas go unreported because of fear  
11 or homophobia, transphobia, and because people  
12 lack the right tools and education to know how to  
13 follow through and file a complaint against a hate  
14 incident or crime.

15 I came to Make the Road New York  
16 because of a case of hate violence that was  
17 perpetuated against me. An unidentified subject  
18 left a note stuck on the door of my apartment with  
19 a knife that referenced my gender identity as a  
20 trans woman and threatened to physically harm me  
21 if I didn't leave the block. I reported this  
22 incident with 88 precinct, encountered hostility  
23 and officers that were uncooperative toward the  
24 incident at hand. I felt frustrated, isolated,  
25 alone, and with a lot of fear. When I came to

1  
2 Make the Road seeking counsel, the Hate Crimes  
3 Task Force got involved, and they responded  
4 effectively to the incident, even though it was  
5 days after the threat had happened.

6 I was able to move out of the  
7 apartment and relocate, but the threat against me  
8 because of my perceived gender identity was real  
9 and traumatizing. I am here today to ask Council  
10 Member Melissa Mark-Viverito and Speaker Quinn to  
11 add the category Gender Identity and Expression in  
12 the mandated reporting categories of the NYPD Hate  
13 Crimes Report. It is important for me and the  
14 transgender community to be recognized and to  
15 acknowledge that our experiences are many times  
16 made visible because we are lumped into the  
17 category of Sexual Orientation.

18 In my experience and the experience  
19 of members of Make the Road New York, transgender  
20 people are often targets of very particular and  
21 different forms of violence than gay or lesbian  
22 people. That reality is hidden by the failure in  
23 the NYPD to collect and report proper data.

24 In a city where the Human Rights  
25 Commission has already recognized gender identity



1  
2 and expression as a protected category under our  
3 Employment Anti-Discrimination law, we need to  
4 have and recognize gender identity and expression  
5 as a distinct category in order to discern where  
6 we need to put resources and challenge transphobia  
7 in this city.

8 I and Make the Road New York's  
9 trans and gender nonconforming members ask you to  
10 please include this in your bill and recognize the  
11 violence and harassment that we encounter on a  
12 daily basis. Thank you.

13 CHAIRPERSON BREWER: Thank you  
14 very, very much for eloquent testimony, all three  
15 of you. And we've been joined by Council Member  
16 Erik Dilan. Council Member Mark-Viverito has a  
17 question.

18 COUNCIL MEMBER MARK-VIVERITO: I  
19 want to thank all three of you for your testimony  
20 and, India, for your personal experience, I'm  
21 sorry what you've had to undergo, it's very  
22 courageous of you to now, you know, be a very  
23 strong advocate. I just want to say I think, you  
24 know--I have a question for Make the Road, have  
25 you approached the NYPD at all with regards to

1  
2 this request about the categories on the Hate  
3 Crime reports that they use? The categories they  
4 use for the report?

5 KARINA CLAUDIO-BETANCOURT: Not  
6 specifically, I mean, we had conversations with  
7 the Hate Crimes Task Force in the past and they've  
8 showed us their data and that's why we know that  
9 sexual orientation is--I mean, gender identity is  
10 not separate from sexual orientation.

11 COUNCIL MEMBER MARK-VIVERITO:

12 'Cause I support what you're presenting, but I  
13 think with regards to this specific legislation,  
14 it's really about making whatever statistics are  
15 compiled available, so if they haven't changed the  
16 categories on the report, that might be a separate  
17 way of approaching it. I think definitely, you  
18 know, to whatever ways we can be supportive of  
19 advocating with you to the Administration on  
20 changing the categories, you know, I definitely  
21 would like to be a part of that and I'm sure we  
22 can present that to the Speaker's office as well  
23 and see about getting the support on that. So  
24 that request may just be a little bit outside the  
25 scope of this particular legislation, but I see

1  
2 the value in what you are presenting.

3                   What does concern me, despite the  
4 fact that it's a little bit outside the scope of  
5 this legislation, but in the testimony that you  
6 present when you talk about your experience,  
7 India, and you say that you--hold on one second,  
8 I'm looking at it--when you went to the 80th  
9 Precinct you encountered hostility and officers  
10 that were uncooperative towards the incident at  
11 hand, yet the Hate Crimes Task Force, which is  
12 within the NYPD, was very responsive and  
13 effective. That disconnect is very, very much of  
14 concern. You know, that the way that the Hate  
15 Crimes Task Force deals with these issues in  
16 general should be the way that the NYPD handles  
17 the issues in general. So that lack of real  
18 awareness and handling of these issues effectively  
19 is something that I think we also need to be  
20 concerned about and to look at and we do have the  
21 Chair of the Public Safety Committee here, so  
22 maybe that's something that he can be interested  
23 in working with us on.

24                   So to that end, thank you very much  
25 for your testimony today.

1  
2 KARINA CLAUDIO-BETANCOURT: Thank  
3 you.

4 FEMALE VOICE: Thank you.

5 CHAIRPERSON BREWER: I have a  
6 question, Michael, for Safe Horizon which is that,  
7 obviously with your incredibly high quality  
8 services that you provide, when you have  
9 incidents, how are they--do you find that they're  
10 reported correctly? If you need to get statistics  
11 currently, are you able to get statistics on DV?  
12 And so how does that--who do you coordinate with  
13 and how do you get the information now?

14 MICHAEL POLENBERG: Statistics, you  
15 mean above and beyond what we see in our--

16 CHAIRPERSON BREWER: [Interposing]  
17 Well, no, but just to be sure that yours are  
18 reported correctly and that there's information  
19 that obviously you're trying to prevent any such  
20 incidents in the future and sometimes past history  
21 is helpful for preventing for the future.

22 MICHAEL POLENBERG: Where there's  
23 been difficulty with precincts where somebody is  
24 trying to report domestic violence and there is a  
25 sense of, you know, apathy might be too strong of

1  
2 a word, but looking at statistics, you know,  
3 hearing what a victim says and not really being  
4 sure that that's domestic violence, and we'll work  
5 very closely with a precinct--we have very good  
6 advocates in our court programs, in our legal  
7 service programs, to explain to precincts that  
8 this is exactly what happened and, you know, this  
9 is why they're seeking an order of protection,  
10 this is why they're reporting that the batterer  
11 called them and violated the order of protection,  
12 whatever the incident is. And we do follow  
13 through to make sure that it's reported correctly  
14 in the police department's logs and that our  
15 clients can get the help that they need.

16 So we've not seen--you know, the  
17 Village Voice ran a piece, it was several months  
18 ago, of underreporting on some sex crimes, and  
19 there was a lot of discussion about that. We've  
20 not seen a corresponding break in reality so to  
21 speak on domestic violence. We have encountered  
22 some, oh, you know, it's just really domestic  
23 violence, maybe this was just a dispute, maybe if  
24 they can just work things out, and that used to  
25 be, of course, commonplace in this field and we've

1  
2 moved a long way from there. So, again, where  
3 we've encountered anything like that, we do follow  
4 up with the precinct, commanding officers, and we,  
5 you know, bring it to Police Plaza if we have to  
6 and we get the correct reporting done.

7 CHAIRPERSON BREWER: Okay. And  
8 both cases, hate crimes and DV, I think if you  
9 could just comment on how it would be helpful to  
10 have this information listed by neighborhood  
11 and/or by county and/or by Community Board so  
12 that--is that something that would be helpful both  
13 to you, obviously and obviously to individuals, to  
14 your organizations and to individuals, would that  
15 be helpful?

16 MICHAEL POLENBERG: Absolutely,  
17 it's important to be able to track what's  
18 happening, to simply say that, you know, October  
19 2010 this is where the highest incidences of  
20 domestic violence are, or the highest incidences  
21 of hate crime are, and not adjust that over time  
22 to reflect what's actually happening means that  
23 the city is directing resources potentially to  
24 places where it's no longer needed and not  
25 directing resources to where it's needed the most.

1  
2 Immigrant community shift in the  
3 city, traditionally, there has been a reluctance  
4 in a lot of these communities to report domestic  
5 violence and other crimes and hate crimes for fear  
6 of law enforcement, for fear of immigration  
7 consequences, for just unfamiliarity with the way  
8 the criminal justice system works in New York. So  
9 to be able to make sure that we're tracking  
10 everything as accurately as we can so that when  
11 the Council directs resources, when the City  
12 directs resources, they're going to where it's  
13 needed the most can only be helpful.

14 CHAIRPERSON BREWER: Does Make the  
15 Road want to comment on that issue of keeping  
16 track?

17 KARINA CLAUDIO-BETANCOURT: Yeah, I  
18 think I agree, I mean, we need to know where these  
19 hate crimes are happening and, you know, where to  
20 allocate resources in order to combat hate crimes  
21 and prevent them. So I think it'll be very  
22 helpful to break it down by borough and precinct  
23 and all these things.

24 CHAIRPERSON BREWER: I'm just  
25 curious, does anybody ever use this mayor's

1  
2 website, My Neighborhood? Have you ever gone  
3 there for information or is that something that  
4 probably hasn't been on your radar?

5 KARINA CLAUDIO-BETANCOURT: Not on  
6 our radar.

7 CHAIRPERSON BREWER: Not on your  
8 radar.

9 KARINA CLAUDIO-BETANCOURT: Yeah,  
10 not on our...

11 CHAIRPERSON BREWER: Not on  
12 Michael's radar either.

13 MICHAEL POLENBERG: Sporadically.

14 CHAIRPERSON BREWER: Oh, sporadic,  
15 okay.

16 MICHAEL POLENBERG: I don't check  
17 it every--

18 CHAIRPERSON BREWER: [Interposing]  
19 I know, I don't either, that's why I was  
20 wondering. Any other questions? Do you have a  
21 question? Anything else? Okay. Thank you all  
22 very much--

23 KARINA CLAUDIO-BETANCOURT: Thank  
24 you.

25 CHAIRPERSON BREWER: --I really



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appreciate all of you being here.

INDIA RODRIGUEZ: Thank you.

KARINA CLAUDIO-BETANCOURT: Thank  
you.

[Off mic]

CHAIRPERSON BREWER: Thank you very  
much, this hearing is now concluded. I appreciate  
everybody's input.

[Off mic]

C E R T I F I C A T E

I, Tammy Wittman, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature Tammy Wittman

Date November 9, 2010