

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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March 12, 2015  
Start: 10:07 a.m.  
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HELD AT: Council Chambers - City Hall

B E F O R E:  
VANESSA L. GIBSON  
Chairperson

COUNCIL MEMBERS:  
CHAIM M. DEUTSCH  
JAMES VACCA  
JULISSA FERRERAS  
JUMAANE D. WILLIAMS  
RAFAEL L. ESPINAL, JR.  
RITCHIE J. TORRES  
ROBERT E. CORNEGY, JR.  
RORY I. LANCMAN  
STEVEN MATTEO  
VINCENT J. GENTILE

[gavel]

CHAIRPERSON GIBSON: Good morning ladies and gentleman and welcome to the city council. Welcome to the Committee on Public Safety's hearing on the fiscal year 2016's preliminary budget and the FY2015 preliminary Mayor's Management Report for the New York Police Department. I am Council Member Vanessa Gibson of the 16<sup>th</sup> district in the Bronx and I'm proud to serve as the chair of the Committee on Public Safety. I welcome you all and thank you all for being here this morning. Before I begin I just want to acknowledge and ask all New Yorkers to keep in their thoughts and prayers the two police officers in the Ferguson Police Department who was shot yesterday while in the line of duty if we could keep their families in our thoughts and prayers and pray that they are recovering quickly and heal well. Today, this morning we will hear from New York Police Department Commissioner William Bratton and his staff followed by the District Attorneys and the Special Narcotics Prosecutor. After the District Attorneys we will hear from the CCRB Civilian Complaint Review Board and then the Criminal

1  
2 Justice Coordinator. And lastly we will hear from  
3 members of the public. Before we proceed I'd like  
4 to acknowledge the members, my distinguished city  
5 council colleagues who are here with us; Council  
6 Member Steve Matteo and Council Member Rory Lancman  
7 and we will be joined by other council members  
8 throughout the morning. I'd also like to  
9 acknowledge all of the staff that really worked  
10 extremely hard to put this hearing together. We  
11 work as a team and without their support and their  
12 labor we would not be where we are today; the  
13 finance division who's played an instrumental role  
14 in this hearing; Regina Poreda Ryan our Deputy  
15 Director, Iesha Right our Unit Head, Ellen Eng our  
16 Legislative Financial Analyst, the legislative  
17 division; Bryan Croll Legislative Counsel, Beth  
18 Golub our Legislative Analyst, and Lory Wen our  
19 Policy Analyst, the policy division; Theodor Moore  
20 Senior Policy Analyst. Community Engagement; Pascal  
21 Bernard the Deputy Director of Community  
22 Engagement, Faiza Ali of Community Engagement. As  
23 well as members of our press staff Erik Koch. The  
24 New York Police Department's fiscal 2016  
25 preliminary budget is 4.7 billion dollars down by

1 11.7 million dollars from the FY15 adopted budget.  
2 More than 93 percent of their budget supports  
3 personnel services while 362 million dollars funds  
4 OTPS other than personal services. The department's  
5 budget supports approximately 50 thousand personnel  
6 which includes a budgeted uniform headcount of 34  
7 thousand and a civilian headcount of 14 thousand.  
8 Included in the preliminary budget is funding for  
9 bullet-proof vests for our police officers,  
10 expansion of the police cadet program, a  
11 preventative maintenance team, and technology  
12 improvements. The preliminary budget however does  
13 not include additional uniformed headcount, an  
14 overtime control plan, or plans for budget  
15 transparency. The FY2015 to 2018 capital commitment  
16 plan includes plans for renovations of the 40<sup>th</sup>  
17 precinct, the 13<sup>th</sup> precinct, Brooklyn North, and  
18 funding for a new property clerk facility. The plan  
19 does not include much needed renovations at other  
20 precincts that the department has highlighted in  
21 the last budget cycle. I hope to discuss in further  
22 detail the department's new needs, capital program,  
23 new initiatives, and FY2015 PMMR. In doing so I  
24 also hope to learn more about the plans that the  
25

1  
2 department has as well as budgetary concerns and  
3 requests that they would like the city council to  
4 consider. There is a lot to talk about this morning  
5 and I hope and and look forward to a very  
6 productive conversation and certainly this is not  
7 the last opportunity. Even after today's hearing  
8 this committee will work very hard with members of  
9 the public, advocates, other stakeholders, as well  
10 as the police department, DAs, MOCJ, and CCRB to  
11 make sure that a lot of the concerns that will be  
12 raised by members of the public and the council  
13 will be addressed and hopefully included in the  
14 executive budget that will be announced by the  
15 mayor. And again I'd like to thank the staff and  
16 thank all of my colleagues who are here. And I know  
17 we have a time frame so with that I will welcome  
18 our Police Commissioner William Bratton. Thank you  
19 for being here to you and your team. I appreciate  
20 your presence here. And before we begin I will have  
21 our counsel administer the oath.

22 COUNSEL: Do all of you affirm to tell  
23 the truth, the whole truth, and nothing but the  
24 truth in your testimony before this committee and  
25 to respond honestly to council member questions?

2 COMMISSIONER BRATTON: I do.

3 CHAIRPERSON GIBSON: Thank you very  
4 much. You may begin.

5 COMMISSIONER BRATTON: Okay. Thank you.  
6 It is a pleasure to be here with you this morning.  
7 I'm joined at the table by Vincent Grippo our  
8 Deputy Commissioner for Management and Budget,  
9 First Deputy Commissioner Ben Tucker, and our Chief  
10 of Department James O'Neal. Additionally I have  
11 many members of the senior executive leadership  
12 team of the department here also. They are here to  
13 potentially respond to specific questions from some  
14 of the council members, a number of those questions  
15 have already been advanced to us so we are prepared  
16 to respond to those questions. Ed Woz [phonetic]  
17 and I have dedicated ourselves to a safe and fairer  
18 city. And so far as safer is concerned the NYPD is  
19 built on two decades of success to help make this  
20 city more and more safe. We believe that we have  
21 certainly one of the safest live cities in America  
22 if not the world. Since 1990, and I have a chart  
23 directly behind me that will reflect this, overall  
24 crime is down by 80 percent even as the city's  
25 population is growing by more than 1.1 million

1  
2 people during that same period of time. As for  
3 fairer we at the NYPD have worked to make this  
4 department a model of transparency and  
5 collaboration. Collaboration among its many parts,  
6 collaboration with its city partners, collaboration  
7 with the community we serve, a privilege to serve  
8 and certainly collaboration with you here at the  
9 city council. I would expect and hope that you and  
10 your colleagues would agree that this has been a  
11 year of unprecedented collaboration between the  
12 council and this police department. For the NYPD  
13 2014 was a year of we believe great accomplishment,  
14 great challenge, and sadly great tragedy. We have  
15 faced much in terrors threats, national turmoil  
16 surmounting policing in the criminal justice  
17 system, protests, and the deaths of four officers  
18 during that period of time including two officers  
19 assassinated while in the performance of their  
20 duties. Through it all we have remained true to the  
21 ultimate role of the police to prevent crime and  
22 disorder. In 2014 overall crime was down 4.5  
23 percent from 2013 reaching historic lows. We saw a  
24 mark historic low for murders 333, burglaries and  
25 libraries also saw a mark in records, robbery in

1 particular was down by 13.7 percent at the end of  
2 2014. Although 2015 is still younger, young we're  
3 in the third month of the year. Although 2015 is  
4 still young the department and the community's  
5 collaboration continues to get results. So far this  
6 year overall crime is down 10.7 percent. I will not  
7 avoid the fact that as of this morning murders are  
8 currently up 60 so far this year versus 51 at the  
9 same time last year, an increase of 9. I'd point  
10 out however that five of those murders are  
11 carryovers from last year. And shootings too have  
12 increased by 19 incidents. Both categories are  
13 below their 10 year averages however, we monitor  
14 them, but these rates represent the third best year  
15 ever. I mean we're on track to have hundreds of  
16 shootings fewer in just four or five years ago. I'm  
17 very comfortable that the low crime rates the city  
18 has been experiencing will continue into this year  
19 2015. We'll continue getting these crime results  
20 because of new policies. We don't believe in the  
21 ability of police to solve conditions by methods  
22 other than arrests. In the second shot behind me in  
23 one category in particular open view marijuana  
24 arrests, arrests were down 9.5 percent from 2013 to  
25



2014 and down nearly 49.8 percent from their 2011 high. This is partly the result of...

[background comments]

CHAIRPERSON GIBSON: Order in the chambers. Order in the chambers. Order in the chambers. To everyone who is here for those that choose to disrupt this hearing you will asked to be removed by the Sergeant at Arms. We have a hearing this morning and we're going to get through this hearing and I ask for everyone's cooperation throughout this day. Thank you very much. Commissioner you may continue.

COMMISSIONER BRATTON: Thank you. I'll repeat. In one category of particulars reflected in the chart behind me open view marijuana arrests, arrests were down 9.5 percent from 2013 to 2014 and down nearly 49 percent from their 2011 high. This is partly the result of a change in our policy regarding some categories of simple possession which we use summonses instead of arrests. The change affected in collaboration with the city council, the numbers for the beginning of this year continue to show a downward trend. By working together with the mayor and the city council on the

1  
2 introduction of ID New York City as well we have  
3 almost certainly enabled more individuals to  
4 produce government issued identification. And that  
5 in turn will allow us to issue people summonses  
6 instead of having to arrest them. We anticipate  
7 that as those approximately 300 thousand people  
8 acquire those ideas this year we'll see dramatic  
9 improvements as a result of that policy change. The  
10 mayor and I establish a great many goals for this  
11 department when he appointed me.

12 [background comments]

13 CHAIRPERSON GIBSON: Thank you. You may..

14 [cross-talk]

15 COMMISSIONER BRATTON: Thank you. And by  
16 working together with the mayor and the city  
17 council, excuse me, the mayor and I established a  
18 great many goals for this department when he  
19 appointed me. I'm pleased to say we're, achieved a  
20 great number of them. And we're all on the way to  
21 reaching many others. When I returned to 2014 I  
22 promised a more transparent police department. We  
23 are sharing information better than ever before. In  
24 direct response to council request we unlocked the  
25 vehicle collision data we post on a monthly basis

1  
2 so that it may be utilized more easily by community  
3 boards and the civic tech community. We have  
4 provided significantly more information, detailed  
5 information on crime in our parks at your request.  
6 And additionally on our website we post weekly  
7 crime data for each housing development in the  
8 city. In our efforts to make data more readily  
9 accessible we'll continue working I collaboration  
10 with... The Department's other goals call us, what I  
11 would call the five T's; trust, training,  
12 technology, terrorism, and tactics. The purpose of  
13 the five T's and the, the purpose of the NYPD is  
14 public safety. As our continuous successful efforts  
15 against crime demonstrate we are doing very well at  
16 the safety part. One of our most important  
17 challenges however going forward is ensuring that  
18 we succeed equally at the public part as well. The  
19 first component in addressing the public part of  
20 public safety is first T trust. Last summer... last  
21 fall events in New York City and around the nation  
22 brought a long standing problem into stark relief.  
23 It is a divide between the police and some of the  
24 communities they serve not just here in New York  
25 but around the nation. The divide is widest in our

1 most vulnerable neighborhoods here in New York  
2 City. They're neighborhoods where poverty and  
3 unemployment are most pronounced, where schools are  
4 most challenged, and where families struggle most  
5 and where crime has diminished as it is still  
6 lingers. In New York City they are largely  
7 neighborhoods of color. The divide existed long  
8 before last summer. It extends beyond our city and  
9 beyond one small town in Missouri. It causes not  
10 any one tragedy, not any one practice. Never the  
11 less stop, question, and frisk certainly did  
12 nothing to diminish this divide in this city. And  
13 the department has acknowledged and is addressing  
14 that. The chart behind me reflects from a high of  
15 nearly 700 thousand stops in 2011 we conducted just  
16 over 46 thousand in 2014 and proportionately more  
17 than twice as many in 2014 resulted in arrests when  
18 compared to 2011 indicating that the reasonable  
19 suspicion that officers bring to that particular  
20 tactic was appropriate and increasingly more  
21 appropriate. The downward trend in stop, question,  
22 and frisk, and the upward trend in arrests is  
23 continuing into 2015. We're working closely with  
24 the federal monitor and inspector general that are  
25

1  
2 legacies in stop, question, and frisk. The IG  
3 released a report in January asking for more  
4 transparency, not just... decisions and we're working  
5 with them to meet that. The next shot, the last  
6 shot reflects that we're also collaborating very  
7 well with the civilian complaint review board. I'm  
8 quite proud to note that CCIB complaints were down  
9 11.9 percent 2014. That's complaints made both to  
10 the department and to the CCRB. I'm very pleased to  
11 report that in January and February of this year  
12 complaints to CCIB and the NYPD are down by 38  
13 percent. I take strong exception with the New York  
14 Times article yesterday which sought to imply that  
15 the department was engaging in deceptive practices.  
16 And sought to question the statistics that we are  
17 putting out. I stand behind those numbers despite  
18 the New York Time's criticism. If they'd done a  
19 more thorough job... [cross-talk]

20 [background comments]

21 CHAIRPERSON GIBSON: Order in the  
22 chamber.

23 COMMISSIONER BRATTON: I stand behind  
24 the department's numbers on the CCIB complaints and  
25 challenge the New York Times reporting on those

1 numbers yesterday. What they failed to take into  
2 account was that in 2013 as most people but  
3 evidently the New York Times did not remember that  
4 Sandy struck the city and for an extended period of  
5 time CCIB was not functioning due to the storm. A  
6 lot of the complaints that would have went to them  
7 went instead to the NYPD accounting for the  
8 differences between 2013 and 2014. So I thank the  
9 council for the opportunity this morning to correct  
10 the record. A change in emphasis is not relegated  
11 to stop, question, and frisk. We are encouraging  
12 problem solving and officer discretion. We're  
13 developing alternatives to arrest for young first  
14 time offenders in Brooklyn; a program called  
15 project reset which working with DA Thompson allows  
16 16 and 17 year old non-violent misdemeanor  
17 offenders to be diverted to community justice  
18 centers or counselling rather than appearing before  
19 a judge. And as part of the mayor's taskforce on  
20 behavioral health we'll provide mental health and  
21 substance abuse services in lure of arrests to  
22 people who have committed violation level offenses.  
23 Healthcare not handcuffs. We also have specially  
24 trained pairs of cops and social workers from the  
25

1 Bowery neighborhood patrolling the subways  
2 together. And for the first time the highly trained  
3 social workers now going on to the subway cars in  
4 addition of the platforms and working to get  
5 homeless New Yorkers placed in a shelter instead of  
6 a cell. 2013 to 2014 we had a tripling of people  
7 who accepted service and were placed in special  
8 shelters to assist them with their issues. We are  
9 pioneering efforts like New York cease fire with  
10 John Jay College's David Kennedy. New York City  
11 CeaseFire focuses on the very small segment of the  
12 population that commits the vast majority of gun  
13 violence. We have identified within this city those  
14 individuals and we're working to focus very  
15 significantly on them. They are primarily young men  
16 who are members of gangs, crews, or drug sets.  
17 Together with a wide range of partners we hold  
18 meetings and call-ins with members of these groups.  
19 We have had two call-ins and in Brooklyn so far. We  
20 give them three messages; one the violence must  
21 stop, two help is there if they want it, and three  
22 they should consider this meeting a warning not a  
23 negotiation. The point is to tell these young men  
24 that there are alternatives to entering the system.  
25

1  
2 We make sure they know that those who continue to  
3 violate the law will be dealt with accordingly  
4 either by local district attorneys or by the  
5 federal government. But we also make sure that they  
6 hear that they have choices. Hearing that from us  
7 and from the wide range of government and community  
8 partners of the call ins is what makes ceasefire  
9 different and what will make it work. We're also  
10 reestablishing trust by changing our training which  
11 is the second of the five Ts thanks to 29 million  
12 appropriated by Mayor de Blasio we have been able  
13 to create an innovative three day in service course  
14 focusing on tactics and skills enhancement and I  
15 applaud the efforts of Commissioner Tucker,  
16 Commissioner Julian and Deputy Chief, Assistant  
17 Chief Shortell in the creation of this initiative.  
18 Currently the 20 thousand officers who do the bulk  
19 of our patrol work are being recycled through the  
20 course. Eventually every uniformed member of the  
21 department will intend and our intention is to  
22 repeat the three days of training every year.  
23 Training emphasizes two core priorities, first how  
24 to talk to a person who is initially uncooperative  
25 and with a goal of avoiding a physical



1  
2 confrontation. And second how to physically  
3 restrain the suspect who continues to resist arrest  
4 without harm to that individual or to that officer.  
5 New York City Police Department is quite proud of  
6 our record in this area that we have one of the  
7 lowest records of abuse of force of any major  
8 department in America. We're also changing how we  
9 train our recruits, very important change.  
10 Previously when new cops left the academy they went  
11 directly into operation impact. Too often they  
12 weren't taught that there were alternatives to  
13 summons and arrests and stop question and frisk  
14 activity or that an officer's discretion is their  
15 greatest tool. To rectify this we're assigning new  
16 officers to volunteer partner training officers. I  
17 wanted new recruits during their first six months  
18 and they are assigned to every precinct in the city  
19 to be out there with our best and brightest so they  
20 can learn the right way to do the job and lay  
21 foundations for the next 20 years. We've also  
22 enlisted over 350 residents to be community  
23 partners who introduce new cops to their precincts.  
24 Again I applaud first deputy Commissioner Tucker in  
25 his efforts in this regard. The next of the five

1  
2 T's is technology. This is the year of technology  
3 for the NYPD. We require more technology and  
4 implement it this year than any time in the history  
5 of the department. All of the department's  
6 computers are being upgraded or replaced if the use  
7 life has ended. 2014 more than 10 thousand desktops  
8 were upgraded or replaced representing  
9 approximately 50 percent of the department's  
10 supply. We expect to replace the others by December  
11 2015, a total of over 20 thousand. To go with these  
12 new desktops every police officer will be getting  
13 an email address. First phase of department wide  
14 email began last month. We're also laying almost  
15 700 miles of fiber optic cable to ensure that all  
16 of these computers can operate with the utmost  
17 speed and efficiency. Body cameras and other  
18 technology that promises to change how we police.  
19 They enable a full account of an incidence be  
20 recorded and reviewed in the complete context.  
21 We're looking forward to the benefits that this  
22 technology will provide. We expect it will  
23 significantly reduce the number of false claims  
24 about police encounters whether such claims come  
25 from the citizen or from the officer. We also think

1  
2 it will improve how our community appreciates our  
3 role. The department began a body worn camera pilot  
4 in December. Currently 54 officers are assigned to  
5 the 2-3-4-0 7-5-1-0-3 and 1-2-0 precincts in PSA2  
6 are wearing body cameras with a wider rollout  
7 forthcoming. We're also introducing GPS in all our  
8 patrol cars. All 6,000 vehicles issued will be  
9 equipped with GPS technology which will  
10 significantly improve both officer safety and the  
11 ability to supervisors to manage and deploy their  
12 officers. Our new technology endeavors don't stop  
13 there. With the help of Manhattan District Attorney  
14 Cy Vance and Mayor de Blasio we are also hoping to  
15 make a 160 million dollar investment in making the  
16 NYPD the most technologically advanced department  
17 in the nation. Information Technology Bureau will  
18 soon begin distributing us smart phones to nearly  
19 every cop and a tablet to nearly every cop. The  
20 tablets will ultimately replace the mobile digital  
21 terminals in our patrol vehicles. Between the  
22 smartphones and tablets officers in the field will  
23 be able to assess vital information about the  
24 situations of people they may encounter no matter  
25 where the officers are. A truly lifesaving

1  
2 development in our profession. Mobile digital is  
3 also a force multiplier which will augment the  
4 city's already rebote [phonetic], robots counter  
5 terrorism effort. I applaud the efforts of our  
6 Deputy Commissioner Jessie Tish and her entity for  
7 all the work that they're doing moving the  
8 department so rapidly forward into the 21<sup>st</sup>  
9 century. And terrorism is the next T. No city needs  
10 to be more focused on terrorism than New York City.  
11 We remain the number one terrorist target in the  
12 world. Today the threat picture is multifaceted. We  
13 face both loan wolves and known wolves as my deputy  
14 commissioner of intelligence and counter terrorism  
15 John Miller says. Last year several attacks were  
16 prompted by ISIS' videos.

17 [background comments]

18 CHAIRPERSON GIBSON: Sergeant at Arms  
19 please remove this individual. Order. Thank you  
20 Sergeant at Arms. Thank you. You may continue  
21 Commissioner.

22 [background comments]

23 CHAIRPERSON GIBSON: Thank you. Thank  
24 you Sergeant at Arms. Thank you.

25 [background comments]

2 CHAIRPERSON GIBSON: You may continue  
3 Commissioner. Order, order. Please remove...

4 [background chanting]

5 CHAIRPERSON GIBSON: Sergeant at arms  
6 please remove all of these individuals before we  
7 clear this place out. Remove all of these  
8 individuals. Thank you. All individuals.

9 [background comments]

10 CHAIRPERSON GIBSON: So we're going to  
11 have all members of the public please exit the  
12 chamber. All members of the public please exit the  
13 chamber. We're going to have order in this chamber.  
14 All members of the public you're going to be asked  
15 to leave. All members of the public please exit the  
16 chamber. All members of the public please exit the  
17 chamber. All members of the public please exit the  
18 chamber. Carl just give me the signal to... Okay. I  
19 apologize Commissioner Bratton. Thank you guys.

20 COMMISSIONER BRATTON: No, no need to  
21 apologize.

22 CHAIRPERSON GIBSON: Sorry for the  
23 interruption. We apologize.

24 COMMISSIONER BRATTON: As Jimmy Durante  
25 used to say everybody wants to get into the act.

1 So... Okay if I may continue. Last year several  
2 attacks were prompted by ISIS' videos. Part of a  
3 message in operation as we find, as anything we  
4 find on Madison Avenue on Hollywood. One of those  
5 targeted four of our officers in Queens, an ax  
6 wielding radicalized... attacked the officers in  
7 broad daylight seriously injuring two. He was the  
8 human equivalent of an unguided missile launched  
9 remotely by messaged directed at disaffected people  
10 on the fringes. People with a lot of anger and  
11 little to lose. There were similar attacks in  
12 Canada, Australia, and elsewhere, Paris certainly.  
13 The department already has one of if not the most  
14 robust municipal counter terror capabilities in the  
15 world. We have more than 1,000 officers assigned to  
16 intelligence in counterterrorism duties. We partner  
17 with the federal government via the joint terrorism  
18 taskforce. And we have our own officers deployed in  
19 countries around the world. But we never stop  
20 seeking ways to keep New York safe and make it even  
21 safer. To address the possibility of these  
22 potentially increasing loan wolf attacks or more  
23 sophisticated operations such as those in Paris or  
24 Mumbai we are changing our critical response  
25

1  
2 vehicle unit or CRV created by former Commissioner  
3 Kelly shortly after 9/11. This has served us very  
4 well for the last 13 years. However to face the new  
5 threats we're going to significantly modify it and  
6 we'll be assigning an additional 350 officers full  
7 time to our counter terrorism capabilities. Under  
8 the new model we will have permanently assigned  
9 officers with the proper training and equipment  
10 perform a range of counterterrorism duties  
11 including increased site protection. The benefit of  
12 this initiative, each precinct in the city will  
13 effectively pick up the equivalent of one  
14 additional sector cop as officers who were assigned  
15 here in Manhattan every day and are able to stay in  
16 their assigned precincts. To assist us in these  
17 goals we certainly thank the, our congressional  
18 delegation as well as... who are working very  
19 diligently to continue the federal grant funded  
20 resources necessary to protect the city. The last  
21 of the five Ts and I'll conclude with this. I use  
22 tactics in the sense of how we achieve our  
23 objective public safety. We saw some excellent  
24 tactical successes in 2014 beginning with Vision  
25 Zero. In 2014 we issued 42 percent more speeding

1 tickets while the number of failure to yield  
2 summonses more than doubled. Our efforts as well as  
3 other city initiatives help save lives. Last year  
4 traffic fatalities were down 15 percent from 2013  
5 and through mid-February of this year they're down  
6 another 43 percent year to date. I compliment Chief  
7 of Traffic Bureau on that work Chief Chan Now we  
8 saw an epidemic of grand larcenies particularly of  
9 hand held electronics, chief Boyce of our Detective  
10 Bureau created the Grand Larceny Division, a unit  
11 within the detective bureau with 250 detectives  
12 since launching in May the Grand Larceny Division  
13 has identified over 900 grand larceny crime  
14 patterns and there've been more than 79 hundred  
15 grand larceny arrests. In the coming year there's  
16 several tactical initiatives in store. More  
17 significant however is Chief of Department James  
18 O'Neal and Chief Patrol Gomez's new neighborhood  
19 policing pilot program. The pilot is being rolled  
20 out initially in four precincts, two in Manhattan  
21 North and two in Queens south. It's a new model  
22 for how we intend to deploy precinct resources.  
23 Right now as many as half of our precinct officers  
24 function in specialty rolls. The other half are on  
25



1 patrol answering calls for service, 9-1-1 calls  
2 full time. In busier precincts they're indentured  
3 to the radio with no time for problem solving  
4 partnerships or prevention. The three cornerstones  
5 of community policing. To solve this we're going to  
6 reduce specialty rolls and increase the number of  
7 patrol officers. We'll assign them to city sectors  
8 so they can get to know the neighborhoods they  
9 serve. With the right staffing combinations we are  
10 to give them time away from the cars to... the  
11 radios. For years we've been asking our officers to  
12 engage with the community. But we've ever really  
13 given them the time or the training to do this. I  
14 applaud the initiative of Chief O'Neal and Chief  
15 Gomez. I hope my testimony has made clear the scope  
16 of change that the NYPD faces in 2015 for all the  
17 new programs, new policies, and new plans were  
18 discussed today. We've only touched on the  
19 possibilities and specifics of some. Additionally  
20 there are others that time concludes my mentioning.  
21 This coming year promises to be like, unlike any  
22 department has ever experienced. We have a lot of  
23 challenges and changes to deal with. Over the past  
24 22 years the NYPD prove, has proven that safe is  
25

1 possible. It's now time to prove that fairer is  
2 possible too. As public servants it is incumbent  
3 upon us the police to take the first steps and the  
4 biggest steps. We also hope our partners in the  
5 community will meet us part way. Thank you for the  
6 opportunity to testify and I and my colleagues are  
7 here to answer any questions that you might have.

9 CHAIRPERSON GIBSON: Thank you very much  
10 commissioner. I do appreciate it and again I  
11 apologize for some of the disruption. It kind of  
12 delayed us a little bit. But we... [cross-talk]

13 COMMISSIONER BRATTON: ...apologize... New  
14 York constituents.

15 CHAIRPERSON GIBSON: We will proceed  
16 and, and move as, as quickly as we can. I like to  
17 announce the presence of my colleagues who were  
18 here; Council Members Gentile, Deutsch, Johnson,  
19 Williams, Crowley, Espinal, and Ferreras. And I  
20 guess I'd like to begin... and you talked a little  
21 bit about many of the things that I wanted to focus  
22 on but I have a number of different questions so I  
23 imagine I'm going to start with headcount obviously  
24 the talk of the town. And the FY '16 budget does  
25 not include any changes to the uniform headcount.

1  
2 And at our last budget hearing and as well as the  
3 training in September you discussed an internal  
4 review of headcount needs in the department. So  
5 number one I'd like to know any of the key findings  
6 of that review, the patrol allocation review plan,  
7 and I'd also like to know with the uniformed  
8 overtime which we've talked about many, many  
9 occasions. The FY '15 modified budget uniform  
10 overtime is about 498 million dollars which is an  
11 increase of about 14 percent. I'd like to know has  
12 there been talk about uniform overtime control plan  
13 as well as the patrol allocation plan and where  
14 does that leave us with headcount with all the  
15 initiatives and rollouts that you've talked about?

16 COMMISSIONER BRATTON: As you're aware  
17 over the past year we have engaged in the  
18 reengineering effort in the department.

19 CHAIRPERSON GIBSON: Correct.

20 COMMISSIONER BRATTON: Lead to over 12  
21 hundred recommendations when I, beginning to  
22 implement many of them. A significant part of that  
23 analysis was the issue of what is the appropriate  
24 size of the department. And when testifying here  
25 last year at the budget hearing the council had

1  
2 proposed an increase in the size of the department.  
3 I had indicated at that time that I would prefer to  
4 take a look to see what we needed in the way of a  
5 actual size based on analysis. We're nearing  
6 completion on that that we're in very active  
7 discussions with the mayor's office as part of this  
8 budget process with recommendations for a number of  
9 initiatives that we'd like to undertake. As you're  
10 aware policing the city requires a, a complimentary  
11 patrol force, members of the department as well as  
12 overtime utilization. And to that end over this  
13 past year we have used overtime extensively to help  
14 deal with the uptick I violence last spring and  
15 summer certainly to deal with the demonstrations  
16 that occurred in December of this year. And it is  
17 my expectation that the department will be seeking  
18 additional offices based on the ongoing analysis.  
19 The final numbers have not yet been arrived at and  
20 we're in discussion with the mayor's office. But as  
21 an indication of the changing needs of the  
22 department to change, to deal with changing  
23 priorities an issues with three, approximately 350  
24 officers that we would seek to assign full time to  
25 the critical response entity in the department is

1  
2 an example of a, a new need and that is intended to  
3 address the changing face of terrorists that  
4 changed dramatically in 2014 when I appeared before  
5 you last year. The threat was primarily from Al  
6 Qaeda. I don't think we even referenced ISIS  
7 although we talked about the concern about loan  
8 wolves. Certainly the ISIS threat has morphed  
9 significantly over the past year and that is what  
10 we're intending to counter with the new CIB unit  
11 that we are forming. In terms of the overtime  
12 budget, the overtime budget commissioner Grippo can  
13 speak very specifically to what we're proposing and  
14 what we think we can accomplish with that budget  
15 complimenting. As you know overtime is intended to  
16 deal with the, both plan for and unplanned for  
17 event that you don't want to overstaff where the,  
18 those officers are not going to be appropriately  
19 utilized. So the overtime is essential to meet  
20 those one time needs such as the demonstrations of  
21 December or the uptick in violence that we  
22 experienced last spring.

23 CHAIRPERSON GIBSON: So do you agree  
24 with the council's position that we should raise  
25 the headcount at the police department.

2 COMMISSIONER BRATTON: I have indicated  
3 that throughout the year. I did not refute that  
4 last year that I asked for time to review. And we  
5 have conducted that review. We are now in  
6 discussion with the mayor's office as to what an  
7 appropriate increase in headcount would be in terms  
8 of those numbers. I don't have them for you at this  
9 time but I think there is agreement that at some  
10 point in time to meet the growing needs the  
11 headcount would need to be increased.

12 CHAIRPERSON GIBSON: Okay. I appreciate  
13 that. We're going to keep asking until we, we all  
14 acknowledge that it's an issue. And with all the  
15 initiatives it's something that's very concerning  
16 to us. In your testimony you alluded to overtime  
17 growing with some of the unplanned events that may  
18 occur. And so that's our concern with less than 40  
19 thousand officers. It's something that I know many  
20 New Yorkers are asking for and it's something that  
21 this council is very supportive of. The training  
22 that you talked about... There's 28 million dollars  
23 that was invested for 20 thousand uniformed  
24 officers to undergo the three day training. Is  
25 there an update for us on how many of those 20

1  
2 thousand officers have been trained? How are we  
3 selecting the commands in which the officers are  
4 going? And also the involvement of other  
5 stakeholders in the curriculum of the training... And  
6 also I want to thank you for bringing the council  
7 out to the new academy to really understand what  
8 the three day training was about. It was very  
9 informative, very engaging, and we appreciate it as  
10 council members so we can understand what our  
11 officers are being trained on.

12 COMMISSIONER BRATTON: Okay. Thank you  
13 Ben Tucker will speak to the specifics of your  
14 question. And thank you for attending that session.  
15 We have extended that offer to the remaining  
16 members of the council who were not able to make  
17 the first session. We're trying to reschedule that  
18 for some time next month.

19 DEPUTY COMMISSIONER TUCKER: Sure Madam  
20 Chair. Good after, good morning. So the, the  
21 training, the 20K training is ongoing as you know  
22 has been in place since November. To date you  
23 remember we doing three days; day one, day two, and  
24 day three and they are conducted on a rolling basis  
25 so they're not given consecutively so the numbers

1 will be slightly off in terms of where we are. But  
2 Day 1 thus far... and this is the, the top of the,  
3 the amount of people that we've trained to date  
4 just 78 hundred, 788, 7,088 889 officers have been  
5 trained to date for day one, day two, 76-99 and for  
6 day three 53-16. 4,725 have completed all three  
7 days of training and, and we also have begun as we  
8 promised we would do in addition to training the  
9 patrol officers, the sergeants, and the lieutenants  
10 that are on patrol. We also made a commitment to  
11 train the executives from those commands from a  
12 number of our command staff positions. We've  
13 trained 70, 65 of those folks to date and they  
14 receive both one day, the, the one and two days of,  
15 of training. And that will continue until we move  
16 through the compliment of the executives as well.

18 CHAIRPERSON GIBSON: And the engagement  
19 of stakeholders and developing the curriculum for  
20 this three day training, how was that put together.

21 DEPUTY COMMISSIONER TUCKER: So we've  
22 establish a, a training advisory committee and  
23 eight people that, that sit on that committee.  
24 We'll be expanding it as we, as we go forward. But  
25 they've been really instrumental and very much



1  
2 involved in both the development and the review of  
3 the training as we've gone forward. So and the, and  
4 they have a variety of backgrounds. I don't have  
5 the, the list of the names of the folks in front of  
6 me but I can provide that to you.

7 CHAIRPERSON GIBSON: That would be great  
8 as well as you said that you would expand beyond  
9 the eight member taking recommendations from the  
10 council members I think would be ideal. We want to  
11 make sure that every aspect included should be at  
12 the table as far as the curriculum as it's being  
13 developed.

14 DEPUTY COMMISSIONER TUCKER: No I, I,  
15 not a problem and just as we wanted to have you  
16 come out and see the training and we should, should  
17 get the, the rest of the folks out from the council  
18 as well. I'd be happy to accept recommendations for  
19 folks that... [cross-talk]

20 CHAIRPERSON GIBSON: Okay.

21 DEPUTY COMMISSIONER TUCKER: ...you think  
22 might be helpful I having us review as we go  
23 forward.

24 CHAIRPERSON GIBSON: Okay. And  
25 Commissioner Bratton you talked about keeping the

1  
2 enhanced in service training and providing it not  
3 necessarily in an annual basis but more frequent.  
4 Do you have a projected cost or even a time frame  
5 of how you would like that to happen?

6 COMMISSIOER BRATTON: The desire would  
7 be to offer it on an annualized basis. We provide  
8 two days of firearm training each year to our  
9 officers. I believe that training over the years  
10 has resulted in one of the lowest rates of firearm  
11 use of any police department of America and it's  
12 well documented. I think the training has directly  
13 impacted that very positive trend. So additional  
14 training given every year to address topics that  
15 officers need to have refresher training on as well  
16 as new topics might involve each to be a constant  
17 in the department. I can ask Commissioner Grippo to  
18 speak to potential costing of that. Following up  
19 jut quickly however on Commissioner Tucker's  
20 comments about some of the changes we're making  
21 we're also advertising at this time for a new  
22 deputy commissioner for training. We are seeking to  
23 acquire the services of a highly trained educator.  
24 We're in the process of significantly expanding  
25 training at the academy and to assist the already

1  
2 dedicated staff that's there we're seeking to also  
3 ensure that we have a, a top educator that can help  
4 to guide and direct those efforts as they go  
5 forward. It has to be one of the strong foundations  
6 of the department. And it has not been as strong in  
7 the past as it might have been.

8 CHAIRPERSON GIBSON: I saw a copy of the  
9 job description for the position and we're asking  
10 for the person to have a bachelor's degree. Are we  
11 looking at any other level of, of expertise or  
12 profession?

13 COMMISSIONER BRATTON: We, we would be I  
14 think seeking much higher than that. I would much  
15 prefer a doctorate level. I, I'm looking for  
16 somebody that's on the equivalent of a university  
17 president level that we... We, we have a 50 thousand  
18 person population all of whom need to be trained  
19 during the course of a year along with several  
20 thousand new recruits. This requires the services  
21 of a top level educator.

22 CHAIRPERSON GIBSON: Okay. Deputy  
23 Commissioner...

24 COMMISSIONER BRATTON: And we had one  
25 initially that we moved into another position. So

1  
2 Ben Tucker will continue... First Deputy Commissioner  
3 capacity to oversee that. But... we're seeking to  
4 strengthen the bench you know.

5 CHAIRPERSON GIBSON: Okay. Did you want  
6 to speak to the, the... [static]

7 COMMISSIONER GRIPPO: Yeah so we are  
8 working with the training bureau as well as the  
9 Chief of Department on, on looking at the, just a  
10 general program for in service training next year.  
11 Typically our in service training is done on  
12 straight time so there would be no additional  
13 overtime cost incurred in the way we've seen this  
14 year. However as we look at the expansion of that  
15 in service training program and we also look at the  
16 size of our patrol strength we'll have to evaluate  
17 that. So as of now we don't have an estimate of  
18 whether there would be a cost and if so what that  
19 would be but we will work on that for the executive  
20 budget.

21 CHAIRPERSON GIBSON: Okay.  
22 Civilianization Commissioner last year we were  
23 successful in adding 6.2 million dollars for  
24 civilianizing 200 positions for PAAs, police admin  
25 aids and there's been a lot of conversation about

1  
2 moving beyond the 200. I appreciate that. It was a  
3 great start. And you know taking police officers  
4 from behind a desk doing patrol and community work  
5 and replacing that person with clerical  
6 administrative staff that can do the work. Where  
7 are we with conversations on that and do you see  
8 that being a request that will come from the  
9 administration civilianization?

10 COMMISSIONER BRATTON: In reference to  
11 the 200 positions you funded last year we're in the  
12 process now of finishing up the identification of,  
13 and training of new civilian personnel. So over the  
14 next several months the last of those 200  
15 identified officers will have been returned to full  
16 police duties replaced by civilian counterpart. So  
17 we appreciate the support of that. Additionally we..  
18 Additionally in response to your previous question  
19 about the continuing discussions with the mayor's  
20 office as well as our own analysis there are an  
21 additional likely four to 500 positions in the  
22 department that might be.. civilianized. And so as  
23 we did last year we're reviewing where that might  
24 in fact occur.. that is part of the ongoing

1  
2 discussions relative to the actual number of police  
3 officers and civilians we need.

4 CHAIRPERSON GIBSON: And in addition  
5 with the civilianization and PCTs the police  
6 community technicians, the 9-1-1 call takers, I  
7 appreciate the mayor's efforts to baseline the 151  
8 positions last year. But that doesn't raise the  
9 head count of 9-1-1 call takers so we're still at  
10 1,250 call takers. Mandatory overtime, highly  
11 charged environment, and many of the call takers  
12 simply want less overtime. Which I know overtime  
13 has decreased but nothing to where we can be  
14 satisfied. So my question is and the mayor in his  
15 preliminary talked about increased EMS dispatch and  
16 others but there's been no talk about raising the  
17 head count of 9-1-1 PCTs.

18 COMMISSIONER BRATTON: I'll ask Deputy  
19 Commissioner Jessica Tish to speak to that, that I  
20 think there may be some misinformation we're  
21 dealing with here. The amount of mandatory overtime  
22 has diminished quite significantly. And so I'd like  
23 to correct the record if you may so... Jessie if you  
24 could please.

25 [background conversations]

2 COMMISSIONER GRIPPO: So we, we've  
3 looked at the overtime. We are not seeing what,  
4 what you're referring to was, was an issue in prior  
5 fiscal year where we were forced to use mandatory  
6 overtime for PCTs because of significant FMLA and  
7 other sick leave issues. And we, we did acknowledge  
8 there was a staffing issue with the new staffing  
9 model, with the additional 150 PCTs we have  
10 virtually no mandatory overtime. We are not, if you  
11 look at the overtime it's been cut literally in  
12 half and the, the overtime you still see is  
13 overtime that's standard for the operation. So we  
14 are very comfortable if you look at our current  
15 staffing levels that we don't have the issues we  
16 had prior to the addition of the 150 PCTs.

17 CHAIRPERSON GIBSON: Okay well I would  
18 agree that we don't have the same issues but I  
19 would also say that we still have a number of  
20 challenges where we should continue to have  
21 conversations because that's not what I'm getting  
22 from the other side, the union officials that  
23 represent the workers are still saying that it's  
24 still too much and we need to consider hiring. So I  
25 would love to continue having that conversation

1  
2 about PCTs. And in addition I just wanted to ask  
3 about collaborative policing and thank Deputy  
4 Commissioner Susan Herman for last week's very  
5 lengthy hearing. But in the hearing she talked  
6 about NYC CeaseFire, Project Reset, Health  
7 Diversion Centers, and other partnerships to combat  
8 domestic violence as well as DHS homeless services.  
9 The policing strategy that was announced the  
10 neighborhood coordination officer which would start  
11 in full commands 3-3 and 3-4 in upper Manhattan,  
12 100 and 101 in Rockaways. I guess I'd like to know  
13 what indicators are we looking for to determine the  
14 success of this program while it's relatively new.  
15 But also with the officers that will be assigned to  
16 this coordination they're going to be taken off  
17 responding to 9-1-1 calls. So I'd like to know the  
18 number of officers and with them being taken off of  
19 9-1-1 how do we replace the so that 9-1-1 calls are  
20 still being addressed in the ways that, that they  
21 should.

22 COMMISSIONER BRATTON: Chief O'Neal can  
23 speak to that for you.

24 CHAIRPERSON GIBSON: Okay.

25 CHIEF O'NEAL: Morning Madam Chair.



CHAIRPERSON GIBSON: Good morning Chief.

CHIEF O'NEAL: How are you?

CHAIRPERSON GIBSON: Good.

CHIEF O'NEAL: So in the 100, the 101 which is the rockaways and the 3-3 and the 3-4 which is up in Manhattan are looking to do something, change the way we, we do policing in New York City. So right now in each command, in each precinct throughout the city there's anywhere between 120 and 300 cops assigned to the precincts. And half the cops in the, in the precinct assigned, are assigned to sector cars to radio runs. The other half either conduct some reinforcement, they go out and make drug collars, they do traffic, or they perform some sort of administrative, administrative duties. So what we're looking to do in the pilot project is to remove most of the specialty units from the precincts and put them back in sector cars. So what we're going to, instead of having three or four sectors in the 100 or the 101 and there you'll have seven or eight. In it, each of those sector cars they'll be assigned to the same geography every day. Each of these precincts are also going to be re-sectored by

1 neighborhood. So you'll see a map of the 100... it'll  
2 change a little bit as far as the sectors. The 100,  
3 101 the same thing the 3-3 and the 3-4. So by doing  
4 this, the same cops during the same tour are going  
5 to be responding to the jobs in that geography.  
6 They're not taken off the 9-1-1 Queue. Even the  
7 neighborhood coordination officers and there'll be  
8 two in each precinct working opposite tours they'll  
9 still be responding to 9-1-1 jobs. So we're not,  
10 we're not losing anything in that effect. As a  
11 matter of fact they'll probably be responding to  
12 the same jobs so they'll get to know the people  
13 much better and they'll know what the issues are  
14 and they're going to be working with the  
15 communities to, to, to problem solve and correct  
16 conditions that exist within their sectors.

18 CHAIRPERSON GIBSON: So has there been  
19 outreach to these commands in terms of the other  
20 stakeholders, the community tenant leaders, clergy  
21 leaders, the various individuals that live in that  
22 command that can help with this approach with the  
23 strategy?

24 COMMISSIONER BRATTON: Yeah we, we're,  
25 we're in initial discussions and we're working with

1 Susan Herman to make sure that that's done  
2 correctly and comprehensively.

3  
4 CHAIRPERSON GIBSON: And I also  
5 encourage you to work with the council members that  
6 overlap in those commands as well to give  
7 suggestions, community board, tenant leaders, NYCHA  
8 leaders, the churches, etcetera because they can  
9 help. This approach is to really try to establish  
10 the community policing model which you know that  
11 word is loosely used quite a bit and we're trying  
12 to grapple with a firm definition but it's really  
13 keeping the police officers in the same  
14 neighborhood and not being transferred but really  
15 developing a relationship, understanding that you  
16 know there are few bad actors, the majority of good  
17 people, and working with those good people to  
18 provide the public safety that's necessary but  
19 doing in our partnership fashion right?

20 COMMISSIONER BRATTON: That's, that's  
21 the golden pilot, to increase connectivity and also  
22 to keep crime and, and violence down.

23 CHAIRPERSON GIBSON: Right. Now how long  
24 are you going to let this strategy go before we  
25 look at some of the indicators like the crime data.

1  
2 And also not just crime data but other factors of  
3 performance that we could look at to gauge if a  
4 program is successful. So for instance with some  
5 all-out we're looking at how many jobs we created.  
6 The community survey and the community feedback is  
7 really important in this because sometimes we're  
8 looking at data and community residents are looking  
9 at other indicators that they believe could be  
10 successful in this approach that are not  
11 necessarily crime data driven? Does that make  
12 sense?

13 JAMES O'NEAL: No it absolutely make  
14 sense. It's not just about crime data. It's about  
15 community satisfaction. That's, that's the main  
16 goal of this to, to make sure that our cops have  
17 connectivity with the people that are sworn to, to  
18 serve and protect.

19 CHAIRPERSON GIBSON: Okay.

20 JAMES O'NEAL: That's the whole function  
21 here.

22 CHAIRPERSON GIBSON: Okay. So we have a  
23 lot of colleagues here that have questions so I'm  
24 going to defer my questions and, and kind of chime  
25 in as I can. We've also been joined by Council

2 Member Lander. And we're going to start council  
3 member questions and colleagues we have five  
4 minutes so I urge you to please gather your  
5 questions as quickly as possible. We're sticking to  
6 this timeframe to respect each other's time as well  
7 as the commissioner's time. We will begin with  
8 Council Member Steve Matteo.

9 COUNCIL MEMBER MATTEO: Thank you Madam  
10 Chair, thank you Commissioner, Deputy  
11 Commissioners, and Chief for being here. I'm  
12 pleased to hear that you support you know hiring  
13 additional officers. My specific question as my  
14 colleagues and I have, have talked about over the  
15 last year is in relation to the thousand police  
16 officers that we would like the department to hire.  
17 And is your recommendation, your opinion on the  
18 thousand police officers, do you, can you provide  
19 us an answer if you believe that the thousand  
20 police officers that we're, we're asking for should  
21 be hired? You know I'll buy it that it's provided  
22 in the budget...

23 COMMISSIONER BRATTON: As I mentioned  
24 earlier we're still in discussions with the mayor's  
25 office as we're completing our reengineering

1  
2 analysis. So as far as a figure that, I do not have  
3 that at this time.

4 COUNCIL MEMBER MATTEO: You don't have  
5 any figure? You're, you're just...

6 COMMISSIONER BRATTON: I'm sorry?

7 COUNCIL MEMBER MATTEO: You don't have  
8 any figure at this point? You don't... [cross-talk]

9 COMMISSIONER BRATTON: That's correct.  
10 We're in this, as you're aware the process is we  
11 work with the mayor initially and then he will work  
12 with you so we're still working with the mayor.

13 COUNCIL MEMBER MATTEO: Well I  
14 appreciate, I appreciate your, your answer. I, I  
15 just want to reiterate our, our you know support  
16 that for me and, and, and I know some of my  
17 colleagues will support, that we do believe a  
18 thousand cops is warranted and, and we hope to work  
19 with you and the administration to, to get there.  
20 In terms of shootings and, and murders you know  
21 I'm, I'm concerned about some of the numbers that  
22 we see on Staten Island and citywide. Looks like on  
23 Staten Island shooting victim has gone up 100  
24 percent. And incidents over 100. Can you just speak  
25 to what you, what you attribute that to what the

1  
2 department is doing in terms of moving resources  
3 around. I know before I think I heard you mention  
4 that you're increasing the patrol cars in, in the  
5 neighborhoods. So can you just speak to that and  
6 how the department is addressing this?

7 COMMISSIONER BRATTON: Okay. I'm going  
8 to ask Deputy Commissioner... to speak very  
9 specifically to your concern in Staten Island that  
10 our crime numbers as we know they spike up down  
11 that they spiked up really this year. They're now  
12 starting to spike down in the other direction.  
13 Staten Island's numbers were basically affected  
14 significantly by a couple of singular events that  
15 are not a part of a pattern or a trend but  
16 Commissioner Shae can give you more specifics.

17 CHAIRPERSON GIBSON: We have to swear  
18 you in first of course. Welcome.

19 COMMISSIONER SHAE: Welcome.

20 COMMITTEE COUNSEL: Do you affirm to  
21 tell the truth, the whole truth, and nothing but  
22 the truth in your testimony before this committee  
23 and to respond honestly to council member  
24 questions?

2 COMMISSIONER SHAE: I do. We have seen  
3 as recently as a week ago we had Staten Island into  
4 what we have our crime strategy meetings at one  
5 police plaza at CompStat. That's a meeting that's  
6 held a minimum weekly, sometimes several times a  
7 week depending on circumstances throughout the  
8 city. So as, as you mentioned we too did see the  
9 spike in violence in Staten Island centered in the  
10 Northeastern part of the island specifically in and  
11 around housing. And what we saw was several  
12 incidents involving individuals on parole, several  
13 incidents involving individuals on parole out late  
14 at night. In response to some of those shooting  
15 incidents we're working collaboratively with parole  
16 indicating what is behind the shootings what we  
17 have seen in some circumstances is a likely seen in  
18 other parts of the city a nexus to gangs and a  
19 nexus to narcotics trade. So it's not unique to  
20 Staten Island. We are well aware of the violence,  
21 the spike in violence additional resources have  
22 been put into those areas and arrests have been  
23 made in most of those shootings.

24 COUNCIL MEMBER MATTEO: I appreciate  
25 that. And in, I'd like to have more... conversations



1  
2 with the department also talking about a few anti-  
3 Semitic instances that happened in my district, one  
4 last night and traffic agents are, are an issue  
5 that I like to talk offline about. But I, I, you  
6 know in the interest of time my last question in  
7 terms of new technology, I know officers are  
8 getting smart phones and iPads and can you tell me  
9 how this can help, you know help police officers on  
10 site run someone's ID especially during someone's,  
11 a low level crime that's happening and so the  
12 police officers can get as much information because  
13 there's a lot of talk about low level crimes? But  
14 my concern is if we're going to use technology how  
15 do we make sure that the, that the, that the patrol  
16 officer has as much information on site as soon as  
17 possible based on new technology?

18 COMMISSIONER BRATTON: What's going to  
19 occur in the NYPD this year is nothing short of  
20 revolutionary in the sense that... all the  
21 information that's available now currently in our  
22 real time crime center will now literally be in the  
23 hands of every patrol officer. Smart phones will  
24 have custom designed apps, the tablets also. They  
25 will preclude the necessity for them to return to

1  
2 the precincts as frequently as they must now. Let  
3 me give you two examples of how it will immediately  
4 improve their capabilities. Child, a special needs  
5 child leaves the school and the detectives will be  
6 very quickly able to put it in the hands of every  
7 one of our police officers; here's the photo and  
8 description of that child instantly. A suspect that  
9 we're looking for, we could produce the photo and  
10 the background on that person instantly. As they're  
11 responding to a call for service they will be able  
12 to see everything that the dispatcher has on hers  
13 or her screen. So as they responding they have  
14 accurate information about what they're going to.  
15 They will have information as to are there guns  
16 registered in that home? What are the previous  
17 calls to that residence previously? So an officer  
18 comes back from days off he will be able to  
19 instantly get updated on what's happened during his  
20 time missing. The GPS capabilities in the police  
21 cars, and where we have an incident involving a  
22 crime occurring that the GPS will be added for the  
23 dispatcher, the supervisor... they'll be instantly  
24 able to see where is the nearest car, not  
25 necessarily the nearest car that is not on a call

1  
2 but the nearest car to that scene so we can divert  
3 that car to the scene. We will be giving the  
4 council full briefings on the technology that I  
5 gave you initial briefing when you come out to the  
6 academy. But what's going on in the department this  
7 year is revolutionary. It will change the face of  
8 policing in this city.

9 COUNCIL MEMBER MATTEO: Well I, I, thank  
10 you Commissioner. I know my time is up. I just want  
11 to mention... I want to thank the brave men and women  
12 of the department for the great job and the four  
13 commanding officers in my district who are in touch  
14 with me every single day and are doing a fantastic  
15 job and to Chief O'Neal for his assistance over the  
16 last few weeks. So thank you and thank you Madam  
17 Chair.

18 COMMISSIONER BRATTON: Thank you.

19 CHAIRPERSON GIBSON: Thank you Council  
20 Member Matteo. We have been joined by Council  
21 Member Vacca. And Commissioner very quick question  
22 were there any new needs that you requested to OMB  
23 that were not received or not put, provided in the  
24 preliminary budget? Any new needs?  
25

1  
2 COMMISSIONER GRIPPO: So we are still  
3 working with OMB. I think generally as you may be  
4 aware we have some requests for facilities upgrades  
5 that, that have not been funded as of yet. However  
6 we're, again we're still working through that with  
7 the Office of Management and Budget. We also as the  
8 Commissioner referenced have significant needs on  
9 the technology front. But we have forfeiture  
10 funding that may be available and there are other,  
11 other sources of funding that are in play. So we  
12 expect those conversations to evolve during the  
13 executive budget process. So we're, we're still  
14 working with them.

15 CHAIRPERSON GIBSON: Okay. So you said  
16 technology and capital renovations?

17 COMMISSIONER GRIPPO: For facilities  
18 yes.

19 CHAIRPERSON GIBSON: Facilities, okay  
20 thank you. Next we will have Council Member Lancman  
21 followed by Council Member Gentile.

22 COUNCIL MEMBER LANCMAN: Commissioner  
23 good morning and to your team. I want to ask you a  
24 question about broke windows and some of the  
25 significant costs involved with, with that policy.

1  
2 Most broken windows complaints as you know are  
3 heard in summons court which is broken and  
4 expensive. 20 percent of the summonses that are  
5 written are invalid on their face, never make it to  
6 a hearing. Half the people who do have valid  
7 summonses don't show up. They're about a million  
8 plus bench warrants that are outstanding for people  
9 who didn't make a summons court appearance. If we  
10 were to take the first four, or the four most  
11 common broken windows offences that we see in  
12 summons court; open container of alcohol, public  
13 urination, riding a bicycle on the sidewalk, and  
14 being in a park after hours and we made them civil  
15 offense so that when your officers handed the  
16 person that they caught doing the, the act a, a, a  
17 civil summons which sent them to the civil justice  
18 system as opposed to a criminal summons which sent  
19 them to the criminal justice system would that, it  
20 would save a lot of money for the city and the  
21 state and be a significant relief on our court  
22 system and, and a significant relief in terms of  
23 the consequences for the people getting that  
24 summons. But if your officers were giving a civil  
25 summons as opposed to a criminal summons would that

2 have a, a negative effect on, on public safety?

3 Because your officers are still giving a summons to  
4 somebody who is doing something that we the council  
5 have decided they shouldn't be doing.

6 COMMISSIONER BRATTON: We are currently  
7 in very extensive discussions with the mayor's  
8 office on a number of changes to the summons  
9 process as we move the department more toward use  
10 of that discretionary tool rather than arrest. And  
11 I think a number of those changes will  
12 significantly improve the response rates of the  
13 summonses, the convenience for the individual. And  
14 also ensure that they in fact respond to the  
15 summons. As you know very often that they don't,  
16 they fail to show up and then they get entered into  
17 our records for a warrant arrest. So we're very  
18 mindful as we've made, as you see from these shots  
19 significant movement toward reduced arrests. I'm  
20 not supportive of the idea of civil summonses for  
21 these offences because I think they'll be basically  
22 totally ignored, that they don't have any bite to  
23 them if you will. If the legislature in its wisdom  
24 when they created these said one of them should be  
25 civil they may have in fact done that. So I think

1  
2 the changes that we're currently in the process of  
3 looking at will address some of your concerns in  
4 the sense that the convenience of responding to a  
5 summons, the accuracy of the summons as it's made  
6 out in the first place will be addressed but still  
7 allow us to have an effective tool to deal with as  
8 you're well aware that the vast majority of quality  
9 of life, types of offense our officers responding  
10 to 9-1-1 and 3-1-1 complaints unlike stop question  
11 and frisk which is a, a self-initiated action on  
12 the part of an officer based on reasonable  
13 suspicion, quality of life offences are in fact in  
14 offence has been committed in the officer's  
15 presence or at least responding to a complaint from  
16 a citizen.

17 COUNCIL MEMBER LANCMAN: Or from a  
18 Council Member.

19 COMMISSIONER BRATTON: Just a totally  
20 different level of proof if you will.

21 COUNCIL MEMBER LANCMAN: Right, no I  
22 understand and I respect that and you know when we  
23 see these kinds of quality of offense, quality of  
24 life offenses in, in, in our district and we get  
25 calls we will you know do what we can to make sure

1  
2 that that behavior is rectified. And our question  
3 that we're wrestling with is whether or not once  
4 the officer gives a summons whether or not it  
5 matters for public safety purposes whether or not  
6 that person is going through the civil system or  
7 the, or the curial system. We're not looking to  
8 deny your officers the opportunity which sometimes  
9 we initiate to tell somebody who's engaging in  
10 misconduct you need to stop doing that and figuring  
11 out what the right consequences for that is  
12 something that we're looking at. Let me ask you  
13 about a vision zero on school crossing guards, at  
14 last year's hearing, I don't know if it was the  
15 public safety hearing or it might have been the  
16 transportation hearing Chief Chan had testified  
17 about recognizing the, the need to do something  
18 different in terms of how the department recruits  
19 school crossing guards. We all get complaints and  
20 requests for school crossing guards in our  
21 districts I think it would make a significant  
22 impact in terms of pedestrian safety and safety of  
23 kids what, is there anything in this budget that  
24 addresses the issue of the challenge the department  
25 at least is having last year you know recruiting



2 school crossing guards, the issues of pay and  
3 schedule etcetera.

4 COMMISSIONER BRATTON: I think Deputy  
5 Commissioner Grippo can respond to that question  
6 sir.

7 COMMISSIONER GRIPPO: In terms of the  
8 budget no this really is as you said a recruitment  
9 issue. So what we have been doing is looking at  
10 policy changes, some of which is I terms of the  
11 school crossing guard pay, dealing with the  
12 hardship of potential, the payment for background  
13 checks or we've, we're waving background checks and  
14 the fees associated with those, to the fees  
15 actually associated with the background checks. We  
16 have right now a five percent vacancy rate which  
17 really is not as big an issue as we had seen in  
18 prior years where in prior years our vacancy rate  
19 ran ten percent or higher. So different methods of  
20 recruitment and some financial incentives has have  
21 served to help. But we have, we are non-exploring,  
22 I think what you're hitting at would be a, a raise  
23 in pay or an increase in pay which would have to be  
24 done through collective bargaining that is not in  
25 this budget.

2 COUNCIL MEMBER LANCMAN: Alright well  
3 whatever it takes to get the school crossing guards  
4 that we, that we need. And, and Commissioner in  
5 your conversations with the administration about  
6 the number of patrol officers that we would like to  
7 see added if you can give consideration to also  
8 adding school crossing guards and, and what it  
9 would take to do that I think it would have a, a  
10 significant impact on, on safety around our  
11 schools. Thank you very much.

12 CHAIRPERSON GIBSON: Thank you Council  
13 Member Lancman. And I'm glad you brought that up  
14 Commissioner. There, yes there is a five percent  
15 vacancy rate but there are only 2,358 crossing  
16 guards in the city of New York. We definitely want  
17 and should make this a priority not only  
18 recruitment but also the starting salary right now  
19 which is a little over ten dollars an hour. With  
20 the increased population in schools with co-  
21 locations, with a number of different challenges  
22 and working with school safety and DOE we need to  
23 hire ore school crossing guards without question.  
24 The enactment of vision zero and all the other  
25 factors is extremely important. Many of our

1  
2 precincts I have a breakdown are at the full  
3 capacity so they're at the budgeted amount so that  
4 they can't hire any more school crossing guards. So  
5 this is a major problem. I know Council Member  
6 Vacca will also speak about it but I implore you  
7 and it's something the council will work with you  
8 on. Whatever challenges we have we need to address  
9 school crossing guards. They're in the line of  
10 danger each and every day protecting our  
11 pedestrians and children and it's really really  
12 important. I don't think we've had a major  
13 recruitment but maybe this is the year to make it a  
14 priority to recruit more school crossing guards.  
15 Thank you. Next we'll have Council Member Gentile  
16 followed by Council Member Deutsch.

17 COUNCIL MEMBER GENTILE: Thank you Madam  
18 Chair. And Commissioner and Crew thank you for  
19 bringing your team here today and thank you for all  
20 of your good work also. I have to mention, I've  
21 mentioned this before budget hearings, I'll mention  
22 it again and I'll probably keep mentioning it just  
23 because it, it continues be an issue. The lower  
24 crime precincts always at budget time feel like the  
25 overlook precincts when it comes to resources. Can

1  
2 you assure us that that won't be the case this time  
3 around? For example you mentioned there would be  
4 additional sector car under the new CRV model. Is  
5 that the case for the lower crime precincts as  
6 well?

7 COMMISSIONER BRATTON: That's correct.  
8 The current CRV plan drops sector cars from all  
9 precincts around the city and over several tours of  
10 duty by having a full time unit that will remove  
11 that responsibility for each precinct commander to  
12 send a car into Manhattan each day and each  
13 evening. So they effectively will pick up once we  
14 start staffing that new unit, the equivalent of an  
15 additional sector car. And since many of the  
16 precincts and... with four or five cars that's a very  
17 significant resource coming back to them and to  
18 your districts.

19 COUNCIL MEMBER GENTILE: That's, that's  
20 good to know. And I also hope the headcount issue  
21 is addressed in the lower crime precincts too  
22 because that's, that continues to be an issue in  
23 those, in those precincts. You've also talked a lot  
24 about, to your credit, you've talked a lot about  
25 police moral this past year. And certainly public

1 safety is in the balance when police morale is low.  
2 And you've done some things to address that.  
3 Obviously a, you, the administration and the, and  
4 the council have worked together for the protective  
5 bullet proof vests that police officers will now be  
6 wearing the newer vests and that, that's a good  
7 thing and that leads to I guess an increase in  
8 morale. But you know it helps it, but it seems to  
9 me that morale would soar through the roof I think  
10 if we were to do things like hire those more  
11 officers that we've been talking about like  
12 increasing officers' compensation so it's  
13 comparable to officers in other surrounding  
14 jurisdictions and equalizing the disability pension  
15 differential. Would you agree that that would be a  
16 big boost to, to morale?

18 COMMISSIONER BRATTON: Certainly. Maybe  
19 one of those would be a big boost of morale that as  
20 always the devil is in the details and one of the  
21 details is cost. And the cost is dealt with through  
22 collective bargaining, the largest bargaining unit  
23 in the police department, the PBA is now in  
24 arbitration, not willing to respond to the pattern  
25 bargaining that most of the other unions have

1  
2 accept including all four of our police unions in  
3 terms of the disability issue is an extraordinarily  
4 costly one as you're aware and would require a  
5 significant investment of time and effort to figure  
6 out what is the fair and appropriate way to address  
7 that issue. Morale is impacted by many, many things  
8 including the three that you have referenced. Good  
9 news is that council responded very quickly to the  
10 bullet proof issue, bullet proof vest issue when I  
11 was raised the collective bargaining agreements  
12 that have been agreed to by four of the five police  
13 unions and most of the... unions are another moral  
14 factor. The technology we're requiring which will  
15 significantly improve officer safety as well as  
16 ability to work. I think all of these will be  
17 impactful on male going forward.

18 COUNCIL MEMBER GENTILE: But, but the  
19 largest union yet has not come to an agreement  
20 right?

21 COMMISSIONER BRATTON: The PBA is the  
22 largest union representing about 20 some odd  
23 thousand of our members that's correct.

24 COUNCIL MEMBER GENTILE: Right.  
25

2 COMMISSIONER BRATTON: Arbitration on  
3 their contract.

4 COUNCIL MEMBER GENTILE: Okay. But okay  
5 so we're on the same page as far as those items...

6 COMMISSIONER BRATTON: I think so.

7 COUNCIL MEMBER GENTILE: And, and, and  
8 the morale issue. Let me, let me bring up another  
9 issue that I think goes directly to morale too.  
10 There was a, a, a independent budget office report  
11 that I commissioned several years back about police  
12 tours. And the IBO report suggested that  
13 lengthening officers' work days from eight hours  
14 and 35 minutes to ten to 12 hours a day the report  
15 showed that this modern tour schedule as we  
16 referred to it if we were to be implemented the  
17 department would become more productive and  
18 efficient while allowing for the hiring of more  
19 police officers it would also improve the work and  
20 life balance for the police officers themselves  
21 because it would, it would allow them to work fewer  
22 days each week and have more days off. This I think  
23 is essential again to the morale issue. So how does  
24 the department currently stand on that proposal?

2 COMMISSIONER BRATTON: We looked at this  
3 very extensively early in the year. I'm going to  
4 ask Commissioner Grippo to speak to the decision  
5 we've arrived at relative to the multiple types of  
6 chores that unions have asked to review. Can you,  
7 you speak to that?

8 COMMISSIONER GRIPPO: ...looked at this in  
9 reengineering one of the issues is, is issues in  
10 terms of the cost and how that would impact  
11 overtime and another issue really comes out of  
12 chief of Department's office in terms of the  
13 flexibility of scheduling those tours and dealing  
14 with events both planned and unplanned.

15 COUNCIL MEMBER GENTILE: Well overtime  
16 would actually go down wouldn't it?

17 COMMISSIONER GRIPPO: When we looked at  
18 it it's actually, we looked at it as incurring  
19 cost. I actually don't have the exact number with  
20 me. We can follow up with your office. But  
21 unfortunately when you look at the Manpower on any  
22 given day on patrol and then you deal with like I  
23 said unplanned events or events where we need to  
24 schedule officers you end up incurring and calling  
25 in additional officers on what we call RDOs,



1  
2 regular days off. And that's where you see an issue  
3 in terms of the finances around the proposal.

4 COUNCIL MEMBER GENTILE: Well if, if, if  
5 I may I will send you the copy of the report and,  
6 and have...

7 COMMISSIONER GRIPPO: We're well aware  
8 of the...

9 COUNCIL MEMBER GENTILE: Okay great.

10 COMMISSIONER GRIPPO: ...more than happy  
11 to discuss it with you but we made the decision to  
12 leave it as is but we're happy to share the  
13 rationale behind that.

14 COUNCIL MEMBER GENTILE: Great. Thank  
15 you. Thank you.

16 CHAIRPERSON GIBSON: Thank you Council  
17 Member Gentile. Commissioner I appreciate and the  
18 mayor's relationship as well as the council, the  
19 investment of seven million dollars for the bullet  
20 proof vests and eight million on the out year to  
21 begin the replacement process. There's a, a 750  
22 thousand dollar commitment to study replacement of  
23 all bullet proof vests and I'd like to know if  
24 we're including auxiliary officers and those that  
25 may fall beyond the five year warranty and, and any

1  
2 updates on that. Have we started with the  
3 measurements of officers this month as you  
4 mentioned?

5 COMMISSIONER GRIPPO: So we, as you said  
6 we have funding in place now. It's actually 7.3  
7 million this fiscal year to replace vests and then  
8 another 4.2 million next fiscal year. We are in  
9 fact now moving very aggressively in terms of the  
10 measuring and the ordering of the vests. We hope to  
11 spend as much as we can. We likely won't be able to  
12 expend all of the 7.3 million this year. Some of  
13 that will have to roll to next year. But we, we do  
14 have a plan in place that within a calendar year  
15 will allow us to replace all of the vests that are  
16 over five years old. And we've worked with the  
17 mayor's office to ensure that there will be  
18 sufficient funding in place to do that within a  
19 calendar year so straddling both this fiscal year  
20 and next fiscal year. In the 4.2 million they put  
21 in as a baseline we, will allow us to establish an  
22 appropriate lifecycle replacement in, in align with  
23 the five years. However what we've also been  
24 provided with is 750 thousand dollars that'll allow  
25 us to do a study both to deal with the, the

1  
2 appropriate lifecycle replacement but also to look  
3 at the newest and latest technology to ensure that  
4 our officers have the most appropriate vests and  
5 the accommodating things that go along with those  
6 vests.

7 CHAIRPERSON GIBSON: And auxiliary  
8 officers?

9 COMMISSIONER GRIPPO: Right now there  
10 isn't funding in place for auxiliary officers. We  
11 are looking at that with the office of management  
12 and budget now in terms of the age of those vests.  
13 They're not quite, we don't have the age issue.  
14 They're not quite as old as the vests issued to our  
15 police officers so we are in talks with, with OMB  
16 about that.

17 CHAIRPERSON GIBSON: Okay we started  
18 auxiliary officers wearing vests in 2007 right?

19 COMMISSIONER GRIPPO: Yes.

20 CHAIRPERSON GIBSON: So I imagine many  
21 of them would maybe be beyond the five years. But  
22 I'd appreciate if we can begin to do an assessment  
23 of those auxiliary officers now that they're back  
24 on patrolling communities. Thank you. Next we'll  
25

2 have Council Member Deutsch followed by Council  
3 Member Johnson.

4 COUNCIL MEMBER DEUTSCH: Thank you Madam  
5 Chair. First I'll welcome Commissioner Bratton. I  
6 want to start off by thanking our department under  
7 your leadership. Just last week we had several  
8 incidents where individuals of interest were taking  
9 photos of synagogues. And I, I want to thank the  
10 department for the swift response and investigation  
11 in particular also to the patrol borough Brooklyn...  
12 Chief Steven Powers who was ahead of the ball and  
13 was on the case before he even started his working  
14 in the borough. So thank you so much for that. I  
15 also want to commend your chief of department who I  
16 had a pleasure of meeting just a few days ago and  
17 also on several other occasions whose been a real  
18 stand-up guy... and a crime fighter. I guess he must  
19 be taking after his boss. So thank you for that. On  
20 another note we're garnering our new technology. I  
21 want to ask you that, the NYPD cameras that are  
22 stationed outside on the streets, is that's, do you  
23 feel that is efficient and effective enough as it  
24 stands now or is that going to be part of the new  
25 technology as we progress with new technology or

1  
2 you, any plans to change and upgrade those cameras  
3 that are outside on the streets.

4 COMMISSIONER BRATTON: Do you want to  
5 speak to that or...[cross-talk] Jessie... ask Deputy  
6 Commissioner Jessica Tish to come up and speak to  
7 that. The installation maintenance as well as the  
8 number of those cameras fall within her area of  
9 responsibility. Jessie.

10 CHAIRPERSON GIBSON: Before you begin  
11 Deputy Commissioner. Swear...

12 COMMITTEE COUNSEL: Do you affirm to  
13 tell the truth, the whole truth, and nothing but  
14 the truth in your testimony before this committee  
15 and to respond honestly to council member  
16 questions?

17 DEPUTY COMMISSIONER TISH: I do. So I  
18 took over responsibility for the Argus system a few  
19 months ago. And what we've been focusing on I would  
20 say for the past four months is stabilizing the  
21 current system. So in the past we've, we've, we  
22 have about 17 hundred cameras in the Argus system  
23 today. And in the past you know you put up a camera  
24 and sometimes cameras they get old or if they're  
25 obstructed or if there's no power to the poll that

1  
2 they're on they go down. So a camera on a poll is  
3 not useful if it's not recording anything. So for  
4 the past four months we have spent a lot of energy  
5 and attention stabilizing what we currently have,  
6 the 17 hundred, so that we have a platform on which  
7 we can begin to build and add new cameras. So I  
8 anticipate that over the next six months you'll  
9 begin to see a lot of additions of new cameras on a  
10 more stable platform. We've also spent a lot of  
11 time and energy over the past four months making  
12 the camera feeds from all the Argus cameras that  
13 are up available more broadly throughout the  
14 department. So essentially instead of having those  
15 cameras operate in a silo building out our new  
16 network we'll make them available in the precincts  
17 and the commands that they cover.

18 COUNCIL MEMBER DEUTSCH: Okay thank you.  
19 I'd like to have an, an off hearing discussion on  
20 this because I have a few other questions on the  
21 cameras. And also with regards to hate crimes the  
22 hate crimes has approximately 14 investigators  
23 throughout the city who investigate the hate  
24 crimes. In Brooklyn hate crimes are I think higher  
25 than any other borough in the city. So what I'm

1 asking is if there's any plans to do any type of  
2 preventive and proactive and preventive measures in  
3 regards to going into schools and into community  
4 centers and truancy centers and speaking to people  
5 about if you, someone does commit a hate crime what  
6 is the you know what kind of consequences are,  
7 there are. And number two is that also letting  
8 people know and teaching them that, how it may  
9 affect others mentally and physically if you commit  
10 a hate crime. Because we see that most times when  
11 hate crimes are committed there's not an organized  
12 group. It's just... individuals who do it. So I think  
13 doing an education, being proactive and going out  
14 and visiting people in addition having clergy, the  
15 clergy program that we currently have under New  
16 York City police department having a diverse  
17 members of the clergy speaking in these, at these  
18 community centers and truancy centers and, and, and  
19 schools just to educate and let people know this  
20 will, get to the core of the problem opposed to  
21 having hate crime being committed and then having a  
22 whole investigation on it. So are there any plans  
23 of having some type of education on hate crimes?  
24 That's my second question.  
25

2 COMMISSIONER BRATTON: That, I don't  
3 know if... sorry... in terms of... I'll ask Chief... to  
4 step up. In terms of the staffing of the hate crime  
5 unit the, the 14, if that's the correct number,  
6 highly dedicated, highly skilled group of  
7 investigators I think as you seen in both high and  
8 low profile cases that they're very good at  
9 ultimately getting to the source of the problem in  
10 terms of the particular perpetrator. But you're  
11 correct. A lot of it is the idea to try to prevent.  
12 And one of the ways to prevent is through the  
13 educational process so... Chief Jaffe I think can  
14 speak to that particular portion of your question.

15 COUNCIL MEMBER DEUTSCH: Thank you  
16 Commissioner.

17 CHAIRPERSON GIBSON: Ready? Before you  
18 begin Chief.

19 COMMITTEE COUNSEL: Do you affirm to  
20 tell the truth, the whole truth, and nothing but  
21 the truth in your testimony before this committee  
22 and to respond honestly to council member  
23 questions?

24 CHIEF JAFFE: Yes I do. So just to  
25 respond not in terms of the staffing, of the hate



1  
2 crimes, we do a lot of discussions and we host a  
3 lot of events with the youth in communities. And so  
4 when we talk to them we talk a lot about crime. We  
5 talk about bullying. And we talk about respect,  
6 self-respect, and about behavior, and about  
7 consequences. So although we don't have a separate  
8 specific lecture that's called hate crimes when we  
9 talk about bullying and we talk about respect, and  
10 respect within yourself and how to treat people and  
11 self-esteem those are the issues we are addressing.  
12 It's incorporated into that. We talk at schools and  
13 we talk at many many different and various events  
14 based on need and based on people that come to us  
15 and what we know is going on in the city. Thank  
16 you.

17 CHAIRPERSON GIBSON: Thank you very  
18 much. Thank you Council Member. Council Member  
19 Johnson followed by Council Member Williams.

20 COUNCIL MEMBER JOHNSON: than you Madam  
21 Chair. Commissioner good morning, good to see you,  
22 thank you for your testimony, thanks for being  
23 patient given what happened this morning. I wanted  
24 to just reiterate a point that I think a few of my  
25 colleagues have made about school crossing guards.

1  
2 They're needed, they are important, they are not  
3 being paid enough money. Given the number of hours  
4 they have to work per week it's difficult for them  
5 to have another job. And so I have in my, my  
6 district covers seven police precincts. The first,  
7 the sixth, the tenth, the thirteenth, midtown  
8 north, midtown south, and the twentieth on the west  
9 side. And we've seen an explosion of residential  
10 population and a lot of new schools. We need more  
11 school crossing guards. It fits in line with the  
12 mayor's vision zero plan and I would love to find a  
13 way for the council to work with the NYPD to  
14 determine where the areas, where there are  
15 vacancies and how do we fill those. So that's  
16 number one. Number two is I wanted to talk a little  
17 bit about school safety officers. And I wanted to  
18 understand right now if there is a, a complaint  
19 against a school safety officer. There is not CCRB  
20 process, school safety officers are not covered in  
21 the CCRB. Would you be open to looking at whether  
22 or not it would make sense for school safety  
23 officers to fall under the CCRB?

24 COMMISSIONER BRATTON: At this stage I'm  
25 not into it enough with the proposal that you'd be

1  
2 talking about relative to that, to speak to it. I  
3 could ask Chief Jaffe to, Chief Conrey who, who  
4 works with her to speak to the current process for  
5 filing a complaint against a school safety officer.  
6 Joann would that be you or the Chief? Chief?

7 CHAIRPERSON GIBSON: Before you start  
8 Chief...

9 COMMITTEE COUNSEL: Do you affirm to  
10 tell the truth, the whole truth, and nothing but  
11 the truth in your testimony before this committee  
12 and to respond honestly to council member  
13 questions?

14 CHIEF CONREY: I do. Just in general the  
15 process, how the process works with a complaint  
16 against a school safety agent... As you indicate it's  
17 not investigated by CCRB. It goes through our  
18 internal affairs bureau and then down to the,  
19 depending on the level of the case, down to the  
20 school safety investigations unit. So we have a  
21 very competent and effective investigations unit  
22 within the school safety division that investigates  
23 complaints that are, would fall under a, a...  
24 category or CCRB categories. So I think the unit is  
25

1  
2 very effective. And as far as investigating  
3 complaints against school safety agents.

4 COUNCIL MEMBER JOHNSON: Thank you. I, I  
5 don't doubt that the unit's effective. I really  
6 appreciate the competent hard work that you all do.  
7 But I think it's important given that the DOE and  
8 the chancellor just made some announcements  
9 regarding the disciplinary code that we actually  
10 look at potentially an extra level of protection  
11 and another outside body. And that would be the  
12 CCRB. And so I would love to explore that and find  
13 out whether or not that's possible and if the NYPD  
14 would be open to that. So thank you. Commissioner  
15 last year I believe, in the end of last year I  
16 asked whether or not at the time Deputy  
17 Commissioner Miller I think was with you and I had  
18 a question about whether or not the department as  
19 part of its counterterrorism needs or just general  
20 operational needs had any plans to look into the  
21 use of drones, unarmed aerial vehicles, and I  
22 wanted to see if there's any update on that, are  
23 there any plans for the department to use drones in  
24 the city?

2 COMMISSIONER BRATTON: Actually I think  
3 Jim Waters, Deputy Chief Jim Waters who heads up  
4 our Counterterrorism Bureau can speak to the  
5 current status of that issue

6 CHAIRPERSON GIBSON: Ready Chief? Hold  
7 on.

8 COMMITTEE COUNSEL: Do you affirm to  
9 tell the truth, the whole truth, and nothing but  
10 the truth in your testimony before this committee  
11 and to respond honestly to council member  
12 questions?

13 CHIEF WATERS: I do. To respond to the  
14 question I think Commissioner Miller said that he  
15 was open to looking at the issue and he wasn't, he  
16 did not commit whether or not the police department  
17 would or would not. There were a lot of other  
18 federal regulations with respect to operating those  
19 unmanned vehicles. But we are, in the  
20 counterterrorism bureau are looking at the defense  
21 mechanisms to protect against someone using it  
22 against us in a nefarious way. So for example we  
23 are working with the military and other elements of  
24 the department, homeland security and in an effort  
25 to understand how the bad guy may, may operate

1 using one of those and how we would be able to  
2 neutralize that unmanned vehicle.

3  
4 COUNCIL MEMBER JOHNSON: But there are  
5 no current plans for the NYPD to purchase UAVs and  
6 to use them operationally?

7 CHIEF WATERS: Not at the moment.

8 COUNCIL MEMBER JOHNSON: Thank you. One  
9 last question Commissioner. During fiscal year 2015  
10 the council discussed the pilot of a shot spotter  
11 being brought to the city, a gunshot detection  
12 pilot. I wanted to understand what factors you all  
13 consider in deciding locations for that program.  
14 And if you continue to expand the pilot have you  
15 conserved the cost of the expansion?

16 COMMISSIONER BRATTON: Okay we'll be  
17 making an announcement relative to Shot Spotter  
18 next week that the identification of the 15  
19 locations was quite simply based on those areas of  
20 the city where we have the highest number of shots,  
21 calls, 9-1-1 calls for shots fired. And police  
22 report that the initiators moved on very  
23 aggressively and again we'll be making an  
24 announcement... to it as early as next week.

2 COUNCIL MEMBER JOHNSON: Look forward to  
3 hearing that announcement. Thank you for your  
4 testimony today.

5 COMMISSIONER BRATTON: If I may as a  
6 follow-up because nobody have questions on the  
7 school crossing guards chief of patrol Carlos Gomez  
8 I think has some specifics that might help respond  
9 to some of the questions that were raised.

10 CHAIRPERSON GIBSON: Okay. One second  
11 chief.

12 COMMITTEE COUNSEL: Do you affirm to  
13 tell the truth, the whole truth, and nothing but  
14 the truth in your testimony before this committee  
15 and to respond honestly to council member  
16 questions.

17 CHIEF GOMEZ: Good morning Councilman.  
18 In, in reference to the school crossing guards...  
19 Right now on the payroll we have 2,231 crossing  
20 guards. We're allotted 2,358 therefore we have 127  
21 vacancies. And the bulk of those vacancies are in  
22 the, in the borough of Manhattan. I don't, I don't  
23 have specific data on individual precincts but  
24 Manhattan South has 15 vacancies and Manhattan  
25 north has, is 28. So that's 43, 43 vacancies. The

1  
2 last July the recruitment section produced an  
3 online application for school crossing guards. And  
4 every month we get a, we get applicants and, and we  
5 have processing dates and one of those dates is, is  
6 tomorrow March the 13<sup>th</sup> at, at one police plaza. So  
7 they have to pass a, a background investigation as  
8 well as a medical and you know the ones that do  
9 pass we'll certainly assigned where those vacancies  
10 exist. So I hope that answered the, your question.

11 COUNCIL MEMBER JOHNSON: Thank you. I  
12 mean the, Chair just one moment, 127 vacancies..  
13 [cross-talk]

14 CHIEF GOMEZ: Citywide.

15 COUNCIL MEMBER JOHNSON: Citywide, I  
16 know, that's a lot. That's a lot of places without  
17 crossing guards or the adequate number that are  
18 needed for those schools. 43 in Manhattan given the  
19 truck and bus traffic that the city sees that's a  
20 lot. And it's probably hard to find good candidates  
21 when they're being paid substandard wages which is  
22 ten dollars an hour. We need to look in this budget  
23 process on whether or not we can start to pay  
24 crossing guards more to make it a more attractive  
25 position for people to come to. And so I look



1 forward to working with the NYPD to figure out  
2 whether or not there's a way to do that. Thank you  
3 Commissioner and thank you to your entire team for..  
4 [cross-talk]

5  
6 CHAIRPERSON GIBSON: Thank you.

7 COUNCIL MEMBER JOHNSON: ...your testimony  
8 today.

9 CHAIRPERSON GIBSON: Thank you Council  
10 Member Johnson. Commissioner quick question the  
11 preliminary budget allocates 327.7 million dollars  
12 for the detectives bureau which is about 34 hundred  
13 uniform staff. I'd like to know how we go about  
14 deploying detectives in certain commands. What are  
15 we looking at? Are we looking at unsolved crimes or  
16 homicides? And is it possible that we could receive  
17 a list of headcount of detectives by precinct?

18 COMMISSIONER BRATTON: More than happy  
19 to provide that for you but I think as you're aware  
20 as the department declined by almost six seven  
21 thousand officers over the last 12 years that the  
22 entity that suffered the most significant decline  
23 was the detective bureau and the organized crime  
24 control bureau, the bulk of the losses occurred in  
25 those two entities. The allocation of resources

1 within that command is primarily left up to the,  
2 the bureau chiefs, the Chief Boyce in the case of  
3 detectives and Chief Rotella on the case of OCCB.  
4 More than happy to provide you the, the current  
5 staffing that staffing does change based on  
6 workload analysis that they periodically perform.  
7 More than happy to give you the information that  
8 we...

10 CHAIRPERSON GIBSON: Okay.

11 COMMISSIONER BRATTON: ...we have.

12 CHAIRPERSON GIBSON: And do you know, so  
13 it's up to the chief in terms of how they're  
14 deployed based on homicides and unsolved crimes is  
15 that also..

16 COMMISSIONER BRATTON: I, I pretty much  
17 leave that up...

18 CHAIRPERSON GIBSON: Okay.

19 COMMISSIONER BRATTON: ...to them. That,  
20 that's their area of responsibility.

21 CHAIRPERSON GIBSON: Okay thank you.

22 Next we'll have Council Member Williams followed by  
23 Council Member Crowley.

24 COUNCIL MEMBER WILLIAMS: Thank you  
25 Madam Chair. Thank you Commissioner for being here.

1  
2 First I, I, although I say it a lot I'm, some  
3 people may not believe but I earnestly thank the  
4 men and women of, of your department for the work  
5 that they do and I'm very grateful for the working  
6 relationship I have with Inspector.. de Blasio.. in  
7 my districts. And I'm very thankful that your  
8 office and many people with you today are very  
9 responsive to my office. And I appreciate that.

10 COMMISSIONER BRATTON: Thank you.

11 COUNCIL MEMBER WILLIAMS: I do have some  
12 questions. And let me primarily overarching in its,  
13 in, in the scope. And I think someone on their way  
14 out said that community policing killed Eric  
15 Garner. I don't believe that was community  
16 policing. I'm also concerned about obviously broken  
17 windows and how that's being deployed, particularly  
18 if it leads to arrest. I have two problems, one  
19 that I think the police are always the focus of  
20 dealing with public safety. And that is unfair, to  
21 the communities unfair actually to the, to the  
22 police department as well to be charged with  
23 solving everything. There was a horrific McDonald's  
24 fight, deplorable thing that happened yesterday.  
25 I'm not sure if police would have been the ones to

1  
2 stop it. Some other people could have stepped in,  
3 perhaps McDonalds is not the best place for a  
4 hangout if people don't have after school programs.  
5 But also I think about how race plays here. And I,  
6 I think about what happened in the report that was  
7 given to Ferguson of how the black community was  
8 the primary, primary usage of gaining money from  
9 tickets. And I don't know if New York City would be  
10 that far away from that if we were to look at the  
11 numbers. And so there was a, and the response to  
12 over police sometimes is higher crime which is  
13 true. But again I think that goes back to a, a  
14 deeper, a deeper problem. I don't think black and  
15 brown people are born more prone to being  
16 criminals. I don't believe that you believe that  
17 either. And so if that's not the case then we have  
18 to figure out what it is. And I wanted to ask some  
19 direct questions. You gave a, a speech which I was  
20 thankful for, talked about the history of race and  
21 policing. But I want to ask more directly what do  
22 you think the role of race is now? Does it play a  
23 part in what's happening currently? And do you  
24 think race, have we policed black and brown

1 communities equitably in the recent past. Are we  
2 policing them now?

3  
4 COMMISSIONER BRATTON: Well actually I  
5 gave a speech during black history month out in  
6 Queens and I spoke to this issue directly. I've had  
7 a number of conversations with the FBI director,  
8 Director Comey who is also speaking out on the same  
9 issue. Both of us coincidentally will be in Atlanta,  
10 and I'm going to have to apologize I'll be leaving  
11 shortly to catch a flight to Atlanta to attend the  
12 National Organization of Black Law Enforcement  
13 Executives Annual Conference. I've been asked to  
14 keynote that conference tomorrow with the FBI  
15 director. ...will be speaking very specifically to  
16 the issue of race, the history, and its impact on  
17 policing currently. And I think quite clearly we've  
18 seen that this issue is one that is still  
19 unresolved as a country and certainly within  
20 policing and it's one that we are very intensely  
21 focused on addressing in the NYPD because there has  
22 been that history of, of tension. And we're,  
23 there's still so much significant need in  
24 communities of color for the services of the police  
25 department that it's very important that as we put

1  
2 our young men and women into those communities that  
3 there's an understanding of the history that,  
4 around the issues of race. To that end we are going  
5 to be significantly expanding our training efforts  
6 in that regard. I had the privilege of attending an  
7 event the other night, a play that was put on, a  
8 woman Janet Langhart who was married to former  
9 Secretary of Defense Bill Cohen has developed a, an  
10 extraordinary play that I'm actually going to bring  
11 to the NYPD and incorporate into the recruit  
12 curriculum for our personnel. Just to speak very  
13 specifically to the issue of, of, of hatred, how it  
14 develops, how it evolves, and we are very focused  
15 on that because it is, it is reality.. [cross-talk]

16 COUNCIL MEMBER WILLIAMS: I'm sorry I  
17 only have 50 seconds left so I wanted to be very  
18 specific clear and I say this and sometimes I'm not  
19 calling any one officer or any one person racist or  
20 not. I believe there is a structural problem. So my  
21 question is not based on history. And my question  
22 is right now do you think race plays a part in how  
23 the NYPD polices black and brown communities in New  
24 York City?

2 COMMISSIONER BRATTON: I don't think it  
3 plays a part in how we assign our personnel. It's,  
4 it's unfortunate as we know that a significant  
5 number of our 9-1-1 and 3-1 call, calls for service  
6 come from communities of color and significantly  
7 from communities of color that have some of the  
8 highest unemployment rates, some of the highest  
9 poverty rates, that's, that's no secret. What we  
10 are attempting to focus on is that when we service  
11 those communities that we service them to the best  
12 of our ability in a race neutral way that, that  
13 we're not bringing implicit buyers or any, any  
14 inappropriate racial insensitivities into that  
15 providing of public safety services.

16 COUNCIL MEMBER WILLIAMS: Commissioner,  
17 Chair just to wrap up.. Because there in lies some  
18 of my problem because I have a lot of hope that we  
19 can, with this administration get to a place that I  
20 think is better. Sometimes my, my faith is what  
21 wavers. Because if we can't agree of how much race  
22 actually plays a part it's hard to get to the  
23 result that I think we want to see. And I look  
24 around and I did, I had swallowed for a while the  
25 Kool-Aid of diversity at the bottom. And then I

1 realized that black men were not even at the bottom  
2 of, not the bottom at the, the lower ranking... and  
3 so that, even that is a problem. But my hope is  
4 that as we move forward not just your department  
5 but every department really need to view how we're  
6 providing services in these communities and really  
7 need to provide ownership that race is not a  
8 historical thing. It is a problem now and if we  
9 can't agree that we are policing these communities  
10 differently. Based on that it doesn't make any one  
11 person the reason or a racist but if we can't agree  
12 on that it's going to be hard to get to where we  
13 need to get to. Thank you... [cross-talk]

14 CHAIRPERSON GIBSON: Thank you.

15 COUNCIL MEMBER WILLIAMS: ...Madam Chair.  
16 And I'm hoping, well I really would like to hear  
17 about the homicide detectives because that's...

18 CHAIRPERSON GIBSON: Yes we'll get,  
19 absolutely.

20 COUNCIL MEMBER WILLIAMS: ...the, the  
21 percentage of who is...

22 CHAIRPERSON GIBSON: Got it.

23 COUNCIL MEMBER WILLIAMS: Thank you.

24  
25



2 CHAIRPERSON GIBSON: Thank you Council  
3 Member Williams. Next is Council Member Crowley  
4 followed by Council Member Ferreras and we've also  
5 been joined by Council Member Cornegy.

6 COUNCIL MEMBER CROWLEY: Thank you Chair  
7 Gibson. Good morning Commissioner. I thank you for  
8 your testimony this morning. I'm incredibly  
9 grateful for the work that you and the members of  
10 the NYPD do for us New Yorkers each and every day.  
11 Unfortunately we're limited to five minutes here so  
12 if I ask a question and I cut you off it's not  
13 because I want to be rude or anything. I just have  
14 two lines of questions and I'd really like to get  
15 to the bottom of those questions and get some  
16 answers that you have for me. Earlier one of my  
17 colleagues asked about the moral in the department  
18 comparing both tier two to tier three noting the  
19 sizable disability pension differences. Have you  
20 ever as commissioner made the decision to keep a  
21 tier three officer on the books because tier three  
22 disability benefits are insufficient.

23 COMMISSIONER BRATTON: Not as of this  
24 time that the tier three issue is as a result of  
25 actions that former Governor Patterson took that

1  
2 the impact has not yet been felt in the department  
3 as of this juncture but it is definitely going to  
4 occur in the near future as our younger officers  
5 find that they're having disabilities that have  
6 occurred in the line of duty that my preclude their  
7 continuing on active duty in the department but as  
8 of this moment...

9 COUNCIL MEMBER CROWLEY: Commissioner do  
10 you believe it's fair that 8,000 of your officers  
11 if they're hurt in the line of duty can only have a  
12 50 percent disability benefit minus the amount of  
13 social security as compared to those who were tier  
14 two and have a greater disability benefit? Do you  
15 think that is fair to your officers?

16 COMMISSIONER BRATTON: I, I have, I have  
17 previously spoken out on this issue that I don't  
18 think it's fair. I think...

19 COUNCIL MEMBER CROWLEY: Have you spoke  
20 to the mayor about putting money in the budget?

21 COMMISSIONER BRATTON: You can, you can  
22 speak to the mayor about how he feels about it. You  
23 asked me how I felt about it.

24 COUNCIL MEMBER CROWLEY: Okay good.  
25

2 COMMISSIONER BRATTON: ...expressed my  
3 opinion.

4 COUNCIL MEMBER CROWLEY: I agree with  
5 you. 35 members of the council also agree with  
6 including the chair of Public Safety.

7 COMMISSIONER BRATTON: I agree. We agree  
8 to agree.

9 COUNCIL MEMBER CROWLEY: I chair the  
10 committee on fire. I feel the same way for  
11 firefighters as well as the members of the NYPD. So  
12 there, I won't ask any more questions about it.  
13 Just in light of this budget and how much money is  
14 wasted every year on overtime I know that the cost  
15 of this benefit is a mere fraction of the monies we  
16 spent on overtime.

17 COMMISSIONER BRATTON: Well I disagree  
18 with the, the comment that it's wasted. We don't  
19 waste the tax payer's money in the NYPD. Every dime  
20 of overtime... [cross-talk]

21 COUNCIL MEMBER CROWLEY: I agree but  
22 also commissioner earlier you said if we had more  
23 police officers we could use them. I also agree  
24 that it's cheaper to keep officers on regular pay  
25 than to pay them for overtime when the real need is

1  
2 that we need more officers. And that's why... [cross-  
3 talk] ...I would call the overtime wasteful.

4 COMMISSIONER BRATTON: Even if you had  
5 50 thousand officers you'd have a need for  
6 overtime... [cross-talk]

7 COUNCIL MEMBER CROWLEY: I, I get that  
8 but 600 plus million dollars is an awful lot of  
9 money. I don't want to talk about the overtime  
10 anymore. I'd like to specifically get into a  
11 project that we funded as a council to enhance a  
12 funded program called JRIP juvenile robbery  
13 intervention program. Last year this council put a  
14 million dollars into the program. My colleagues and  
15 myself were very much impressed with reports in the  
16 New York Times as well as a book by Max Gladwell  
17 David and Goliath that outlined the success of this  
18 program, how it reduced the number of robberies in  
19 the neighborhoods where it was implemented, how it  
20 reduced recidivism, saved the city, the criminal  
21 justice system money, and also these kids from a  
22 lifetime of crime. Where are we with the program?  
23 Last time we met with the department Chief Banks  
24 was still the Chief of the Department. He was the  
25 one who said it was important to put the money in

1  
2 the program and then when we met in August he said  
3 it was going to expand into six different  
4 precincts. As far as I know right now it hasn't  
5 expanded. Why hasn't it expanded? And do we have  
6 money in the budget, enough money in the budget to  
7 expand this program?

8 COMMISSIONER BRATTON: Chief O'Neal.

9 CHIEF O'NEAL: I got it. Good morning  
10 Council Member. So with, with any program that we  
11 have or unit in the NYPD we do a, an evaluation of  
12 that program. So I took over as Chief of Department  
13 in November. JRIP was started in, and if everybody  
14 knows this excuse me, started back in 2007 in PSA2  
15 where they had 106 juveniles that were involved in  
16 the program. And then it expanded to PSA5 which is  
17 in the 2-3 which is in East Harlem back in 2009. So  
18 currently we have a Lieutenant, three sergeants,  
19 seven detectives, and six POs assigned to the JRIP  
20 program. So we did a couple of studies. Back in  
21 2012 OMAP did a study of JRIP and found that almost  
22 91 percent of the original JRIP participants had  
23 additional contacts with the police so the program  
24 didn't translate into a significant decrease in  
25 participants reoffending. And then Deputy

1  
2 Commissioner of Strategic Initiatives back in 2014  
3 did an even deeper dive and, and basically came up  
4 with the same stats. So we're going to continue the  
5 program as it stands now in PSA5 and PSA2 with the  
6 pilot projects out in the 100 and 101 there is a  
7 limited JRIP out there and we're going to make sure  
8 once we get into the pilot project that it's fully  
9 staffed and fully implemented and we're going to  
10 continue to do studies to, to test its  
11 effectiveness.

12 COUNCIL MEMBER CROWLEY: Chief I, I run  
13 out of time but I would like to meet with you at  
14 your earliest convenience to go over this program.  
15 I, I do believe the statistics that I've read to be  
16 accurate in both the New York Times and in this  
17 bestselling book by Gladwell. And I, I don't see  
18 how being involved, and the police being involved  
19 in young peoples' lives wouldn't make a difference.  
20 And so I, I strongly believe in the program and I  
21 think we need to work together to see how we could  
22 expand it.

23 CHIEF O'NEAL: I'd be glad to meet with  
24 you.

25 COUNCIL MEMBER CROWLEY: Thank you.

2 CHAIRPERSON GIBSON: Thank you very much  
3 Council Member Crowley. Next we'll have Council  
4 Member Ferreras followed by Council Member Vacca.

5 COUNCIL MEMBER FERRERAS: Good morning  
6 Commissioner. I'm glad I made it before you leave  
7 for your flight. So I want to specifically talk  
8 about precinct renovations and something that we  
9 included in our budget response. This council  
10 believes that we should do a complete evaluation  
11 and it's what we included in our response of our 77  
12 precincts. But we know that you had three in  
13 particular in queue and I wanted to know if you  
14 could provide us a status on the precincts of the  
15 40<sup>th</sup>, Brooklyn North, and the 13<sup>th</sup> precinct.

16 COMMISSIONER GRIPPO: So the 40<sup>th</sup>  
17 precinct as you're aware was funded last fiscal  
18 year. So we're in the first phase of, of the  
19 program to build and design a new precinct there.  
20 We work with the, excuse me, we work with DDC and  
21 so we're in design phase. We have an architect on  
22 board and we've gone through the first round of, of  
23 the, the first set of designs that they've come up  
24 with for that precinct. My staff works with them.  
25 We expect to close out the design phase towards the

1  
2 end of, well the beginning of next fiscal year at  
3 which time we'll look to, to, to bid out the  
4 contract to design a, a new precinct. The 13<sup>th</sup>  
5 precinct we have funding in that was put in to  
6 renovate that building but as you might be aware  
7 that building is part of the, it's also attached to  
8 our old or former police academy which we are  
9 currently still using for training but we will be  
10 looking to renovate as well with the goal of  
11 designing that building to be an applicant  
12 processing center. So we are...

13 COUNCIL MEMBER FERRERAS: Did you  
14 currently put in a budget request for the  
15 renovation of the old academy..

16 COMMISSIONER GRIPPO: Yes. So yes, so we  
17 are working with the Office of Management and  
18 Budget when I referred to the facilities projects  
19 that are still pending review by OMB that is one of  
20 them. And what we would look to do is do a  
21 renovation of the entirety of the building, the  
22 13<sup>th</sup> precinct as well as the old police academy.

23 COUNCIL MEMBER FERRERAS: And Brooklyn  
24 North?  
25



2 COMMISSIONER GRIPPO: It's, that, that  
3 project funding starts next fiscal year so we will  
4 again go to DDC to, to bring on a design consultant  
5 to do a design for the renovation of that. That's  
6 245 Glenmore Avenue that like I said starts next  
7 fiscal year.

8 COUNCIL MEMBER FERRERAS: So at our last  
9 budget hearings you expressed concerns that there  
10 were more precincts. So can you speak of the, what  
11 your pipeline looks like? I represent the 110<sup>th</sup>  
12 precinct and we've talked for a long time that it  
13 possibly could move into Flushing Meadows Park. The  
14 precinct has a location problem as I'm sure many of  
15 our older precincts have. So how, what is your, how  
16 are you looking at how we plan for the renovations  
17 of our precincts.

18 COMMISSIONER GRIPPO: We have the 110  
19 precinct that we actually have it in, OMB has a  
20 capital project scope development program and it's  
21 been in that program. The issue is... I think you,  
22 you referenced this the, the location that we had  
23 identified is in Flushing Meadows Park and it's  
24 also, there is a not for profit that actually has  
25 possession of a portion of the space. So we have

1  
2 been dealing with the Parks Department and the  
3 Mayor's Office and some of the logistical issues  
4 but we do have a request. It's one of the  
5 facilities we would be looking... what we would do, a  
6 precinct replacement. And that's pending OMB  
7 approval.

8 COUNCIL MEMBER FERRERAS: So I know  
9 we're limited for time but I'd like to have a, a  
10 off, offline conversation on what is your pipeline  
11 program. It's 77 precincts. By the time you finish  
12 with the 77<sup>th</sup> you're going to have to start all  
13 over again. So I want to better understand that. I  
14 want to talk about specifically in our preliminary  
15 budget we had called on the administration to  
16 provide better transparency. I'm the finance chair  
17 and I'm a stickler for your units of appropriation.  
18 Now you at the police department have a unit of  
19 appropriation 001 that accounts for 2.9 billion  
20 dollars which represents 61 percent of your 4.7  
21 billion dollars. Now we vote in this council based  
22 on units of appropriation. You have over 11 of your  
23 20 programs in the budget function analysis  
24 identified in this unit of appropriation. Have you  
25 considered the council's proposal of creating

1 clearer units of appropriation based on programs?  
2  
3 And have you engaged with OMB on these  
4 conversations of creating greater transparency with  
5 your units of appropriation?

6 COMMISSIONER GRIPPO: The big issue, one  
7 of the big major issues with both units of  
8 appropriation and the budget function report  
9 relates to the way we track and store our overtime  
10 information. So what we have begun discussing with  
11 both OMB and with city hall is the potential to  
12 design for both city hall and the city council a  
13 better overtime report. I think the way to tackle  
14 this at the outset would be for our staff with OMB  
15 to meet with council finance staff to look at the  
16 first the budget function report which I think will  
17 be easier to work in terms of transparency. I think  
18 we're, we're better aligned there and we'll combine  
19 with that with some new overtime reports that we  
20 think we're able to produce that will help with the  
21 transparency issue so if, if you know we will be  
22 more than welcome, we would more than welcome the  
23 opportunity to meet with your staff and meet with  
24 council of finance staff to see if that, if we can  
25 get that in a better place.

2 COUNCIL MEMBER FERRERAS: ...so our  
3 finance unit is actually sending you an appointment  
4 notice right now.

5 COMMISSIONER GRIPPO: Great.

6 COUNCIL MEMBER FERRERAS: ...for that  
7 meeting. Thank you.

8 CHAIRPERSON GIBSON: Thank you. Thank  
9 you very much Council Member Ferreras and in  
10 addition to just the capital renovations of  
11 precincts I know that there's a preventative  
12 maintenance team and there's an additional 23  
13 person team with trade skills that we, will be  
14 added to the current infrastructure that will do an  
15 assessment of all precincts and some of the repairs  
16 that are needed. I call it the 3-1-1 for NYPD  
17 because I know there are a lot of repairs day to  
18 day things that are not being addressed and so I'm  
19 assuming that this preventative team will go out  
20 and do that correct? Okay, awesome, thank you. Next  
21 we'll have Council Member Vacca followed by Council  
22 Member Cornegy.

23 COUNCIL MEMBER VACCA: Thank you  
24 Commissioner. And thank you for the job that you do  
25 for the city of New York and to all the ladies and

1 gentleman who work with you. I'm going to try to go  
2 through things quick. You have on page 17 of your  
3 testimony a, a outline of a parking enforcement  
4 refresh system. So I would assume this is for  
5 people in the, in the city including police  
6 officers or traffic enforcement agents that take  
7 time to give people a ticket. And you're going to  
8 be refreshing their system. One thing I've  
9 advocated legislatively is that we take pictures of  
10 these offenses... that there's no dispute as to a  
11 person who is parked illegally or doing something  
12 wrong in son much as parking is concerned. That  
13 person will not be able to, to, to go to ECB court  
14 or other courts to fight the ticket because the  
15 picture represents proof positive. And on the other  
16 side people who work for the city of New York will  
17 hesitate before issuing that summons because that  
18 picture may not show proof positive that a person  
19 has done something regarding being parked too close  
20 to a fire hydrant or being close, being parked  
21 where there's no parking sign, it's missing,  
22 etcetera etcetera. Are you considering that  
23 technology in so much as having people take  
24

1  
2 pictures and equipping equipping the new equipment  
3 with those picture capabilities?

4 COMMISSIONER BRATTON: ...familiar with  
5 that at all... Jessie... Again Deputy Commissioner...  
6 [static]

7 DEPUTY COMMISSIONER TISH: The contract  
8 to build that new system has not yet been  
9 registered with the controller's office. So that is  
10 one new feature that we could assess once we have a  
11 contract I place to build the new system.

12 COUNCIL MEMBER VACCA: That would be a  
13 big win for everyone on your side and on our side.  
14 We have 300 million plus in ECB violations that we  
15 cannot collect I the city of New York. The picture  
16 is proof positive of guilt or not guilt. And I  
17 really think it's worth a thousand words so I would  
18 urge you to consider that.

19 DEPUTY COMMISSIONER TISH: Thank you.

20 COUNCIL MEMBER VACCA: Okay secondly am  
21 I right in saying that we have one million pending  
22 warrants in the city of New York and how many if I  
23 am right which I think I am how many are criminal  
24 and civil and what are we doing... I guess this  
25 pertains to the rights of victims. We always hear

1  
2 about the talk, the talking about rights of  
3 perpetrators. I'm a little worried about victims'  
4 rights. And if we have one million pending warrants  
5 we have a, we have an obligation to enforce them  
6 and I just wanted to know how many were civil and  
7 how many were criminal and what we're doing to make  
8 sure that justice is served.

9 COMMISSIONER BRATTON: I'm not sure  
10 myself in terms of the breakdown of those  
11 summonses. One million is accurate of, of  
12 approximate, I'll ask Chief of Department Jim  
13 O'Neal to speak to, he has the breakdown between  
14 the civil and criminal structure there. He was the  
15 commanding officer for many years of our... units and  
16 there's a lot of intimacy with him.

17 CHIEF O'NEAL: The number I'm going to  
18 give you it's all, it's all criminal court  
19 warrants. So that would include summons which is,  
20 which is the bulk. And this is off the top of my  
21 head, I'm going to have to give you more accurate  
22 statistics at a later date. If, if not mistaken I  
23 think the, the number's about 1.7 million with  
24 about 1.4 or five million and them being... warrants,  
25 those are the summons court warrants is a, and the,

1  
2 the balance of that is misdemeanor and felony  
3 warrants. But most of them are summons court  
4 warrants.

5 COUNCIL MEMBER VACCA: I'd like us to  
6 start collecting what individuals owe our society.  
7 I think a warrant is a serious thing. Although of  
8 course if it's criminal it's more serious than  
9 civil but civil means a financial payment to the  
10 city of New York that they incurred and criminal is  
11 important we talk about police moral and I have to  
12 tell you that over the years I've been in  
13 government now almost 35 years. The biggest, one of  
14 the biggest impediments to police moral is the fact  
15 that we have such a high rate of recidivism in the  
16 city. Every time I read about a very heinous crime  
17 it turns out that the person who committed that  
18 disgusting crime has a rap sheet this long. And  
19 talk about transparency there's not much  
20 transparency in the courts. Police officers are  
21 upset because they make damn good arrests and when  
22 they make those damn good arrests that they're  
23 proud of that people in the area would have a  
24 meeting to give them awards because they do it.  
25 That person is back on the street within weeks, has



1  
2 a rap sheet so long nobody knows what judge did  
3 what on any of the 14 or 15 previous offenses. That  
4 affects police moral and someone's got to begin to  
5 talk about it. So I bring it up today to you  
6 because I think in the context of warrants not  
7 being gotten off the books I think we have an  
8 obligation to do what's only right. The last thing  
9 I bring up to you commissioner is the quick  
10 question. I'd like to know how many people did you  
11 end up, or your agency end up employing as part of  
12 the inspector general's office in your... Well my  
13 question is is the inspector general in your office  
14 or is the inspector general of PD in DOI and how  
15 many people did you, do you have in that unit?

16 COMMISSIONER BRATTON: Commissioner  
17 Grippo can speak to that sir.

18 COMMISSIONER GRIPPO: So the inspector  
19 general is a part of DOI. They have their own  
20 office. I'm not certain their exact staffing level  
21 but I can speak to our staffing. We have a unit  
22 that was funded last, last, in the last round of  
23 budget negotiations that's for 45 individuals. And  
24 that unit will, will basically deal with both the  
25 federal monitor and the inspector general. It's

1  
2 going to be a risk, assessment risk compliance unit  
3 that we're creating.

4 COUNCIL MEMBER VACCA: Basically I'll,  
5 I'll be quick. You have 45 people working in PD  
6 that you would consider inspector general related.  
7 And then there's another unit in DOI that is  
8 inspector general related for the New York City PD.  
9 So we don't have a definite count that that's true  
10 based on my questions.

11 COMMISSIONER GRIPPO: Yeah I'm not sure  
12 that, of DOI staffing level. I don't recall that.  
13 I, I thought at one point it was 30, 45 50 people.  
14 So again that's 45 or 50 people staffed at DOI that  
15 work for the DOI inspector general. Then we have 45  
16 staff positions that we are currently filling, in  
17 the process of filling that will work on a  
18 multitude of issues. It's the inspector general but  
19 also the federal monitor and some of the litigation  
20 issues that have come up as a result of local  
21 legislation. So it's a combination of, of, of  
22 multiple areas.

23 CHAIRPERSON GIBSON: thank you very  
24 much. Thank you Council Member Vacca. And before  
25

1  
2 you leave Commissioner I'll ask Council Member,  
3 Council Member Cornegy.

4 COUNCIL MEMBER CORNEGY: Thank you Madam  
5 Chair for saving the best for last. Thank you  
6 Commissioner Bratton for, for being here today. I,  
7 I want to take one second, I would be remiss if I  
8 didn't take one second to just briefly mention the  
9 fact that Detectives Lou and Ramos who lost their  
10 lives in my district were a part of a CRB program  
11 which was responsible for a 33 percent reduction in  
12 crime on the north side of Bedford-Stuyvesant. And  
13 so some people are concerned that based on the  
14 tragic circumstances that that program which we  
15 know that worked because it was a collaboration  
16 between the community, lights and cameras, and the  
17 police department may not be exercised to its  
18 fullest extent. And I just want to suggest that  
19 that was a program that worked and we look forward  
20 to be a model throughout the city based on its, in  
21 such a, a short period of time its turnaround in,  
22 in crime in, in my area. So I just want to suggest  
23 that, that, that program doesn't go away. And I  
24 want to stick on the theme of programs in  
25 relationship between... some of us are, are confused

1  
2 between the idea of collaborative policing versus  
3 community policing, well not versus but just the,  
4 the properties that make them up. It's very, it, it  
5 becomes very confusing to the community. Ad when  
6 Deputy Commissioner Herman was here you know I, I  
7 just basically asked you know what, what does it  
8 all mean and she said that we work together. And  
9 you know I didn't think that was a flip answer, I  
10 thought it was the right answer and, and we'd like  
11 to see that happen but with so many terms being  
12 thrown around that have so many different meanings  
13 it's very hard for the community to wrap itself  
14 around the idea of working together when there's so  
15 many different ideas about community policing  
16 versus collaborative policing versus, with other  
17 programs as well such as Project Reset and New York  
18 City CeaseFire an all the other programs which are  
19 admirable programs but without getting to the root  
20 of what's happening within the community and some  
21 racist overtones there's an idea that you know if  
22 we spent money on programs out the Wazoo it  
23 wouldn't change until we, until we look directly at  
24 you know some of the root causes.

2 COMMISSIONER BRATTON: What we're

3 attempting to do, community policing, collaborative  
4 policing with a speed... partnership problems...

5 prevention is to the best of our ability down to

6 the neighborhood level so we're not dealing with a

7 monolithic entity but rather an entity that's made

8 up of many different neighborhoods and, and areas

9 concerned the partnership component is the idea of

10 partnership within government agencies which I

11 think over the last year we've clearly shown a

12 willingness on the part of the NYPD to work with

13 all of our sister agencies on homeless outreach,

14 youth intervention activity, partnership with the

15 community to identify with them what are the

16 problems, the second P that are causing fear,

17 concern violence in their particular neighborhood

18 and can we apply a particular prescription to their

19 particular illness. And thirdly the overall riding

20 focus, overriding focus of the department is always

21 on the idea of prevention of crime, netter to

22 prevent it in the first place than to measure our

23 success by how quickly we respond to something

24 that's already occurred. So we spend a lot of time

25 with a lot of very creative programs and the entity

2 that Susan Herman heads up is an effort to expand  
3 on that, attempt to collaborate much more  
4 extensively than we have in the past. Although  
5 being quite frank with you I think the department  
6 has done an extraordinary job over the years trying  
7 to reach out and to allow reach in into the  
8 organization. And we're trying to expand on that.

9 COUNCIL MEMBER CORNEGY: Thank you and I  
10 just want to say Chief O'Neal and First Deputy  
11 Commissioner Tucker I want to thank you for being  
12 accessible to me when, when I'm needed to get  
13 information. I really appreciate that. I hope that  
14 going forward we'll continue, continue to have the  
15 lines of dialogue open so that I can report back to  
16 my community and my community can become engaged in  
17 its own policing. Thank you.

18 COMMISSIONER BRATTON: Thank you Sir.

19 CHAIRPERSON GIBSON: Thank you very much  
20 Council Member Cornegy...

21 COMMISSIONER BRATTON: ...you saved the  
22 best for last but he was the fastest.

23 CHAIRPERSON GIBSON: Yes he was. I was  
24 just going to acknowledge that. Yes, the fastest,  
25 thank you. So as you leave I know that you were

1 leaving your executive staff behind and I  
2 appreciate your time today. I just want to go  
3 through some of the follow-ups that we're looking  
4 to work with you on in terms of some of the  
5 reporting and other data. We talked about the  
6 training advisory board and additional members and  
7 recommendations, additional cost to the training  
8 bureau for expanding and on the training, the  
9 headcount needs, school crossing guards were asking  
10 for location within each precinct as well as the  
11 tour of the... study that's done by PD, an update on  
12 the school climate leadership team which is Chief  
13 Conroy and the disciplinary reform and the work  
14 that PD is doing with MOCJ and DOE in that regard.  
15 We are looking for detective headcount by precinct  
16 and also would love to know if there was any  
17 analysis on the detective homicide review plan that  
18 we talked about last year, the precinct  
19 renovations, and some of the priorities inn what I  
20 will call phase 2 as well as the finance division  
21 meeting on the U of As. Does that sound right? Okay  
22 great. And again I want to thank you. And before  
23 you leave I do want to acknowledge the presence of  
24 our former New York City comptroller John Lou who  
25

1  
2 is here with the wonderful students and an  
3 economics and public finance class at my Alma  
4 Mater, Baruch College. So I want to welcome you all  
5 and thank you for being here. And I cannot let you  
6 leave without acknowledging the incredible police  
7 officers as well as the sergeant at arms that  
8 really look out for us during these public safety  
9 hearings; Chief Rafael Perez, Heriberto Collazo,  
10 John Biando, Raymond Rodriguez, our Director Carl  
11 Diablo, and Angel Chaconne, and Rahul Rodriguez.  
12 Thank you so much gentleman for all the work you  
13 do. And to each and every police officer thank you  
14 very much for your commitment and investment and  
15 the fact that you keep us safe each and every day.  
16 Thank you Commissioner Bratton. Safe travels to you  
17 and we will be in touch.

18 COMMISSIONER BRATTON: I'll leave you  
19 with Commissioner Tucker.

20 CHAIRPERSON GIBSON: Thank you very  
21 much. You leave us in good hands.

22 COMMISSIONER BRATTON: Okay thank you.  
23 Thank you.



2 CHAIRPERSON GIBSON: Thank you. So we'll  
3 have just a momentary brief and then we'll start  
4 again in about two minutes. Thank you.

5 [pause]

6 UNKNOWN MALE: Ladies and gentleman your  
7 attention please. If everyone could please find  
8 their seats once again we are going to continue  
9 with the hearing. So once again if you could please  
10 find your seats. And once again all electronic  
11 devices please silence. Any private conversations  
12 please take outside the hearing room.

13 CHAIRPERSON GIBSON: Good afternoon  
14 everyone. Welcome to the New York City Council to  
15 the Public Safety Committee hearing on the fiscal  
16 year 2016 preliminary budget and the fiscal 2015  
17 preliminary mayor's management report for the New  
18 York Police Department. I am Council Member Vanessa  
19 Gibson of the 16<sup>th</sup> district in the Bronx. I'm proud  
20 to chair the committee on public safety and we are  
21 going to continue in our questions and  
22 conversations with the NYPD. This morning we had  
23 commissioner William Bratton here with his chiefs  
24 talking to us about a number of requests for PD in  
25 FY '16 and so we're just going to continue with our

1  
2 panel who's here Chief O'Neal, our First Deputy  
3 Commissioner Ben Tucker, our Deputy Commissioner  
4 Grippo, as well as Chief Dermecha [phonetic], I got  
5 it right right chief? Commissioner, Commissioner  
6 Dermecha, yes all Bronx people. But thank you  
7 again. And I just wanted to continue to acknowledge  
8 the presence of Council Members Gentile, Cornegy,  
9 and Lancman. And the follow-up question I had is  
10 when we did the body camera announcement, the  
11 rollout last year there was 50 thousand dollars  
12 committed by the New York Police Foundation to  
13 begin the rollout in I believe it was six, five  
14 commands and one PSA. Are there conversations about  
15 expanding on that and if so how are you determining  
16 what commands the body cameras will go to and also  
17 the potential cost and funding for the expansion of  
18 body cameras.

19 COMMISSIONER TUCKER: I want to ask  
20 Jessie if she would come back up and respond.

21 DEPUTY COMMISSIONER TISH: Sure the  
22 pilot program is ongoing as you know right now. And  
23 we are in the process of working out those plans  
24 with Chief of Department's Office but as well as  
25 with the Federal Monitors Office who I believe has

1  
2 ideas about how and where it should expand. We are  
3 also working on putting in place a contract that  
4 will allow us to buy additional body cameras and  
5 we're doing that with the Mayor's Office and the  
6 Controller's Office.

7 CHAIRPERSON GIBSON: So is that going to  
8 be a budget request that you submit to OMB for  
9 that?

10 COMMISSIONER TUCKER: Yes we, we have  
11 had conversations with OMB. As Jess said we're  
12 still evaluating the program and working with the  
13 federal monitors so we are, OMB is aware of the  
14 potential size and scale of the program. But until  
15 we make a determination on how many the funding is  
16 going to be on hold.

17 CHAIRPERSON GIBSON: Okay. And when we  
18 did the roll out there was a serious of questions  
19 around storage of the data, privacy issues that we  
20 were still tweaking out, is that still happening  
21 right now? Have we finalized some of that or, or do  
22 we still have outstanding issues?

23 DEPUTY COMMISSIONER TISH: Yeah the, so  
24 far the pilot has been very informative in terms of  
25 helping us understand from a technology perspective

2 how we could grow the body camera program to, to  
3 scale. And it is my belief that the only way to  
4 really scale an initiative like this at the NYPD is  
5 by leveraging cloud storage models rather than  
6 storing the data NYPD premises. The other aspect of  
7 your question about privacy over the past few  
8 months before we launched the initial body camera  
9 program we put out a policy that the 54 members of  
10 the service have to abide by as they use the body  
11 cameras which sets out things like what  
12 circumstances they're required to turn the cameras  
13 on in and what circumstances they're required not  
14 to turn the cameras on in, and where they have  
15 discretion.

16 CHAIRPERSON GIBSON: Okay. So I  
17 certainly would love to continue to have  
18 conversations about that. We do have a list of the  
19 current commands in the PSA where the rollout has  
20 started and I do know personally that there are  
21 other commands that are now being asked to provide  
22 additional police officers to be a part of the  
23 rollout. I specifically talk in my borough in the  
24 Bronx. So I do know that it's ongoing.

2 DEPUTY COMMISSIONER TISH: Yeah, I mean  
3 today there are no additional cameras so there will  
4 not be any cameras given out anytime soon.

5 CHAIRPERSON GIBSON: Okay. Okay great.  
6 Last year with the roll out of operation summer all  
7 out and the mayor's like neighborhood mat program  
8 where we focused on the 15 targeted NYCHA  
9 developments that accounted for almost 20 percent  
10 of citywide crime. We did DYCD additional slots  
11 about 800 students that worked in their  
12 developments. There were additional enhanced  
13 lighting. There were additional police officers  
14 patrolling as well as the cornerstone programs that  
15 were open until 11:00 as well as midnight seven  
16 days a week. We are really appreciative of that and  
17 I want to find out your conversations with the  
18 mayor's office to combat domestic violence with  
19 MOCJ with DYCD, and all the other stakeholders.  
20 Have you started to assess in addition to crime  
21 data whether the program was successful, community  
22 survey and feedback... what's your role in the  
23 conversations on the success or no success of the  
24 program and also on expansion this summer?

2 CHIEF GOMEZ: Yes Madam Chair I served  
3 as the, the chief of the housing bureau when we  
4 implemented those initiatives and I'd have to say  
5 they were very successful. As you may remember  
6 housing crime had been up for four consecutive  
7 years prior to last year. And the shootings  
8 represented the 20 percent of the total throughout  
9 the city. Once we instituted this, this overtime  
10 not just, not solely in the 15 developments but,  
11 but given off, given us those extra offices to  
12 cover those 15 developments allowed resources to,  
13 to go elsewhere where, where the shootings were  
14 occurring. And from July first till the end of the  
15 year shootings were down about 10 percent in the,  
16 in the housing bureau. And, and last year the  
17 housing bureau... down in crime for the first time  
18 in, in four years. And it wasn't just about crime.  
19 Those, those community centers the extended hours  
20 having the, the offices there with the, with, with  
21 the youth. Certainly also benefitted the, the city  
22 and, and the residents, there were many positive  
23 interactions. I observed many, many myself so  
24 overall I think the, those initiatives were very,  
25 were quite successful.

2 CHAIRPERSON GIBSON: I appreciate you  
3 mentioning that it's not just about crime data as  
4 Council Member Williams has talked about. This has  
5 to be a holistic approach to addressing public  
6 safety but in a creative way that looks at young  
7 people, that looks at after school and mentoring  
8 and including all the necessary stakeholders. So in  
9 addition to just the crime going down. The  
10 community feedback is a huge part of this. We've  
11 asked MOCJ to provide us or either PD with a list  
12 per development of the crime data because I know  
13 that some either were flat, some went down, there  
14 was a, a big difference because what I'd like to  
15 see is neighboring public housing developments for  
16 instance like Ingersoll is one of the 15 but you  
17 also have Walt Whitman ad Farragut that are within  
18 walking distance so it's something that we're doing  
19 in Ingersoll does that work for like Tompkins or  
20 Butler or Castle Hill. So that's what we're trying  
21 to get a sense of. And in addition the domestic  
22 violence, the DV runs that we usually get, did you  
23 look at those to see if the DV numbers were going  
24 down as well?

2 CHIEF GOMEZ: Part of the initiative,  
3 part of that overtime was directed at the, at the  
4 DV offices to conduct more home visits. And, and  
5 certainly there was a downward trend in, in  
6 domestic violence, the second half of last year. So  
7 I, I would have to say there was a correlation with  
8 the additional resources put into a domestic  
9 violence... I'm not sure how domestic violence in, in  
10 housing is doing this year. Maybe you know Chief  
11 Secreto could answer that. But overall it was, it  
12 was, it was, it was instant results I thought from,  
13 from July first hill, to the end of the year,  
14 especially the month of July. We saw dramatic  
15 decreases in, in the violence. I received a lot of  
16 positive feedback from the tenant associations,  
17 the, the residents and the, I failed to mention  
18 the, the light towers that, that we put up in  
19 these, in these 15 developments.. [cross-talk]

20 CHAIRPERSON GIBSON: Right.

21 CHIEF GOMEZ: Crime went down overall in  
22 the housing bureau and crime was down overall in  
23 these 15 developments but not, not in all some..

24 CHAIRPERSON GIBSON: Correct.



1  
2 CHIEF GOMEZ: ...some were up in, in crime  
3 and some, some were up in shooting especially in I  
4 think the Bushwick, the Bushwick houses and..  
5 [cross-talk]

6 CHAIRPERSON GIBSON: Mm-hmm.

7 CHIEF GOMEZ: ...in the 9-0 but in, but,  
8 and, but it's something that... that was quite, quite  
9 helpful.

10 CHAIRPERSON GIBSON: Okay. And we are  
11 very supportive of keeping that program and even  
12 looking at expansion. You know especially the DYCD  
13 Component I stress is very important. The young  
14 people that normally would not have a job, nothing  
15 to do during the summer, the chance to work in  
16 their development and provide a lot of the  
17 necessary you know repairs and other quality of  
18 life issues that really matter to every day  
19 residents of public housing like the lighting like  
20 the elevator really helping the public housing  
21 authority and so that was very helpful for us  
22 because we got feedback that it was very  
23 successful. So I just wanted to make sure that  
24 we're looking at other measurements in addition to  
25 just the crime data. Okay. During my community

1  
2 policing hearing that I had last week there was  
3 talk about health diversion centers. You know we  
4 are recognizing and acknowledge the fact that  
5 mental health is a major priority and we've not  
6 just said it but we've put money to make sure that  
7 mental health is in a lot of various programs. Most  
8 offices I talked to have expressed extreme concern  
9 when responding to the 9-1-1 calls not being  
10 specified as an EDP emotionally disturbed person  
11 but when you get on the scene and that person is  
12 disturbed to protect that person as well as the  
13 public that there has to be some sort of an  
14 intervention, a feeder on site that would provide  
15 the mental health that's necessary. So the Deputy  
16 Commissioner Susan Herman talked about a health  
17 diversion center. And this is again a part of the  
18 mayor's behavioral task force where there was money  
19 put in to focus on mental health. And we're looking  
20 to roll that out I believe, correct me if I'm wrong  
21 in East Harlem. And we're trying to create a center  
22 where there would be an automatic hub of services  
23 and assistants because right now these individuals  
24 going directly to the hospital do not get the  
25 services and they're back out in the streets to

1  
2 harm themselves and others. So I'd like to know if  
3 there's an update on that. Have we started to roll  
4 it out yet? If not when are we looking to roll that  
5 out and what other service providers are we looking  
6 to work with mental health service providers.

7 COMMISSIONER TUCKER: Commissioner  
8 Herman.

9 CHAIRPERSON GIBSON: Before you begin  
10 Deputy Commissioner.

11 COMMITTEE COUNSEL: Do you affirm to  
12 tell the truth, the whole truth, and nothing but  
13 the truth in your testimony before this committee  
14 and to respond honestly to council member  
15 questions.

16 COMMISSIONER HERMAN: I do. The health  
17 diversion center that you mentioned is scheduled to  
18 open in fall of 2015. And this is a, one of the key  
19 recommendations of the mayor's taskforce on  
20 behavioral health and criminal justice. This is not  
21 a place to bring people who are dangerous to  
22 themselves or others who might need to be  
23 committed. And it's not a place to bring people who  
24 have committed serious crimes. It's for violation  
25 level offenses and people who have either mental

1  
2 illness or substance abuse problems. It will be  
3 able to house people and provide in residence  
4 services for about three days at a time, it can  
5 detox, they can provide detox services. But the  
6 hope is that this is a place where police can bring  
7 people who have exhibited behavioral health  
8 problems, committed low level offenses, do not  
9 necessarily need to be arrested and should not be  
10 and cannot be committed.

11 CHAIRPERSON GIBSON: So how would those  
12 individuals get to that location absent and apart  
13 of responding to a 9-1-1 call? You know there's no  
14 way you can do an on-site assessment to determine  
15 the past mental health history of that individual.  
16 So would they go to the hospital and then be  
17 referred to this center based on their previous  
18 mental history?

19 COMMISSIONER HERMAN: We're also going  
20 to be in conjunction with the opening of this  
21 diversion center we're also going to be training  
22 officers in the surrounding precincts to better  
23 recognize mental health and substance abuse  
24 problems and respond effectively. So they will be  
25 able to understand better that someone might be

1 suffering from mental illness or substance abuse  
2 and take them there for an assessment. And if it's  
3 not appropriate then they won't be served there.  
4 But they'll offer these services and as voluntary  
5 on the part of the person being approached by the  
6 police.

8 CHAIRPERSON GIBSON: Okay and we're  
9 still having conversations on the makeup of this  
10 training that you talked about. I believe Chief  
11 Monahan talked about it as well right? The training  
12 for the specific officers?

13 COMMISSIONER HERMAN: It's in  
14 development, hasn't been finished yet.

15 CHAIRPERSON GIBSON: Okay okay. And it's  
16 going to roll out you say fall of 2015?

17 COMMISSIONER HERMAN: That's right.

18 CHAIRPERSON GIBSON: Okay great. I guess  
19 Deputy Commissioner Tucker in the Mayor's MMR there  
20 was talk of patrol allocation planned to ensure  
21 that there's an equitable amount of resources  
22 across the 77 commands. Has there been  
23 recommendations made from that? Is there a final  
24 detail on the patrol allocation because the concern  
25 generally from the council is that with a lot of

1  
2 these initiatives and rollouts if we don't raise  
3 headcount then we're looking at uniformed overtime  
4 and we simply can't continue on that path of over  
5 400 million dollars of overtime. So the plan that  
6 was talked about in the MMR could you give us a  
7 little bit of detail on that?

8 COMMISSIONER TUCKER: Jim can you speak  
9 to that.

10 CHAIRPERSON GIBSON: Chief O'Neal.

11 CHIEF O'NEAL: So I spoke about the  
12 pilot project a little while ago. And that, that is  
13 not going to take any resources out of any, any  
14 other precincts. They only, we might have a draw  
15 down on impact but it's not going to remove people  
16 from sector cars and people assigned to the, the  
17 precincts with lower crime. So there will be an  
18 equitable distribution. And we look at that when we  
19 assign the recruits out of the academy. This past  
20 class that graduated from the police academy I  
21 think there was 850. And there were evenly, well  
22 not evenly but they were distributed over the 100  
23 commands they were distributed over each of the 77  
24 precincts, the transit districts, and the PAs so,  
25

1  
2 and the PSAs. So there was, there was an equitable  
3 distribution.

4 CHAIRPERSON GIBSON: There were some  
5 commands that did not get any new recruits.

6 CHIEF O'NEAL: Not this past time. They  
7 all got, they all, at the very least they got six.

8 CHAIRPERSON GIBSON: Every command from  
9 the new class that graduated got additional police  
10 officers.

11 CHIEF O'NEAL: Correct.

12 CHAIRPERSON GIBSON: Okay. I need to  
13 double check on that. Because I speak about the  
14 44<sup>th</sup> precinct to make sure that they...

15 CHIEF O'NEAL: I'm pretty sure... got 18.

16 CHAIRPERSON GIBSON: Okay alright I'll,  
17 I'll talk to you about that offline.

18 CHIEF O'NEAL: Okay, okay.

19 CHAIRPERSON GIBSON: Okay. I will turn  
20 this over... I know Council Member Lancman had a  
21 question as well. Council Member.

22 COUNCIL MEMBER LANCMAN: Thanks. I guess  
23 this is directed at Commissioner Tucker but anybody  
24 who can give a good answer is welcome to do so. As  
25 you know I'm, there's legislation in the council to

1 ban chokeholds, or more precisely the NYPD already  
2 bans choke holds to make that policy a misdemeanor.  
3 And I know the department's in the commissioner's  
4 view on that and that will play out in the  
5 legislative process. But what is the department  
6 doing in terms of training in particular to prevent  
7 the use of choke holds in accordance with the  
8 department's own policy. And what is the department  
9 doing to monitor the use of chokeholds if they  
10 occur? We had the opportunity as Commissioner  
11 Bratton said to view, to visit the police academy,  
12 was very impressed with the kind of training that  
13 is available. There was a demonstration of the  
14 various proper restraint techniques available to  
15 officers. I wonder what kind of training officers  
16 are, are getting, how frequently that training is  
17 going to be repeated, whether officers are going to  
18 be evaluated, any kind of regular basis, all of  
19 that under the, the broad category as what is  
20 department doing itself to eliminate the use of  
21 chokeholds.

22  
23 COMMISSIONER TUCKER: Well as you, as  
24 you pointed out correctly councilmen the, it's,  
25 it's banned so that they shouldn't be using



1  
2 chokeholds at all. So that gets to the, the, the  
3 issue of the training that you reference. So the  
4 three day training in large part is designed to  
5 deal with that so that the tactics day that you,  
6 I'm not sure if you saw that session but so some of  
7 the holds that you, and some of the activities that  
8 the officers are being trained in are specifically  
9 designed to give them some alternatives to staying  
10 away from any kind of holds that take them near  
11 someone's, a person's neck. So that's really what  
12 the training is. You also may recall that when we,  
13 we started this training we did it with the intent  
14 of, of giving it every year so Commissioner  
15 mentioned earlier in his remarks that we will, this  
16 re, we were calling it refresher training. So as we  
17 finished the 20 thousand that we are training which  
18 is all the officers and supervisors on patrol we'll  
19 move in to training the other officers in other  
20 units. Also they'll get that tactical training. But  
21 then each year going forward they will also receive  
22 the three day training again. The content may be  
23 different depending on what's relevant at the  
24 moment but the tactics will be refreshed.

2 COUNCIL MEMBER LANCMAN: Well I think  
3 it's very, very, I think it's very important that  
4 the microphones work. I think it's very important  
5 that the microphones work. There we go. I think  
6 it's very important that officers get trained and  
7 retrained and evaluated regularly on how they  
8 restrain suspects. I know that the department does  
9 annual firearms training and firearms events are  
10 spectacular events. But thanks in large part to the  
11 restrain that the police department does have I  
12 terms of use of firearms. The reality is that  
13 officers are, are restraining suspects without the  
14 use of firearms on a much more regular basis. And  
15 it seems to me that it would make sense for there  
16 to be a, a regular both training and evaluation of  
17 how officers on the street are able to restrain  
18 suspects using proper techniques. And I, and I hope  
19 the department really does move to incorporate that  
20 into its, into its training regimen with the same  
21 kind of zeal [phonetic] that it does in terms of  
22 the, the firearm training.

23 COMMISSIONER TUCKER: So let me give  
24 you, give you to Chief Shortell who can, she's the  
25 commanding officer of the police academy.

2 COUNCIL MEMBER LANCMAN: Yes.

3 COMMISSIONER TUCKER: So she can fill  
4 you in much more detail. But I would add before she  
5 speaks however that, that the, the other part of  
6 your question relates primarily to supervision.  
7 Training is, is, is important but the supervisory  
8 part of this is important as well which is why  
9 we're training the supervisors as well as the  
10 officer so they know what is required. In terms of,  
11 of, in a normal course of business our supervisors  
12 whether they're sergeants or, or higher ranks  
13 lieutenants and, and the commands are always paying  
14 attention to the officers and their conduct because  
15 that's their job day to day. So, so that's the  
16 other part of I think the question raise and that  
17 is part of the normal course of business as we, as  
18 we go forward. Chief.

19 CHAIRPERSON GIBSON: Okay before you  
20 begin Chief.

21 COMMITTEE COUNSEL: Do you affirm to  
22 tell the truth, the whole truth, and nothing but  
23 the truth in your testimony before this committee  
24 and to respond honestly to council member  
25 questions.

2 CHIEF SHARCHELL: I do. Alright to  
3 answer your question... what we're doing is we're  
4 looking at, we're in touch with internal affairs  
5 and risk management and ever, whenever we see any  
6 incident where there's a takedown move that's being  
7 you know whether it's on YouTube or comes to the  
8 attention of CCRB we in the training bureau are  
9 taking a hard look at it to see where we can go  
10 with our training. You know we, day one and day two  
11 which I know you were all there was the slowing  
12 down of you know an apprehension so that we could  
13 safely and effectively take a person into custody  
14 without jeopardizing their health or the safety of  
15 an officer. But really it has to do with taking a  
16 harder look and being in touch with internal  
17 affairs and risk management which I feel the  
18 department was a little neglecting in the past to  
19 see what the needs are as you move forward.

20 COUNCIL MEMBER LANCMAN: Thank you. And  
21 if I can be indulged to be able to ask one quick  
22 question of Commissioner Chan, Chief Chan, sorry.

23 CHAIRPERSON GIBSON: While he's coming  
24 forward ask the question.

2 COUNCIL MEMBER LANCMAN: As you're  
3 coming up. You know one of the issues that's been  
4 in the news lately is, is the enforcement of the  
5 right of way law, legislation that we passed last  
6 year making failure to yield a misdemeanor and, and  
7 some circumstances including where the driver fails  
8 to yield and also fails to exercise due care. I had  
9 written you a letter last month asking for the  
10 standards that the department is applying in  
11 evaluating whether someone has exercised due care  
12 and therefore deciding whether or not to arrest the  
13 person or, or not. I haven't heard back from you  
14 which is a little disappointing. So I'd like to get  
15 a response to that letter in writing. But while we  
16 have you hear can you please tell me how it is the  
17 officers are evaluating whether or not to, due care  
18 has been exercised in a particular circumstance is,  
19 and whether they were arresting someone or not  
20 arresting someone.

21 CHAIRPERSON GIBSON: Chief Chan one  
22 second. Sorry.

23 COMMITTEE COUNSEL: Do you affirm to  
24 tell the truth, the whole truth, and nothing but  
25 the truth in your testimony before this committee

1 and to respond honestly to council member  
2 questions?

3  
4 CHIEF CHAN: Yes I do. And the  
5 enforcement on failure to yield to pedestrians or  
6 administrative goal 19-190 currently the collision  
7 investigation squad responds to investigate  
8 collisions involving critical injuries which is  
9 determined by the emergency medical service  
10 personnel. [background cough] serious injuries  
11 where these individuals are likely to die all  
12 fatalities ultimately will investigate that  
13 particular collision. A determination by an  
14 executive officer of rank can also initiative an  
15 investigation where other criteria may be warranted  
16 where at the CIS we'll do the investigation. If CIS  
17 determines during the course of their investigation  
18 that any criminality has occurred including a  
19 violation of administrative code 19-190 an arrest  
20 will be made. It should be noted that currently no  
21 member of the, the department outside of CIS has it  
22 affected an arrest for 19-190. The department  
23 currently is in the process of establishing a  
24 training curriculum for our police recruits and  
25 also for in service members of the service

1  
2 regarding this particular law and also related  
3 department protocol. The city's law department  
4 ultimately will be consulted prior to  
5 implementation. The department will promulgate a  
6 written directive on an administrative code 19-190  
7 to coincide with the training element. And that's  
8 partly the reason why you did not actually get a, a  
9 procedure because what happened is that we are in  
10 the process of formulating it. And we want to make  
11 sure that when we roll it out to all of patrol  
12 where they can apply that law that it's going to be  
13 practical and it's going to be, will be done  
14 correctly.

15 COUNCIL MEMBER LANCMAN: I, I get it  
16 that you're formulating a procedure for the rest of  
17 the force but you're arresting people now.

18 CHIEF CHAN: Mm-hmm.

19 COUNCIL MEMBER LANCMAN: And so those  
20 arrests need to be done in conformance with the law  
21 which requires... failure to yield but also the  
22 failure to exercise due care. So for the group of  
23 officers, the CIS team that are authorizing those  
24 arrests what are, what standards are they applying  
25

1  
2 to determine whether or not somebody not just filed  
3 to yield but also failed to exercise due care.

4 CHIEF CHAN: What happened is that the,  
5 the CIS officers of investigators will conduct a  
6 thorough investigation. And taking a look at the  
7 totality of the, of the evidence whether it be  
8 videotape, the interview of witnesses, the right of  
9 way of the pedestrian who's crossing at the time  
10 and doing a full investigation and taking all those  
11 into, all those circumstances into consideration.  
12 And if we do find that the individuals failed to  
13 use due care when they struck the pedestrian in the  
14 crosswalk then they will make the arrest for that  
15 particular violation. You're looking for a defined  
16 A, B, and C if we have A, B, and C then therefore  
17 we have the X. What happened is that I'll use an  
18 example, an individual who may be texting or on the  
19 cell phone sometimes during the investigation they  
20 will subpoena records for the cell phone or texting  
21 to, to coincide with the time of the current.  
22 Another example may be a collision occurs at 10:00  
23 at night or 2200 and there is videotape available  
24 but the video, the store is now closed and the  
25 officers aren't able to view the videotape right



1 away. Then again they may see a day later or  
2 whenever it becomes available as they develop  
3 probable cause that the person failed to yield and  
4 then did not exercise due care. That's when they  
5 will make an arrest. But again it's... taking a look  
6 at all the evidence and all the circumstances and a  
7 thorough investigation. That's when they will make  
8 an arrest.  
9

10 COUNCIL MEMBER LANCMAN: Okay thank you.  
11 Well just get me an answer to that, that letter and  
12 then we can carry on the conversation.

13 CHAIRPERSON GIBSON: And certainly we'll  
14 continue to have that conversation because it is a  
15 pressing matter. Thank you Council Member Lancman.  
16 We've been joined by Council Member Wills and he  
17 has a final question before we wrap up. Thank you  
18 gentleman, thank you all.

19 COUNCIL MEMBER WILLS: Thank you Madam  
20 Chair. My question is about the juvenile warrant  
21 squad, particularly relating to the close to home  
22 budget. A statement was made during an August 2013  
23 Queens family court hearing by one of the  
24 Department's juvenile warrant squad detectives. And  
25 they revealed that there were only five detectives

1  
2 totally assigned to investigate and execute  
3 juvenile justice warrants throughout all of the  
4 five boroughs. The inception of the ACS's close to  
5 home initiative has significantly increased their  
6 work load as they became responsible for tracking  
7 down and apprehending AWOL youths. With one  
8 claiming to routinely be searching for as many as  
9 15 to 20 escapees at once. So what I needed to ask  
10 you was exactly how many such detectives are  
11 currently assigned in each borough to that squad.  
12 On average how many close to home escapees is a  
13 single detective on that squad attempting to locate  
14 at any given time. And as of present does the  
15 department consider the juvenile warrant squad to  
16 be adequately funded.

17 CHIEF O'NEAL: Hi Council Member. Chief  
18 O'Neal. Chief Boyce I think you're here, okay. I...  
19 already give him up like that. There's, I think  
20 there's 10 but I'll let Bob Boyce talk about that a  
21 little bit and, and the work that they do. And it's  
22 not, the work they do is just not about  
23 apprehending juveniles that are, need to be  
24 apprehended.

2 CHAIRPERSON GIBSON: Okay. Hold on for  
3 one second Chief Boyce. Good to see you.

4 CHIEF BOYCE: Good morning, good  
5 afternoon.

6 COMMITTEE COUNSEL: Do you affirm to  
7 tell the truth, the whole truth, nothing but the  
8 truth in your testimony before this committee and  
9 to respond honestly to council member questions?

10 CHIEF BOYCE: I do. To, in response to  
11 your question I would have to get those figures for  
12 you. I don't have them on hand tonight. But I will  
13 tell you they do have other tasks as well such as  
14 doing investigative work when we call for  
15 background checks on each, on each juvenile...  
16 collected. So I cannot answer your question this  
17 morning. I believe there is around 10 but again  
18 I'll have to get back to you with those numbers.

19 COUNCIL MEMBER WILLS: Okay so when  
20 you're saying it's around 10:00 do you mean is it  
21 10 citywide or... [cross-talk]

22 CHIEF BOYCE: Citywide.

23 COUNCIL MEMBER WILLS: ...10... citywide?

24 CHIEF BOYCE: Yeah I, I would have,  
25 again I would have to get back to you on that. I

1 don't know if I could, maybe Chief O'Neal because  
2 of his, his familiarity with the future enforcement  
3 division can, can give you exactly all their  
4 taskings [phonetic]...

5  
6 COUNCIL MEMBER WILLS: And you're going  
7 to formally submit the answers to the chair?

8 COMMISSIONER O'NEAL: Yeah we'll take  
9 care of that.

10 COUNCIL MEMBER WILLS: Alright thank  
11 you.

12 COMMISSIONER O'NEAL: When I left back  
13 in January there were 10 for the whole city and  
14 they were tasked with other things behind, besides  
15 apprehension... [cross-talk]

16 COUNCIL MEMBER WILLS: ...I know that...  
17 [cross-talk]

18 COMMISSIONER O'NEAL: ...Council... [cross-  
19 talk] Right... [cross-talk]

20 COUNCIL MEMBER WILLS: ...for family  
21 court. Okay thank you.

22 COMMISSIONER O'NEAL: Yeah.

23 CHAIRPERSON GIBSON: Thank you Council  
24 Member Wills. And as you leave I just want to thank  
25 you again staying beyond 12:00. And Chief O'Neal I

1  
2 stand corrected. I do know specifically the 44<sup>th</sup>  
3 precinct... [cross-talk]

4 CHIEF O'NEAL: I have the answer.

5 CHAIRPERSON GIBSON: ...did get new police  
6 officers, yes. It slipped my mind sorry. There's a  
7 lot going on.

8 CHIEF O'NEAL: 12.

9 CHAIRPERSON GIBSON: 12, 12 new  
10 officers. And I spoke to them as well. So shame on  
11 me. But I do thank you. I guess my one final  
12 question as you leave and Commissioner Bratton  
13 talked about it in his testimony. And it was an  
14 announcement that was done around the citywide  
15 borough patrols formerly called strategic response  
16 group. I think he referenced 350 officers that  
17 would be dedicated to responding to large scale  
18 demonstrations I believe. But in addition to the  
19 350 I was also given another number of 550 for an  
20 overall total of about 800 that would just be  
21 assigned to large scale demonstrations. Can you  
22 just give me a little bit more background on that.  
23 And also if we're rolling that out now where are we  
24 getting those officers from.

1  
2 CHIEF O'NEAL: Okay. I got this. This is  
3 almost my full time job there making me, making the  
4 distinction between the CRVs, the critical response  
5 vehicles which is something assigned to  
6 counterterrorism.

7 CHAIRPERSON GIBSON: Right.

8 CHIEF O'NEAL: That's, that's... [cross-  
9 talk]

10 CHAIRPERSON GIBSON: ...separate right.

11 CHIEF O'NEAL: they're going to be  
12 taking over the function of the cops that come from  
13 each command each day and are assigned to patrol  
14 sensitive locations throughout the city.

15 CHAIRPERSON GIBSON: RIGHT.

16 CHIEF O'NEAL: The strategic response  
17 group, something separate and aside from CRV. Okay  
18 that's...

19 CHAIRPERSON GIBSON: Mm-hmm.

20 CHIEF O'NEAL: ...560 cops. And basically  
21 what that is it's a consolidation of all the  
22 borough task forces. Right now there's eight patrol  
23 borough, and each patrol borough has a taskforce.  
24 So what this is going to provide is going to  
25 provide unity of command consistent in

1  
2 comprehensive training. And they're going to be  
3 doing a number of things. They're going to be  
4 responding to mobilizations, they're going to  
5 responding to if there's a large scale event.  
6 There'll also be a side assigned to demos and if  
7 there's any civil disorder.

8 CHAIRPERSON GIBSON: Okay. In addition  
9 to their current responsibilities they're going to  
10 do that in a...

11 CHIEF O'NEAL: In addition right. And  
12 then... [cross-talk]

13 CHAIRPERSON GIBSON: In addition.

14 CHIEF O'NEAL: And then when they're not  
15 doing that it'll be up to Chief Gomez to assign  
16 them to precincts that are experiencing spikes in  
17 violence and crime.

18 CHAIRPERSON GIBSON: Oh okay, okay. So  
19 we're not talking about adding. We're using the  
20 existing resources.

21 CHIEF O'NEAL: Correct.

22 CHAIRPERSON GIBSON: Okay great. Just  
23 wanted to make sure. Okay so I am, am, am finished.  
24 Apologies for the time frame. I do need to get to  
25 our district attorneys but I thank you all for

1  
2 being here, for your presence and know that we're  
3 going to continue to work with you on a lot of  
4 these initiatives and rollouts as far as raining  
5 the headcount at the police department,  
6 civilianization, may crossing guards of which I  
7 want more, the bullet proof vests which I thank you  
8 for a lot of the work that you were doing. We  
9 appreciate it and I appreciate the fact that we're  
10 looking at collaborations because we don't expect  
11 the police to do everything. And a lot of the  
12 problems we face in our communities, residents, and  
13 stakeholders are always a part of that conversation  
14 so... I appreciate all the work you do, all the  
15 efforts that you have undertaken to really continue  
16 on that collaborative spirit. So thank you again  
17 for being here and we look forward to working with  
18 you. Thank you all.

19 [pause]

20 CHAIRPERSON GIBSON: Good afternoon and  
21 welcome again to the committee on public safety's  
22 FY 2016 preliminary budget hearing. We have just  
23 heard from Police Commissioner William Bratton and  
24 his staff from the New York Police Department and  
25 now we will hear from New York City's Prosecutors.



1  
2 I am Council Member Vanessa Gibson of the 16<sup>th</sup>  
3 district in the Bronx proud to chair the committee  
4 on public safety. Before we begin I'd like to  
5 recognize again my council colleagues who are here  
6 with us, Council Members Gentile, Lancman, and  
7 Wills. The fiscal 2016 preliminary budget for all  
8 six officers is 331 million dollars which is 17  
9 million dollars or five percent higher than the FY  
10 2015 adopted budget. The total headcount for each  
11 office remains stable across the board. During the  
12 FY 2015 budget hearings we discussed the additional  
13 18.9 million dollars base lined for all six  
14 officers. In the FY 2016 preliminary budget we hope  
15 to follow up on baseline funds discussed,  
16 anticipated, asset forfeiture funds, and programs  
17 and initiatives that each of the officers is  
18 participating in. I look forward to hearing each of  
19 the testimonies from our district attorneys and our  
20 special narcotics prosecutor and discussing how  
21 each of their budget reflect their offices,  
22 priorities, as it relates to addressing overall  
23 public safety in the city of New York. And before  
24 we do the swearing in I just want to make sure if  
25 there's any other staff members that will be

1  
2 answering questions if they could also join us so  
3 that they could also join us so that we could do  
4 the oath of office all at one time if there will be  
5 anyone that you know of.

6 COMMITTEE COUNSEL: Do each of you  
7 affirm to tell the truth, the whole truth, and  
8 nothing but the truth in your testimony before this  
9 committee and to respond honestly to council member  
10 questions.

11 DISTRICT ATTORNEY JOHNSON: I do.

12 CHAIRPERSON GIBSON: Thank you very much  
13 to each of you. Welcome to our Bronx District  
14 Attorney Robert Johnson, our Queens District  
15 Attorney Judge Richard Brown, our Brooklyn District  
16 Attorney Kenneth Thompson, our Special Narcotics  
17 Prosecutor Ms. Bridget Brennan, and we also have  
18 our representatives for our Staten Island District  
19 Attorney Dan Donovan as well as our Manhattan  
20 District Attorney Cy Vance. Did I get everyone? I  
21 got everyone. Okay and you, you may begin Bronx DA  
22 Johnson. Thank you again for each of you being here  
23 and being patient. Thank you.

2 DISTRICT ATTORNEY JOHNSON: Good

3 afternoon Commissioner, I'm sorry Commissioner, I'm  
4 sorry Chairperson Gibson. [cross-talk]

5 CHAIRPERSON GIBSON: Did you get that on  
6 record?

7 DISTRICT ATTORNEY JOHNSON: Good

8 afternoon to you and, and the members of the  
9 committee. I, I want to thank all of you. Number  
10 one for taking the time. I know how, how difficult  
11 and busy your positions are and how time consuming  
12 this is. And number two for the largess of, the  
13 last fiscal year and how well the budget turned out  
14 for us last year. Obviously public safety is very  
15 very important to all the people of the city and  
16 you and the mayor recognized that. And due to that  
17 budget that was passed and I think to the, the Ys  
18 allocation of the funds in my office. I don't want  
19 to focus today on the request for dollars with you.  
20 I just want to talk to you about how we used some  
21 of the money that you gave us last year because I  
22 think that's important that, that you know what we  
23 do with, with what you allocate and talk to you in  
24 general about how we're fighting crime and what our  
25 concerns are which to me the major ones are not

1 necessarily a matter of dollars and cents although  
2 I, I guess dollars and cents would help but it's  
3 not necessarily in our budget and I'll explain that  
4 as I go forward. First of all the allocation that  
5 you referred to Chair Gibson resulted in 2.3  
6 million dollars base lined for my office last year.  
7 And we have utilized some of it and have plans for  
8 the utilization of other and I'll explain to you  
9 why it's all not been put in place yet. Two of the,  
10 two of the things that we're doing are general  
11 office wide hires that will benefit the office. One  
12 is we, we've been for some time in need of another  
13 web based program. And we're now conducting  
14 interviews for that position that that money is  
15 going to let us hire. And the second one is that  
16 we've, we've also noticed a dire need for a records  
17 manager. One does not think of that when you think  
18 of a district attorney's office but we amass an  
19 awful lot of records and it's, it's a tremendous  
20 task keeping track of it. We're in the process now  
21 of, of having box loads of material removed, some  
22 to Darus [phonetic] and some to a private facility.  
23 And we are going to, once we manage that we are  
24 going to bring on a records manager so that we will  
25

1  
2 be up to date going forward with that particular  
3 task. The, the other two areas where the funding  
4 has, has benefitted us and will benefit us are, are  
5 major areas that will enhance our ability to do the  
6 work that we have to do in the courts. And one is  
7 crime strategies and case enhancement unit which  
8 has its genesis in a million dollars from the  
9 Manhattan DA's office that they've so kindly shared  
10 with the rest of us so that we can buy  
11 technological equipment to allow us to track crime  
12 and gang activity and, and assess phone calls and,  
13 and, and videotapes and the like. However we need  
14 personnel to do that. And we are in the process of  
15 putting the personnel together. Unfortunately that  
16 is somewhat delayed although we have hired, we have  
17 placed in, someone back from leave in the position  
18 of chief of the unit. She has just designated one  
19 of her support staff members. We're in the process  
20 of, of having a, we have jobs postings for 10 call  
21 analysts and we have on hold commuter, computer  
22 forensic analysts that we're going to be needing,  
23 some of them detective investigators, intelligence  
24 specialists, cell site analysts. And the reason  
25 those are on hold is because the unit requires

1  
2 space. And space is a, in a premium in the area  
3 around the court houses on 161<sup>st</sup> street. So I'll,  
4 I'll speak to that a little bit more but that isn't  
5 a process and we are moving forward with, with the  
6 search for space. The second major area that we're  
7 using the funding for which has been an area of  
8 concern a long time. In addition to other things  
9 the Bronx has had a physical plant that slowed down  
10 our arrest to arraignment process which is very  
11 very important to the administrative justice in  
12 particular defend... so I'd have to wait inordinate  
13 periods of time before they're arraigned before a  
14 judge. And that physical plan has slowed things  
15 down for a long time we did not have police typers  
16 [phonetic] as my colleagues did. I can't, used to  
17 come to the council year in and year out and ask  
18 for either the police typers or the, or the  
19 funding. The funding that you were given is now  
20 enable us to hire additional support staff were it  
21 up I believe 16 in terms of the positon of  
22 community associate which technically, which also  
23 encompasses those typers. And in addition to that  
24 we've brought on 15 assistant district attorneys  
25 that gives us a net gain of 12. So that arrest to

1  
2 arraignment process is going to become even  
3 speedier. And I should say that the last couple of  
4 years we have finally been in compliance with the,  
5 the federal mandate of 24 hours. So we're, we're  
6 going to get even better due to that funding that  
7 you've, you, you've given us. I'd like to really  
8 focus in addition to that on some of the things  
9 that we're doing in general because as we speak my  
10 concerns, there are a lot of things one could be  
11 concerned with in crime. But my concerns are, are  
12 and I assume are your concerns which is guns and  
13 violence and gangs. And you know like I said there  
14 are a number of things we're concerned about but  
15 that is the number one concerns for us. And we're  
16 continuing to, to find new and different ways.  
17 We're in conversations with the mayor's office  
18 about trying, and the police department about how  
19 to strategize, how to keep track of, and how to  
20 maintain that and as indicated the crime strategies  
21 unit will, will bolster that. But as we prosecute  
22 we have an existence. You know trial bureaus, a  
23 gang, major case prosecution bureau who are doing  
24 all they can with what they have. And they, they're  
25 doing a stellar job and that's going to improve too

1  
2 because we have offers out and have been accepted  
3 by 36 Assistant DAs for the fall. So we'll be able  
4 to enhance all of our bureaus. But that bureau has  
5 within this last year alone either edited or  
6 convicted or had sentenced members of numerous  
7 Bronx gangs. They're small but they're very very  
8 active. They've dealt with the St. James Boys, the  
9 Bloods, the Gorilla Stone Bloods, the Gang Ran  
10 Blood, the Mac Ballers, the Latin Kings, the  
11 Trinitarians, the Latin King Goonies, Woody Crimes,  
12 the Lyimid [phonetic] Place Gang, Forest Over  
13 Everything, the 6-4 Goons, and 6Wild all within the  
14 last year. We've, we've encountered and dealt with  
15 in a stern way each, each one of those  
16 organizations. In addition to that we are paired  
17 with the police department, the division of parole,  
18 state division of parole or Department of Probation  
19 in trying to work with people who are reentering  
20 our community and we're having parolee forums and  
21 probationer forums in which we both warn them of  
22 the, the perils of repetitive criminality and also  
23 offer them the services that will help them avoid  
24 that so that we have service providers with s  
25 during those meetings. We've done our fifth buy



1 back, five buy backs of, in conjunction with the  
2 police department have resulted over 27 hundred  
3 guns being removed from the street. And to me what  
4 perhaps is the most important thing that we can do  
5 and that's education and prevention. You know I've,  
6 I've always said that to me you know prosecution  
7 comes after it's too late, after we fail to provide  
8 opportunities for young people, fail to give them  
9 direction as to how to go about life and crime  
10 assist, I'm sorry our community affairs unit as,  
11 does multiple efforts in this area. But the one  
12 that I will highlight is, is one called concept and  
13 there's a flyer from Concept in your packets. It's  
14 empowering positive youth is basically what, what  
15 it is, is designated to do. And in an 18 week  
16 program in many schools who are now expanding to,  
17 to a new area were going to answer the catholic  
18 schools this year but we've been in the public  
19 schools seen thousands of, of youth in the past  
20 year and dealing with them on issues of peer  
21 pressure, bullying, internet safety, making good  
22 decisions, gaining awareness, how to avoid gangs,  
23 substance abuse, and community pride. So to me  
24 that's, that's is, is the gem of what we do because  
25

1  
2 the other part of what we do is so so negative  
3 having to deal with people who have been victimized  
4 and, and understating their plight in trying to  
5 make them hole in some way just by punishing the  
6 offenders. And having to deal with offenders who,  
7 whose lives should not have resulted in the being  
8 in the criminal justice system. So that having said  
9 the two major concerns that, that I get from all of  
10 that is one I mention records management but that  
11 also is a space issue because right now we have  
12 records in, in places that could be used for  
13 offices. We have records in a space that is  
14 designed to be a brand new complaint room and, and  
15 has not yet been completed. So to help, any  
16 assistance that we can and we, we're getting great  
17 cooperation in both of our areas concern from the  
18 Mayor's Office f, of criminal justice to Darus to  
19 DCAS to OMB.. they're all, we're in conversations  
20 with all of them and we're moving forward. But  
21 there may come a time that we come to you and say  
22 if there's anything that you can do to just bring  
23 this across the finish line because space is, is a  
24 concern for that and for the crime strategies unit.  
25 So in the final area of concern is one that is

1 really now within purview but to me has been the  
2 major concern in criminal justice, my major concern  
3 in criminal justice. And your voices I think could  
4 help. Because the criminal justice system as a  
5 whole has not responded quickly enough. We had a  
6 crime uptick in the, in the 80s, latte 70s 80s. We  
7 had it go down since that time as a result of an  
8 arrest uptick. We're still probably 32 percent of  
9 over, of arrests over 22 years ago. And the  
10 planning for the criminal justice system is so far  
11 behind that court rooms, justice, that's what, you  
12 know you're reading the papers about, about cases  
13 languishing in the system and not being tried  
14 rapidly enough. That's, that's a real of a lack of  
15 resources that can only come you know and when you  
16 add judges like the State Legislature has to do  
17 that. And that, that is a major concern of mine  
18 that, that we all need to speak about this long  
19 term planning to try and catch up with what's  
20 happened over the last decade or two. So I, I seek  
21 your help in those matters and I once again express  
22 my gratitude for what you've done to allow us to be  
23 as successful as we've had, as we have. Thank you.

2 CHAIRPERSON GIBSON: Thank you very  
3 much. Thank you. Judge Brown.

4 JUDGE BROWN: Thank you. I too at the  
5 outset want to express my appreciation to you and  
6 your... is that on? Okay good. To you and your  
7 predecessors for the support that you've given to  
8 us during the course of the year, of the years and  
9 for your recognition of the important role that we  
10 as prosecutors play in making the justice system  
11 work for the benefit of all New Yorkers. With your  
12 help we've been able to in recent years make  
13 significant strides in stabilizing our budget and  
14 restoring the devastating cuts that each of us  
15 suffered following the tragic events of September  
16 11<sup>th</sup> of 2001. That having been said we need your  
17 continued support to ensure that we have the  
18 resources to continue to rebuild and to respond to  
19 the many new and emerging areas of criminal  
20 activity that are taking place around us and to  
21 continue to fulfil our constitutional and our  
22 statutory obligations. As I do every years when I  
23 appear before the council I've put together a book  
24 which summarizes all of our office's  
25 accomplishments during the course of the preceding

1  
2 year and sets forth our needs for the future so in  
3 the limited time that's available to me I'll just  
4 want to go ahead and touch upon a couple of things.  
5 The but, the budget cuts that we took after 9/11  
6 on the city, state, and federal level really had us  
7 all very very odd. The bulk of those cuts took  
8 place at the city level and in Queens we lost 11.7  
9 million dollars following 9/11 in base lined  
10 funding. It's almost a quarter of our operating  
11 budget. The good news is that with your help we've  
12 been able to, to turn the tide and to change the,  
13 the direction in which we were going. And of course  
14 that includes the 2.9 million dollars that we  
15 received base lined for our budget to the fiscal  
16 2015. Those monies gave us the ability for the  
17 first time in many years to staff and to focus more  
18 effectively on the many ways that crime has been  
19 impacting upon us in recent years. I think perhaps  
20 the most significant use of the monies that you  
21 provided us with was the, our ability to establish  
22 within our office a new office of immigrant affairs  
23 to assists members of Queens County's  
24 extraordinarily diverse immigrant community and  
25 assessing and abnegating the criminal justice

1 system. And also we were able to add additional  
2 staff with a number of other areas such as economic  
3 crimes, vehicle offense, community based  
4 initiatives, gang violence, and many others. Beyond  
5 that looking into the future you'll find in the  
6 material that we've provided you with a request for  
7 additional monies for rental an additional office  
8 space or increase funding of our personal services  
9 and our OTPS budgets. With respect to the  
10 facilities issue we have now close to some 640  
11 employees. They're housed basically I three  
12 locations along Queens Boulevard in Cube Gardens.  
13 We got 190 of our people located within the quad  
14 complex at 12501 Queens Boulevard. We have another  
15 150 or so situated across 52<sup>nd</sup> avenue and borough  
16 hall. The remainder are close to half our  
17 personnel, are located in a rental space over at  
18 80-02 Cube Gardens Road. And even with all of those  
19 facilities we're falling short by about 90 thousand  
20 square feet. And we desperately need, in the  
21 meanwhile I told them the number we have adjoining  
22 the court house and abutting you know existing  
23 offices in the court house complex of Queens House  
24 and detention which is a ten story structure built  
25

1  
2 in 1961 to house 467 inmates. It was closed in  
3 2002. It remains vacant at the print time, at the  
4 present time. Literally come in to my conference  
5 room and bang on the wall, cut a hole in the wall  
6 and you'll be in the Queens house. And as I say  
7 it's been empty since 2002 and I, beyond me I  
8 cannot comprehend why it is that it sits idly and  
9 can't be used to convert into a building or for  
10 office space for us. We'd save the city money in so  
11 many different respects. And beyond that I want to  
12 continue to look forward to, to working with you  
13 and the council and continue to increase and  
14 stabilize our personal services, our OTPS budget.  
15 And there are so many areas that, that you can help  
16 us in such as overtime, unfunded needed,  
17 particularly in our impact, in our, our intake  
18 areas. And, and so many others as well. So I look  
19 forward to working with all of you and continuing  
20 the efforts that we made over the course of the  
21 last 24 years or so.

22 CHAIRPERSON GIBSON: Thank you very  
23 much. I appreciate it. Thank you. DA Thomson.

24 DISTRICT ATTORNEY THOMSON: Yes. Good  
25 afternoon. I want to thank you Chairwoman Gibson

1 and the Public Safety Committee for this  
2 opportunity to address you on the mayor's  
3 preliminary budget, its impact on my office, the  
4 strides we've made in the last year and the  
5 continued fiscal challenges we face going forward.  
6 I would like to begin by thanking the city council,  
7 the mayor, the office of criminal justice, and OMB  
8 for their continued response to the critical fiscal  
9 needs of my office. And the fiscal year '16  
10 November plan my office was provided three million  
11 in the current year and four million in the  
12 outwears to address long overdue collective  
13 bargaining increases for all of our staff. Our  
14 budget includes funding for salary increases which  
15 will enhance retention of talented staff who'll  
16 provide more competitive salaries in order to  
17 recruit the best and brightest talent. In 2014  
18 Brooklyn saw 107,378 arrests, the highest number of  
19 arrests in the city. During the same time period  
20 Brooklyn also lead the city in felony arrests with  
21 29,455. While both total arrests and felony arrests  
22 we're down by 3.2 percent and 2.6 percent  
23 respectively. This high level of arrests in  
24 Brooklyn still requires resources both human and  
25



1 financial in order to effectively combat this  
2 trend. While Brooklyn lead the city and arraigned  
3 arrest in 2014 the good news is that the average  
4 arrest to arraignment time decreased 6.2 percent  
5 from 2013. It now takes 20 hours and 43 minutes  
6 roughly to be arraigned, from arrest to  
7 arraignment. So we're within 21 hours and we're  
8 seeking to get better. This is a clear  
9 demonstration of the effective use of our limited  
10 resources working in conjunction with our law  
11 enforcement partners to move those arrested through  
12 the system in a timely and in an efficient manner.  
13 Now when I took office last year the ADAs in my  
14 office were the lowest paid in the city earning 50  
15 thousand dollars annually as a starting salary.  
16 Furthermore of the nearly 500 ADAs we had at the  
17 time over 300 of them were earning less than 60  
18 thousand dollars with some up to seven years of  
19 experience in the office. The stark inequity with  
20 other ADAs around the city was unacceptable. In my  
21 office where these hardworking outstanding and  
22 dedicated assistants were dealing with high, sky  
23 high felonies and the highest volume in the city  
24 this salary structure or lack thereof couldn't  
25

1  
2 continue. Through the first six months of my  
3 administration we focused on identifying  
4 efficiencies in both salaries and OTPS spending in  
5 order to generate enough savings to create a salary  
6 structure allowing our ADAs to earn a livable wage  
7 for the tremendously difficult work they do so  
8 well. Beginning January 2015 my office raised the  
9 starting salary of ADAs to 60 thousand putting us  
10 on par with the other offices. In addition  
11 prosecutors already in the office received a series  
12 of pay increases over the course of 2014 to make  
13 their salaries comparable based on years of  
14 service. I'm proud to say that my office now offers  
15 competitive for hardworking assistants and will  
16 continue defining ways to remain competitive,  
17 retain amazing talent and recruit the best. Now as  
18 part of the fiscal year '15 executive budget  
19 funding provided to my office 700 thousand dollars  
20 was a lot, allocated for the creation and expansion  
21 of the crime strategies unit, CSU. This unit is  
22 focused on using complex in depth data analysis to  
23 develop crime prevention strategies and combat  
24 violent crime trends in those neighborhoods most  
25 impacted by street gangs and criminal activity. At

1  
2 its inception the crime strategies unit focused on  
3 three precincts, the 67<sup>th</sup> precinct, the 73<sup>rd</sup>  
4 precinct and the 75<sup>th</sup> precinct which at the time  
5 lead the borough and the city in shootings and  
6 homicides. CSU working collaboratively with  
7 respective precinct commanders develop list of  
8 well-known violent racists in known gangs or crews.  
9 That data was entered into our arrest alert system  
10 allowing CSU to provide critical and relevant  
11 intelligence about a defender during arraignment  
12 and during the subsequent prosecution. Beginning in  
13 2015 crime strategies expanded its reach throughout  
14 Brooklyn to 18 of the 23 precincts by including all  
15 NYCHA housing developments. A senior ADA is  
16 assigned to concentrate specifically on crime and  
17 violence that occur in those developments which  
18 account for 41 percent of Brooklyn's homicides and  
19 43 percent of the borough shootings. Combatting  
20 violence in the streets of Brooklyn is among my  
21 chief priorities as District Attorney. In addition  
22 to the crime strategies unit I've taken the  
23 additional step of merging the gang bureau and the  
24 major narcotics bureau to form the violent criminal  
25 enterprise bureau which we call VCE. This bureau

1  
2 working in close collaboration with CSU pursues  
3 complex investigations of violent street gangs who  
4 often have ties to drug distribution throughout our  
5 neighborhood. VCE and crime strategies meet weekly  
6 to review cases, share gathered intelligence in  
7 collaboration, and collaborate on prosecution  
8 strategies. By utilizing this multi-pronged  
9 approach we are targeting those who seek to  
10 terrorize our neighborhoods with violence and gang  
11 activity by building strong cases against them and  
12 getting them off the street. The merging of these  
13 two units is not only the smart thing to do for the  
14 investigations and the, and the prosecutions but it  
15 also generated cost efficiencies and allowed my  
16 office to reallocate those funds to meet other  
17 critical needs in the office. Combatting gun  
18 violence on the streets of Brooklyn is directly  
19 tied to the reduction of guns flooding our  
20 neighborhoods and ending up in the hands of  
21 criminals. My commitment to getting guns off the  
22 streets is demonstrated in the resources we  
23 allocated to the investigations division. With the  
24 1.5 million provided to my office in the fiscal  
25 year, fiscal year '15 executive budget we expanded

1  
2 the investigations division, hiring senior ADAs and  
3 increasing the number of investigations to follow  
4 the trail of gun trafficking wherever it leads even  
5 if that trail leads us down south. We are  
6 committed, we also committed federal asset  
7 forfeiture of funds to increase our wiretap  
8 capabilities, a tool that enhances our criminal  
9 investigations. For example one investigation of  
10 December 2014 involved the takedown of a  
11 significant and dangerous gun smuggling ring with  
12 the arrest of four men charged with conspiring to  
13 sell 153 firearms. A fifth person was arrested by  
14 the federal authorities in Atlanta. This  
15 investigation led us to discover a gaping hole in  
16 our national airport security when it was found  
17 that a Delta Airlines employee allegedly breeched  
18 security protocol at the airport in Atlanta to  
19 bypass CSA checkpoints and bring bags of weapons  
20 directly into passenger terminals. The Delta  
21 employee then allegedly handed the weapons,  
22 including assault weapons, to an accomplice in the  
23 restroom at the airport who put them into his  
24 backpack, flew to New York and brought them to  
25 Brooklyn for sale. According to the investigation a

1 suspect who got out of, got on the plane with the  
2 guns had purchased the weapons online in Georgia  
3 and then illegally transported them up on seven, on  
4 up to 17 Delta Airline flights from Atlanta to New  
5 York between May and December 2014. Investigations  
6 of this magnitude require extensive resources. I'm  
7 grateful for the additional funding provided to, by  
8 the city to expand this portion of our work. And I  
9 ask that they consider our request for additional  
10 funding to invest further in this division, in  
11 other divisions within our office that allow us to  
12 keep the streets of Brooklyn and our city safe from  
13 gun violence. In late 2014 DOJ's office of violence  
14 against women selected Brooklyn as one of the four  
15 recipients nationwide to participate in phase two  
16 of the domestic violence homicide prevention  
17 initiative. That initiative is aimed at reducing  
18 domestic violence related homicides by effectively  
19 identifying potential victims and monitoring high  
20 risk offenders. My office will participate in a  
21 multi-disciplinary team which includes the New York  
22 City criminal justice agency, safe horizons, the  
23 Department of Probation, and NYPD focusing on the  
24 east New York section of Brooklyn this team will  
25

1  
2 institute screening models and evidence based  
3 strategies that will allow them to anticipate  
4 potentially lethal behavior and avert homicides due  
5 to intimate partner violence. The National  
6 Institute of Justice along with CJA will conduct an  
7 evaluation of Brooklyn's model to identify the key  
8 components needed to successfully adapt the  
9 domestic violence homicide prevention model  
10 nationwide. I want to personally thank the council  
11 for the dove funding which enables our victim  
12 services, VCU, VSU to provide services to a wider  
13 number of immigrants, deaf and hard of hearing,  
14 teenage, and LGBTQ identified victims. VSU combines  
15 community outreach and education activities with  
16 direct services to victims of domestic violence.  
17 The programs multi-pronged approach includes  
18 collaborations with community based organizations  
19 and the NYPD, referrals, provisions of culturally  
20 sensitive services, safety planning, and support  
21 and cross discipline training. Clients learn about  
22 program referrals from ADAs in my office, the NYPD  
23 hospitals, community partners, and program  
24 materials. The community benefits as the funding  
25 allows for the provision of direct services to

1 domestic violence victims, advocacy, case  
2 management, crisis intervention, counselling,  
3 community outreach, and educational workshop and  
4 trainings. I want to also thank my colleague the  
5 District Attorney of Manhattan Cy Vance. I know Cy  
6 is not here but I want to thank him for providing  
7 my office with 1.1 million from the criminal  
8 justice investment fund to outfit our, our  
9 cybercrime investigations unit, expand intelligence  
10 analysis and forensic services, and upgrade  
11 courtroom technology. We began purchasing equipment  
12 to build a slab and look forward to utilizing this  
13 equipment to further enhance our investigative  
14 capacities. Now during fiscal year '15, during the  
15 fiscal year '15 executive budget our office was  
16 also funded 500 thousand annually to expand the  
17 conviction review unit which we call CRU. A  
18 previously small unit with only two attorneys to a  
19 team of 10 attorneys after almost 15 months in  
20 office Brooklyn's conviction review unit has  
21 emerged as a model for the country. The unit we  
22 invest, the units reinvestigations 35 to date have  
23 led me to move to vacate the conviction or support  
24 the dismissal of charges against 12 men who had  
25



1  
2 been unjustly imprisoned as a result of wrongful  
3 convictions for murder and other offences. In 2014  
4 Brooklyn led the country with it, with respect to  
5 exonerations. I'm very proud of the hard work and  
6 dedication of this unit in conducting thorough and  
7 fair investigations of cases of potentially  
8 wrongful convictions in helping me correct  
9 miscarriages of justice. This is difficult and  
10 labor intensive work for which we will continue in  
11 the pursuit of justice for all in Brooklyn. In  
12 addition as Rob Johnson mentioned about storage  
13 needs... the high volume of cases processed by my  
14 office creates challenges with storage of files and  
15 records management. Recently with the increased  
16 volume of old cases being retrieved by my  
17 conviction review unit and the appeals division my  
18 office has faced tremendous difficulties with  
19 record management. Most of our files are managed by  
20 Darus located in Queens which makes file retrieval  
21 difficult and time consuming. DCAS, the DCAS space  
22 located closest to our office was sold and is no  
23 longer city owned requiring that my office must  
24 vacate 20 thousand square feet of storage space.  
25 Because this space was city owned no funding was

1 allocated in my budget to cover the cost. We will  
2 now have to go out and find warehouse space to  
3 accommodate our needs. A difficult task in downtown  
4 Brooklyn. We will make a request to OMB to fund the  
5 cost of leasing a large warehouse space in Brooklyn  
6 so that we can manage our own files and remain in  
7 compliance when appellate divisions request files  
8 for review. With the time sensitivity of our file  
9 requests we must devise another way to handle our  
10 records management. In closing the first year of my  
11 administration, in the first year of my  
12 administration we inherited fiscal challenges from  
13 the previous administration. We face those  
14 challenges by making the hard decisions, being  
15 fiscally responsible, and being prudent with our  
16 limited resources. By making those adjustments we  
17 were able to expand bureaus to meet the current  
18 needs of Brooklyn. We were also able to fix the  
19 salary structure so that prosecutors in Brooklyn  
20 are now earning a competitive salary. These  
21 accomplishments have set my administration on the  
22 path to fiscal health and fiscal responsibility.  
23 The needs of my office remain great and we will  
24 continue to request that OMB increase our funding  
25

1  
2 levels to reflect the proportion of cases my office  
3 handles annually. I would like to thank the council  
4 for your continued support of my office. As we make  
5 the case for the additional resources necessary to  
6 provide the great people of Brooklyn with the  
7 leading law enforcement agency that's dedicated to  
8 keeping them safe and making sure that there's  
9 equal justice for all. Thank you.

10 CHAIRPERSON GIBSON: Thank you very much  
11 DA Thomson. And now Ms. Brennan.

12 PROSECUTOR BRENNAN: Thank you very  
13 much. Good afternoon and I would like to thank the  
14 city council for its consistent and generous  
15 support of the Office of Special Narcotics and of  
16 all the DAs offices. And in particular it's been  
17 such a pleasure to work with the committee during  
18 the past year. You've shown such energy and  
19 engagement, the members, the chair, and the staff.  
20 And it's been such a pleasure. So I thank you very  
21 much Chair Gibson and the members of the committee.  
22 I look forward to your continued leadership and  
23 working with you on the very tough issues in  
24 criminal justice that we're facing. In my testimony  
25 today I'm going to outline the disturbing trends

1  
2 that we're seeing in the area of narcotics  
3 enforcement; the proliferation and the large scale  
4 heroine production in our city and the increasing  
5 abuse off all narcotic drugs, and then I will  
6 describe how we have used the money the city gave  
7 us last year with the council's support to address  
8 those issues and outline our request for funding  
9 for next year which will enhance our efforts to  
10 roll back the supply of narcotics pouring into the  
11 city and to aides in reducing addiction and abuse.  
12 We are facing very difficult challenges in the city  
13 and narcotics enforcement. We consider reducing the  
14 supply of heroin and addictive prescription pills a  
15 top priority. Those are the two drugs most likely  
16 to cause over deaths in the city overdose deaths in  
17 the city right now. The rate of overdose deaths  
18 involving opioid prescription drugs increased by  
19 more than 250 percent from the year 2000 to 2013.  
20 But the rate of heroin overdose deaths in the city  
21 recently has outpaced those deaths. In 2013 heroine  
22 was involved in 54 percent of all overdose deaths  
23 making it the most common substance involved in  
24 drug fatalities. And the geographic strangle hold  
25 of heroine abuse reflects the two fisted grip of

1 that terrible drug and our city. On page five of  
2 our testimony you can see that three of the top  
3 five neighborhoods for heroin overdose deaths cut  
4 right through the middle of Bronx. And then the  
5 other two are on the southern end of the city in  
6 Staten Island. The devastation caused by heroine  
7 cuts across race, ethnicity, and economic status.  
8 This comes as no surprise to anyone in my office.  
9 The sheer volume of heroine pouring into our city  
10 far exceeds anything we've seen before, ever  
11 before. On page three of our submitted testimony  
12 you can see a graphic depicting the number of  
13 pounds of heroin seized since the year 2006. Last  
14 year in 2014 in the investigations my office  
15 conducted we seized about 750 pounds of heroin,  
16 three times the amount seized in any year since we  
17 began keeping records of this 25 years ago. That is  
18 reflected in the big red spike on the graph. It is  
19 also consistent with what the drug enforcement  
20 administration reports that 20 percent of the  
21 heroine seized nationwide since 2010 has been  
22 recovered in New York state. The street value of  
23 the heroine seizures last year alone is probably  
24 upwards of 100 million dollars. But the truest  
25

1  
2 gauge of its impact is the untold tragedy it would  
3 have visited on the people of this city state and  
4 region had it not been taken off the street in  
5 these investigations. The pattern we have uncovered  
6 with respect to heroine importation and  
7 distribution is pretty straight forward. The  
8 heroine originates in South America or Central  
9 America and generally crosses the southwest boarder  
10 in bulk concealed in cargo, engine manifests, car  
11 batteries, or secreted in countless other ways. And  
12 then it might be transported to southern California  
13 then allocated for distribution across the US. Or  
14 it might come directly to New York City. Maybe it  
15 might have a couple of stops in the Midwest to  
16 those heroine scourge cities in the Midwest as  
17 well. But the final distribution center for much of  
18 the heroine is right here in New York city. Once  
19 the heroine reaches New York local trafficking  
20 organizations set up what we in our office and many  
21 law enforcement agencies called, call mills where  
22 the drug is mixed with a diluent, packaged into  
23 hundreds of thousands of tiny envelopes and bundled  
24 off and sent for distribution around the  
25 neighborhoods of New York City in Long Island and

1 Westchester suburban areas and throughout the  
2 region. Page six of our testimony includes a map  
3 showing the locations of mills we have raided in  
4 2013 through 2014. And you can see they are  
5 clustered around major highways and thoroughfares,  
6 easy access in and easy access out. Because we are  
7 dealing with what amounts to a multi-national  
8 corporation. Unfortunately the goal of the multi-  
9 national corporation is to bring in billions of  
10 dollars by causing people in our city, in our  
11 state, and our country to become addicted to a  
12 deadly narcotic substance. Members of local New  
13 York City criminal groups cultivate relationships  
14 with individuals in Connecticut, Vermont, main, or  
15 upstate New York. And often we see that there is  
16 Heroine going up and guns and other prostitution or  
17 other forms of criminal enterprise coming back  
18 down. There's a trade in sometimes guns for drugs.  
19 Glycine bags that may sell for \$6.00 in New York  
20 City can fetch \$20.00 to \$30.00 a piece in remote  
21 areas of New York. And that is what the economics  
22 of the drug trade is all about. At the importation  
23 and distribution level it is all about making  
24 money, buy low sell high. It is at the distribution  
25

1  
2 level not a public health problem it is a greed and  
3 callous disregard for human life problem. Our  
4 written testimony describes organizations  
5 overseeing heroine pouring out into New York City  
6 and throughout the region and raking in millions of  
7 dollars. The most effective way to combat this is  
8 to establish links with the areas saturated with  
9 heroine and use that information so we can develop  
10 investigations into the outlets and shut down the  
11 big box heroine mills in New York City. And that is  
12 in part how we spent the money you allocated to us  
13 last year. We developed a heroine interdiction  
14 team, a hit unit to coordinate with investigators  
15 inside and outside the city and track the  
16 organizations distributing these drugs back to the  
17 source where we can cut off the supply at the  
18 highest level reducing significantly the volumes of  
19 drugs hitting the streets. We know that with  
20 absolute certainty drug abuse and addiction is a  
21 direct result of abundant drug supply. And our aim  
22 is to reduce that drug supply. We need to keep the  
23 supply in check. Prevention efforts alone are  
24 extremely important but they alone will not  
25 meaningfully reduce abuse unless it's coupled with



1  
2 reducing the supply of drugs out there. So we use  
3 last year's funds to get this team off the ground  
4 and running and we are working very closely with  
5 the state police, with the New York Police  
6 Department, with the Drug Enforcement  
7 Administration, and with a specialized drug  
8 enforcement strike force enforcement group. But  
9 there is much more work to be done if we are to  
10 rein in this problem. And we must have the  
11 resources to support the collaborative efforts that  
12 it requires. Our request for additional funding for  
13 this is detailed in our written testimony. Now the  
14 heroine epidemic didn't come on us all of a sudden.  
15 It was sort of... we could see it coming with the  
16 epidemic of prescription drug abuse. That problem  
17 has been a steady problem and a building problem  
18 since about 2009 we started to see it develop.  
19 However the good news is that it appears to have  
20 kept out at least in Staten Island the area which  
21 had been most affected by it. The bad news is that  
22 it is spreading across to other areas of the city.  
23 We need to continue our efforts to rein in this  
24 terrible problem and it requires entirely different  
25 sorts of resources since this is a legal drug. We

1  
2 have to focus again on the top suppliers of the  
3 drugs. In many cases that might be, it might be  
4 corrupt doctors, corrupt pharmacies. It's a  
5 completely different type of investigation again  
6 consuming tremendous resources. But the results can  
7 be very significant. What you want to do is  
8 eliminate the gateway to heroin use which as we see  
9 it now is often the abuse of these addictive  
10 prescription drugs. And once we can rein that in it  
11 will be much easier for us to rein in the addiction  
12 and abuse problems associated with heroine. So we  
13 continue our efforts in that regard. And one  
14 example of the success we had is the conviction we  
15 had this summer in a ground breaking case a  
16 physician who was based in Flushing Queens who  
17 recklessly caused the death of two patients and  
18 endangered six more was sentenced to an effective  
19 minimum prison term of 10 and two-thirds years with  
20 a maximum 20 years just this past December. And  
21 again that case is detailed in my testimony. But  
22 just to give you a sense of how many resources that  
23 takes we began that investigation probably about  
24 four years before the conviction. It required  
25 tremendous efforts but it was very worthwhile and

1 very important because what we saw is we're  
2 investigating that case was at least 16 of the  
3 patients of that particular doctor had overdosed  
4 and died during the one year course of the, during  
5 the one year period that we were looking at. So one  
6 errant physician and I'm sure there are very few of  
7 them can cause tremendous problems. And that in the  
8 area of prescription drugs is where we need to  
9 focus our efforts. And that is how we used some of  
10 the money that the council allocated to us last  
11 year. I also suggest to you that the city council  
12 take a look at this whole problem of drug abuse  
13 because it's now not just a prescription the  
14 opioids that the abuse is increasing. The City  
15 Health Department just released a report this month  
16 demonstrating that the rate of cocaine overdose  
17 deaths is trending upward. An increase of 25  
18 percent since 2010 after years of steady and  
19 significant decreases. That too corresponds with  
20 what my office has seen on the supply side. There's  
21 a lot of cocaine out on the streets. And the  
22 council should also be aware that we continue to  
23 see more methamphetamine in New York city. The  
24 methamphetamine that is also produced in Mexican  
25

1  
2 mega labs and transported along the same routes  
3 that the heroine takes. This is not produced in the  
4 garage or the basement lab by a single person, it's  
5 produced and distributed by the multi-national  
6 criminal organizations that are based in Mexico.  
7 And those organizations are fully capable of  
8 flooding our area with methamphetamine the minute  
9 it becomes in vogue to use it. Methamphetamine is  
10 associated with violence and steeply escalating  
11 criminal activity wherever it's use proliferates.  
12 This should be a concern not just of law  
13 enforcement but of everyone involved in protecting  
14 the health and safety of this great city. We have  
15 asked for resources for technical services to  
16 sustain all of our offices' functions. That kind of  
17 infrastructure is absolutely critical to the work  
18 that we're doing to allow us to do these sorts of  
19 investigations we need that technological  
20 infrastructure. It's not just the analysts and  
21 those who are looking at the data. It's those who  
22 know how to build the systems so we can use that  
23 data in our, our request is before you. Finally let  
24 me sum up by thanking the council for your support,  
25 for your continued leadership in this area, and I

1  
2 am so looking forward to working with you on these  
3 problems that we're facing. Thank you very much.

4 CHAIRPERSON GIBSON: Thank you very  
5 much. And can you just introduce yourself for the  
6 record as well, thanks. On behalf of your DA.

7 DANIEL MASTER: I'm sorry were you  
8 addressing me?

9 CHAIRPERSON GIBSON: Yes, yes, sorry.

10 DANIEL MASTER: I'm, I'm sorry what was,  
11 I didn't hear...

12 CHAIRPERSON GIBSON: Oh no no I just  
13 need you to identify yourself for... [cross-talk]

14 DANIEL MASTER: Oh sure.

15 CHAIRPERSON GIBSON: ...the record.

16 DANIEL MASTER: Certainly.

17 CHAIRPERSON GIBSON: On behalf of your  
18 DA. Thank you.

19 DANIEL MASTER: Certainly. My name is  
20 Daniel Master. I'm the Chief Assistant District  
21 Attorney on Staten Island. I'm testifying today for  
22 District Attorney Donovan. He couldn't be here  
23 today. He's attending the funeral of State Supreme  
24 Court Justice Robert Collini who passed away over  
25 the weekend at the age of 57. I would also like to

1  
2 begin by thanking the council for their support  
3 over the last several years. You've really been  
4 terrific. In particular I want to thank you for the  
5 500 thousand dollars in extra baseline funding you  
6 gave us and later on I'll be able to get into the  
7 specifics of how that money has been spent. And I'd  
8 also like to thank you for funding the managerial  
9 raises for our ADAs. Those raises were much needed  
10 and much appreciated. Today I'd like to discuss  
11 with you an area that remains a major concern for  
12 my office. I'd also like to bring to your attention  
13 the need for funding for a new initiative and for  
14 an unfunded mandate that my office now faces. The  
15 first issue is a direct plea to you yet again. This  
16 is becoming a perineal plea for continued funding  
17 of a necessary program on Staten Island. The drug,  
18 the treatment alternatives for safer communities  
19 known as task is a very successful alternative to  
20 incarceration programs that performs required drug  
21 tests for defendants and manages most of the cases  
22 for Staten Island drug treatment court. The task  
23 program in my borough is once again unfunded  
24 beginning July 1<sup>st</sup>, 2015 and will be in jeopardy of  
25 closing. Our drug treatment court places non-

1  
2 violent addicted criminals into treatment instead  
3 of jail. This not only allows for the greater  
4 possibility of rehabilitating these individuals but  
5 results in significant cost savings for the city of  
6 New York. Task keeps track of the progress of these  
7 defendants by performing drug tests, follow-up  
8 interviews, and monitoring court appearances. In  
9 2014 Task conducted 3,746 drug tests for the Staten  
10 Island drug treatment court. Additionally 182  
11 defendants referred the Staten Island Task were  
12 screened to determine eligibility for diversion  
13 resulting in 167 new defendants being diverted from  
14 jail or prison into community based treatment  
15 programs. These treatment programs address their  
16 behavioral health issues and were placed under task  
17 case management. 56 percent of the clients  
18 identified an opiate as their primary substance.  
19 Staten Island Task managed an average active  
20 caseload of 200 participants throughout the year.  
21 And with the guidance of Task case management  
22 services 94 defendants successfully completed the  
23 program in 2014. There is somewhat of a long  
24 history to this need and I will try to summarize it  
25 here for you. Four years ago the education and

1 assistance corporation network, the organization  
2 that operates Task on Staten Island proposed to  
3 shut down the program. The EAC network suffered a  
4 cut in state funding and decided to simply  
5 eliminate a program on Staten Island to absorb the  
6 reduction. The decision by the EAC network was not  
7 without controversy since similar programs that  
8 operated in Brooklyn, Queens, and the Bronx  
9 continued to be funded and remained open. Further  
10 complicating the problem was that the city council  
11 had traditionally allocated one million dollars to  
12 cover task funding shortfalls in those other  
13 boroughs but none of that money was ever earmarked  
14 for Staten Island. After considering the potential  
15 consequences from letting Task close the city  
16 council graciously provided 250 thousand dollars in  
17 the FY2012, 2013, 2014, and 2015 adopted budgets to  
18 keep the program operating. I would like to once  
19 again thank the current and former council members  
20 who are responsible for allocating these funds.  
21 However we are once again at a crossroad since the  
22 FY 2000 funds were allocated for the physic, for  
23 the physical year only. As I stated in the past  
24 without Task proper monitoring will no longer be  
25



1 performed and defendants as opposed to being placed  
2 in treatment programs will be sentenced to jail or  
3 prison. Sadly the possibility of rehabilitating  
4 these individuals that they may develop job skills  
5 will decrease and the likelihood of them becoming  
6 predicate villains will rise. Allowing Task to shut  
7 down the Staten Island program will undoubtedly  
8 have negative repercussions as recidivism rates  
9 among addicted offenders are certain to rise.  
10 Prescription drug abuse as you've just heard is a  
11 national epidemic according to an earlier New York  
12 City health department study Staten Island has the  
13 highest rate of prescription drug abuse overdose  
14 deaths in the five boroughs at 7.4 per 100 thousand  
15 people. Additionally 11.2 percent of Staten Island  
16 students between 7<sup>th</sup> and 12<sup>th</sup> grade have admitted to  
17 abusing prescription opiates, that's a higher  
18 percentage than any other borough. Based on city  
19 data three of the city's top five neighborhoods for  
20 prescription drug abuse overdoses are in Staten  
21 Island. And the problem doesn't end with  
22 prescription pills as trends show that some young  
23 adults are now moving to heroine for a cheaper but  
24 more dangerous high. What's even more alarming is  
25

1  
2 the heroin overdoses in the city increased by 71  
3 percent between 2010 and 2013 to the highest level  
4 since 2006 after years of steady decline. We simply  
5 cannot afford to lose a program as vital as task  
6 where this epidemic will undoubtedly grow even  
7 worse. I'm again requesting, respectfully  
8 requesting that the city council again make 250  
9 thousand dollars available in the adopted budget so  
10 that Staten Island gets its fair share of  
11 discretionary funding for alternatives to  
12 incarceration. Now I'd like to move on to a new  
13 needs funding request. Specifically funds are  
14 needed in order to address two major areas of  
15 concern. The first is related to a new initiative  
16 and the second is to support an additional court  
17 part associate with the imminent opening of a new  
18 courthouse on Staten Island. First, and we've  
19 identified this as a new need an asset forfeiture  
20 unit. The Richmond County District Attorney's  
21 Office has never had a dedicated unit to specialize  
22 in the investigation and prosecution of asset  
23 forfeiture and other financial crimes. In my office  
24 Asset forfeiture has traditionally been a byproduct  
25 of a seizure and arrest. Cash and or property are

1 seized from defendants as a result of an arrest or  
2 investigation, not as the main focus of an  
3 investigation. When I first took office in January  
4 2004 I discovered that our office had a long  
5 history of not requiring convicted defendants to  
6 forfeit their ill-gotten gains. In fact when my  
7 Chief Assistant when I attended the regular  
8 workshop meeting of the New York City District  
9 Attorney Office's forfeiture prosecutors I was told  
10 that this was the very first time an attorney from  
11 Staten Island had ever attended such a meeting.  
12 Shortly thereafter DA Donovan assigned an ADA as  
13 part of her duties to ensure that at the very least  
14 vouchered monies seized from convicted defendants  
15 was, was forfeited. Still at this time because of  
16 the shortage of personnel my office does not have  
17 any prosecutors working full time on asset  
18 forfeiture. This is true even though we believe  
19 that there is much low hanging fruit that could be  
20 seized pursuant to the forfeiture laws. We believe  
21 this to be true because of the recent success that  
22 we've experienced with our CARP program, crimes  
23 against revenue program. That's a, a state grant  
24 funded initiative that combats financial crime that  
25

1  
2 wrongfully deprive New York state of taxes and  
3 revenue. This program generates revenue owed to the  
4 state through effective investigation and  
5 prosecution efforts. According to the New York  
6 State Division of Criminal Services Richmond County  
7 District Attorney's Office has been the top  
8 producer in cumulative revenue among the 22  
9 participating counties for the 2011 to 2013 period.  
10 We actually recorded a 387 percent return on  
11 investment which is the highest in the state by  
12 quite a wide margin. We've been able to accomplish  
13 this because the grant has provided my office with  
14 funds to dedicate staff to focus solely on CORP,  
15 CARP crimes. Because of our success with the  
16 program I strongly believe that a staff dedicated  
17 to focusing on forfeit, asset forfeiture will  
18 achieve similar results. For this to work properly  
19 we'll need to hire two ADAs who will have  
20 experience in investigating and prosecuting asset  
21 forfeiture cases in both the federal and state  
22 systems. Additionally a forensic accountant as a  
23 consultant will be needed to assist in  
24 collaborating with the ADAs in the investigation  
25 and prosecution of these cases. The asset

1 forfeiture unit will possess expertise in all types  
2 of financial fraud crimes with the goal of  
3 increasing asset forfeiture as well as other types  
4 of proceeds that may be potentially eligible for  
5 the city revenue agreement. A funding request has  
6 been submitted to OMB for the initiative and this  
7 would cost \$211,700 on an annual basis. The second  
8 identified new need are needs that are associated  
9 with the opening of a new court part in the new  
10 courthouse on Staten Island. Funding is needed to  
11 staff a new court part which is being added to  
12 coincide with the opening of a new court house on  
13 Staten Island. Current criminal court has two  
14 parts. The addition of a third part is going to  
15 result in cases being presented to a judge in a  
16 more expeditious time frame. It would be in fact a  
17 dedicated trial part. In order to staff the new  
18 court part and to be ready to handle an accelerated  
19 trial schedule the OCA will be providing a new  
20 judge, additional clerks, court reporters, a law  
21 secretary, and court officers. Since RCA is  
22 mandated to do this, excuse me, the same it will be  
23 necessary to add two ADAs and two criminal court  
24 clerks to man this new institutional assignment.  
25

1  
2 Please understand that we eagerly await the opening  
3 of the courthouse and fully support the added court  
4 part. Staten Island has deserved this for quite a  
5 long time. However the office does need the  
6 additional resources to address the accelerated  
7 work load that will be occurring from this unfunded  
8 mandate and we've put in a request for annual funds  
9 in the amount of 214,966 dollars also submitted to  
10 OMB and that's pending approval. Before I leave I  
11 would like to address what we have done with the  
12 500 thousand dollars that you so graciously put  
13 into our budget. These funds are being used to  
14 implement two new initiatives. First our new crimes  
15 strategies unit, we already have a new chief of  
16 that unit in place and we're interviewing for  
17 additional staff. And that would include an  
18 additional ADA, a crime analyst and a programmer.  
19 The second initiative that we have spent money is  
20 the implementation of our new family justice  
21 center, and that new family justice center will be  
22 opening this fall. We have already hired two new  
23 assistant district attorneys and they're in the  
24 process of being trained. And when the center opens  
25 we'll hire two additional support staff. So again

2 we thank you very much for the additional funds. I  
3 assure you we're putting them to a very good use.  
4 Thank you very much for your considered, continue  
5 to support.... We appreciate it greatly.

6 CHAIRPERSON GIBSON: Thank you very much  
7 we appreciate it. Thank you. On behalf of DA  
8 Donovan thank you.

9 KAREN AGNIFILO: Good afternoon. May I  
10 begin? Good afternoon Chairwoman Gibson and members  
11 of the committees on Public Safety and Finance. I  
12 am Chief Assistant DA Karen Friedman Agnifilo and  
13 I'm presenting testimony on behalf of the New York  
14 County District Attorney Cyrus R. Vance Junior who  
15 is sorry he couldn't be here today. He is in Albany  
16 meeting with state lawmakers. Thank you on behalf  
17 of DA Vance for holding today's hearing and  
18 affording me the opportunity to testify about our  
19 work in fiscal year 2016 preliminary budget and  
20 highlight the important work of my office. I'm  
21 incredibly grateful for the support that the city  
22 council has provided to our office over the years.  
23 The funding you've provided for things like the  
24 family justice center or the Dove funding and our  
25 cybercrime lab have helped us stay on the forefront

1  
2 of prosecutorial innovation and pursue our long  
3 term criminal justice and public safety goals. And  
4 starting in fiscal year '15 as everybody has  
5 alluded to the city has added baseline funding to  
6 our budgets. For us it was an additional 7.5  
7 million dollars allocated to our baseline budget.  
8 I'd like to tell you briefly how we have made use  
9 of those funds. We use those funds to support  
10 existing operations that were previously either  
11 self-funded or funded on a year to year basis  
12 including our crime strategies unit, our cybercrime  
13 lab and our tax and major economic crimes unit.  
14 Since 2004 I'll give you context why it is that we  
15 were funding ourselves in that way. Since 2004 the  
16 city and the DAs have had some variation of a  
17 revenue sharing agreement whereby the city would  
18 reinvest funds, realize through the work of the DAs  
19 offices back into DA operations. The way it would  
20 work was that the city would allocate to the DAs a  
21 small share of fines and restitutions it was able  
22 to collect as result of financial cases  
23 investigated and prosecuted by the DA's Offices.  
24 Given the Manhattan DA's Office Capacity for  
25 investigating financial crime as well as our



1  
2 location sitting in a global center for commerce  
3 the office has both benefitted from the revenue  
4 agreement and also contributed many millions of  
5 dollars in restitution funds to the city. In fact  
6 over 580 million dollars since 2009. While we were  
7 fortunate to be in a position to fund this deficit  
8 through the vital work of our office this over  
9 reliance on year to year funding created  
10 significant operational and budget uncertainty. And  
11 now thanks to you you provided baseline funding to  
12 us that reflects the true, true cost of operating  
13 our office and we're extremely grateful for this  
14 increase because it will allow us to continue to do  
15 outstanding work in these areas. The city's  
16 investment in the DA offices has helped facilitate  
17 a remarkable decline in violent crime and create a  
18 safer New York. In 2014 we had just 37 homicides in  
19 Manhattan. That's the fewest number of homicides  
20 since we began keeping records in, since 1937. That  
21 is an unthinkable level just five years ago. Under  
22 the leadership of DA Vance the signature goal of  
23 the Manhattan DA's office is to drive an already  
24 low crime rate even lower. This requires an  
25 ambitious proactive approach to crime fighting that

1  
2 in many ways reinvents the role of the big city  
3 prosecutor as many of the people who testified  
4 before me today have highlighted some of those  
5 areas of how we have all reinvented ourselves. To  
6 further that mission the office has developed and  
7 continues to implement new approaches to more  
8 effectively use prosecutorial resources to keep our  
9 city safe. For example by our office was the first  
10 in the nation crime strategies unit or CSU and the  
11 violent criminal enterprises unit which continues  
12 to operationalize an intelligence driven approach  
13 to crime fighting with prosecutors who are able to  
14 gather analyze and share intelligence in order to  
15 create strategies that address crime issues and  
16 target priorities. In the years following the four  
17 years of markedly declining violent crime in  
18 Manhattan multiple jurisdictions across the city  
19 and across America have worked with our office to  
20 replicate this approach. And by years end there are  
21 new crime strategies units all over the city and  
22 various DAs offices as well as cities outside our  
23 jurisdiction; Baltimore, Philadelphia, San  
24 Francisco, Delaware.. just to name a few. But we  
25 undertake a laborious effort to help train all of

1  
2 these prosecutors' offices across the city, across  
3 the state, and across the nation so that we can  
4 help share in what we're learning as to be the  
5 crime fighting tool for prosecutors today, this  
6 intelligence driven prosecution. In addition to the  
7 significant human resources committed to this  
8 effort the office is also creating new technology  
9 to assist assistant DAs. These innovative  
10 technologies which we develop in house by our crime  
11 strategies unit further our data driven  
12 prosecution. Some of them include, I'm going to  
13 just describe a few of them for you. One of them is  
14 a program we call the arrest alert system. This is,  
15 ensures that priority defendants no longer pass  
16 through the criminal justice system without getting  
17 noticed. So you get arrested in one precinct but  
18 you're a priority target you might get arrested in  
19 another borough we get an arrest alert and we can  
20 respond and realize that this is a priority target  
21 and act accordingly. We also created something  
22 called SKIM which stands for the surveillance  
23 camera interactive map. This is a sophisticated  
24 database with mapping capacity that enables  
25 prosecutors to locate and identify key surveillance

1 cameras throughout Manhattan. So when we're  
2 investigating a crime that occurred we can look for  
3 cameras to help solve those crimes. And Danny Info  
4 is something we call a database, or a computer  
5 program that provides assistant DAs with the  
6 ability to organize and analyze data contained  
7 within phone calls made by incarcerated  
8 individuals. The office's innovative approach is to  
9 circumventing gun and gang violence don't just stop  
10 close to home. In a ground breaking effort to  
11 combat gun violence this fall DA Vance and LA City  
12 Attorney Mike Feuer brought together prosecutors  
13 representing major jurisdictions throughout the US  
14 including those DAs before you today to form  
15 prosecutors against gun violence or PAGV as we call  
16 it. The purpose of this independent nonpartisan  
17 coalition is to identify and promote prosecutorial  
18 and policy solutions that will address the national  
19 public health and safety crisis of gun violence. In  
20 2014 PAGV hosted the first ever national  
21 prosecutorial summit on gun violence prevention in  
22 Atlanta. And next week we're having our second  
23 conference in Miami focusing on guns and mental  
24 health. We're working with our city and state  
25

1  
2 partners to reshape our courts to divert more non-  
3 violent first time offenders, particularly young  
4 men of color away from unnecessary incarceration  
5 and working to build public confidence in the  
6 justice system. This is a major priority for  
7 District Attorney Vance. One example of this is our  
8 office in partnership with the New York City Police  
9 Department and the center for court innovation  
10 recently implemented along with the Brooklyn DAs  
11 Office also has the pilot program. We've  
12 implementing a prearrangement diversion pilot. Ours  
13 is in the 25<sup>th</sup> precinct and it's called Project  
14 Reset. Under the program eligible 16 and 17 year  
15 old first time offenders arrested for non-violent  
16 misdemeanors will not be brought to the court at  
17 all. Instead they will be issued a disk, a disk,  
18 desk appearance ticket with a longer than usual  
19 adjournment date. And then they will be referred to  
20 Harlem Community Justice Center where they will  
21 participate in counselling, community service, or a  
22 session with the youth court run by their peers. If  
23 the young person successfully fills this obligation  
24 he or she doesn't ever come to court and the case  
25 is never brought. This is truly a diversion from

1 the criminal justice system. We will be tracking  
2 these cases and if this pilot is successful we hope  
3 to expand it to all precincts in Manhattan. A  
4 second area where we were working to improve the  
5 system is in specialized courts. Through these  
6 courts we're addressing the needs of distinct  
7 populations for which one size fits all approach  
8 for justice does not make sense. The goal here is  
9 to get more effective resolutions while lowering  
10 recidivism and freeing up prosecutors to focus on  
11 more serious violent criminals. With the Office of  
12 Court Administration for example we created a  
13 mental health court and adolescent diversion court  
14 and a quality of life court. We also fully support  
15 any initiative to create a full fledge veterans  
16 treatment court in Manhattan in the future. In  
17 October DA Vance announced the expansion of the  
18 Office's human trafficking program. We created the  
19 Human Trafficking response unit. Housed within our  
20 family justice center in our special victims bureau  
21 the unit investigates and prosecutes sex and labor  
22 trafficking cases and provide support for victims  
23 and families in partnership with advocacy groups.  
24 The unit also works to identify trafficked victims  
25

1  
2 in other types of cases that are handled by our  
3 office. This unit is among the most innovative  
4 anti-trafficking unit of any prosecutors office  
5 nationwide with an in house social worker,  
6 financial analyst, two full time ADAs and 15 cross  
7 designated ADAs along with investigative support.  
8 DA Vance's crime fighting philosophy is not  
9 singularly premised on enhancing public safety  
10 through prosecutions. He recognizes crime  
11 prevention as a crucial element of any plan to  
12 reduce crime in the city. And a cornerstone of our  
13 crime prevention strategy is our Saturday night  
14 light's program which offers quality sports  
15 programming and support services to kids aged 11 to  
16 18 who live in low income neighborhood. The program  
17 which has served over 4,000 kids since its  
18 inception in 2011 currently has 10 sites throughout  
19 Manhattan. Many of these initiatives are made  
20 possible through the use of forfeiture funds. In  
21 2014 Danny announced a series of transformative  
22 investments aimed at making New York City safer and  
23 the criminal justice system more fair. Using the  
24 asset forfeiture funds obtained through settlements  
25 with international banks for violating US sanctions

1  
2 our office committed hundreds of millions of  
3 dollars towards project aim, projects aimed at  
4 having a lasting impact on citywide and statewide  
5 public safety both immediately and in the decades  
6 to come. Each initiative was selected with a goal  
7 of helping solve and prevent crimes and aid crime  
8 victims seeking justice. For example we announced  
9 along with the mayor's office and the New York City  
10 Police Department a 160 million dollar project to  
11 equip police officers with up to 41 thousand  
12 mobile devices including tablet computers for every  
13 patrol car and handheld devices for every officer.  
14 The program will bring all of the crime fighting  
15 information currently available to NYPD officers at  
16 the precinct onto one mobile platform streamlining  
17 law enforcement efforts and increasing the safety  
18 of New Yorkers as well as police officers. We're  
19 also funding a 35 million dollar initiative to help  
20 address this country's rape kit backlog. Once  
21 tested these rape kits will yield DNA samples that  
22 will solve sexual assaults throughout the country  
23 and possibly New York City and bring some measure  
24 of closure, closure to survivors of sexual assault  
25 who have been waiting for justice for a very long



1  
2 time. We are also funding 41 million dollars of a  
3 four year project by Mayor de Blasio aimed at  
4 reducing the number of people with mental and  
5 behavioral health issues needlessly cycling through  
6 the criminal justice system. This initiative will  
7 focus on diversion treatment and supportive services  
8 for this group of frequently incarcerated  
9 individuals. Also recognizing that five percent of  
10 New York City residents live in public housing yet  
11 crimes committed on NYCHA property account for 25  
12 percent of violent crimes citywide. DA Vance  
13 pledged 101 million dollars to improve security and  
14 enhance residential safety at 15 public housing  
15 developments citywide. This investment will allow  
16 for infrastructure improvements including an  
17 increase in exterior security cameras, camera  
18 connection to the NYPD networks, new doors and  
19 locks, and better exterior lighting. These  
20 investments that I've detailed totaling 232 million  
21 are on top of over 945 million dollars that has  
22 been returned to the city of New York over the last  
23 six years, over 10 times our annual budget  
24 allocation. These investments are made possible by  
25 our work in the white collar area which includes

1  
2 major financial frauds, rackets, and public  
3 corruption. One example was last month our office  
4 announced the indictment of 50 defendants involved  
5 in wide spread housing fraud and bribery schemes in  
6 Manhattan, Brooklyn, and Queens. The defendants  
7 include 11 New York City Department of Building  
8 employees in five New York City Department of  
9 Housing Preservation and Development employees. The  
10 investigation revealed evidence of approximately  
11 450 thousand dollars' worth of alleged bribes.  
12 These bribery schemes comprised, compromised two  
13 important city agencies and fair competition in our  
14 housing and real estate development markets. But  
15 this investigation also demonstrates that we have  
16 zero tolerance for corruption and fraud within city  
17 agencies. We are also committed to rooting out  
18 corruption amongst those interested in doing  
19 business with city agencies. And in November we  
20 announced that a grand jury report examining the  
21 vulnerability of programs providing opportunities  
22 for minority and women owned business enterprises,  
23 also known as MWBE to fraud and misuse. The grand  
24 jury found that the amount of money intended for  
25 MWBEs but, but instead went to non-MWBEs exceeded

2 ten million dollars in recommended significant  
3 reforms to the procurement process including  
4 stronger accountability for contractors and  
5 increased fines. Finally the last thing I want to  
6 highlight for you today is that my office that is  
7 with great pleasure that my office is announcing on  
8 March 18<sup>th</sup> we'll be opening an office in Washington  
9 Heights located at 530 West 166<sup>th</sup> Street. In  
10 addition to our Harlem Office this new office in  
11 the Heights will be a place where residents can  
12 meet with prosecutors to report criminal  
13 activities, seek help with domestic violence and  
14 speak with law enforcement about public safety and  
15 quality of life and you are all invited to the  
16 opening on that day as well. With your support we  
17 are confident that New York will continue to thrive  
18 as the country's safest big city and a place where  
19 people want to do business. And I thank you very  
20 much for the opportunity to highlight just some of  
21 the exciting work that we're doing at the Manhattan  
22 DA's Office. Thank you.

23 CHAIRPERSON GIBSON: Thank you. Thank  
24 you very much to each of you six prosecutors.  
25 Obviously a lot of information, a lot of

1  
2 priorities, resources, needs... And obviously when  
3 you look at each of your offices you are assessing  
4 different challenges and programs in a different  
5 way. And we appreciate that. So obviously the  
6 questions that my colleagues and I have while we  
7 may have general questions to all of you but they  
8 may be specific to a particular district attorney.  
9 So I, we're always on a timeframe and I do  
10 appreciate you all being here. So I guess my, my  
11 first question, and I want to acknowledge the  
12 process of Council Member Miller who's also with  
13 us. The majority of the arrests of young people in  
14 this city, a number of the cases that are being  
15 prosecuted are low level offences. So we're not  
16 talking about a small population but the majority  
17 of, of many of the cases are low level offenses. So  
18 what I'd like to know from all of you is, and DA  
19 Thomson you probably have the, the, not the best  
20 knowledge but you did an announcement around like  
21 marijuana reform and some of the things you're  
22 looking to do but with some of these low level  
23 misdemeanors what are we doing in terms of  
24 intervention and is it necessary to prosecute a  
25

1  
2 number of these cases? [cross-talk] ...start that's  
3 fine.

4 DISTRICT ATTORNEY THOMSON: I'll just  
5 talk about the marijuana policy we implemented in  
6 Brooklyn last year. We, we're troubled by the high  
7 numbers of people in New York City, not only in  
8 Brooklyn who were arrested for possessing small  
9 amounts of marijuana for personal use. Most of the  
10 cases in Brooklyn and I think it's true about the  
11 cases in the other parts of the city were being  
12 dismissed by judges. And so we were devoting our  
13 limited resources to cases that were for the cost  
14 part being dismissed by judges when they were  
15 called. And so we thought we had to come up with a  
16 different approach and our approach was to come up  
17 with a, a new program that allowed us to be smart  
18 on crime and, and not continue to throw the  
19 resources to these cases. So we said we were not  
20 going to prosecute cases non-violent low level  
21 marijuana cases of people who were never arrested  
22 before or had a minimum criminal record unless they  
23 were smoking marijuana in public especially around  
24 children, we would prosecute those cases. So from  
25 July until November there were over 800 cases that

1 we declined to prosecute. Many of those cases  
2 involve young people, young people of color in  
3 Brooklyn. And now the city in November change this  
4 policy and now we have a citywide policy where  
5 they're going to be no more arrests, just summonses  
6 given. So we took a step last year regarding  
7 marijuana because we needed to deal with gun  
8 violence, domestic violence, elder abuse, and other  
9 more serious, and sexual assaults in Brooklyn. But  
10 we also worked hand in hand with the police  
11 department to come up with this project reset. And  
12 project reset is important because in Brooklyn it's  
13 confined to the 73<sup>rd</sup> precinct in Brownsville. And  
14 in that precinct those young folks who are 16 and  
15 17 when they get arrested for low level non-violent  
16 misdemeanors that you referred to we want to divert  
17 them out of the criminal justice system. And  
18 they're going to be given an opportunity to never  
19 step foot in court. And so we're not just going to  
20 say when they get arrested and they're given a DAT  
21 you know go home. They have to go through a program  
22 where they're going to hopefully learn better  
23 choices and be told you're not going to get, get  
24 another second chance. And so we have to do more to  
25

2 save our youth not only in Brooklyn but throughout  
3 the city and I think prosecutors can lead the way.

4 CHAIRPERSON GIBSON: Okay thank you. Any  
5 DA want to respond or add to that just in terms of  
6 the low level and non-violent misdemeanors, the,  
7 the high volume and the prosecution in these cases?  
8 DA Johnson?

9 DISTRICT ATTORNEY JOHNSON: I just want  
10 to generally give you four, four points about what,  
11 what happens with that. One is that what I  
12 referenced in my remarks is the concept program  
13 which is to prevent them ever coming through the  
14 system which I think is, is a priority. But second  
15 I also want to emphasize the fact that every case  
16 that comes into the complaint room involves the  
17 screening process. So our, our hope is that anyone  
18 who is mistakenly arrested will be taken out then.  
19 We do that. One of the things we, we analyze that  
20 just is the elements of the crime and the identity  
21 of the person but we also analyze whether the  
22 search to stop arrests was made appropriately  
23 because it was not legally sufficient the case is  
24 going nowhere so we want to divert them at that  
25 point. Secondly although we don't have project

1  
2 reset we do have Bronx Community Solutions which  
3 takes place post arraignment. And defendants who  
4 come in are, are go... for the opportunity either for  
5 community service or supportive programs. Things  
6 that can help them with educational needs,  
7 substance abuse needs, and things of that nature.  
8 And finally with fortunately for all those who are  
9 under 18 years of age or under 19 years of age is  
10 on their, their first arrest it is mandatory that  
11 they won't be convicted of a crime. First  
12 misdemeanor I should say. So on some of the more  
13 serious crimes it's, it's discretionary but with  
14 their first misdemeanor arrest they won't get a  
15 conviction even if they do go through the system.

16 CHAIRPERSON GIBSON: Judge Brown.

17 JUDGE BROWN: There's very little that I  
18 could add to that. I think both the...

19 CHAIRPERSON GIBSON: Okay.

20 JUDGE BROWN: ...Mr. Thomson and, and  
21 Judge Johnson articulated the views of all of us.  
22 It certainly the numbers of marijuana arrests have  
23 gone down very very dramatically. Most of them end  
24 up in dismissals very quickly or ACDs and we try

25



1  
2 and get the help for the kids that we possibly can  
3 get for them.

4 CHAIRPERSON GIBSON: Okay. Each of you  
5 talked about new needs that you would want the  
6 council to support in the FY '16 executive. I  
7 believe all of you mentioned that you have already  
8 made those request to OMB. And you know as last  
9 year as customary I certainly would love that you  
10 continue to speak to the city council about the  
11 ongoing conversations because I know last year some  
12 of the challenges we found that the, it was great  
13 to get the additional money but then you realize  
14 that there's some restrictions on how you could  
15 spend it. So it's very helpful with all of the new  
16 needs that you described and I guess the number one  
17 challenge is the spacing which I'm concerned about  
18 and each of you talked about a spacing issue. And  
19 specifically for Queens the old Queens house of  
20 detention what has been any recent conversations  
21 with DCAS or DOC corrections in relation to using  
22 some of that vacant space.

23 JUDGE BROWN: Unfortunately it has not  
24 gotten the kind of traction that I'd like to see it  
25 get. As you know that building has been empty now.

1  
2 I think you were out to visit us since 2002. It's  
3 used basically as a, as a facility to accommodate  
4 the movie industry. They, they do the filming for  
5 ...TV and movies otherwise it's not being used and as  
6 I pointed it out all you got to do is literally  
7 punch a hole in the wall of my conference room and  
8 you're in the Queens house. It, it can be renovated  
9 it seems to me over the course of a period of time  
10 and it makes a great deal of sense.

11 CHAIRPERSON GIBSON: Okay. Well we  
12 should definitely keep talking about how the  
13 council can help in that regard to speed up some of  
14 these conversations. It's not pleasing to hear that  
15 you have hundreds of staff spanning over you know  
16 three offices when you can have everything in the  
17 immediate area. So I certainly would love to keep  
18 talking to you and your staff about that.

19 JUDGE BROWN: Thank you very much.

20 CHAIRPERSON GIBSON: Okay?

21 JUDGE BROWN: Yes.

22 CHAIRPERSON GIBSON: And I just wanted  
23 to bring up Ryker's Island, DA Johnson because  
24 there was a time when the council had supported 600  
25 thousand dollars for your office to handle cases on

1  
2 Ryker's Island. There's been a lot of talk on DOC,  
3 lots of announcements. There's been a focus and a  
4 priority on mental health solitary confinement  
5 issues. Obviously there's more challenges now with  
6 some of the recent assaults on correction officers.  
7 As you know there was a female CEO that was  
8 potentially assaulted two Saturdays ago. So I'd  
9 like to know what conversations you're having with  
10 OMB about more support for Ryker's Island, what is  
11 it that you need, and how can this council be of  
12 help to you in dealing with Ryker's Island.

13 DISTRICT ATTORNEY JOHNSON: Thank you  
14 for the question. As you know I'm, I'm an old trial  
15 lawyer and I don't... prepared remarks so it turns  
16 out when you sum up every time you finish you know  
17 that there's something you left out. Add I'm left  
18 out Ryker's Island. But I did want to point out  
19 that the money was finally granted after many many  
20 years and we are using that money. We have a  
21 director, a supervisor, a senior trial assistant  
22 and their intake bureau, two senior... detective  
23 investigators, two legal assistants, and two  
24 assistants with two to three years in experience  
25 that we're spending that money on, to monitor

1  
2 Ryker's Island. We also, our newest executive  
3 assistant District Attorney Maria Cortezi is here  
4 with me today. She is our expert in the mental  
5 health area. She was on the, the committee that  
6 District Attorney Vance worked on to make  
7 recommendations about mental health. We're both  
8 going down to Miami to talk about mental health and  
9 guns but mental health in general is, is an issue  
10 for, for all of us. The, our increased personnel  
11 coupled with Riker's Island increased department  
12 corrections increased communication with us. We  
13 have a, a full time corrections officer who was in  
14 our intake bureau. And that, and his access to  
15 their computers is greatly assisted our ability to  
16 get information more quickly. We're still trying to  
17 fine tune that. We're still in conversations about  
18 that because there are things we need to go forward  
19 that sometimes take them an amount of time to, to  
20 get into us. I do want to correct some things that  
21 were in the, the papers recently. For instance the  
22 case of the, the attempted rape of the corrections  
23 officer. It seemed as if people thought that we  
24 weren't responsive to that. In fact our Director  
25 was called on Sunday. The case was gone over with

1  
2 him and he authorized that arrest and there was  
3 some view of it that, that arrests can't come in on  
4 the weekends from Ryker's Island. That is somewhat  
5 true but not completely true. What it is is there's  
6 a difficulty in getting those inmates into the  
7 court facilities on the weekend. And part of that  
8 is because correction officers staffing in the  
9 court building. But that weekend unfortunately that  
10 was the second case that we were notified. There  
11 was one on Friday evening that we, we agreed to  
12 arrest. So I believe that that, that we are  
13 increasing our ability to respond and, and to make  
14 arrests more quickly. The good news is even when  
15 something like the, the obstacle of getting people  
16 into the building on the weekend intercedes, these  
17 are people who are not generally going anywhere  
18 else anywhere, anyway so that you know we can, that  
19 they were in, they're already in custody. There  
20 would be a benefit to see them take it out in cuffs  
21 immediately. I understand the, the correction's  
22 officers desire to see that. But logistically it  
23 is, we're not really quite up to that yet so that  
24 when we do authorize arrests they still may get  
25 rejected from coming into the building 'till Monday

1 morning. But they are being prosecuted. The, the  
2 defendant... Young I believe is his name was indicted  
3 earlier this week for that attempted rape.  
4

5 CHAIRPERSON GIBSON: Okay thank you. I'm  
6 going to go to my colleagues because they have a  
7 number of questions. And colleagues I'm going to  
8 put us on a five minute time frame for the sake of  
9 time. So I ask you please abide by the time. We  
10 will start with Council Member Gentile followed by  
11 Council Member Wills and we've also been joined by  
12 Council Member Greenfield.

13 COUNCIL MEMBER GENTILE: Thank you Madam  
14 Chair. With a five minute time limit there's no way  
15 I can ask everyone a question. But let me just say  
16 that based on your testimonies it is clear that  
17 you've all made the case that with the proper  
18 resources you can do great things and have great  
19 impact on the safety and quality of life in the  
20 city. And I know we all breathe a sigh of relief  
21 last year when the baseline funding went but... But  
22 obviously based on your testimony here there's much  
23 more to be done and, and that's something I think  
24 all of us here have, have gotten that, gotten that  
25 message. But I'm, I'm curious let me, let me just

1  
2 ask one or two questions because probably my time  
3 will be up. But DA Thomson you mentioned that  
4 restructuring your salary structure. Has that now  
5 been translated into more competitive process in  
6 hiring?

7 DISTRICT ATTORNEY THOMSON: Yes

8 Councilman Gentile we were at the bottom when we  
9 were paying young ADAs only 50 thousand to start  
10 when our colleagues in the other boroughs were  
11 nowhere near 50 thousand. We're now recruiting the  
12 best and the brightest from around the country. And  
13 so it's a material difference to a young person  
14 coming out of law school that they're going to make  
15 50 thousand or 60. And so although the officers are  
16 going to be able to pay more than 60 at least  
17 we're, we're at 60. We're not so far from everyone  
18 else. And so it makes it easier for us to recruit  
19 people to come to Brooklyn. And now people all over  
20 the country are going to join our office over the  
21 next couple of months and we're excited. So yes.

22 COUNCIL MEMBER GENTILE: Great. That's,  
23 that's, that's good news. Judge Brown the question  
24 on the Queens House of Detention's already been  
25 asked and answered. So I, but it, do you want to

1  
2 add anything as, as to why that space which is  
3 attached to your office is still vacant since 2002.

4 JUDGE BROWN: I really have no answer to  
5 give to you.

6 COUNCIL MEMBER GENTILE: Right.

7 JUDGE BROWN: I would tell you that I'm  
8 most appreciative of the, the council's interest  
9 in, in getting that done.

10 COUNCIL MEMBER GENTILE: Absolutely. I,  
11 I, I think there's, I think you'll see here on this  
12 panel here that there's growing interest to see  
13 that you get that space.

14 JUDGE BROWN: Right.

15 COUNCIL MEMBER GENTILE: Great. Also let  
16 me just ask about the Richmond County. You, you  
17 have put in a request for an asset forfeiture  
18 bureau which is fine and I think most the DAs have  
19 the asset forfeiture bureau but I'm, I'm curious in  
20 that, in addition to an asset forfeiture bureau  
21 there are, there are in Richmond County a lot of  
22 victims from Sandy who are now target, have been a  
23 target of insurance fraud. And I'm curious if  
24 there's something more we can do to help those  
25



1  
2 people who are victims of Sandy are now victims of  
3 insurance fraud as we've come to see.

4 DISTRICT ATTORNEY THOMSON: Yeah I'm,  
5 I'm sure there is. And until we have, and until we  
6 have specialized attorneys who are trained in these  
7 areas it's difficult for us to assist our  
8 constituents in this way. So that, this is a kind  
9 of new crime, especially in the wake of Sandy that  
10 we're seeing people having many different problems  
11 with insurance companies. And it, it would help us  
12 greatly if we had, we're able to attract attorneys  
13 who have experience in these areas.

14 COUNCIL MEMBER GENTILE: So, so up to  
15 now you haven't been able to, to assist those  
16 victims?

17 DISTRICT ATTORNEY THOMSON: We, we can  
18 still assist those victims now but we don't have  
19 specialized people doing finance, financial crimes  
20 except for say the CARP crimes where we have crimes  
21 against revenue where we have someone now who's  
22 specifically trained in that area. We still deal  
23 with common frauds and insurance company fraud  
24 would fall into that. But many times we see for  
25 example in our CARP cases that were just, we're

1  
2 just looking at the tip of the iceberg that this  
3 person who didn't pay these taxes says that he  
4 drives a bread truck for a living but he's living  
5 in a million and a half dollar mansion and we know  
6 that there is money being hidden somewhere else but  
7 we don't have the luxury and we don't have the  
8 resources of specialized asset forfeiture people to  
9 go all the way in a case like that. And that's why  
10 we would like to beef up our, our personnel in that  
11 area in particular.

12 COUNCIL MEMBER GENTILE: So there have  
13 been prosecutions on insurance fraud issues?

14 DISTRICT ATTORNEY THOMSON: Sure, yes.

15 COUNCIL MEMBER GENTILE: Yeah, okay  
16 great. Let me just ask General... and so anyone can  
17 ask this. Your offices don't, in the PMMR don't  
18 have performance indicators. So I'm curious what  
19 indicators you use in your offices to, to gauge the  
20 efficiency and effectiveness of the work you do.  
21 Since it's not really part of the PMMR. You don't  
22 have those indicators there. Anyone... Anybody to, to  
23 answer.

24 DISTRICT ATTORNEY JOHNSON: I think a  
25 major inefficiency issue really is not something

1  
2 that can be addressed because as I indicated we  
3 don't have enough judges. And our major efficiency  
4 issue is getting cases to the court more quickly  
5 our, our basic goal is much more subjective. It's,  
6 it's justice in getting every case right and making  
7 the proper decisions so that what we have in place  
8 is that our bureau chiefs are evaluating their  
9 staff as to whether or not they are compliant with  
10 deadlines and meeting motions and, and being ready  
11 for trial. And our bureau chiefs are, are reporting  
12 to us on the, the exercise good judgment. So it's  
13 not something that's just readily addressed by  
14 computer statistics because every case is different  
15 and, and every, every eye is different. But the  
16 bureau chiefs report to the executive staff who  
17 report to me. And when, and when we evaluate  
18 movement of people in terms of promotions in terms  
19 of eligibility for, for additional conversation  
20 that's gone over line by line person by person.

21 COUNCIL MEMBER GENTILE: Great okay.  
22 Thank you. I think my time is up and Chair, I  
23 appreciate your, your allowing me the extra couple  
24 of minutes there. Thank you all very much. Thank  
25 you for, for being here.

2 CHAIRPERSON GIBSON: Thank you very much  
3 Council Member. Next Council Member Wills followed  
4 by Council Member Lancman.

5 COUNCIL MEMBER WILLS: Thank you Madam  
6 Chair. Thank everyone for being here this  
7 afternoon. I have a couple of quick questions.  
8 Before I do I wanted to publically apologize to DA  
9 Thomson for some of the things that have gone and  
10 transpired. I know you know what I'm talking about.  
11 I think that they were outside of the realm of  
12 responsible journalism so I wanted to apologize to  
13 you for some of those attacks you've received. I am  
14 going to ask you about overcharging in the criminal  
15 justice system because that's one of the things  
16 that we want to see in far, as far as the reform  
17 going and how this affects minority young men in  
18 particular. I believe that there is overcharging  
19 being done. And I don't know whether that's a tool  
20 to have them cop out to something lesser but it is  
21 actually giving a lot of these young men records  
22 that they don't deserve. I applaud everyone here  
23 for their work with alternatives to incarcerations  
24 and a diversions from criminal justice. But I just  
25 wanted to know... now I don't need a public answer to

1 that but I do want to know I want to, I will  
2 address that with each and every one of your  
3 officers in the upcoming dates soon. A week ago I  
4 had the pleasure of meeting Derek Hamilton who  
5 served more than 20 years in prison after being  
6 wrongfully accused and convicted for a murder he  
7 did not commit. Remarkably I believe he was paroled  
8 in 2011 despite proclaiming his innocence and his  
9 conviction was vacated last year by a Brooklyn DA  
10 Ken Thomson. Presently I believe only Brooklyn and  
11 New York County District Offices have dedicated  
12 resources to the conviction review. And I want to  
13 commend them for their efforts to address the  
14 issue. But I did not see in the preliminary budgets  
15 for the Bronx, Richmond, or Queens DAs offices any  
16 references for the conviction review initiatives.  
17 So I wanted to know do you have any plans to  
18 address that. And if you do how are you going to  
19 address it without a conviction review initiative  
20 set forward I your budgets. And please keep in mind  
21 as a foot note that I a introducing a resolution  
22 asking the state to actually enact legislation that  
23 would establish an innocence review commission to  
24 expand on the good work that you have done but  
25

1  
2 actually having a state level agency deal with it  
3 and I would like to know if you guys would support  
4 that also?

5 DISTRICT ATTORNEY JOHNSON: Thank you  
6 for your question because this is, this is really  
7 the heart of what we do is just to try to get down  
8 to what's real, what's honest, what's fair, what's  
9 true. The most gratifying case that I recall is one  
10 which I had my office dismissed before the case was  
11 tried. And hopefully we're now going to try very  
12 soon the person who I believe is, is responsible.  
13 So we want to get it right. First of all I think  
14 we're fortunate in that we have not been besieged  
15 with the number of motions and complaints about  
16 innocence that my colleague DA Thomson has. But  
17 because of the importance of the issue you know  
18 you, you mentioned a dedicated unit. I mean I think  
19 it depends on your definition of dedicated.

20 Because, because of the important, importance of  
21 the issue my innocence is, is being screened in  
22 triage by the chief of my appeals bureau who seized  
23 the motions made by people claiming errors in trial  
24 or innocence. And he is under strict I don't want  
25 to say orders but he's, he's knows that he has to

1  
2 bring every case that has something that needs to  
3 be looked at to me. And he confers directly with me  
4 on those cases. And where it's appropriate where we  
5 see that there's something that, that there is a  
6 question I will assign to a particular district  
7 attorney. I select the assistant district attorney  
8 and have that assistant district attorney if  
9 necessary reveal from top to bottom and bring it  
10 back to me, my council, and the chief of the  
11 appeals bureau. So it's not a dedicated unit. I, I  
12 consider myself the innocence of review committee  
13 in my office.

14 JUDGE BROWN: In my judgment Councilman  
15 the best way to handle the issue of wrongful  
16 convictions is to avoid them in the first place. I  
17 have long been a believer... the system. I have  
18 experienced ADAs in my intake bureau and all of my  
19 writing bureaus. I have assistants out on the  
20 streets at night 24 hours a day at crime scenes, at  
21 hospitals and the like. And when the issue does  
22 arise of the sufficiency of the evidence to justify  
23 a conviction I make certain of the fact that a  
24 senior assistant is assigned to handle the matter.  
25 The bottom line is that we watch them very very

1  
2 carefully, all of our cases. I have meetings at  
3 least three mornings a week with my bureau chiefs  
4 and their staffs going over the cases. And I'm  
5 reasonably satisfied that that we don't have the  
6 problem. But when we do have the problem as I say I  
7 assign a team of senior people. And we get to the  
8 bottom of the issue.

9 COUNCIL MEMBER WILLS: Thank you. My  
10 time is up Madam Chair. Thank you very much.

11 CHAIRPERSON GIBSON: Thank you Council  
12 Member Wills. Our next Council Member Lancman  
13 followed by Council Member Miller.

14 COUNCIL MEMBER LANCMAN: Good afternoon  
15 everyone. It's good to see you. And thank you for  
16 your patience and, and, and for your testimony. Let  
17 me start by keeping it local and add my name to the  
18 list of people who would love to see some  
19 consolidation at the queens District Attorney's  
20 Office. And I know how judge you have your staff  
21 spread over three buildings. That really doesn't  
22 even describe the difficulties that I know that you  
23 have and, and for the unused Queens house of  
24 detention to be sitting right there as you put it  
25 if you punched a wall in your conference room you



1  
2 can get into the, into the building. Just I do want  
3 to point out in case they ever want to reuse the  
4 house of detention as a jail we should be mindful  
5 that it can go the other way as well. We should be,  
6 we should be very very careful of that. But you  
7 know I think we can, we should really develop a  
8 strategy of trying to bring other stakeholders in  
9 because I'm sure the Queens Borough President would  
10 like to be helpful on this. And really OCA is, has  
11 a stake in it as well because the, the more that we  
12 can conduct, consolidate services and make  
13 everything more efficient works for them as, as, as  
14 well. Let me ask all of you DA Johnson in, in  
15 particular brought up the impact I think of the,  
16 the, the state budget cuts over the years and, and  
17 what it means for the operations of the District  
18 Attorney's Offices. And you know the budget and the  
19 state is about to get done in a couple weeks. We're  
20 in the middle of our own budget process. I'm not  
21 sure that the public really realizes the extent to  
22 which these outside budgetary players have such an  
23 important role in the fair and, and efficient  
24 administration of, of justice. But in terms of  
25 state resources if you'd like to talk about use

1  
2 this as, as a platform to talk about have a lack of  
3 resources for court personnel whether it's clerks  
4 or court officers is really impacting how you go  
5 about doing your business. This would be a, a good  
6 opportunity to say something. And then I'd, I'd  
7 like to also hear whether or not the city could be  
8 doing more, particularly when it comes to  
9 supporting a specialty courts. We have these  
10 specialty courts and I've, I've sat in a few of  
11 them. We had a hearing last month on the veterans  
12 court for example. I sat with Judge Diaz in, in  
13 Queens in the youthful offender part if that's the  
14 right term. If, if the city's not providing  
15 services for the individuals who are, who we're,  
16 we're trying to help through these courts and not  
17 just charge and prosecute and send to jail. But if  
18 the city's not providing those services then, then  
19 almost what's, what's the point of those courts as,  
20 as violent as the judge may be and as open minded  
21 as the district attorneys may be we need those  
22 support services. So if you want to talk about you  
23 know those two things state budget, city budget, on  
24 the operations of those courts that'd be helpful.

1  
2 DISTRICT ATTORNEY JOHNSON: I think, I  
3 think both of them are more greatly impacted by the  
4 state budget. And you know the state, with respect  
5 to the specialty courts OCA has been proactive  
6 about trying to recommend them and, and depending  
7 on the District Attorneys they actually sit down  
8 with each of us and we figure out what  
9 configuration works for our county and what, what  
10 we can and cannot do. With respect to the numbers  
11 of courtrooms and judges I will tell you that in  
12 the Bronx in 1990 we had 51,700 arrests. Last year  
13 we were down to 85,800 because we had peaked at 100  
14 thousand in 2009. That kind of increase in volume...  
15 and, and I think that's one of the major reasons  
16 why we've had such great success is because violent  
17 crime is down 73 percent in the Bronx. Homicides  
18 are down 84 percent. That's the arrests and, and  
19 holding people accountable is one of the reasons.  
20 But we can't get them into the courtrooms quickly  
21 enough because I don't remember the last time that,  
22 that the state has increased the number of judges.  
23 And, and you know there was some recently added  
24 last year but they're for the family court. And I,  
25 and my colleagues here in the city and my

2 colleagues around the state are seeing similar  
3 increases in, in the violent cases... [cross-talk]

4 COUNCIL MEMBER LANCMAN: Do you need  
5 more supreme court judges or do you need more  
6 criminal court judges?

7 DISTRICT ATTORNEY JOHNSON: We need both  
8 but supreme court is what people... [cross-talk]

9 COUNCIL MEMBER LANCMAN: That, that's  
10 the easy answer...

11 DISTRICT ATTORNEY JOHNSON: ...people...  
12 true answer. But supreme court is where people  
13 really are incarcerated awaiting trial for lengthy  
14 periods of time. And when matters are that much  
15 more serious and where it, the witnesses become  
16 more difficult to find after long periods of time  
17 even if their defendants out our cases sometimes  
18 become weaker so it, it really is, is, is a  
19 deterrent to achieving justice when you can't get  
20 people on trial quickly for both sides. It's a  
21 negative. And it really requires an increase in, in  
22 the judicial budget.

23 COUNCIL MEMBER LANCMAN: Okay. Well  
24 thank you.

2 CHAIRPERSON GIBSON: Thank you very much  
3 Council Member Lancman. And next we'll have Council  
4 Member Miller followed by Council Member  
5 Greenfield.

6 COUNCIL MEMBER MILLER: Thank you Madam  
7 Chair. And thank you to the DAs and, and their  
8 teams for coming out and sharing such vital  
9 information. So Judge, Judge Johnson indicated  
10 during his testimony actual, on several experiences  
11 that there was a backlog and kind of expressed the  
12 reason for that backlog being that, the lack of  
13 judges available to the court. My first question  
14 is, is, is there, is about that timeline. Can we  
15 define the timeline as it pertains to misdemeanor  
16 and felony arrests and the completion of cases  
17 including the amount of time it takes, average  
18 amount of time it takes for those completions on  
19 those who as well as dismissals. And my second part  
20 of that is not mutually exclusive because it has,  
21 has to do with bail. Certainly when one can't make  
22 bail and they are in lockup for an inordinate  
23 amount of time then that kind of determines the  
24 judgment, how the judgment plays out. So I want to  
25 kind of understand the timeline on these things and

1  
2 what impact that bail or the lack thereof would  
3 have on this.

4 DISTRICT ATTORNEY JOHNSON: Well bail  
5 definitely has an impact and though bail cases are  
6 given priority but even so if you don't have enough  
7 judges it becomes very, very difficult. We don't  
8 get bail on as many defendants as we elect to I'll  
9 tell you that because bail is to ensure peoples  
10 return to court and, and sometimes it needs to be  
11 set. But that being said you know someone in or out  
12 of jail is entitled to a speedy trial. And the way  
13 the law is set now speedy trial is only when it's  
14 our fault for the delay. Court, court delay  
15 doesn't, not necessarily entitle the defendant to a  
16 dismissal or release from jail. And in felony cases  
17 it's, it's going to take you probably two years  
18 minimum to get a trial in Bronx County. Misdemeanor  
19 cases I'm not sure but I'm sure we get... many over a  
20 year... I don't have those numbers in front of me  
21 right now. It is, it is not what it should be. And,  
22 and when you do have judges available to try cases  
23 the even guilty defendants start realizing that  
24 they can't game us anymore and they have to make a  
25 decision so you start getting more pleas right, you

1  
2 know you get more trials but you get more pleas  
3 also. So I, I can't say it often enough it's, you  
4 know I've been in this business along time you know  
5 defense lawyer, assistant DA, judge, and now this  
6 position. And I hear a lot of talk and a lot of  
7 studies but until we get the resources to try cases  
8 faster we're going to be in this kind of trouble.

9 COUNCIL MEMBER WILLIAMS: So  
10 collaboratively are there additional resources that  
11 the council can provide and allow us to expedite  
12 that would allow us to expedite these cases 'cause  
13 clearly they have an impact on lives. So that is my  
14 question kind of universally. And before I run out  
15 of time I know that Councilmember Lancman asked the  
16 question as it pertains to a, the new vision zero  
17 legislation and failure to yield, my question would  
18 to, to that would be is there a universal policy  
19 around that issue or is each office addressing it  
20 differently?

21 JUDGE BROWN: I think, excuse me, I  
22 think all of the DA's officers have vehicular  
23 crimes units and the heads of those units who are  
24 all very experienced people beyond regular bases to  
25 see that we're handling things uniformly and those

1  
2 are cases that we treat very very seriously and  
3 respond basically based upon the facts and the law  
4 of each individual case.

5 COUNCIL MEMBER WILLIAMS: Okay thank  
6 you. So... Judge Brown you and I have actually had  
7 that, briefly had that conversation. And I, and I  
8 do want to thank you for the work that we were able  
9 to do with some of our young folks in, in the, in  
10 the past year in the, in the borough of Queens. And  
11 I'm hoping that we can step that up a little bit  
12 and ensure that these young people have the  
13 opportunity that they deserve. So as it relates to  
14 alternatives to incarcerations you know I am  
15 partial to a, a program that is housed in your, out  
16 of your office over there and that we are funded in  
17 the past but I'd like to see that and others so  
18 that young folks have an opportunity to a  
19 productive life.

20 JUDGE BROWN: Well thank you for your  
21 kind words and we have a great number of programs  
22 and most of them are working extremely well and  
23 have been there for long periods of time. Our  
24 intention is always to see if we can divert  
25



1 individuals from the criminal justice system and,  
2 and that we do every single day that week.

3  
4 CHAIRPERSON GIBSON: Okay thank you  
5 Council Member Miller. Final Council Member Council  
6 Member Greenfield.

7 COUNCIL MEMBER GREENFIELD: Thank you  
8 Madam Chair. I appreciate it. You know as the law  
9 and order show goes in the criminal justice system  
10 the people represented by two separate yet equally  
11 important groups, the police who investigate crimes  
12 and the district attorneys who prosecute these  
13 offenders and these are the stories. So there's  
14 actually a tradition... and my colleague Lou Fiddler  
15 used to say that at the beginning of every public  
16 safety hearing. Because he's no longer here I've  
17 decided to extend that tradition. In fact I don't  
18 sit on the public safety committee anymore and  
19 while most of my colleagues come for the bank of TV  
20 cameras and the many reporters for the police  
21 commissioner's testimony I come to support the  
22 district attorneys because I know that all six of  
23 your agencies do outstanding work on very limited  
24 resources and I want to thank you for that. I do  
25 actually want to just focus on Brooklyn, my home

1  
2 borough for a moment. I want to congratulate Eric  
3 Gonzalez on his promotion and we're looking forward  
4 to continuing to work with you. I, I, I noticed you  
5 done some really incredible stuff over the last  
6 year really doing a lot more with a lot less. And  
7 specifically as you mentioned merging two units in  
8 your office to be more efficient and raising the  
9 salaries. I will note for those people watching at  
10 home that the, the approximate guaranteed salary of  
11 a police officer after five years of work is  
12 approximately 100 thousand dollars. To get to that  
13 stage it requires two years of an associate degree  
14 and five years of work. That's seven years and  
15 you're making 100 thousand dollars. For a starting  
16 assistant district attorney you have to go to law  
17 school for three years, college for four years,  
18 same seven years and you're starting out now at 60  
19 which just shows the discrepancy. And I'll also  
20 point out that to the best of my knowledge unless  
21 I'm incorrect assistant district attorneys do not  
22 get paid overtime. Am I correct about that? I think  
23 I am correct. Yes indeed.

24 JUDGE BROWN: That includes district  
25 attorneys themselves.

2 COUNCIL MEMBER GREENFIELD: Touché.

3 Neither do Council Members. But the point is that  
4 the ADAs are underpaid, overworked, and they're  
5 still doing great work every day. And we appreciate  
6 the leadership and especially what you've done  
7 District Attorney Thomson in raising the salaries  
8 and quite frankly the moral from speaking to ADAs  
9 about the office as well. I want to focus on a  
10 couple of specific things that are important to me.  
11 The first thing is Assistant District Attorney  
12 Thomson you created a hate crimes unit within your  
13 office. I wanted to know if you could speak a  
14 little bit more about that and just if there are  
15 other offices that are doing the same thing.

16 DISTRICT ATTORNEY THOMSON: What I did  
17 Councilman Greenfield is in September of 2014 I  
18 revamped my civil rights bureau. I made it  
19 stronger. I added more ADAs to it. And I created a  
20 hate crimes unit not because Brooklyn is unique to  
21 hate crimes but because we cannot tolerate hate  
22 crimes, that we cannot allow anyone walking down  
23 the streets of Brooklyn to be attacked because of  
24 how they look, what they believe, who they love,  
25 where they live. And so we now have outstanding and

1  
2 experienced prosecutors in Brooklyn who are ready  
3 to investigate and prosecute hate crimes no matter  
4 who commits them and no matter who they're  
5 committed against, very aggressively. So in 2014 we  
6 had 22 hate crimes in Brooklyn that were  
7 investigated and prosecuted by my office. Sadly  
8 this year we've had four. I think that it is  
9 important to have in Brooklyn dedicated prosecutors  
10 who are ready to deal with these ugly crimes. But  
11 we also try to go into the community to talk to  
12 folks because Brooklyn is so diverse and so great  
13 that we all should be able to live there peacefully  
14 without people being attacked through, with, with  
15 senseless acts of violence. So in Brooklyn our hate  
16 crimes is up and running and I intend to expand it  
17 over the next couple of years.

18 COUNCIL MEMBER GENTILE: Thank you. And  
19 I will note that in fact when I met with the police  
20 commissioner and the head of the hate crimes task  
21 force they specifically mentioned that their  
22 offices great work in that regard and they have a  
23 very great close relationship with the NYPD and so  
24 we're certainly grateful for that being such a  
25 diverse burrow. I also wanted to do a chat quickly

1  
2 about a press conference. While we were in here  
3 outside there was a press conference calling on the  
4 governor to create a special prosecutor for police  
5 abuse. The reason I want to focus on this is  
6 because I know there's a diversity of opinion. You  
7 have a lot of experience most recently having  
8 indicted a police officer for different alleged  
9 crimes in the borough. And I'm wondering what, what  
10 your take is on this whether it's appropriate to  
11 keep it local or to farm it out.

12 DISTRICT ATTORNEY THOMSON: Councilman  
13 I've made my position clear. And my position is  
14 based on not only my ten year as Brooklyn DA but my  
15 past experience as a federal prosecutor in Brooklyn  
16 who handle the Abner Louima trial with Loretta  
17 Lynch and others. I believe that the people of  
18 Brooklyn have a right to have their prosecutor look  
19 at these cases fairly and thoroughly and make the  
20 decision. And so I've made that clear. I believe  
21 that we need to reform the criminal justice system.  
22 But I do not believe that we need a special  
23 prosecutor to swoop into the 62 jurisdictions all  
24 around the state and handle these cases. I don't  
25 think that that's workable. I believe that we have...

1  
2 after September when a September client starts well  
3 over 500 prosecutors will be in that office. And  
4 many of them have had years of experience. And so  
5 we can handle these cases and we handle them  
6 fairly. We are fair to the police and we're fair to  
7 the community. So I don't think there's a need to  
8 take these cases from me or my colleagues. And I  
9 believe, because I believe that we were elected to  
10 do a job, and we're prepared to do that job.

11 COUNCIL MEMBER GENTILE: Yeah I would  
12 also just finally add to that point as far as being  
13 elected which is that that also adds to the  
14 accountability here the prosecutors are elected  
15 officials and a special prosecutor is not and  
16 really they're lacking in accountability in that  
17 regard. Thank you all for the great work that you  
18 do, really appreciate it. I think you've displayed  
19 publically how you can make New York City safer on  
20 the prosecution side. Very grateful. And thank you  
21 Madam Chair for your diligence and for your  
22 leadership to that.

23 CHAIRPERSON GIBSON: Thank you very  
24 much. So what I am going to do is personally  
25 request meetings with each of you to go over a few

1  
2 more items and so please expect a call from me  
3 because I certainly want to talk about some of the  
4 collaborations with PD like New York City CeaseFire  
5 and some of the other initiatives that are starting  
6 in various parts of the city. And I will say for  
7 Staten Island I really think TASK should be base  
8 lined by the mayor and so I would love to speak to  
9 DA Donovan about that as well so that the council  
10 doesn't have to keep picking that up every year. I  
11 think it's unfair to the people of Staten Island  
12 and also to all of you. Thank you so much for your  
13 presence here today. Thank you for the work that  
14 you do collectively, creatively, and innovatively.  
15 I appreciated DA Johnson, DA Judge Brown, DA  
16 Thomson. Thank you Ms. Brennan. Thank you to our  
17 Chief ADA Friedman as well as Master. Thank you on  
18 behalf of your DAs for being here. And I look  
19 forward to working with you. Thank you.

20 [pause]

21 UNKNOWN MALE: Ladies and gentleman once  
22 again please find a seat. We're going to continue  
23 with our hearing. Our civil portion of the hearing.  
24 Please find seats. All private conversations please  
25 take outside the chambers. Any and all electronic

2 devices please silence at this time. Once again  
3 please find a seat and we ask for complete silence.

4 CHAIRPERSON GIBSON: Good afternoon  
5 ladies and gentlemen and welcome again to the  
6 committee on public safety's FY 2016 preliminary  
7 budget hearing. We just heard from our district  
8 attorneys and special narcotics prosecutor and now  
9 we will hear testimony from the civilian complaint  
10 review board. Before we proceed I don't have any  
11 council members to acknowledge but I'm sure some  
12 will join us shortly. The FY 2016 preliminary  
13 budget for the CCRB is 14.5 million dollars which  
14 is 1.7 million dollars or 14 percent higher than  
15 the FY 2015 adopted budget of 12.7 million dollars.  
16 The total headcount for CCRB has increased by 11  
17 new staff which brings CCRB's budgeted headcount to  
18 178. The fiscal 2016 preliminary budget includes  
19 new needs like the expansion of the community  
20 outreach division, a dedicated training unit, and a  
21 new policy unit. I hope to learn more about each of  
22 these initiatives and look forward to hearing the  
23 testimony from CCRB. I also hope to learn more  
24 about the vision, plans, and priorities of the CCRB  
25 and how the FY 2016 preliminary budget reflects



1  
2 that particular vision. And I'd like to welcome our  
3 distinguished panel. Thank you so much to our chair  
4 Mr. Emery. Welcome, good to see you as well as our  
5 new executive director thank you for being here.  
6 And before you begin we have to administer the oath  
7 of office.

8 COMMITTEE COUNSEL: Do each of you  
9 affirm to tell the truth, the whole truth, and  
10 nothing but the truth in your testimony before this  
11 committee and to respond honestly to council member  
12 questions?

13 CHAIRPERSON GIBSON: Thank you. And  
14 who's going to begin? Okay, great. The microphone's  
15 not on.

16 NINA MALIK: Is that better?

17 CHAIRPERSON GIBSON: Yes.

18 NINA MALIK: Chair Gibson, members of  
19 the public safety committee My name is Nina Malik  
20 and I am the executive Director of the Civilian  
21 Complaint Review Board. In my role as Chief  
22 Executive Officer I administer the agency's  
23 programs, operations, and supporting budget. The  
24 CCRB is the largest civilian oversight agency in  
25 the country, one of the oldest and a model for

1  
2 other jurisdictions. With me today are Richard  
3 Emery the Chair of the Board and members of our, of  
4 our executive and senior staff. In this testimony I  
5 will describe our mandate, our fiscal situation  
6 after the preliminary budget ad our three major  
7 programmatic initiatives. Mr. Emery, our executive  
8 staff, and I will be available to answer your  
9 questions at the conclusion of my testimony. The  
10 mandate of the CCRB is to investigate, mediate,  
11 make findings, recommend disciplinary action, and  
12 prosecute complaints of police misconduct made by  
13 members of the public against sworn members of the  
14 New York City Police Department. Our jurisdiction  
15 includes allegations involving the use of force,  
16 abuse of authority, discourtesy, and use of  
17 offensive language. When the board determines  
18 misconduct has occurred it may recommend various  
19 levels of discipline including instructions,  
20 formalized training, command discipline, or most  
21 seriously charges in specifications. If the board  
22 recommends charges the CCRB's administrative  
23 prosecution unit the APU prosecutes these cases  
24 before the NYPD Deputy Commissioner of Trials. For  
25 all other disciplinary recommendations the

1 department advocate's office handles the case. In  
2 all cases the police commissioner makes the  
3 ultimate determination for discipline. For fiscal  
4 2016 the CCRB has a current preliminary budget of  
5 14,528,476 dollars 11,296,207 dollars for personal  
6 services and 3,232,269 dollars for other than  
7 personal services. The personal services budget has  
8 increased by 1,39,139 dollars or 10 percent up from  
9 10,257,000 dollar, 257,068 dollars in fiscal 2015.  
10 The authorized headcount for our agency is 178  
11 positions; 123 positions in the investigations  
12 division, 28 positions in the APU, and 35 positions  
13 in administration. This includes 11 new positions  
14 that the administration funded in the preliminary  
15 budget; three positions for the new training unit,  
16 six positions for the community outreach unit, and  
17 two positions for the new training unit, six  
18 positions for the community outreach unit and two  
19 positions for the policy unit. Since the beginning  
20 of his term Mayor de Blasio and this council have  
21 demonstrated a strong desire and a commitment to  
22 improve relations between the NYPD and the  
23 community and to ensure that the rights of New  
24 Yorkers are protected. Since July 2014 the mayor  
25

1  
2 has made several new appointments to the board  
3 including Chairman Emery with the hope and the  
4 expectation of transforming an agency that has not  
5 lived up to its full potential into one that does.  
6 We take this mandate seriously and accept this  
7 great challenge. In the early days of his tenor  
8 Chair Emery worked with staff in preparation of a  
9 comprehensive chokehold report. This report  
10 examined complaint data highlighted problematic  
11 trends, identified the significant dilution of the  
12 chokehold prohibition over time and noted the  
13 failure of the police department's disciplinary  
14 process in addressing the persistent use of  
15 chokeholds in spite of the clear cut ban on  
16 chokeholds. The 150 page report speaks for itself  
17 and demonstrates the vital contribution that  
18 accountability and transparency make in police  
19 community relations. Additional funding for our  
20 policy unit will enable us to conduct further  
21 relevant innovative and creative policy work. Among  
22 other projects we are working on the development of  
23 an early warning system based on the number and  
24 severity of complaints which will then be used to  
25 develop profiles of complaint prone police

1 officers. We all, we'll also study complaints in  
2 schools, excessive force complaints, and the  
3 deterrent effect of the disciplinary process. In  
4 reviewing our data one issue we identified that  
5 needs immediate attention is our investigative  
6 training. Historically there has been a lack of  
7 consistency and uniformity in how cases were  
8 investigated and evidence assessed. This called for  
9 an ongoing training program. The creation of our  
10 newly funded training unit is the key to addressing  
11 this historic deficiency. Also in order to hire and  
12 retain excellent staff we must invest in their  
13 professional development and training which will be  
14 facilitated by utilizing these additional resources  
15 funded in the January 2016 financial plan. I have  
16 already identified various people from other  
17 jurisdictions such as Boston and Washington DC who  
18 have extensive knowledge and experience in the  
19 field of investigations and the law and who have  
20 committed to assisting us in our endeavors by  
21 having top training staff provide intensive and  
22 ongoing legal and investigative training to  
23 investigators we will enhance their skills, enable  
24 them to conduct better investigations in a much  
25

1  
2 timelier manner, give them greater job  
3 satisfaction, and reduce staff turnover. In recent  
4 months our priority has been to improve the quality  
5 and the efficiency of the investigations division.  
6 The central mission of the CCRB is to investigate  
7 and resolve allegations of police misconduct in an  
8 impartial, timely, and efficient manner. The  
9 recently released fiscal year 2015 PMMR identified  
10 the main challenges the board and I face. The  
11 report notes that there is ample room for  
12 improvement and changes which would result in  
13 greater efficiency. Take for example the time it  
14 takes to investigate a complaint. When comparing  
15 the time period from July to October 2013 before  
16 Chair Emery was appointed, to the time period from  
17 July to October 2014 the first four months after  
18 his appointment the average number of days to  
19 complete full investigations decreased by 12  
20 percent from 343 to 303 days. The average time to  
21 complete substantiated investigations also  
22 decreased by 11 percent from 410 to 365 days. These  
23 improvements were good but insufficient. Our goal  
24 is to drastically decrease the amount of time it  
25 takes to investigate a case which historically has

1  
2 been a challenge for this agency. In November after  
3 reviewing the data I mentioned earlier the chair  
4 and the board asked the executive staff to  
5 undertake the major process of reengineering and  
6 revamping our investigations division. In order to  
7 obtain the various reform goals including reducing  
8 the time it takes to complete an investigation we  
9 implemented a comprehensive action plan. The action  
10 plan includes the following key elements; A  
11 restructuring the investigations division from a  
12 hierarchical larger team structure to one based on  
13 smaller teams that we call pods, B developing a  
14 transition strategy by creating a case closing  
15 transition unit for old cases received prior to  
16 December 1<sup>st</sup>, 2014 and the immediate implementation  
17 of the new investigations division that would  
18 receive only new cases, C creating new benchmarks  
19 and accountability instruments for the  
20 investigative process including the creation of  
21 CCRB staff meetings, and D prioritizing resources  
22 to aggressively reduce the open docket including  
23 the creation of a field team which gathers evidence  
24 and a strike team which provides additional  
25 oversight to ensure that quality investigations are

1 conducted in a timely manner. We are starting to  
2 see the first signs that our overhaul is working.  
3 At the end of February 2015 the open docket was  
4 1,514 cases which was a significant reduction from  
5 the 2,699 cases that were pending at the end of  
6 January 2014. This reduction was particularly  
7 visible in the open docket of the investigations  
8 division which decreased from 1,858 cases in  
9 January 2014 to 912 active cases by the end of  
10 February 2015, a 51 percent decrease. With this  
11 decrease in the docket the number of days it takes  
12 to investigate a complaint has decreased from 298  
13 days in January 2014 to 241 days in February 2015  
14 and the number of days it takes to investigate a  
15 substantiated complaint has decreased from 418 days  
16 in January 2014 to 351 days in February of 2015.  
17 They are both significant decreases. Also the  
18 preliminary data for the restructured  
19 investigations division based on the small pod  
20 structure with closer supervision shows  
21 definitively that it is more effective than the old  
22 team system. The number of days it takes to  
23 interview a complainant has decreased from 31 days  
24 in January 2014 to 11 days in February 2015. In  
25



1  
2 February 2015 approximately 75 percent of  
3 complainant interviews were conducted in less than  
4 15 days. Furthermore in February 2015 we conducted  
5 an analysis of all cases received since August 2014  
6 that have been fully investigated and the  
7 investigations division has closed these cases in  
8 an average of 96 days. The second programmatic  
9 initiative is the restructuring of our roll in the  
10 police department's disciplinary process. In August  
11 2014 less than a month after Mayor de Blasio  
12 appointed the chair to the board the chair met with  
13 Police Commissioner Bratton and his executive  
14 staff. The parties all agree that the discipline  
15 for CCRB cases have been given second class status  
16 in the past and that a transformed disciplinary  
17 system needed to be put in place where the two  
18 agencies cooperated in order to ensure that the  
19 complainants and police officers were treated  
20 fairly. Although the APU was fully implemented the  
21 department retained APU cases without disciplinary  
22 action. APU pleas were set aside and charges  
23 dismissed and it continued to decline prosecution  
24 in one quarter of our cases. Since that initial  
25 meeting a small working group comprised of the

1 board chair, CCRB attorneys and a handful of  
2 executive staff from the police department's Office  
3 of Legal Affairs and the Department Advocates  
4 Office have been needing to reform and change the  
5 interactions between CCRB and the police department  
6 on the question of discipline. The goals have been  
7 to enhance the police department's respect for both  
8 the CCRB's decisions to substantiate complaints and  
9 for its disciplinary recommendations on those cases  
10 and to further transform that respect into  
11 discipline that is rational and collaborative. As a  
12 result of this collaboration there is a notable  
13 difference between police department discipline on  
14 cases that were handled before the appointment of  
15 the new chair and the implementation of the  
16 interagency working group in those cases that were  
17 handled afterwards. I've also included statistics  
18 here but for the sake of brevity and expediency I'm  
19 going to skip other those statistics but note that  
20 they are for the record, and I'm going to go to  
21 page eight of y testimony, the second paragraph.  
22 The CCRB is committed in, to growing its outreach  
23 and communications efforts so that people who need  
24 our services know how to access them so that the  
25

1  
2 general public and the news media understand the  
3 significance of having a strong civilian oversight  
4 agency in New York City so that we can help young  
5 people in other vulnerable populations understand  
6 their rights during police civilian encounters and  
7 know how to stay safe during these encounters. We  
8 also want the public to understand how mediating a  
9 complaint can be a viable and satisfying option for  
10 civilians and a way to promote mutual understanding  
11 between police and the community. In 2015 the CCRB  
12 is focusing on New York City housing authority  
13 developments and precinct counts, community council  
14 meetings in order to have a presence in  
15 neighborhoods where a large number of our  
16 complainants live. The CCRB is also diversifying  
17 its outreach efforts by also focusing on precinct  
18 community council meetings. We had only one event  
19 at precinct community council meetings in 2014  
20 compared to five events completed and 10 more  
21 scheduled between March and May of this year. The  
22 CCRB receives a significant number of complaints  
23 from NYCHA residents and we are continuing to reach  
24 out to NYCHA resident association leaders and  
25 organizations associated with NYCHA. In 2014 the

1  
2 CCRB completed 12 events at NYCHA locations  
3 including resident association meetings, family day  
4 celebrations, and resident association president  
5 district meetings. The CCRB hopes to exceed the  
6 number of NYCHA events attended in 2014. The agency  
7 has an upcoming event at the Queens District  
8 Council of Residents meeting in this month. We will  
9 work with the NYCHA council of presence so that we  
10 can attend district council meetings in all the  
11 boroughs and gain support in notifying NYCHA  
12 residents of the services the CCRB provides. We  
13 hope to participate in the upcoming NYCHA family  
14 day celebrations at developments throughout the  
15 city this summer and further expand our outreach  
16 efforts by going beyond traditional outreach  
17 approaches. The positions recently funded by the  
18 mayor was a major step in providing the CCRB with  
19 the resources to move towards accomplishing these  
20 and other outreach goals set by the board. In late  
21 June, June 2014 the agency launched an initiative  
22 called CCRB in the boroughs. And after the new  
23 chair was appointed the board made this a priority  
24 program. The goal was to have a physical presence  
25 not just in Manhattan but in all boroughs. This is

1  
2 crucial to accommodating complainants who cannot  
3 travel during conventional business hours to CCRB's  
4 Manhattan Office to give investigators the  
5 necessary in person statements. It will also enable  
6 the agency to reach people where they live and work  
7 or attend school. The CCRB has also collaborated  
8 with the city council speaker's office to designate  
9 district offices in the boroughs that can be used  
10 to interview candidates and conduct presentations  
11 and outreach. We are grateful to the council  
12 speaker, to Chair Gibson, and to the entire council  
13 for its December Commitment to allow CCRB to  
14 establish a permanent presence in Council Members'  
15 district offices in all the boroughs. With the  
16 funding increase announced in the Mayor's  
17 preliminary budget we will be hiring six additional  
18 staffers who will be conducting outreach and who  
19 will be available to take complaints and conduct  
20 initial interviews with complainants that these  
21 district offices. This additional funding will also  
22 enable us to update and expand our outreach  
23 materials and methods to optimize our website for  
24 mobile devices and to further enhance the  
25 interactivity and customization of our statistics

1 so that the public can see rates of complaints in  
2 their communities. At the executive budget the CCRB  
3 will request expense funding in the amount of 2.1  
4 million dollars to fund higher starting salaries  
5 and a promotional path. Currently the investigative  
6 starting salary is approximately 20 percent lower  
7 than similarly situated investigators employed by  
8 the business integrity commission, department of  
9 investigations, department of corrections, consumer  
10 affairs, the housing authority, and other sister  
11 agencies. As such despite the training and  
12 experience they receive through the CCRB the  
13 investigators resigned from the agency to work in  
14 other offices where they can earn a higher salary.  
15 As a result investigations become delayed because  
16 cases need to be transferred to new investigators  
17 who in turn need to familiarize themselves with  
18 those cases. The practical affect is that our case  
19 processing times are hindered which among other  
20 things may jeopardize our ability to prosecute  
21 cases within the 18 month statute of limitations  
22 period. Ultimately such situations result in  
23 delayed justice to both law enforcement personnel  
24 and civilians and could lead to a disservice to the  
25

1  
2 people of this city. The inability to increase  
3 salaries will erode the productivity gains that  
4 this agency has achieved through our restructuring.  
5 The CCRB will also request capital and expense  
6 funding during the upcoming executive budget to  
7 revamp the agency's antiquated computerized  
8 complaint tracking system CTS. CTS is the most  
9 essential tool used in registering, routing,  
10 tracking, and analyzing over 6,000 complaints  
11 received by the agency every year. CTS is also the  
12 main repository for tens of thousands of case files  
13 compiled over more than 20 years during which the  
14 agency has been independent from the police  
15 department. Currently the system is 14 years old  
16 and its programming language and capabilities have  
17 become obsolete. Given the system's age it's  
18 difficult to modify the programming language in  
19 accordance with the agency's operational changes  
20 and difficult to recruit staffers who are familiar  
21 with the outdated programming language. Rebuilding  
22 CTS and using the most modern and commonly used  
23 platform is essential and critical to the  
24 efficiency of our investigation process. We are not  
25 where we want to be but we are on the right path to

1 transforming this agency to make it more effective,  
2 efficient, and a great model for our nation. In the  
3 coming months the board and I will work together to  
4 make sure that the changes I outlined here are  
5 fully implemented and adjustments are made as  
6 needed. To that end we will continue with the  
7 administration to ensure that we address additional  
8 needs that we have identified. A promotional path  
9 for our hardworking investigators so we can retain  
10 them and address our issue of double digit  
11 attrition and the creation of two deputy positions  
12 to assist our head of the investigation,  
13 investigations division that oversees 110  
14 investigators. With the support and funding we have  
15 received from the administration we are confident  
16 that we are in a better position to meet the  
17 objectives of Mayor de Blasio and the city council  
18 in fulfilling the CCRB's mission to provide  
19 thorough, quality, and fair investigations into  
20 police misconduct for the citizens of New York. We  
21 are grateful that the administration and the  
22 council are committed to ensuring that the agency  
23 has all the resources needed for the future success  
24 of the CCRB. Thank you for your time and your  
25



1 continued support. Mr. Emery, the executive staff,  
2 and myself will be happy to answer any questions  
3 you may have.  
4

5 CHAIRPERSON GIBSON: Thank you very  
6 much. I appreciate your testimony and your presence  
7 and certainly the opportunity to sit with you  
8 recently in really understanding a lot of what CCRB  
9 has envisioned moving forward and also Chair Emery  
10 our meeting as well a couple of months ago. You  
11 really laid out a lot of priorities of CCRB. So I  
12 do appreciate that. And I have a very good  
13 understanding of this so I don't have a lot of  
14 questions because many of it you have already  
15 answered. Other than just to confirm that the two  
16 needs that we're talking about is for staff  
17 retention to raise the starting salaries of  
18 investigators as well as have a promotional path  
19 within investigators level 1, 2, and 3 right?  
20 Investigators level 1, 2, and 3?

21 NINA MALIK: Yes.

22 CHAIRPERSON GIBSON: And also with your  
23 CTS tracking unit... Is there a cost on this CTS  
24 unit? Because I know you said for the staffing it's  
25

1  
2 2.1 million is the request but do you have a cost  
3 of what the tracking system would be?

4 NINA MALIK: We're in the process of  
5 determining that...

6 CHAIRPERSON GIBSON: Okay.

7 NINA MALIK: ...Chair Gibson so we don't  
8 have a firm number yet.

9 CHAIRPERSON GIBSON: Okay. And you have  
10 already started reaching out to OMB right?

11 NINA MALIK: Yes.

12 CHAIRPERSON GIBSON: Okay great. And as  
13 we continue to proceed you know obviously moving  
14 towards the executive budget certainly you know the  
15 council will be very supportive. I think it's a  
16 huge disservice that we bring in investigators,  
17 provide all the training necessary and then they  
18 turn an take that good talent elsewhere. So I  
19 appreciate the chance to really correct a lot of  
20 inequity in the system with the starting salaries  
21 of your investigators. I wanted to ask a question,  
22 you talked about a recent report that was released  
23 by your office to talk about an interagency  
24 partnership consisting of NYPD and CCRB to  
25 strengthen the data collection and analysis

1 project. With this, with this new unit do you  
2 anticipate that there would be greater cooperation  
3 as you've demonstrated is a goal between CCRB and  
4 the NYPD as it relates to a lot of the cases that  
5 are before your agency?  
6

7 CHAIR EMERY: Chair Gibson if I may...

8 [cross-talk]

9 CHAIRPERSON GIBSON: Sure, of course.

10 CHAIR EMERY: The, the cooperation  
11 between the CCRB and the New York City Police  
12 Department is critical to both functioning properly  
13 obviously a vigorous and necessary independence has  
14 to infuse that relationship because are an  
15 oversight agency and we never lose sight of that  
16 fact. But the fact is is that on statistical  
17 matters, on policy matters we want to help the  
18 police department get ahead of the misconduct  
19 problems that are systemic or may become systemic  
20 if, if, they can be avoided. And so yes we will  
21 with our policy unit cooperate closely with the  
22 police department on gathering statistics that they  
23 gather very effectively and they are very dependent  
24 on us for a number of the statistics that we gather  
25 because we have this, as I've told you I think,

1  
2 this trove of information about interactions  
3 between citizens and police officers that no one  
4 else has in the whole system. So we are going to  
5 work very hard and develop better mechanisms in the  
6 past. CCRB has really been kept at more than arm's  
7 length, I would say at Oceans length away from the  
8 New York City Police Department. The reason I took  
9 this position when asked by Mayor de Blasio was  
10 because Commissioner Bratton Committed to working  
11 with the CCRB as an integral part of the  
12 disciplinary system and and incorporating it. And  
13 part of that is, is... addressed as the question you,  
14 you raised which is about change, sharing  
15 information and, and evaluating information on an  
16 ongoing basis.

17 CHAIRPERSON GIBSON: Okay. So in  
18 addition to a lot of the information as you said  
19 CCRB has access to tracking trends in particular  
20 types of cases and looking at broader  
21 recommendations on policies for instance you  
22 recently issued a chokehold report...

23 CHAIR EMERY: Yes.

24 CHAIRPERSON GIBSON: ...on the number of  
25 chokehold complaints that are coming to CCRB. So

1  
2 one of the policy you know recommendations from  
3 this council, from one of our colleagues is to make  
4 chokeholds illegal...

5 CHAIR EMERY: Right.

6 CHAIRPERSON GIBSON: ...because it's... you  
7 know council members feel like it's departmental  
8 policy but it would be more effective if it  
9 grounded in law.

10 CHAIR EMERY: Mm-hmm.

11 CHAIRPERSON GIBSON: So things like that  
12 are you, do you see yourself being involved in  
13 making recommendations to the council and/or PD on  
14 some of the broader policy issues that you think  
15 will be useful because you're seeing these trends  
16 in the cases you receive?

17 CHAIR EMERY: Most definitely. Most  
18 definitely. We, we see ourselves in looking at  
19 various patterns and practices of police behavior  
20 if you will, it's not always misconduct, police  
21 activity and analyzing those and seeing if we can  
22 be a constructive presence on attempting to redress  
23 any inequities or problems that arise out of such  
24 police activities. And we intend to do that in many  
25 different areas but of course the most prominent is

1  
2 going to be the effectiveness of police discipline  
3 itself and secondarily anticipating problems by  
4 having our, for instance what we're working on now  
5 and we're, we're going to announce relatively soon  
6 an early warning system which I think is going to  
7 be a very exciting development for everybody  
8 involved, certainly for the police department and  
9 also I think for the council. So I, I do think we  
10 are, we're, we're going to be on the cutting edge  
11 of attempting to analyze data and analyzing the  
12 information we have unique access to. And we're  
13 going to do that hopefully also in cooperation with  
14 the Office of the Inspector General created by this  
15 body and we're going to do that where necessary by  
16 relying on police department data that works with  
17 CCRB data and we're going to do that in  
18 collaboration with the police department when  
19 appropriate and independent from the police  
20 department when appropriate. So this is a critical  
21 component of what I would call the three legs of  
22 our potential success, the first leg being fair  
23 quick investigations, the second leg being having,  
24 having traction at the police department for our  
25 recommendations of discipline, in other words

1  
2 having them agree with us that discipline should be  
3 imposed when we say it should be imposed. And the  
4 third leg is this, this analytical function that we  
5 have to help analyze the interactions between the  
6 community and the police department and anticipate  
7 problems before they come. I just want to say one  
8 thing if I may before we conclude or I'm, obviously  
9 we're here as long as you want but I want to  
10 emphasize what Ms. Malik has emphasized to you and  
11 which you've pointed out. This agency cannot  
12 function properly unless our starting salary of  
13 investigators is competitive with other agencies  
14 who hire investigators. This agency for 20 years  
15 has been the stepchild not only of the police  
16 department disciplinary system but of the entire  
17 New York City Bureaucracy. And Bill de Blasio when  
18 he was, when he was public advocate was a big  
19 advocate for reforming this agency. And now he is  
20 very effectively I think turning this agency  
21 around. And the council is a critical part of this.  
22 And I know how supportive this council is of the  
23 agency but the way that support can truly manifest  
24 itself is by giving us this, satisfying this need.

1  
2 CHAIRPERSON GIBSON: I appreciate that  
3 and in addition I applaud your efforts to expedite  
4 these cases from beginning to end and making CCRB  
5 more accessible to the outer boroughs. Although we  
6 didn't get you know a borough office in, in every  
7 borough outside of Manhattan but I've seen CCRB  
8 really make attempts through a lot of community  
9 engagement and I've suggested a number of  
10 stakeholders and clergy and tenant leaders,  
11 precinct counsels, community boards, etcetera to  
12 really be involved and to let people know many  
13 residents are not going to come down at Church  
14 Street and not everyone has internet access. So we  
15 have to you know try to make it as convenient as  
16 possible. So I appreciate your efforts in doing  
17 that. And I wanted to ask a question about the  
18 decline in civilian complaints and what you  
19 attributed those numbers to because I'm always  
20 looking beyond the numbers. Does that mean that  
21 less people are filing or we really don't have as  
22 many problems? I mean I think it's a combination of  
23 both but what would you say could be a reason why  
24 you know some of the cases are, are either not  
25 coming to CCRB like... In all of the work that you're



1  
2 looking to do, encouraging more people if they feel  
3 they, you know we're being wrongly arrested  
4 etcetera, how can we promote that?

5 CHAIR EMERY: Well I, I'm, I've been  
6 struggling with this for the last few days, the...

7 CHAIRPERSON GIBSON: That question?

8 CHAIR EMERY: ...relation to the New York  
9 Times article and the like and it's a, it's a very  
10 interesting subject and it's a little bit slippery  
11 and I don't want to pretend that anybody has the...

12 CHAIRPERSON GIBSON: No, right.

13 CHAIR EMERY: ...the brilliant answer. I  
14 don't think, I think the answer is going to reveal  
15 itself over the next many months but I think that  
16 what you see, what you see when you look at the  
17 numbers is over the last five years you see a  
18 decline in CCRB complaints and complaints to the  
19 New York City Police Department which are referred  
20 to CCRB in the fado [phonetic] categories.

21 CHAIRPERSON GIBSON: Mm-hmm.

22 CHAIR EMERY: So you see that decline.  
23 Since July oddly enough when I was appointed and  
24 there was a new IAB head appointed at NYPD, since  
25 July of two 2014 the complaints have in both

1  
2 agencies gone down even further than that last,  
3 than that long term trend and the complaints based  
4 on the referrals, the complaints to us based on  
5 referrals from IAB have gone down even more than  
6 the complaints that we have received. Our trend has  
7 been down slightly. Their trend has been down  
8 dramatically. Now what do you attribute this to?  
9 Well the, the first thing we would look at and we  
10 have looked at is precinct by precinct we looked at  
11 the, as the complaints dropping and they are  
12 dramatic drops from many precincts that are  
13 associated with the CCRB complaints and even more  
14 dramatic drops from the IAB complaints. So we asked  
15 the police department to investigate whether there  
16 was any explanation for that and they really tried  
17 very hard to analyze this and I do believe, I do  
18 believe that in absolute good faith they have not  
19 changed any procedures and they have not  
20 discouraged complaints as far as I can tell in any  
21 way. We certainly haven't as you pointed out since  
22 July we've done more outreach and we've had more  
23 profile and more availability and more  
24 accessibility than ever before. So then you have to  
25 start looking for other reasons. And I would

1  
2 suggest to you that some of the reasons you might  
3 consider is the, the diminution of stop and frisk.  
4 Stop and frisk has been a huge source of complaints  
5 to the police department and to the CCRB. The  
6 change in the intensity of policing in, in many of  
7 the communities with respect to interference with  
8 community people when they're just going about  
9 their business that isn't actually stop and frisk  
10 but is a kind of backing off of policing. And I  
11 would say that the, the new regime of the mayor and  
12 this police commissioner may well be having the  
13 intended result of having better interactions  
14 between police officers and community members.  
15 However I do want to be clear that saying that  
16 doesn't mean it's so. I think it's going to be a  
17 long time before we know for sure that these kind  
18 of hopeful signs, these heartening signs of a  
19 better statistical relationship between community  
20 and police is evolving. And I would say to you that  
21 there're always going to be the bad cases. There're  
22 always going to be the headlines. There's always  
23 going to be the provocative situation that makes  
24 everybody think oh my god it's just as bad as it  
25 always ways. But I do think over the next year or

1  
2 so the statistics are going to tell a story that  
3 either we are being, the police department is more  
4 successful about how it's relating to the public  
5 and we are seeing the results of that or we're not.  
6 And so I think the story is yet to be told. We're  
7 in the early chapters of this issue.

8 CHAIRPERSON GIBSON: I had a question.  
9 When a case is given a recommendation on a sanction  
10 or some level of a charge against a police officer  
11 in your conversations and talks about cooperation  
12 with the NYPD...

13 CHAIR EMERY: Mm-hmm.

14 CHAIRPERSON GIBSON: ...what happens in  
15 situations where that recommendation is not  
16 complied with by the police commissioner? Is there  
17 a recourse that CCRB has in the event that that  
18 recommendation is not complied with?

19 CHAIR EMERY: Ultimately no. And the...

20 CHAIRPERSON GIBSON: Okay.

21 CHAIR EMERY: ...final rule, the final  
22 responsibility for discipline should and does rest  
23 with the police commissioner who has responsibility  
24 and accountability for the police department. Last  
25 thing we would want is a situation where the police

1  
2 commissioner could point at the CCRB and say ah  
3 that officer's a problem because the CCRB didn't  
4 discipline him. The whole, the point here is to  
5 make sure that discipline finally rests with the  
6 police commissioner and, and I firmly believe  
7 that's the right place it should rest.

8 Notwithstanding that what we've done in the last  
9 six months is we've created a relationship with the  
10 Police Department Disciplinary Process such that  
11 when we make a recommendation and they don't agree  
12 with it they send it back to us with written  
13 reasons why they are not inclined to agree with it  
14 to give us an opportunity to reconsider or not  
15 reconsider. And that has resulted because they  
16 sometimes give us information we didn't previously  
17 have in changes. And often it results in the fact  
18 that we say we're not going to change our view and  
19 then they turn around and agree with us. We're  
20 having more of a dialogue and information sharing  
21 back and forth before discipline is finalized. And  
22 the consequence of that is that more often we are  
23 agreeing on discipline because we are not just  
24 saying here's the, here's the result you take it  
25 now and do what you want with it. We are actually

1  
2 having an interchange which I have found and I  
3 think the board has found as a whole to be very  
4 effective in coming to better results. It's more  
5 often about what the sanction is going to be,  
6 whether it's instructions CD or loss or charges  
7 than it is about sub or unsub. Sometimes it's about  
8 sub or unsub but it's most often about the level of  
9 response to subbed cases.

10 CHAIRPERSON GIBSON: Okay. And I'm glad  
11 you raised that because my next question and I know  
12 Ms. Malik knows very well with some of the cases,  
13 and I will say cases that have been unfounded,  
14 unsubstantiated, that remain on a police officer's  
15 file for a period of time, I know there's state  
16 regulations as well but I've been getting feedback  
17 from PD that in cases of obviously promotion and  
18 other types of, of opportunities within the police  
19 department that those unfounded cases are obviously  
20 on that cops record and can be used against him or  
21 her for promotional opportunities even though the  
22 case was found unsubstantiated which again doesn't  
23 mean that the cop wasn't necessary liable it just  
24 means that there was probably not an insufficient  
25 amount of evidence throughout the course of..

CHAIR EMERY: Right.

CHAIRPERSON GIBSON: ...the investigation.

So I look at it both ways. So what are your thoughts on that and are, are you looking to, are there any changes that will be made or, because a lot of that falls on PD I get but you guys do the intake and you know the recommendations are kept on file on that particular officer.

CHAIR EMERY: Want me to respond?

NINA MALIK: Well we keep that information on file Chair Gibson within our agency. And I believe it's, it's appropriate to do so and I believe that we are supposed to do that. So in terms of unsubstantiated complaints affecting an officer's history or an officer's ability to be promoted certainly that is a policy issue with the police department and one that does not fall within our purview.

CHAIRPERSON GIBSON: But there are times when the files are kept with CCRB but I imagine the PD could make a number of requests to obtain some of that, that, that data? Right?

CHAIR EMERY: Well let... I, I think it's an interesting problem but it's really as you said

1  
2 a PD problem because they can do what they want  
3 with respect to what they want to use for promotion  
4 or discipline or future career path. What we have  
5 there is available to them anytime they want it but  
6 they don't have to have it if they have a policy  
7 that they don't want to look at unsub cases. But as  
8 you said unsub cases don't mean that nothing  
9 happened, unsub cases mean the evidence wasn't  
10 available. Unfounded cases mean that we find by a  
11 preponderance of the evidence that the alleged act  
12 did not happen. And those stand for what they stand  
13 for and I don't think they work against an officer.  
14 And I think an exonerated case where what the  
15 officer did was what was alleged but it's  
16 legitimate and proper that doesn't hurt an officer  
17 at all. The unsub is a little bit in that grey area  
18 of, of an employer wanting maybe to know about that  
19 even though it didn't result in a finding of  
20 misconduct. A whole series of unsubed cases may be  
21 probative. The problem that I think police officers  
22 mainly complain about and the police department  
23 does as well is the delay when there are charges  
24 hanging over officers heads because that often if,  
25 if it's months and months on end and that's why we



1  
2 need investigators working effectively. When that  
3 happens months and months on end you get a  
4 situation where these charges are hanging over a  
5 person's head when they want to make a, when they  
6 want to take a Sergeants Test or take the  
7 Lieutenants Test or transfer... the, the commanding  
8 officers of precincts regularly review the files  
9 and they may or may not be so open to having  
10 somebody who has charges hanging over her head. So  
11 it's, it's a tricky, it's a tricky area and it's  
12 really, but it is really an area where our job is  
13 to get the charges resolved quickly. And once we do  
14 that I think it's a police department issue.

15 CHAIRPERSON GIBSON: Okay. Just two  
16 final things. Mediation Unit; I wanted to know if  
17 there were any changes to that. And I know every  
18 case is obviously very unique but does your office  
19 see more cases that are referred for mediation as  
20 compared to a fully investigated case.

21 CHAIR EMERY: Yeah. One of the  
22 commitments that I made when the mayor appointed me  
23 was to really work hard on expanding mediation. I  
24 can't say that yet we've been very successful in  
25 that regard. And I, and it's something that is very

1 high on our priority list and it's, the function,  
2 the fact that we're, we have not been a success is  
3 perhaps we should have been or could have been is  
4 because we reorganized the entire organization in  
5 the way that, that the executive director  
6 described. In other words we changed from the team  
7 system to the pod system. That change has had the,  
8 the cost in some sense of not having as many cases  
9 as, as they could have referred to mediation. What  
10 we have to do now is in the new pod system  
11 implement and integrate the mediation choice more  
12 effectively. Mediation is very tricky because the,  
13 the, the untrained, un, un inexperienced  
14 investigator who has the relationship with the  
15 complainant has to have a very tough conversation.  
16 And the conversation goes something like, like  
17 this. Sir we have a mediation option. It's  
18 available to you. I know you're angry at the police  
19 officer but I want you to know, and it's my  
20 responsibility to tell you that mediation is  
21 something where you would go and sit in a room with  
22 the officer and you would tell your side of what  
23 happened and she or he would tell his side of what  
24 happened and perhaps you would be satisfied with  
25

1 that, and both of you would be satisfied with that  
2 and, and you'd need a, and most people early on  
3 will say uh-uh I want that cop off the force, I  
4 don't want anything to do with it. So then the  
5 question becomes are you going to convince a  
6 complainant to mediate. And I don't think it's our  
7 role to convince people to mediate. I think we  
8 offer them mediation and they have to make a fair  
9 choice in their own mind of whether that's the way  
10 they want to go or they want to go the  
11 investigative route and try to get a sanction  
12 against, for discipline. So I do think that  
13 mediation is a, is a very tricky and subtle thing  
14 that we have to better implement into our new  
15 reorganization effectively.

17 CHAIRPERSON GIBSON: Great, thank you. I  
18 appreciate that. And I guess my last question which  
19 I thought I had, let me refer to my colleague,  
20 we've been joined by Council Member Torres and he  
21 does have a question. Council Member.

22 COUNCIL MEMBER TORRES: Thank you so  
23 much. I have a, I have a question for the Director  
24 of CCRB. And it's, I'll start as an open... I guess  
25 what is your assessment of just the NYPD's capacity

1  
2 or commitment to policing itself? What, what  
3 progress has been made under Commissioner Bratton.  
4 I'll start as, at an open ended question and then  
5 I'll get more specific.

6 CHAIR EMERY: You to, to me?

7 COUNCIL MEMBER TORRES: Yeah.

8 CHAIR EMERY: Oh. I think... well... I have  
9 a, a very high regard for Joe Resnick who's now the  
10 head of IAB. I also know from knowing Commissioner  
11 Bratton for more than 20 years that he is totally  
12 committed to the idea of community policing. He  
13 thinks it's the only way and it's the future of  
14 policing that, in, that policing can never work  
15 effectively unless police officers and the police  
16 function are aided by the community and that the  
17 community will never do so unless there's a trust  
18 in police officers. Overcoming the history of the  
19 divide in this city or in any city in this country  
20 to make that happen is an unbelievably challenging  
21 proposition. But that's what he has committed  
22 himself to. I've been doing police litigation for  
23 35, close to 40 years when I, since I started it.  
24 And I've always felt the same thing, that there's  
25 no solution to this problem unless the police

1  
2 become integrated into the communities in a real  
3 way where the communities trust police officers and  
4 they look at them as, as people that protect them  
5 rather than do otherwise. So I think we're on a, on  
6 the right path. I think we're going in the right  
7 direction. We're far from there. We have a long way  
8 to go and there are tremendous obstacles standing  
9 in the way. And we hope to be part of that process  
10 but the main part of that process is going to come  
11 from, from some recognition why police officers in  
12 the first place in my view and the community  
13 thereafter responding to the proper way the police  
14 officers behave of acting very professionally and  
15 acting very humanely in ways that we've not seen in  
16 a long time in this city.

17 COUNCIL MEMBER TORRES: I remember,  
18 recall reading a report or a article from WNYC that  
19 lodged in the back of my mind and, and I think we  
20 all agree that the vast majority of officers are  
21 acting in good faith, or are following their duties  
22 well but the, the article seemed to indicate that  
23 there were a small subset of officers who account  
24 for a disproportionate share of lawsuits, a  
25 disproportionate share of CCRB complaints, a

1  
2 disproportionate chair of resisting arrest charges.  
3 And that we had no CompStat like system for  
4 tracking those officers and wooting [phonetic] them  
5 out of the force.

6 CHAIR EMERY: Right.

7 COUNCIL MEMBER TORRES: It would seem to  
8 me that if we were able, you know there are  
9 disagreements about policy right around broken  
10 windows. But if we were able to handle that  
11 personnel problem of these small officers who are  
12 causing a disproportionate share of the problems  
13 that that would bring us far in improving relations  
14 between police and community.

15 CHAIR EMERY: Well, well you were, well  
16 you weren't here when we talked about it. We didn't  
17 address this as well as focused as you are now  
18 asking...

19 COUNCIL MEMBER TORRES: Yeah.

20 CHAIR EMERY: ...the question. But you're  
21 in essence talking about the bad apples principle.  
22 And Marko Suller [sp?] who is sitting here is not a  
23 bad apple he is a, our policy analyst and he is the  
24 person who is created a system for us, for CCRB  
25 which we will be announcing in the near future.

1  
2 We're working with a Chicago group which is on loan  
3 to the city to refine this statistical model where  
4 we are going to identify just as you said those  
5 officers who from their past conduct can  
6 effectively and statistically reliably be predicted  
7 to, we can't get too far with this. We're starting  
8 very modestly. They can be predicted to be the  
9 source of future complaints. So it's not only past  
10 complaints. There are going to be a lot of things  
11 about these officers and we're going to develop  
12 profiles as a result of our, of the model that we  
13 use of this, of this mechanism that the statistical  
14 mechanism that we create. But we, one of the big  
15 initiatives of CCRB is to, is to create an early  
16 warning system. And we are testing this early  
17 warning system which Marko has created as if it  
18 were 2007. So can you imagine we have this system  
19 right..

20 COUNCIL MEMBER TORRES: Yeah.

21 CHAIR EMERY: We have a point system. We  
22 look at the officers in 2007 who, who generate the  
23 most points and then we test them against 2008,  
24 2009, 2010, 2011 and see whether or predictability  
25 model is working well. And so far it's working very

1  
2 very well. So I think we're, we're testing it,  
3 we're evaluating it and I think very soon we're  
4 going to have exactly what you're talking about at  
5 least for predictability of complaints. Then it can  
6 become more refined with the police department on  
7 things like resisting, on things like other forms  
8 of discipline, on other factors which correlate  
9 statistically with misconduct and with violence.

10 COUNCIL MEMBER TORRES: Is that a, so  
11 that database, are you creating that jointly with  
12 the police department?

13 CHAIR EMERY: We're, we're doing alone  
14 right now and we hope that the police department  
15 has initiatives along this line but they are  
16 fragmented within the police department and quite  
17 frankly we want to move ahead on this front before  
18 the police department is going to be ready to  
19 issue, to do their work on this front. They're  
20 doing it and I don't want to, I don't want to in  
21 any way say that we don't want to work with them.  
22 We do want to work with them and we will work with  
23 them but I think we're going to be most effective  
24 if we, if we put out what we believe is a viable  
25 and reliable model and use it and provide it to the



1  
2 police department, provide the names, provide the  
3 reasons, provide the whole analytical structure of  
4 it to the police department and say now you go  
5 identify these officers, train them, watch them,  
6 make sure that the things that we're predicting  
7 don't happen.

8 COUNCIL MEMBER TORRES: So I see that my  
9 time is up so I thank you for the thoughtful answer  
10 and I thank you for the work that you're doing so..

11 CHAIR EMERY: Thank you.

12 CHAIRPERSON GIBSON: Thank you very  
13 much. So we will continue to have conversations  
14 around a lot of your requests and a lot of your  
15 initiatives and efforts to really reach out to New  
16 Yorkers but I appreciate the work especially  
17 expediting cases and the time frame by which you  
18 went from 31 days to 11 days and now being the  
19 first point of contact for complainants to come in  
20 and are being contacted. So I appreciate that. It's  
21 definitely going to go a long way in making a  
22 significant difference. So I thank you all for  
23 being here and I look forward to working with you.  
24 Thanks again.

25 NINA MALIK: Thank you.

2 CHAIRPERSON GIBSON: Thank you.

3 CHAIR EMERY: Thank you so much Chair  
4 Gibson.

5 [pause]

6 CHAIRPERSON GIBSON: Good afternoon and  
7 welcome again to the committee on Public Safety's  
8 fiscal 2016 preliminary budget hearing. We just  
9 heard testimony earlier from the New York Police  
10 Department, the city's district attorneys and the  
11 special narcotics prosecutor, as well as the  
12 civilian complaint review board. Now we will hear  
13 testimony from the Mayor's Office of Criminal  
14 Justice also called MOCJ. Before we proceed I like  
15 to just thank all of the staff on the public safety  
16 speaker staff, the legislative and the fiscal team  
17 for all of their assistance in today's hearing as  
18 well as all of our Sergeant at Arms and police  
19 officers for their assistance as well. The Mayor's  
20 Office of Criminal Justice plays a very critical  
21 role in the cooperation and coordination of many of  
22 the city's agencies involved in criminal justice  
23 and public safety. Though their budget is supported  
24 by the mayor's office their work provides critical  
25 resources, oversight, and policy direction for

1  
2 criminal justice in the city. I hope to learn more  
3 about the initiatives and partnerships recently  
4 announced by the administration and what roll MOCJ  
5 will play in overseeing a number of these  
6 initiatives. And with us we have our Director of  
7 the Mayor's Office of Criminal Justice Elizabeth  
8 Glazier. Thank you so much for being here. And  
9 before we begin we just have to do the swearing in.  
10 Thank you again for being here.

11 DIRECTOR GLAZIER: Thank you.

12 COMMITTEE COUNSEL: Do you affirm to  
13 tell the truth, the whole truth, and nothing but  
14 the truth in your testimony before this committee  
15 and to respond honestly to council member  
16 questions.

17 DIRECTOR GLAZIER: I do.

18 CHAIRPERSON GIBSON: And before you  
19 begin I'd like to just acknowledge the presence of  
20 my colleague Council Member Rosenthal. And thank  
21 you once again for being here and for your  
22 cooperation. I know we're a little bit behind  
23 schedule but I do apologize for that in advance.  
24 Thank you.

1  
2 DIRECTOR GLAZIER: No problem. So I,  
3 good afternoon Chairperson Gibson I, and Council  
4 Member Rosenthal. My name's Elizabeth Glazier and  
5 I'm the Director of the Mayor's Office of Criminal  
6 Justice. And I'm joined here by my, with my  
7 colleagues Madonia Vallose [sp?] who's our acco  
8 [phonetic] for the office and Jean-Claude LeBec  
9 who's the Director of Budget and Operations. The  
10 Mayor's Office of Criminal Justice advises the  
11 mayor on public safety strategy and together with  
12 our partners inside and outside of government we  
13 develop and implement policies aimed at reducing  
14 crime, reducing unnecessary risks and incarceration  
15 and promoting fairness three basic ideas animate  
16 the work of my office. First that public safety is  
17 the cornerstone of civic life. When people feel  
18 unsafe businesses do not thrive, children don't  
19 play outdoors, and fear triumphs over hope. Second  
20 safety can only be had when there's public trust.  
21 This is the absolute core of the bond that people  
22 must have with their governments and is essential  
23 to safety. And finally while public safety is about  
24 the job that police and prosecutors, defenders, and  
25 the court system perform it cannot be about the

1  
2 criminal justice system alone. These three ideas  
3 are not just fine talk. They are rooted in science  
4 and are fundamental to my office's work.

5 Traditionally we've relied upon the police, boots  
6 on the ground to achieve the extraordinary  
7 reductions that we are all familiar with that New  
8 York has accomplished over the past several  
9 decades. But to the extent that crime reduction is  
10 simply about controlling behavior and managing risk  
11 we now know there are a number of different  
12 strategies that can lead to lower crime while  
13 building trust and creating strong neighborhoods  
14 necessary for enduring crime reduction. And these  
15 approaches require both that we look at the entire  
16 context of crime, not just what the players in the  
17 criminal justice system are doing. And also that we  
18 steel ourselves to be clear eyed about who poses a  
19 risk to safety and who does not. Taking that  
20 seriously means that we calibrate our strategies to  
21 address risk whether through incapacitation or  
22 programming or something else. And understanding  
23 what works for whom and when drives how my office  
24 thinks about our investments and the strategies  
25 that we develop. Since I became director every

1 contract issued by my office has reserved five  
2 percent of its operating cost for assessment and  
3 evaluation. We have also been lucky enough to be  
4 the beneficiary of a significant investment by the  
5 Arnold Foundation and the creation of Crime Lab New  
6 York. Crime Lab is a group of researchers and data  
7 scientists committed to using science to reduce  
8 crime. And crime lab as it works side by side with  
9 us to identify the best interventions and  
10 investments we can make to reduce crime and  
11 increase social good. Those interventions are about the  
12 criminal justice system but also how other systems  
13 affect crime. One program that with the council's  
14 help we have now started in New York looks at the  
15 power of tutoring Algebra to reduce crime. In  
16 random controlled trials and high crime  
17 neighborhoods in Chicago the program paired at risk  
18 ninth graders with tutors for daily tutoring in  
19 algebra. And at the end of an eight month course  
20 the students achieved a two to three grade jump in  
21 academic achievement while violent crime arrests  
22 declined by 44 percent. Finally we've been lucky  
23 enough to bring on Eric Cadora as our research  
24 director. Cadora is nationally known for his path  
25

1 breaking work on million dollar blocks, the  
2 shorthand for the work he has done showing the  
3 millions of dollars we invest in some of our porous  
4 neighborhoods for jails, prisons, probation, and  
5 parole. We know that these are also the  
6 neighborhoods in which other... distress are high and  
7 we invest significant resources in funding services  
8 related to health education and other areas. These  
9 examples, algebra, and the crosswalk of crime and  
10 other disciplines are what I mean when I say we  
11 must look at the context of crime. The job of my  
12 office is to look at the criminal justice system as  
13 a whole and to look beyond. And having a system  
14 wide view is both most valuable piece of work my  
15 office does and often the greatest challenge.  
16 Although the system is hydraulic pressure on one  
17 point affects every other. We do not often look at  
18 it as a whole. We're a collection not just of  
19 mayoral agencies but independent elected officials  
20 like the district attorneys and other branches of  
21 government like the courts. And even when we the  
22 city may fully fund pieces of the system, for  
23 example the defenders they have a separate and  
24 independent obligation to serve their clients that  
25

1  
2 is an important part of the larger justice system  
3 functioning... And as we understand more and more  
4 about crime that it's not simply about the criminal  
5 justice system it's critical that our, our  
6 strategies also have a strong intersection with our  
7 partners in health, education, urban development,  
8 and other areas. We can fight crime through  
9 strategic arrests but also with better lighting,  
10 more algebra, and neighborhood cohesion. The  
11 hallmark of this approach is my, in my office is  
12 the Mayor's action plan for neighborhood safety.  
13 Announced last summer this initiative focuses on  
14 the 15 housing developments that drive 20 percent  
15 of NYCHA's violent crime. The effort brings  
16 together 10 city agencies and includes law  
17 enforcement, community groups, and non-profits. It  
18 recognizes that crime goes down not only through  
19 crime, smart criminal justice strategies but also  
20 when physical conditions are improved and  
21 neighborhoods are strong. The initiative is focused  
22 on policing strategies but also on the role that  
23 the built environment that programming and resident  
24 engagement have on neighborhood cohesion and thus  
25 enduring crime reduction. A significant investment



1  
2 in security enhancement; lights, cameras, locked  
3 doors began yielding results almost immediately and  
4 we anticipate we'll continue to do so as more of  
5 the improvements are implemented. This includes a  
6 50 million dollar investment by the council and the  
7 administration and an additional 89 million dollars  
8 by the Manhattan District Attorney. Moving forward  
9 we'll look at other kinds of physical improvements  
10 as well. In addition to physical improvements the  
11 initiative has invested and will continue to invest  
12 in programming for the first time in 30 years  
13 community centers were open late each night serving  
14 23 thousand youth during these extended hours,  
15 opportunities for jobs almost 1,000 summer youth  
16 employment slots and for play parks department  
17 programs that attracted over 38 thousand  
18 participants were an important part of the effort.  
19 Building on what we learned from last summer we are  
20 currently working with our fellow agencies to  
21 develop programming for this summer and through the  
22 year. Perhaps most important however is the  
23 implementation of aa neighborhood CompStat. While  
24 we are still building this the effort focuses on  
25 ensuring that there is a regular method for

1 neighborhood residents, police, and other city  
2 agencies to identify and solve together key issues  
3 of concern. Regular meetings with the partnering,  
4 participating agencies and residents to review data  
5 and track results we'll ensure that the city is  
6 able to evaluate progress in real time and deliver  
7 results. We plan to operationalize and scale up  
8 this program during the course of this year. The  
9 initial returns on these investments in NYCHA  
10 neighborhoods are promising. Violent crime has  
11 declined almost six percent and total crime  
12 declined almost five between the beginning of the  
13 initiative in the end of the year. And this is work  
14 that will continue and become stronger in the  
15 coming years we address the enduring power and  
16 importance of place. Another way my office has  
17 invested in system wide public safety priorities is  
18 the taskforce on behavioral health and, and the  
19 criminal justice systems. This is a comprehensive  
20 road map to drive down crime while also reducing  
21 the number of people with behavioral health issues  
22 in the criminal justice system. On any given day in  
23 New York City jail is approximately seven percent  
24 of those detained suffer from serious mental  
25

1  
2 illness, 38 percent from a broader array of mental  
3 issues and more than 85 percent have substance use  
4 disorders. A recent study showed that the  
5 behavioral ill were often frequent flyers cycling  
6 through the system for short stays for low level  
7 offenses that added up to 300 thousand bed bays.  
8 We're working hard now to implement some important  
9 recommendations from the taskforce that will have  
10 positive effects in reducing crime and  
11 incarceration for the mentally ill and for the  
12 system as a whole. These efforts include a shift to  
13 understanding better at arraignment who poses a  
14 risk and who doesn't implementing a tripling in  
15 supervisor release spots so that those lowest  
16 defendants can be supervised in the community  
17 rather than detained in jail, improving connections  
18 to Medicaid and benefits upon release from jail and  
19 implementing almost three hundred supportive  
20 housing slots proven to reduce returns to jail,  
21 shelters, and hospitals of the frequent flyers that  
22 I mentioned previously. Finally an important part  
23 of this work is the antiviolence umbrella group, an  
24 idea that came out of the work the council did in  
25 its taskforce to combat gun violence. And that was

1  
2 jointly funded by the administration and the  
3 council in this last budget. This effort expands  
4 the number of cure violence sites making the  
5 linking of services a key component. And in the  
6 coming year we look forward to strengthening this  
7 effort by bringing together all the different kinds  
8 of antiviolence efforts in the city so we  
9 understand with particularity what works and where.  
10 So thank you very much for the opportunity to  
11 testify and I would be very happy to answer  
12 questions.

13 CHAIRPERSON GIBSON: Thank you very  
14 much. I appreciate your testimony in outlining a  
15 lot of the work that MOCJ has been doing in  
16 collaboration with the number of initiatives that  
17 the mayor has launched. I have lots of questions so  
18 I'm going to defer to my colleague who has specific  
19 questions for MOCJ Council Member Rosenthal.

20 COUNCIL MEMBER ROSENTHAL: Thank you so  
21 much Chair Gibson. I admire your ability to sit  
22 here all day and to look as fresh as the day just  
23 began today now at 4:25. So kudos to you. Thanks so  
24 much for coming in Director Glazier. The work that  
25 you're doing is extraordinary. And the way you, I

1  
2 mean I think we were here a year ago and it was  
3 your first day. So... it's been obviously a  
4 tremendous year for you and you obviously have your  
5 arms wrapped around your, your, what your charge  
6 is, what your mission is. I'd like to talk, I'd  
7 like to start by talking about something you didn't  
8 mention but you know is really important to the  
9 upper Westside and that is the office of special  
10 enforcement. Just to give a little background we  
11 last discussed this at a hearing about Airbnb where  
12 Airbnb came and testified. And after we learned  
13 from the attorney general that there were so many  
14 illegal rentals going on in the city. And we asked  
15 you a bunch of questions you very graciously sent  
16 a, a very detailed letter that we've received and,  
17 and have looked over and that I think what it  
18 confirms is that your office is, is doing as good a  
19 job as you can with the staff you have in  
20 responding to the 3-1-1 complaints that you get.  
21 And just as a quick refresher from your notes from  
22 the meeting that you sent over to us from the last  
23 hearing you guys receive roughly a thousand  
24 complaints I think this, in 2014 and have been able  
25 to have inspections for nearly 900 of them

1 including writing violation tickets for a goo  
2 percentage of them. So you're clearly, you know  
3 with what you have doing something so that's  
4 appreciated. And what I'm obviously, my punch line  
5 is that we, I think given the criminality that's  
6 going on out there the number of illegal rentals we  
7 could be doing so much more if, if your, if the  
8 staff in your unit were not reacting to 3-1-1  
9 complaints but instead doing proactive  
10 investigations. So I just want to review some of  
11 the numbers that we have one that and you may or  
12 may not have this but back in 2006 it looks like  
13 the Office of Special Enforcement budget was  
14 roughly a million dollars with 15 staff members.  
15 Currently how many staff members to you have  
16 devoted to the Office of Special Enforcement an how  
17 many are located in other agencies because of  
18 course you do this work with the fire department  
19 police.

21 DIRECTOR GLAZIER: It's definitely a  
22 partnership. So we currently have on staff 13  
23 members of essentially a taskforce. Of those three  
24 are funded and of my agency's budget several others  
25 are funded from the police department from court

1 council, from the buildings department from the  
2 finance department and from the fire department.  
3 For, and the total budget which is you know  
4 scattered among obviously all those different  
5 agencies is just about 1.3 million dollars.

6  
7 COUNCIL MEMBER ROSENTHAL: Okay great.  
8 And a total staff of 13. And at your office the  
9 three staff members, what are their titles?

10 DIRECTOR GLAZIER: So one is the acting  
11 director currently, another is an investigator, and  
12 the third person is an office manager.

13 COUNCIL MEMBER ROSENTHAL: Okay. And I  
14 get it because you're managing the 13 staff people.

15 DIRECTOR GLAZIER: Well and I think more  
16 than that actually there is quite a bit of I hate  
17 to call it paperwork because we've become pretty  
18 electronic. But as you can imagine there's a lot of  
19 information that comes in and also that goes out in  
20 tracking all the different violations that are  
21 being written the, the building, you know the  
22 locations that are being visited, the transitions  
23 with other agencies.

24 COUNCIL MEMBER ROSENTHAL: Great. Do you  
25 when, when you were here last I remember I am sorry

1  
2 I'm forgetting the name of your acting director and  
3 you just said... [cross-talk]

4 DIRECTOR GLAZIER: Baylon Para  
5 [phonetic].

6 COUNCIL MEMBER ROSENTHAL: Right, who  
7 seems great. Do you have a time table for having a  
8 director, an acting director?

9 DIRECTOR GLAZIER: So I think that's an  
10 issue that we have to address you know relatively  
11 soon but we do not have a time table right now.

12 COUNCIL MEMBER ROSENTHAL: Let's see the  
13 other ten people who are in the other agencies, are  
14 they 100 percent... [cross-talk]

15 DIRECTOR GLAZIER: Yep.

16 COUNCIL MEMBER ROSENTHAL: Okay.

17 DIRECTOR GLAZIER: So they're all co-  
18 located in my office. And I'm going to use the  
19 wrong term but they're assigned over by their  
20 agencies so they report to work at my office and  
21 they work as a team. They go out every morning  
22 together.

23 COUNCIL MEMBER ROSENTHAL: Okay hang on  
24 one second I'm sorry. Am I on the clock? Oh. Okay  
25 so if you could get us a breakdown of those ten



1 titles in just to get a sense which are from CORP  
2 council, FDNY...

3  
4 DIRECTOR GLAZIER: Sure I could give  
5 that to your right now.

6 COUNCIL MEMBER ROSENTHAL: Okay I'm all  
7 ears.

8 DIRECTOR GLAZIER: Okay. So we have two  
9 from police, they're...[cross-talk]

10 COUNCIL MEMBER ROSENTHAL: Yep.

11 DIRECTOR GLAZIER: ...investigators. We  
12 have two from the law department. We have two from  
13 buildings, one from the fire department, and one  
14 from finance.

15 COUNCIL MEMBER ROSENTHAL: Okay that's  
16 very helpful. I guess I want a second round. Can I  
17 just have a few more questions? Okay thank you.  
18 What I'd like to follow up with you on is two  
19 things one what a staffing pattern might look like  
20 if it were fully staffed to do all the work,  
21 proactive work to deal with all of the units. I  
22 mean all of the illegal rentals out there, you know  
23 we have some numbers from the attorney general  
24 could be you know 20 thousand units. And that's  
25 just off of Airbnb. And so I'd like to work with

1  
2 you on that as we move from the preliminary budget  
3 to the executive and secondly I'd like to work with  
4 you on trying to better understand how we could  
5 track the ticketing that the tickets that are  
6 issued by these investigators. I know your office  
7 doesn't necessarily do it and, and maybe it's  
8 through oath or the Department of Finance but  
9 currently there's no way to track them and what I'd  
10 like to work with you on if there's some box that  
11 could be added to the ticket that would indicate  
12 that this is a OSE violation, I think that would be  
13 really powerful.

14 DIRECTOR GLAZIER: Great. I'd be happy  
15 to talk to you about that.

16 COUNCIL MEMBER ROSENTHAL: Okay thank  
17 you very much chair. And I do have second round but  
18 you...

19 CHAIRPERSON GIBSON: Thank you again. So  
20 I guess my first question is I wanted to focus on  
21 the Mayor's Action Plan for Neighborhood Safety  
22 which was 210 million dollars focused on the 15  
23 NYCHA developments. Obviously great work in  
24 collaboration and partnership, cornerstone  
25 civilianization, the physical improvements, the

1 exterior lighting and additional cops etcetera. I  
2 got a breakdown of the overall crime data in the 15  
3 developments but I didn't get it per development.  
4 So I'd like to say if we could get that because I  
5 think something's work for certain developments and  
6 others don't. And you talked about the climate,  
7 control, I mean you call that a neighborhood  
8 CompStat which I'm assuming is your effort to reach  
9 out to community residents to engage you know their  
10 assessment of whether the program was successful  
11 because I mentioned to the police department not  
12 just looking at crime data but looking at how many  
13 jobs we created, the young people that were  
14 impacted, the seniors, etcetera, them really being  
15 a part of a conversation on our priority of  
16 continuing this program but also maybe talking  
17 expansion down the line. So I appreciate that and I  
18 know you're still rolling it out. But what I wanted  
19 to ask is also in the assessment I think it's  
20 important with these 15 developments to understand  
21 that some of them are surrounded by other public  
22 housing developments that are not in the 15 and  
23 that could also play a role in those numbers as  
24 well. So I wanted you to be aware of that in a lot  
25

1  
2 of the conversations and assessments. I won't throw  
3 any, any development out there but you know some of  
4 them are surrounded by others.

5 DIRECTOR GLAZIER: Most definitely. So I  
6 think it's a great point. And the way in which we  
7 think about it is in and around the particular  
8 development because many of the developments both  
9 are surrounded by other developments but also are  
10 surrounded by and, and are part of the  
11 neighborhood. And so I think to treat the  
12 developments as an island you know is a mistake.  
13 And so in looking at this both in outreach for  
14 programming and other ways we very much see it as  
15 part of a whole. We're quite focused on evaluation  
16 here and as I had mentioned we have crime lab  
17 that's now working very closely with my office in  
18 evaluating everything from the individual  
19 components, you know do lights work, do you know  
20 what, what the impact on crime was, I, the summer  
21 youth employment programs etcetera... But I think the  
22 real challenge here, and this is part of what sort  
23 of neighborhood CompStat is about but the real  
24 challenge here is to say how do all these different  
25 things that we're doing you know increasing

1  
2 opportunities for youth, the jobs, you know as  
3 you've sort of outlined how do they together make a  
4 difference? And I actually think that the  
5 neighborhood CompStat although it sounds totally  
6 wonky is actually a vehicle for making  
7 neighborhoods stronger because it's, it's not just  
8 a one shot deal at asking neighborhoods what they  
9 think the issues are but it's a way to identify  
10 together with city agencies in a very regular way  
11 just the way the police department looks at the  
12 seven major crimes and to identify those problems  
13 together and to work on the solutions together.

14 CHAIRPERSON GIBSON: Right, okay. I  
15 appreciate that. And also I mentioned to Chief  
16 O'Neal as well the data that we're looking at, I'm  
17 also interested to see if our DV numbers have  
18 decreased as well because we talked about this  
19 initiative based on the premise that there was a  
20 high volume of domestic violence, cases, and  
21 incidents in these particular developments as well.

22 DIRECTOR GLAZIER: So you know just, so  
23 we have, obviously have the 15 developments that  
24 we're currently focusing on. Ten out of the 15 the  
25 DV numbers are down. In five they're up. In DV as

1  
2 you know is sort of a particularly difficult area.  
3 So you know just in very broad strokes we see  
4 outside crime go down that responds really well to  
5 police you know presence but you know things like  
6 robberies for example, but DV crime which is often  
7 behind closed doors that is a much more difficult  
8 thing to address. So we're working very closely  
9 with the, with OCDD, with Commissioner Pierre  
10 Louis. There's a whole outreach effort happening  
11 and we've seen much bigger referrals to the family  
12 justice centers. We have a number of other things  
13 going onto really get underneath what's happening  
14 with DV and to understand where the early  
15 intervention points are because DV you know as you  
16 know is a trajectory that starts with you know  
17 maybe a punch or whatever but can end in a fatality  
18 and there are a lot of incidents along the way. I  
19 working with OCDV you're also working with the  
20 domestic violence response teams that were also  
21 implemented as well right?

22 DIRECTOR GLAZIER: Exactly right.

23 CHAIRPERSON GIBSON: Okay.

24 DIRECTOR GLAZIER: Exactly right.

25

2 CHAIRPERSON GIBSON: Okay you mentioned  
3 the creation of the crime lab, the Arnold  
4 Foundation...

5 DIRECTOR GLAZIER: Yeah.

6 CHAIRPERSON GIBSON: How much was that  
7 investment did they give you. Was it for the full  
8 amount of a crime lab?

9 DIRECTOR GLAZIER: Yeah it's a pretty  
10 hefty investment. They invested 4.5 million dollars  
11 for a four year period. Right. They didn't give it...  
12 so crime lab is embedded in our office. The money  
13 supports is not part of the city budget. It  
14 supports crime lab and goes to them.

15 CHAIRPERSON GIBSON: Oh okay I was just  
16 making sure so it also supports operating as well  
17 right?

18 DIRECTOR GLAZIER: Yeah it supports  
19 their staff and some evaluation costs and some  
20 other things and then you know there's an effort to  
21 raise private money to do other evaluations but  
22 that's a resource for us.

23 CHAIRPERSON GIBSON: Okay. Now in your  
24 early testimony you talked about in all of the  
25 contracts you reserve five percent for operating

1  
2 costs for assessment and evaluation of those  
3 contracts. Are you planning to issue some level of  
4 report afterwards so that you can track the  
5 performance and indicators of these contracts being  
6 successful or not?

7 DIRECTOR GLAZIER: Yep so it's different  
8 for their, they're different kinds of categories of  
9 contracts and... maybe I can ask you to...

10 MACDALIA VELLA: Good afternoon. I'm  
11 Macdalia Vella [phonetic] the agency chief  
12 contracting officer. So since Liz took office as  
13 she said the RFPs that have gone out there has been  
14 an evaluation component which has been a  
15 requirement. We rolled it out in specifically the  
16 mediation RFP that is now under evaluation. And  
17 what we're looking to do is once the contracts are  
18 registered and executed work with the vendors for  
19 the first year to develop the metrics and implement  
20 evaluation in the second year.

21 CHAIRPERSON GIBSON: Okay. The asset  
22 forfeiture, there's a, a number of different  
23 funding streams coming down from the Manhattan DA  
24 bank settlement funds and I think you alluded to  
25 101 million for NYCHA security enhancements. I'd



1  
2 like to know your role in conversations with the  
3 Manhattan DA's Office because I do know a lot of  
4 that's federal oversight, federal regulations. What  
5 are your conversations because my concern and I  
6 raised it to DA Vance is it's great that we're  
7 getting this influx of many for security  
8 enhancements but who's going to pay for the  
9 operating costs of these cameras and other devices  
10 in these 15 public housing developments.

11           MACDALIA VELLA: Dean Fulihan would be  
12 very happy to hear you say that. So I think we all  
13 very much have our eye on that ball. You know the  
14 district attorney has been very generous and you  
15 know this is something that I, he's worked very  
16 closely with us on and we very much have our eye on  
17 the ball of that's fine for it to be an upfront  
18 investment. But then if it continues it becomes a  
19 city responsibility. And so that is really sort of  
20 one of the first questions that gets asked. So you  
21 know you'll, you know that there's about 40 million  
22 that he contributed to the mental health task  
23 force, behavioral health taskforce and the way in  
24 which we're thinking about that is these are things  
25 that some of them are one tie costs so for example

1  
2 he is funding the training of police officers on  
3 the street who are engaging with people with  
4 behavioral health issues. So it's a one-time shot  
5 in training that he pays the, the asset forfeiture  
6 funds paid for but then the city is integrating  
7 that training into the academy so it will simply be  
8 a part of training. So that's sort of one example  
9 of how an upfront infusion permits you to do  
10 immediate training of the people who are going to  
11 be in the catchment area where the drop off center  
12 is but the actual program and the actual training  
13 then becomes a part of our regular way of doing  
14 business.

15 CHAIRPERSON GIBSON: Okay. So what you  
16 just described I believe because there are a number  
17 of different initiatives is the focus on the  
18 neighborhood police officers that will start in the  
19 3-3-3-4, the 100 and 101. And there's going to be a  
20 mental health diversion. Is that what you're  
21 talking about or?

22 MACDALIA VELLA: So I think those are  
23 two separate things. I think what you're referring  
24 to is the pilot project that they're going to be  
25 launching in, in Queens and in northern Manhattan.

1 CHAIRPERSON GIBSON: Right.

2  
3 MACDALIA VELLA: Sort of this new way of  
4 policing.

5 CHAIRPERSON GIBSON: Correct, right.

6 MACDALIA VELLA: ...what I'm talking about  
7 is and sorry I'm talking in tongues I really..  
8 [cross-talk]

9 CHAIRPERSON GIBSON: Oh no it's okay.  
10 There were just so many.

11 MACDALIA VELLA: No, exactly. One, one  
12 recommendation from the behavioral health taskforce  
13 that we're implementing is to create drop off  
14 centers that will give the cops who encounter the  
15 mentally ill or behavioral ill on the street an  
16 option that's not arrest and not hospitalization  
17 but is something else and also gives them access to  
18 expertise to help them understand what, what  
19 they're seeing. And so to do that we would actually  
20 train every cop in that catchment area and so  
21 that's a, a, an upfront one-time cost that the DA's  
22 paying for and then that training would be  
23 integrated into the academy.

24 CHAIRPERSON GIBSON: Right.

25 MACDALIA VELLA: So...

2 CHAIRPERSON GIBSON: Okay no I do  
3 remember that because it's starting as a pilot this  
4 fall in Manhattan.

5 MACDALIA VELLA: Exactly right... [cross-  
6 talk].

7 CHAIRPERSON GIBSON: Yes.

8 MACDALIA VELLA: Yes.

9 CHAIRPERSON GIBSON: Sorry almost forgot  
10 about that one. You mentioned mediation RFP that's  
11 currently underway. Are there any other open RFPs  
12 that are underway right now through MOCJ?

13 MACDALIA VELLA: We have a number that  
14 are in process. We have the crime victims RFP but  
15 that, that RFP was issued prior to Liz taking  
16 office and that RFP has 15 contracts that have  
17 staggered start dates starting from October,  
18 January, and July. I'm happy to announce that we  
19 have four new providers and two of the existing  
20 providers.

21 CHAIRPERSON GIBSON: So is that money  
22 going to be built into this fiscal year, into this  
23 budget? The five percent.

24 MACDALIA VELLA: So that RFP was issued  
25 prior to Liz taking office.

CHAIRPERSON GIBSON: Okay.

MACDALIA VELLA: It was January 2014.

CHAIRPERSON GIBSON: Okay understand. I just had one more question. When we had NYPD here Chief Conroy didn't get a lot of time to talk about the school climate reform. But I know MOCJ is very involved with NYPD school safety as well as DOE around some other disciplinary and other efforts to dirt young people from school suspensions and arrests and instead look at preventative mental health, focus behavioral health issues so I'd like to know I got an update a couple of weeks ago but I know that there was a school leadership climate team that's been formed and there were three different subsets that focuses on educators, I think reform, and I forget the third one. But I just wanted to know was there an update or is there any announcement coming out from the, the beginning stages?

DIRECTOR GLAZIER: So they're definitely working furiously but I think they have just kicked this off and I anticipate that given their timing right now it looks like they'll be coming out with

1  
2 their first strategic plan and recommendations in  
3 May.

4 CHAIRPERSON GIBSON: Okay great. And  
5 your office is working with them on that right?

6 DIRECTOR GLAZIER: Yeah... [cross-talk]

7 CHAIRPERSON GIBSON: Okay.

8 DIRECTOR GLAZIER: ...who's a senior  
9 advisor in my office is co-chairing that with  
10 Ursulina Ramirez who's the chancellor's chief of  
11 staff.

12 CHAIRPERSON GIBSON: Okay. I just wanted  
13 to ask a quick question about 18B... [cross-talk]  
14 love talking about 18B... [cross-talk]

15 DIRECTOR GLAZIER: My favorite.

16 CHAIRPERSON GIBSON: Of course. And the  
17 FY '15 budget included a one-time allocation of 8.8  
18 million dollars in FY '15 to cover a funding  
19 shortfall. And I'd like to know if that funding  
20 shortfall paid for the vouchers from the last  
21 fiscal year and how we derived at this number  
22 understanding how 18B works a little differently  
23 from legal service providers.

24 UNKNOWN MALE 2: So, so right now we're  
25 working closely with OMB to figure out what the

1  
2 right FY '15 and '16 amounts are. There have been  
3 some changes in the budgets just because monitoring  
4 18B is tricky because it gets build on the, the  
5 back side of a case. We don't expect any problem  
6 with the, the maintenance of operations for that  
7 program.

8 CHAIRPERSON GIBSON: Can you keep us  
9 posted on, on some of those conversations.

10 UNKNOWN MALE 2: Sure.

11 CHAIRPERSON GIBSON: And I'm sorry I  
12 just have to go back to the question of a contract.  
13 The RFP that was administered prior to Liz's  
14 appointment, will that contract be amended at all  
15 to include that five percent so that they would be  
16 a part of the ultimate performance data that you're  
17 looking at?

18 MACDALIA VELLA: We have had discussions  
19 about how to implement evaluations for our other  
20 programs that where, or RFPs that were issued prior  
21 to Liz's appointment.

22 CHAIRPERSON GIBSON: Okay. Okay. Council  
23 Member?

24 COUNCIL MEMBER ROSENTHAL: Really  
25 appreciate it. Just a little bit more on OSE. You

1  
2 mentioned OSE does other investigations not just  
3 illegal hotels. What percentage of their work do  
4 you think is on illegal hotels.

5 DIRECTOR GLAZIER: I think the vast  
6 majority of the work that they do right now is  
7 illegal hotels. I think that accounts for most of  
8 the complaints. And so those other kinds of  
9 functions you know are often self-generated,  
10 sometimes complaint driven, the counterfeiting some  
11 of the you know massage parlors, things like that.

12 COUNCIL MEMBER ROSENTHAL: Okay thank  
13 you. If there are 16, if we believe the attorney  
14 general and there are 16 thousand illegal rentals  
15 on Airbnb and the staff that you have right now,  
16 the 13 addresses 11 hundred complaints or illegal  
17 rentals does that imply to you a demand for more  
18 investigations and more staff?

19 DIRECTOR GLAZIER: Well... [cross-talk] I  
20 don't mean to be cute about this but it may mean  
21 that there are...

22 COUNCIL MEMBER ROSENTHAL: ...apologize.

23 DIRECTOR GLAZIER: No no no. And you  
24 know there may be 16 thousand illegal rentals. We  
25 get about 11 hundred complains last year as you you



1  
2 know noted. So does that mean that the difference  
3 is satisfied customers? I think you know one of the  
4 questions is you know how many, how many complaints  
5 are there. You know right now with respect to the  
6 complaints I think that we're addressing them. I  
7 think your point was there's an affirmative piece  
8 of the work...

9 COUNCIL MEMBER ROSENTHAL: Exactly...

10 DIRECTOR GLAZIER: ...that, that has..  
11 [cross-talk] that requires a different kind of  
12 skill set than we currently have in the office.

13 COUNCIL MEMBER ROSENTHAL: True that.  
14 And also that it, there is illegal activity going  
15 on out there. And it is not being addressed. Just  
16 because someone's not complaining about it doesn't  
17 mean it's not happening. Okay. Also in the current  
18 preliminary budget when it lays out your agency and  
19 what staff are doing different things it actually  
20 only shows one staff person. Is there a way we  
21 could work toward more transparency on what the OSE  
22 lines are? I mean if there are three in your  
23 office; office manager, acting director, and  
24 investigator it's only showing one.

2 DIRECTOR GLAZIER: Yeah. So let me ask  
3 Jean-Claude to address that because I think he  
4 understands the ins and outs of how it...

5 COUNCIL MEMBER ROSENTHAL: Got it. Thank  
6 you.

7 DIRECTOR GLAZIER: ...how it appears.

8 JEAN-CLAUDE: Sure. You know this is  
9 something that came to our attention actually this  
10 morning that there were some false reports about  
11 what the OSE headcount and budget were. So it's  
12 something that we started talking with OMB today  
13 about and figuring out a way to represent the  
14 actual division in the budget correctly.

15 COUNCIL MEMBER ROSENTHAL: I appreciate  
16 it. The end goal would for in my mind would be,  
17 have, find a way to accurately identify yes the OSE  
18 staff but also to have some sort of footnote that  
19 would indicate that there are other agency  
20 personnel assigned to your group doing the same  
21 work.

22 JEAN-CLAUDE: Most definitely.

23 COUNCIL MEMBER ROSENTHAL: Great. Thank  
24 you. And second to lastly did your office work with  
25

1  
2 DA Thomson on the sting operation with Airbnb, are  
3 you familiar with this?

4 DIRECTOR GLAZIER: Just from the press  
5 reports but I don't... [cross-talk] think... I'm sorry?

6 COUNCIL MEMBER ROSENTHAL: Same.

7 DIRECTOR GLAZIER: Yeah I don't think  
8 that we were part of that were we? But I will find  
9 out but I don't think we were.

10 COUNCIL MEMBER ROSENTHAL: Well that's,  
11 I would really be interested in hearing about that.  
12 Lastly this is totally on a different topic  
13 responding to something in your testimony that in  
14 your last, second to last paragraph you're talking  
15 about a shift to understanding better at  
16 arraignment who poses a risk and who does not. Do  
17 you guys ever talk about, think about the  
18 possibility of moving from a bail system to a risk  
19 system, something that they do in Washington DC  
20 very successfully?

21 DIRECTOR GLAZIER: So I, it is something  
22 that we are extremely interested in and was  
23 actually one of the parts of the behavioral health  
24 taskforce.

2 COUNCIL MEMBER ROSENTHAL: So you know  
3 we currently have in this, the city a supervised  
4 release system which essentially is a way of not  
5 detaining somebody but rather releasing low, low  
6 risk folks to, to supervision and we have an  
7 extraordinary success story there, 94 percent you  
8 know appearance rates. So the behavioral health  
9 task force tripled that number and expanded that  
10 program from, from Manhattan and Queens to citywide  
11 as well as expanding some of the categories. And we  
12 anticipate actually in the next week to have a  
13 concept paper out which is sort of the precursor to  
14 the RFP about those supervised released slots. I, I  
15 think that's sort of the first step towards  
16 beginning to figure out how we move to a non-money  
17 bail system.

18 COUNCIL MEMBER ROSENTHAL: Great. So  
19 from, I'm sorry from what number to what number?  
20 You were at a third and...

21 DIRECTOR GLAZIER: We're at, we're,  
22 we're at 13 hundred and we're adding another 23  
23 hundred slots.

24 COUNCIL MEMBER ROSENTHAL: Wow,  
25 congratulations. Thanks so much.

1 DIRECTOR GLAZIER: Yeah.

2 CHAIRPERSON GIBSON: Okay I guess my  
3 last question I just wanted to ask your thoughts on  
4 the council partnering with you in the  
5 administration on a lot of the pending plans that  
6 are being derived from asset forfeiture funds you  
7 know with the NYCHA announcement with some of the  
8 other money that will be coming down, Manhattan  
9 DA's office very graciously sharing it with us but  
10 the council would love to be a part of the spending  
11 plan. Many of the initiatives could obviously be  
12 considered for expansion and, and obviously other  
13 areas so I just wanted to get your thoughts on, on  
14 that.

15  
16 DIRECTOR GLAZIER: You know so I think  
17 it's you know still a pretty murky world to us. So  
18 there are some pieces of the asset forfeiture money  
19 that we've gotten from the DA's office. IT's been  
20 very project by project you know from different  
21 agencies and so I think we're sort of still  
22 figuring that out but we'd be very happy to talk to  
23 the council about sort of you know forward steps.

24 CHAIRPERSON GIBSON: Okay. And I thank  
25 you. Really look forward to working with you on all

1 the initiatives, the anti-gun-violence piece cure  
2 violence, the behavioral health and mediation.  
3 You've been doing an incredible amount of work and  
4 I appreciate the fact that we are looking at  
5 creative and holistic ways of addressing public  
6 safety and looking at other partnerships and not  
7 just looking at crime. So I thank you for your work  
8 to the entire staff at MOCJ. Thank you Director  
9 Glazier for your work and we look forward to having  
10 continued conversations.  
11

12 DIRECTOR GLAZIER: Thank you.

13 CHAIRPERSON GIBSON: Thank you again for  
14 being here.

15 DIRECTOR GLAZIER: Thanks.

16 CHAIRPERSON GIBSON: We're going to call  
17 up our first panel Maria Delara from DC37 local  
18 372, Donald Nesbit also from Local 372, David Key  
19 local 372, Janice Darden from DC37 Local 1549, Jim  
20 Hamlin McCloud Local 1549 of DC37, and, and also  
21 Agnishala Collins from DC37 Local 1549. Please come  
22 forward. Maria, is Maria here? Yes you're here.  
23 Donald? Okay. David? Nice. Janice? Yes you're here.  
24 Jim? Okay. Did I pronounce your name right? I did,  
25 oh awesome awesome. Thank you all. Thank you all

1  
2 for your patience and for being here and I assure  
3 you even if you do not read your testimony verbatim  
4 it will go on the record. So feel free to summarize  
5 or bring up any points that's not in your testimony  
6 so that we can get a full gist of exactly what you  
7 want the council to know in reference to public  
8 safety. Okay so thank you so much and we'll start  
9 with you. And please say you're name for the record  
10 as well. Thank you. Your mic's not on.

11 DONALD NESBIT: Donald... [cross-talk]

12 CHAIRPERSON GIBSON: Yes, there you go.

13 DONALD NESBIT: Good afternoon Public  
14 Safety Committee Chair Mormon, Gibson and Finance  
15 Committee Chair Ferreras and distinguished members  
16 of the committee. My name is Donald Nesbit and I am  
17 the executive vice president for Local 372. I sit  
18 here with Maria Delora the second Vice President  
19 for Local 372 and the Secretary of Treasurer David  
20 Key for Local 372. Local 372 is comprised of 23  
21 thousand Department of Education Employees who  
22 perform essential services for the, for the, the  
23 children of New York City. Our local is the largest  
24 of district council 37 locals with titles of school  
25 crossing guards, school aides, health aides,

2 substance abuse prevention and intervention  
3 specialist SAPIS, paraprofessionals, parent  
4 coordinators, annual school lunch employees, and  
5 hourly school lunch employees. The work of our  
6 members ensure that 1.2 million public school  
7 students received quality support in more areas  
8 outside of the classroom providing them with the  
9 foundation they need to, for academic success.  
10 Local 372 thanks you for giving us the opportunity  
11 to speak on behalf on, on the testimony has 22,120  
12 but there's a correction there it's 2,244 school  
13 crossing guards who are crucial to the safety of  
14 children getting to and from school. Before I begin  
15 I want to commend the mayor for implementing vision  
16 zero which we hope will decrease the amount of  
17 traffic related tragedies in our communities.  
18 Additionally I want to thank all of the New York  
19 elected officials who supported the school crossing  
20 guard bill which dictates that assaults on school  
21 crossing guards are automatic felonies. This  
22 critical piece of legislation will better protect  
23 hard working employees who are charged with keeping  
24 our children and families safe. While we have made  
25 recent strides in the interest of school crossing



1 guards the overarching shortfalls still stand. In  
2 recent years budget choices have negatively  
3 impacted the ratio of school crossing guards to  
4 students leaving 325 vacancies in school crossing  
5 guard positions across the city. A living wage for  
6 school, for school crossing guards. It is the  
7 city's responsibility to provide its own workforce  
8 with a living wage. Currently school crossing  
9 guards are at 9.88 per hour and only work four or  
10 five hours were per day. This meager compensation  
11 is a unconscionable price tag for someone who puts  
12 their life on the line every day to ensure the  
13 safety of children and families. On behalf of our  
14 school crossing guards we're asking for a living  
15 wage of 15.00 dollars per hour and an increase in  
16 work hours. Mayor de Blasio has placed a strong  
17 focus on bringing afterschool programs to many  
18 schools across New York City. Now school crossing  
19 guard services will be needed much later in the day  
20 since children will be dismissed later. Furthermore  
21 the committee school initiative, the community  
22 school initiative will require many schools to  
23 remain open later in order to provide additional  
24 services to students and families. Without a school  
25

1  
2 crossing guard on site children will be crossing  
3 streets unattended. Despite the demonstrated need  
4 for school crossing guards at every school low  
5 wages ensure ours have deterred potential  
6 applicants from file, from filling the 325  
7 vacancies. I'll ask you how much are school  
8 crossing guards worth to city hall? School crossing  
9 guards are essential to the success of vision zero.  
10 My members live in a districts which they work.  
11 They know traffic patterns have close ties with  
12 childrens and family and provide a calming  
13 presence. School crossing guards should be placed  
14 at dangerous intersections and the city is putting  
15 families at risk by not doing so. The success of  
16 Vision Zero cannot solely depend on lowering the  
17 speed limit. School crossing guards are essential  
18 for success. Manhattan borough president Gale  
19 Brewer said it best at last year's traffic safety  
20 hearing addressing Vision Zero. She touched on the  
21 short sightedness of, of school crossing guard  
22 assignments and a shortage of school crossing guard  
23 staff. Three guards may be needed to assist  
24 families crossing Atlantic Avenue in Brooklyn while  
25 there are no guards assisting students across the

1 West Side Highway near PS276 in lower Manhattan.  
2  
3 And because the staff shortage is before the mid-  
4 winter school break I was kind, I was constantly in  
5 contact with the commanding officer of the 24  
6 precinct to assign crossing guards to West 97<sup>th</sup>  
7 Street at both Amsterdam and Columbus Avenues for  
8 the families of PS163. It is paramount that enough  
9 school crossing guards are assigned to increase  
10 coverage and keep families safe. In conclusion  
11 school crossing guards are a force for stability  
12 and continuity in our communities. The 1.2 million  
13 children, school children that are tasked with,  
14 they are tasked with protecting is their primary  
15 concern. However city hall needs to properly  
16 compensate school crossing guards for their daily  
17 sacrifices and ensure they receive a living wage of  
18 no less than \$15.00 an hour. Your children and, are  
19 our lives work and they deserve more support not  
20 less. On behalf of local 372 and its 23 thousand  
21 members we thank you for the opportunity to resent  
22 this information and we welcome addressing any  
23 questions you may have.

2 CHAIRPERSON GIBSON: Thank you very  
3 much. So did you give testimony on behalf of Local  
4 372?

5 DAVID NESBIT: Yes.

6 CHAIRPERSON GIBSON: Oh okay great.

7 DAVID NESBIT: Yes.

8 CHAIRPERSON GIBSON: Okay I just wanted  
9 to make sure because there are a number of you from  
10 the same Local. Okay.

11 DAVID NESBIT: Yes we, we're sitting  
12 together.

13 CHAIRPERSON GIBSON: Oh, okay great. No  
14 problem. And now we have Local 1549? Okay thank  
15 you.

16 JANICE DARDEN: Thank you. My name is  
17 Janice Darden. I'm the Chair of Local 1549's police  
18 administrative clerical chapter. Local 1549  
19 represents more than 2,000 police administrative  
20 aides, senior police administrative aides, and  
21 clerical associate who live within the five  
22 boroughs and work in precincts and units throughout  
23 the city. The union thinks Council Member Gibson  
24 and Kallos as well as the entire city council who  
25 supported and made possible the hiring of 134

1  
2 police administrative aides in 2014. We're looking  
3 forward to your continued support. Millions of  
4 taxpayer dollars are wasted on able-bodied police  
5 officers performing routine clerical duties when  
6 well trained and very capable civilians could be  
7 doing the job at a lower salary. The union has won  
8 many arbitrations and a judgment but the NYPD  
9 simply does not comply. The agency that is supposed  
10 to enforce the law is violating that law. It is no  
11 worthy that dissentient is rising among the ranks  
12 of uniform officers, many who are dissatisfied with  
13 the number of officers with five years or less  
14 experience who are in clerical positions and enjoy  
15 weekends and holidays off while earning a  
16 significant amount of cash overtime Isn't it ironic  
17 that the more officers hired the fewer you see on  
18 the streets. That's because so many are sitting in  
19 clerical positions. This is also true of Sergeants  
20 and Lieutenants. I don't think it'll even end.  
21 Asking the city council to look at this issue and  
22 conduct a headcount of the able bodied, not limited  
23 duty or restricted officers assigned to clerical  
24 positions if these officers were assigned to  
25 enforcement duties communities would be safer and

1  
2 millions of dollars would be saved. I'm also asking  
3 to, your support in hiring a more than 750 police  
4 administrative aides so an equal amount of uniform  
5 officers could be reassigned to patrol and  
6 enforcement duties. Civilianization is the key to  
7 increasing patrol strength and bridges the gap  
8 between police and community by putting the cops  
9 back on the beat. Civilianization everyone was and  
10 I thank you so much.

11 CHAIRPERSON GIBSON: Thank you very  
12 much. Thank you. You're, you have testimony as  
13 well?

14 Yes.

15 CHAIRPERSON GIBSON: Okay. Go ahead.  
16 Proceed.

17 JIM MCCLOUD: Okay. Good evening. My  
18 name is Jim Hamlin McCloud of the PCT and SPCT  
19 chapter of Local 1549. On my left is Agnishala  
20 Collins my chapter chair. Local 1549 represent  
21 police communications technicians, supervising  
22 police communication technicians working in a New  
23 York City Police Department PCTs and SPCTs are  
24 proud to be officially designated first responders.  
25 The union thinks the committee chairwoman,

1  
2 committee members, and the speaker for supporting  
3 9-1-1 members. The union thinks also the city  
4 administration and NYPD for increasing staffing  
5 levels in the last year for 9-1-1 personnel. The  
6 additional hirees in two, 2014 helped somewhat.  
7 However the increase in proposed hiring this July  
8 will not bring staffing to an adequate level. The  
9 hiring barely keeps up with attrition. In fact  
10 after the hiring in July the city will still need  
11 to commit to additional ongoing hire-ings to reach  
12 adequate staffing. 9-1-1 personnel testified  
13 recently to this, to the city council. Staffing  
14 levels constantly decrease due to attrition.  
15 Additionally a number of new hires resigned because  
16 of the salary doesn't compensate for the stress of  
17 the job. Headcounts must continually be monitored.  
18 The amount of overtime required is still too high.  
19 Personally.. correction, personal, personnel is  
20 often mandated to work as many as seven days a  
21 week, six or seven day work is often 12 hours.  
22 Reducing overtime ensures 9-1-1 personnel having  
23 adequate test, adequate rest and less stress thus  
24 being better prepared to perform their duties.  
25 Additional hiring also alleviates crucial delays

1 when callers to 9-1-1 find themselves on hold.  
2  
3 There would be a faster response time to incidents  
4 thus creating a safer city for the public and  
5 police officers performing patrol and enforcement  
6 duties. 9-1-1 personnel needs facilities and  
7 accommodations that enables them to do their job  
8 with dignity. This includes lockers, locker rooms,  
9 bathrooms, showers, and parking. Workers in the  
10 union should have input throughout the process when  
11 facilities are designed, built, and maintained.  
12 Increasing 9-1-1 personnel undoubtedly improves  
13 public safety and wellbeing therefore the number of  
14 NYPD personnel must increase in order to decrease  
15 or eliminate waiting time. NYPD call takers process  
16 10 million calls a year and trans informing the  
17 radio runs yearly. This is especially true during  
18 major incidents such as blackouts, extreme  
19 weathers, and etcetera. We asked the city council  
20 support the mayor proposed hiring of 150 PCTs by  
21 the city beginning in July accompanied by  
22 promotions of PCTs to SPCTs to ensure necessary  
23 supervision. We asked the city council to increase  
24 and maintain staffing levels to improve public  
25 safety by reducing callers wait time and having



1 well rested and less stressed employees. We asked  
2 the city council to support the workers in  
3 improving and maintaining adequate facilities and  
4 accommodations. And I thank you.  
5

6 CHAIRPERSON GIBSON: Thank you very  
7 much.

8 AGNISHALA COLLINS: I'm sorry I'm Ms.  
9 Collins. I don't have any comments to add at this  
10 time.

11 CHAIRPERSON GIBSON: Oh okay thank you.  
12 So I appreciate... I know my colleague has a very  
13 quick question but I did just want to say earlier  
14 this morning when the NYPD was here myself and a  
15 number of other colleagues talked about raising the  
16 headcount of 9-1-1 call operators and yes we  
17 acknowledged that mandatory overtime has decreased  
18 but certainly not to any level where we are  
19 satisfied as if we shouldn't consider raising the  
20 headcount. So I, I recognize that and I'm still  
21 making the argument but I just wanted to get your  
22 take and I think you were the one that talked to me  
23 the last hearing about the mandatory overtime not  
24 really being reduced. So I'd just like you to  
25 elaborate a little bit on that. Have you seen it

2 dramatically drop like in half 50 percent? Can you  
3 give me a number of where you think mandatory  
4 overtime has gone?

5 JIM MCCLOUD: Well I don't think that  
6 the overtime has dropped dramatically. I think that  
7 just really pretty much reallocated I guess...  
8 [cross-talk]

9 CHAIRPERSON GIBSON: Baby steps.

10 JIM MCCLOUD: Baby steps exactly. Our  
11 members are still doing six days and seven days a  
12 week in work shifts. So if you say that's reduce of  
13 overtime it's really not because we all work a five  
14 day workweek. And it, and put a lot of stress on  
15 the members and you know for them to be there six  
16 days a week you know it just add extra expenses all  
17 over, all around for themselves as well as the  
18 Department.

19 CHAIRPERSON GIBSON: Okay. And the 150  
20 slots that you talked about was base lined by the  
21 mayor but that doesn't raise the headcount so we're  
22 still at 1250 is still the number. So I've been  
23 making the argument and earlier today I didn't get  
24 a commitment but almost, you know Deputy  
25 Commissioner Grippo talked a little bit about it

1  
2 but doesn't seem to think that there is a need to  
3 raise the headcount. And so I want to be clear that  
4 my position is yes there is a need. Any, any  
5 environment like the 9-1-1 call center which I have  
6 been at more than once and sat with call takers and  
7 dispatchers to see the very stressful environment  
8 that our workers go through has already convinced  
9 me that we need to get mandatory overtime as much  
10 as we can down to zero where there's not such a  
11 need. And I'm talking about just straight regular,  
12 not in the instance of a, a disaster or any sort of  
13 weather related emergencies but I'm just talking  
14 about day to day operation is where I would like to  
15 see us go. So I want to make sure you know that you  
16 have my support and we'll make sure we continue to  
17 have those conversations.

18 JIM MCCLOUD: Yes. We thank you... [cross-  
19 talk]

20 CHAIRPERSON GIBSON: Okay. And also  
21 crossing guards you know we talked a lot about that  
22 today and we need to do more to recruit but we also  
23 need to raise the starting salary of crossing  
24 guards with vision zero, population of schools  
25 increasing, colocations and many of our guards in

1  
2 dangerous intersections number one were asking the  
3 department to provide a list we have the numbers on  
4 crossing guards per precinct but we don't know  
5 where they are in the precinct. And so many of us  
6 are saying we need to see those numbers because  
7 again we're robbing Peter to pay Paul and I know I  
8 make calls sometimes and I take a guard from one  
9 place and I put them in another but then I short  
10 change a part of the district. So I would love to  
11 continue to have conversations with President  
12 Francois and some of the others because I know  
13 that's something you guys are championing. So I  
14 appreciate that. Council Member.

15 COUNCIL MEMBER ROSENTHAL: Actually I'd  
16 like to follow up on that exact point. You have  
17 crossing guards because I think the real problem  
18 and correct me if you think I'm wrong is the  
19 vacancies. I mean we're doing that in our district  
20 too. And you know we could ask for more staffing  
21 or, or put more money in the budget you know if you  
22 don't increase the salaries or if we don't change  
23 something we're not going to solve the problem,  
24 more money, throwing more money at it right now I  
25 don't think is going to solve the problem because

1  
2 we have so many vacancies unless it's to increase  
3 salaries. But I really want to open up the  
4 dialogue. And I'd love to work with you on this  
5 Councilwoman. What is it about the job that makes  
6 it so that we have so many vacancies and what could  
7 we do to you know shift around something to  
8 decrease each, make it a more appealing job. Maybe  
9 it's a matter to another job. Maybe it's changing,  
10 you know is it just increasing the wage is going to  
11 solve the problem or is there something else we can  
12 do as well?

13 JIM MCCLOUD: Well the, the increase in  
14 pay certainly a big, big issue. Most people, well  
15 we know most New Yorkers that's out there that's  
16 unemployed they need a job right. But with the rise  
17 in rent and other issues that, that you have around  
18 the city 9.88 is not suffice to do anything.  
19 They'll have a job and still be where they're  
20 homeless. In fact we have some school crossing  
21 guards who come into our office and say you know  
22 I'm homeless I'm, I'm in a shelter, I'm protecting  
23 kids during the day and I'm going to a shelter at  
24 night. And most of, and in most cases they go to  
25 the shelter in which they're turned away because

1  
2 they have a city job. But 9.88 is not enough for  
3 them to survive. So it's just a sad sad issue.

4 COUNCIL MEMBER ROSENTHAL: That's 9.98  
5 but also the hours.

6 JIM MCCLOUD: That's, and, and under the  
7 citywide contract there's also a cap on hours so  
8 they can't work past 25 hours per week. [cross-  
9 talk]

10 COUNCIL MEMBER ROSENTHAL: ...issue, thank  
11 you.

12 JIM MCCLOUD: Even with universal pre-k  
13 and the after school programs there should be a  
14 increase in their hours because kids are leaving  
15 school at 5:30 now. They weren't before but...

16 CHAIRPERSON GIBSON: So I appreciate...  
17 And these are the things that we need to hear as a  
18 council as we put forth our priorities and we work  
19 with the administration on their executive proposal  
20 that will come out in a few months. And addition  
21 Ms. Janice I know you mentioned civilianization  
22 which is something I raised earlier and I will keep  
23 raising the issue as well. I know we are looking at  
24 potentially 700 positions that could be  
25 civilianized and last year we got 200 which is

1  
2 great. But like you know you said baby steps, but  
3 we will keep taking those baby steps as long as we  
4 move forward. So I appreciate your help and know  
5 that you have support here and we want to make sure  
6 that we continue to have this dialogue. So thank  
7 you on behalf of your presidents and your members  
8 and all the New Yorkers that provide an incredible  
9 service. We thank you for your leadership, thank  
10 you for being here Local 372 and Local 1549 DC37.  
11 Thank you again.

12 [background comments]

13 CHAIRPERSON GIBSON: Our next panel is  
14 Michael Polenberg of Safe Horizon, Danielle Sered  
15 of the Vera Common Justice, Sheryl Roberts at the  
16 Greenberger Center, and Viviana Gordon the Center  
17 for Court Innovation.

18 CHAIRPERSON GIBSON: Everyone's here.  
19 Michael's here. Danielle's Here. Sheryl's here. And  
20 Viviana... Michael you're the only man standing on  
21 the panel. And you get to start.

22 MICHAEL POLENBERG: Fantastic.

23 CHAIRPERSON GIBSON: Thank you.

24 MICHAEL POLENBERG: Thank you Council  
25 Member. Thank you Council Member Rosenthal. So

1 Michael Polenberg, Vice President Government  
2 Affairs for Safe Horizon. The nation's leading  
3 victim's assistance organization. I'm going to  
4 talk, I'm not going to read the testimony, just  
5 going to recap the initiatives that are funded by  
6 the city council that flow through MOCJ as well as  
7 one new initiative that we're hoping the council  
8 can fund. So very quickly the three main  
9 initiatives that the council funds through the  
10 mayor's office of criminal justice, the child  
11 advocacy centers. We're very happy that now after  
12 many years of saying we have four and almost five  
13 we now have five. Council Member Gibson thank you  
14 for joining us. At the Bronx CAC opening we now  
15 have a coordinated response to child abuse in every  
16 borough with all of our onsite partners from the  
17 NYPD, the District Attorney, ACS, Corp Council, and  
18 a medical provider in the Bronx... And of course Safe  
19 Horizon's play a leading role in court... that  
20 effort. We're asking for a restoration of 500  
21 thousand dollars for the Child Advocacy Centers as  
22 well as an additional 200 thousand dollars to help..  
23 our staff in the Bronx. CAC would like to be open  
24 on the weekends. We are now in Queens and Brooklyn.  
25



1  
2 If we have this additional funding we may be able  
3 to do that in the Bronx as well. We anticipate the  
4 volume in the Bronx will be extreme, extremely high  
5 as we get up and running. Very quickly on two other  
6 initiatives funded by the council the domestic  
7 violence law project that Safe Horizon operates  
8 receives funding through the legal services for DV  
9 initiative that the council has had for many years.  
10 We'd love to see a restoration of that funding in  
11 FY '16. The Dove Initiative which goes funding to  
12 61 community based organizations and law  
13 enforcement entities across the city. We'd love to  
14 see that fully restored to the FY '15 level of four  
15 million dollars in Safe Horizon's proud to play the  
16 coordinating role in, in making sure that contract  
17 goes well and that everybody gets what they need.  
18 And we offer training an, and so on and so forth.  
19 Very quickly the new initiative we're looking for  
20 is to have funding in place. We're asking for  
21 funding from the council so that when we operate  
22 hotlines, three 24 hour hotlines, and we know that  
23 there are people who call us. We get 115 thousand  
24 of so calls a year and we know that there are  
25 people who would prefer to contact us using their

1 smartphones or using tablets or online. We'd like  
2 to have the ability to have an online chat system  
3 on our website so that people can still contact us  
4 and speak with our advocates about the help that  
5 they may need but do it in a way where they're not  
6 actually calling us, they're using their phones  
7 and, and typing to us. So we're asking the council  
8 for new funding for that in FY '16.

10 CHAIRPERSON GIBSON: Thank you very  
11 much. And congratulations on the opening of the  
12 Bronx Child Advocacy Center. Awesome. Now we're  
13 complete. We have one in every borough right?  
14 Awesome. Thank you. Yes, you may begin.

15 DANIELLE SARED: So good afternoon  
16 Council Members. And thank you so much for your  
17 time. My name's Danielle Sared and I direct Common  
18 Justice which is a demonstration project of the  
19 Vera Institute of Justice. And we'll also not  
20 reiterate the entire testimony but want to talk  
21 briefly to you about our effort to make New York  
22 City a model city for responding to the violence  
23 that young men of color survive. So in December we  
24 released an issue brief on young men of color  
25 hardened by crime. And it happened to come out just

1  
2 days after the grand jury decision in the Eric  
3 Garner case in the midst of the upheaval and the  
4 collective grief in the city. And there's was  
5 question underneath all of that that I couldn't  
6 shake at the time and haven't been able to shake  
7 sense which is what would we have done if these  
8 young men had survived? So if Mike Brown were  
9 injured if Eric Garner's asthma symptoms were  
10 enhanced by his trauma, if Treyvon Martin before  
11 them was walking with a limp and the truth is and I  
12 say this based on our anecdotal experience but also  
13 on the wealth of evidence about the services  
14 available in New York City and nationally is that  
15 we wouldn't have done much. And it's both an  
16 unsurprising and a shattering conclusion for us to  
17 reach especially when we know the enormous progress  
18 we've made to serve so many victims of crime in  
19 many ways because of the efforts of others in this  
20 room today. We know that this evidence isn't  
21 surprising. We know that homicide is the leading  
22 cause of death for black men 10 to 24. A study  
23 found that 96 percent of homicide victims in 2012  
24 in New York City were men of color. And compounding  
25 that fact is the reality that those who survive are

1 highly unlikely to get services when they're hurt.  
2  
3 And so that has implications for health, for  
4 education, for work, for the public safety, for our  
5 economy across the board. We're working now to  
6 establish a learning collaborative that will bring  
7 together providers of services to young men. Both  
8 traditional victim service providers and providers  
9 in nontraditional settings like reentry in job  
10 programs. The idea is to anchor and animate the  
11 development of a field and to make New York City a  
12 model for what will be a national effort to  
13 demonstrate a commitment to racial equity and  
14 victim services and the possibility of, of actually  
15 addressing the pain young men survive. And we're  
16 requesting a hundred thousand dollars from the  
17 council which we believe will allow us to make New  
18 York exactly that model. Thank you.

19 CHAIRPERSON GIBSON: Thank you very  
20 much.

21 SHERYL ROBERTS: Thank you Councilwoman.  
22 I'm Sheryl Roberts. I'm the executive director of  
23 the Greenberger Center for Social and Criminal  
24 Justice. We are a new organization so we are  
25 applying for the minimum amount for a pilot

1  
2 project, or an alternative to incarceration. And I  
3 want to thank the Fortune Society for acting as a  
4 fiscal sponsor for us for the majority of the  
5 funding we're requesting. We are a new organization  
6 and we are founded because of the experience  
7 Francis Greenberger had with his oldest son. I want  
8 to take a moment just to explain what happened. His  
9 son has suffered from mental illness since he was  
10 four years old. When he was 17 he attempted to rob  
11 a cab and was arrested. While he was out on bail he  
12 became paranoid and convinced that there were drug  
13 dealers after him. He called the police who came  
14 and left him there. When they left he decided he'd  
15 call the fire department for help. So he called the  
16 fire department and set a fire on his stove,  
17 watched it burn and hoped they would come and help.  
18 When they arrived he was arrested on arson. He  
19 spent the next two years in Ryker's where he  
20 experienced many of the things you've been reading  
21 about; busses to nowhere, beatings, and a lot of  
22 times solitary confinement. Because like so many  
23 people with mental illness who are incarcerated he  
24 couldn't follow the rules. So he sat in solitary  
25 confinement his lawyers work with the DA's Office

1  
2 to see if there was an alternative that they could  
3 find for him. In the end the DA said if you could  
4 find a locked secure facility where he could  
5 receive treatment he could be diverted. It turns  
6 out there is no such facility, not in New York  
7 City, not in New York state, and not in the  
8 country. His son eventually ended up taking a five  
9 year sentence and his father decided to create an  
10 alternative to incarceration that's secure so that  
11 other New Yorkers would have an opportunity to be  
12 treated instead of punished for their mental  
13 illness. So that's what we've been doing for the  
14 last 18 months. We've gotten some really good  
15 feedback from DAs, from judges, from treatment  
16 advocates, from victim advocates, from patient  
17 rights advocates. We think it will increase public  
18 safety because 98 percent of people who go into  
19 prison come out of prison. We think it will save  
20 money and be more humane. We hope you'll agree and  
21 fund this pilot project. Thank you.

22 CHAIRPERSON GIBSON: Thank you very  
23 much. Thank you.

24 VIVIANA GORDON: Good afternoon  
25 Chairperson Gibson and Council Member Rosenthal. My

1 name is Viviana Gordon and I'm the Director of  
2 Operations at the Brownsville Community Justice  
3 Center which is a project of the Center for Court  
4 Innovation. I'm here today to urge to support  
5 continued funding for the Center for Court  
6 Innovation and its efforts to improve public  
7 safety, promote and expand the use of community  
8 based alternatives to incarceration, divert young  
9 people out of the criminal and juvenile justice  
10 systems, improve service outcomes for victims of  
11 crime, strengthen and empower neighborhoods, and  
12 improve public confidence I justice. Through  
13 innovative and collaborative programming at  
14 neighborhood based projects throughout New York  
15 City in all five boroughs the Center for Court  
16 Innovation brings residence and criminal justice  
17 stakeholders together to respond to local problems.  
18 Our projects in Redhook, Brownsville, the South  
19 Bronx, Jamaica Queens, and Staten Island have been  
20 documented to improve public safety and cut the  
21 unnecessary use of incarceration for low level  
22 offices, especially for those who might otherwise  
23 have been held in jail because they could not  
24 afford bail. Most importantly our programs have  
25

1  
2 successfully demonstrated ways to reengineer the  
3 relationship between neighborhoods and the justice  
4 system. For us it all begins with a commitment to  
5 treating each individual who comes into contact  
6 with the justice system with dignity and respect.  
7 We're bringing this approach now to another  
8 community in Brooklyn that's been hit hard by  
9 crime, Brownsville. In Brownsville we're hoping to  
10 start construction for a new home for the  
11 Brownsville Community Justice Center at a city  
12 owned building at 444 Thomas Boylan Street. The  
13 city council, Brooklyn borough president, and  
14 mayor's office have all already provided capital  
15 funding for renovations of the facility. And in the  
16 meantime we have a range of programs that build  
17 collaboration between Brownsville residence and the  
18 justice system including targeted efforts to reduce  
19 gun and gang violence in the neighborhood. In the  
20 remainder of my remarks I will say that the center  
21 for court innovation is now seeking the council's  
22 support in the amount of 775 thousand dollars for  
23 fiscal year 2016. 400 thousand to continue our core  
24 community justice operations and an additional 375  
25 thousand to support critical new initiatives in



1  
2 three areas, youth diversion, commute, police  
3 community relations, and enhanced and equal access  
4 to justice for the citizens' most vulnerable  
5 residents. The details of each program are outlined  
6 in my written testimony. But I will conclude by  
7 just saying that I, the center for court innovation  
8 looks forward to continue to work with the continue  
9 to improve public safety and victim services and  
10 create alternatives to incarceration. We  
11 respectfully urge you to support our work and I'd  
12 be happy to take questions at this time. Thank you.

13 CHAIRPERSON GIBSON: Okay all of you  
14 described a funding request for FY '16. So my  
15 general question is have you all submitted the  
16 formal official request? Everyone's nodding yes,  
17 okay great. I'd like to meet with you. Mike my  
18 goodness I talk to you in Safe Horizon all the  
19 time. But the Greenberger I'm very interested to  
20 hear about that. DA Thompson talked about the  
21 Brownsville Center. And I know you guys are looking  
22 to do some other work so I'd love to speak to all  
23 these, as, as well as common justice too. Okay.  
24 Council Member do you have any... Oh okay great. You  
25 disappeared on me. Thank you all for the work you

1 do and we look forward to working with you. Thank  
2 you for being here today. Our next panel is  
3 Christopher Bromson from the Crime Victims  
4 Treatment Center, Susan Zenarirose also from the  
5 Crime Victims Treatment Center, Mary Havalin from  
6 the New York City Alliance against sexual Assault,  
7 and Ben Myers from the New York National Lawyers  
8 Guild. Everyone's here. Chris you're here, Susan.  
9 Mary's here and Ben. Great. So you guys are my last  
10 panel so I'm expecting you to make it good.

12 [background comments] [cross-talk]

13 CHAIRPERSON GIBSON: No pressure.

14 CHRISTOPHER BROMSON: Thank you so much  
15 for your patience and..

16 CHAIRPERSON GIBSON: No pressure. I  
17 know. No, no live entertainment. You may begin.

18 CHRISTOPHER BROMSON: Thank you. And  
19 thank you for being here all day and waiting to see  
20 us finish this off. I've been sitting trying to  
21 figure out which one of us has bigger shoulder pads  
22 in our red jackets and we'll say that you win just  
23 to make me feel a little better. But I am here to  
24 speak. My name is Christopher E. Bromson and I am

25

1  
2 the Assistant Director of the Crime Victims  
3 Treatment Center at... [cross-talk]

4 CHAIRPERSON GIBSON: Is your mic on?

5 CHRISTOPHER BROMSON: ...hospital. I'm  
6 sorry?

7 CHAIRPERSON GIBSON: Is your mic on?

8 CHRISTOPHER BROMSON: Yeah. [cross-talk]  
9 Thank you. Better? Okay. So CVTC is one member of  
10 the New York City Sexual Assault Initiative and we  
11 are today to, hope to address the needs of sexual  
12 assault survivors in New York City. The initiative  
13 began in 2005 as a speaker's initiative from the  
14 speaker of the city council. And at that time CVTC  
15 was seeing about two male sexual assault survivors  
16 per year. And in the past ten years that number has  
17 increased to 180 per year. So we are one of four  
18 organizations that receive funding under this  
19 initiative and I know that all of us have increased  
20 our services incredibly over the past 10 years. So  
21 despite all of the attention that sexual assault  
22 has received in the media and all of the cases that  
23 you hear about every day it remains a crisis  
24 problem in New York City. So according to the CDC  
25 National Intimate Partner and Sexual Violence

1  
2 Survey which was recently done New York City has  
3 almost 840 thousand men, women, and children who  
4 have experienced rape in their lifetimes. 2.72  
5 million people in New York city will experience  
6 some type of sexual violence in their lifetime. And  
7 over the past year 47,220 women experienced rape.  
8 So as the initiative the four, the four  
9 organizations that we represent we have served  
10 2,000 sexual assault survivors in the past year and  
11 to them we have provided over 10 thousand  
12 counselling and training sessions to help people  
13 heal. The problem is that those numbers don't match  
14 up. There are huge disparities between the 2,000  
15 people we are able to serve and the people who need  
16 those services. So we are asking for 600 thousand  
17 dollars as four organizations and each organization  
18 will receive 150 thousand dollars to support the  
19 initiatives of the sexual assault initiative. So  
20 Queens in Mount Cyanide, the sexual assault and  
21 violence intervention program at Queens Mount  
22 Cyanide will hire a mandarin speaking trauma  
23 therapist to work with trafficking survivors of  
24 sexual violence who seek services there. In  
25 Manhattan the CVTC who we represent will hire a

2 Spanish speaking trauma counsellor with experience  
3 working in male victims so that we can continue  
4 serving male Spanish speaking victims of sexual  
5 assault. We've had a waiting list for about two  
6 years and are currently not taking any new Spanish  
7 speaking clients so this is really important. At  
8 the King Bridge Heights Community Center in the  
9 Bronx they will hire a bilingual trauma therapist  
10 to work with children who have experienced sexual  
11 violence. And the New York City Alliance Against  
12 Sexual Assault will continue to train emergency  
13 department staff and people involved in working  
14 with sexual assault survivors.

15 CHAIRPERSON GIBSON: Thank you very  
16 much. Thank you.

17 MARY HAVALIN: ...be Mary.

18 CHAIRPERSON GIBSON: Okay.

19 MARY HAVALIN: So I... Christopher's given  
20 you a great summary of the sexual assault  
21 initiative. I'm just going to tell you in a few  
22 words what the alliance has been able to do in the  
23 last year with increased funding. We've been able  
24 to train 90 medical professionals so far this year  
25 and individually certified 59 of those as sexual

1  
2 assault forensic examiners with 26 applications  
3 pending. We've also been able to bring a new center  
4 of excellence online, the Lennox Hill Health-Plex  
5 located on 7<sup>th</sup> Avenue and 13<sup>th</sup> Street in Manhattan.  
6 A center of excellence is a, is a hospital setting  
7 in the, in the city that's willing to provide best  
8 practice acute care to survivors of sexual assault  
9 through its emergency department. We facilitated  
10 this certification process through the New York  
11 state Department of Health adding the first new  
12 center of excellence since 2011. That brings a  
13 total of 18 centers of excellence in, in New York  
14 City out of 54 hospitals. We've also trained 190  
15 human services workers including 90 CUNY Title 9  
16 staff safe, public safety staff and student affairs  
17 staff in trauma centered approaches to sexual  
18 assault. So this is just a snapshot of what we've  
19 been able to do in the last year as a result of  
20 having increased funding. I want to just speak for  
21 one moment about another initiative that we are  
22 putting forth to the administration. I think you  
23 guys are aware that the state funding situation has  
24 been quite dire in the last year. We have lost  
25 about four million dollars from the state, from a,

1 from a confluence of, of, of issues. And we are now  
2 facing the largest staff layoff the network, the  
3 statewide network of rape crisis centers is facing  
4 the largest staff layoff in its history. And so out  
5 of that, out of those events the alliances put  
6 together a proposal that we are presenting to the,  
7 to the, to the administration and I'm just going to  
8 summarize it very very quickly. We're, we, the  
9 first element of that proposal is to provide 50  
10 thousand dollar grants to 15 qualifying certified  
11 rape crisis centers. The second piece is to address  
12 disparity of services in the city for survivors of  
13 sexual violence. So we are proposing adding two  
14 centers of excellence and two rape crisis centers  
15 in two boroughs in, in New York City, Brooklyn, and  
16 the Bronx. And lastly we are proposing that we  
17 create a campus technical assistance backup center  
18 that would provide training and capacity building  
19 and a centralized call center for survivors who are  
20 attending colleges or universities in this, in the  
21 city. I'm sad to say that we have not made an  
22 application to the city council for this, for this  
23 initiative. So if you have suggestions about ways  
24 to do it we are in conversation with the director  
25

1  
2 of MOCJ and also with the Chief of Staff at the, at  
3 the Deputy Mayor of Barrios Paoli's office. And  
4 looking for funds for this initiative. Thank you.

5 CHAIRPERSON GIBSON: Thank you very  
6 much. Did you want to add?

7 SUSAN ZENARIOSE: Well I just wanted to  
8 say that... but not to confuse it that what Mary is  
9 talking about there is no written application but  
10 for the four most underserved programs, the other  
11 initiative there is.

12 CHAIRPERSON GIBSON: Right okay.

13 SUSAN ZENARIOSE: Okay.

14 CHAIRPERSON GIBSON: Okay no that I  
15 understand.. [cross-talk] Thank you.

16 BEN MYERS: Hi, good afternoon, good  
17 evening nearly. My name is Ben Myers. I'm speaking  
18 on a separate issue from my panelists here. I'm  
19 speaking on behalf of the Mass Defense Committee of  
20 the National Lawyers Guild New York City Chapter.  
21 The Mass Defense Committee, excuse me, of the New  
22 York City chapter of National Lawyers Guild was  
23 created in the spring of 1968 in response to  
24 Vietnam War protests and arrests at Columbia  
25 University and over the intervening decades the



1  
2 Mass Defense Committee has provided legal  
3 observers, thousands of demonstrations and protests  
4 and has appeared in court for thousands who have  
5 been arrested as they marched and rallied for civil  
6 rights, immigration rights, economic justice, and  
7 reproductive rights, and against environmental  
8 destruction, war, and police misconduct. I'm  
9 speaking here today on the issue of the strategic  
10 response group that Police Commissioner Bratton  
11 announced somewhat as a response to the Black Lives  
12 Matters protest in September. He described this  
13 group as handling political demonstrations and  
14 civil disorder. And although the description of the  
15 SRG at Page 34 in the preliminary budget is quite  
16 vague the clear intent of the surge in police  
17 resources seems to aimed at suffocating political  
18 decent especially among those New Yorkers who are  
19 already most susceptible to police attention. The  
20 National Lawyers Guild strongly urges the city  
21 council to reject this additional funding for the  
22 SRG. But three questions arise about the strategic  
23 response group. First how does the SRG establish a  
24 financial savings f we are not given the actual  
25 cost comparisons in the preliminary budget. The

1 size and the anticipated cost of this... what's  
2 proclaimed to be a 550 officer force would be much  
3 larger than the entire community affairs bureau,  
4 larger than the entire counterterrorism division  
5 and larger even than the entire intelligence  
6 division. Now the preliminary budget does not  
7 provide any indicator of what these costs will be  
8 or how they compared to existing overtime expenses  
9 for the proposed work. To be sure over the next  
10 five years the cumulative effect for this surge  
11 would certainly cost New Yorkers many millions of  
12 dollars not to speak of the cost of settling  
13 additional lawsuits. Now this will not increase the  
14 safety of New York City's communities and it will  
15 drain financial resources from those communities  
16 already most in need. The second question is  
17 whether it's appropriate to police constitutional  
18 activity with special operations units. Deploying  
19 large scale paramilitary style tactical forces in  
20 New York's neighborhoods contradicts the community  
21 based approach that draws on the officers...  
22 precincts which even this morning was proudly cited  
23 by the department's own leadership and has been  
24 encouraged by members of the city council. The  
25

1  
2 proposal that's been suggested would adopt the very  
3 same discredited tactical approach that was taken  
4 in Ferguson which has been widely criticized as  
5 contributing to the escalation there of violence  
6 and destruction. And the third question is how the  
7 SRG units will be used when there are not active  
8 protests to police. Commissioner Bratton has said  
9 that these new tactical forces would be made  
10 available to the precincts in the borough commands  
11 on such occasions. But the experience that the NYPD  
12 has had with other such tactical forces like the  
13 street crimes unit has proven that these forces  
14 which are trained and equipped for confrontation  
15 are not easily integrated into the day to day needs  
16 of the precinct commanders or the neighborhoods  
17 that they serve. The bottom line here is that New  
18 Yorkers have been demanding police reforms but  
19 these are not the, the reforms that are needed.  
20 Rather this targeting of demonstrators threatens to  
21 chill protests at a time when a new generation of  
22 young black and brown leadership is sounding its  
23 voice along with the wide spectrum of, of New  
24 Yorkers who came out on the streets in the December  
25 of 13 black lives matter march. Ferguson should not

1  
2 be the model for policing protests in New York. And  
3 to amplify the voices of New Yorkers and to support  
4 safe communities the city council should reject the  
5 strategic response group proposal. And thank you  
6 for your time.

7 CHAIRPERSON GIBSON: Thank you very  
8 much. So I just had one very quick question. And I  
9 appreciate you outlining exactly what your funding  
10 needs were. It's helpful for, for us to understand.  
11 The sexual assault initiative that we increased  
12 from 200 thousand to 300 thousand in last year's  
13 budget your request will be an additional 600  
14 thousand on top of that? Oh total, total. Oh okay.  
15 Sorry have to make that, sorry I thought it was  
16 additional. I just figured you were aiming high  
17 sorry.

18 MARY HAVALIN: Glad you asked.

19 CHAIRPERSON GIBSON: No. And I  
20 appreciate it because, and Mary you probably know  
21 best. You guys have been very instrumental in a lot  
22 of the conversations we're having around campus  
23 sexual assault. And I'm glad you mention the state  
24 funding because you know at the council you know  
25 maybe it's conversations. I would love to meet with

1  
2 you guys offline to talk about how the council can  
3 be supportive in that regard. One of the  
4 initiatives that we are looking at is how do we  
5 provide more support services for...

6 MARY HAVALIN: Mm-hmm.

7 CHAIRPERSON GIBSON: ...rape crisis,  
8 counsellors, and more mediation for students where  
9 there is a diversion team like...

10 MARY HAVALIN: Mm-hmm.

11 CHAIRPERSON GIBSON: ...on campus.

12 MARY HAVALIN: Mm-hmm.

13 CHAIRPERSON GIBSON: So to speak. So  
14 that many of the students have services readily  
15 available. And I know you guys know that so I  
16 appreciate you letting us know about the state  
17 funding.

18 MARY HAVALIN: We would love to help you  
19 with this. We've started, our program has started  
20 the process working with some schools and I, I just  
21 wanted you to know this is not going to be an easy  
22 task you know for the, for rape crisis programs.  
23 And with, unless they do get help, mainly because  
24 there's 160 colleges and universities in New York  
25 City and there are 11 rape crisis programs. And so

2 we have to really look at this very intelligently  
3 and strategically and I think geographically and I  
4 think we can do it if we're, if we all work  
5 together.

6 SUSAN ZENARIOSE: And I have a copy of  
7 the proposal that I have distributed. I can give it  
8 to you here.

9 CHAIRPERSON GIBSON: Oh that would  
10 great.

11 SUSAN ZENARIOSE: I, I...

12 CHAIRPERSON GIBSON: Okay.

13 SUSAN ZENARIOSE: ...have a copy of the  
14 proposal and we also have been in contact with your  
15 office and have asked for a meeting with your  
16 office and, and your office has agreed so...

17 CHAIRPERSON GIBSON: Okay.

18 SUSAN ZENARIOSE: ...we have something I  
19 think... if it's not scheduled it will be scheduled.

20 CHAIRPERSON GIBSON: And I'm guess I'm a  
21 little confused if the state is cutting the rape  
22 crisis network statewide but yet the governor just  
23 made a huge announcement about focusing on campus  
24 safety with SUNY.

25 SUSAN ZENARIOSE: Yeah.

2 CHAIRPERSON GIBSON: So it's  
3 counterproductive.

4 SUSAN ZENARIOSE: Well we, we been, yes  
5 we know and we've been talk, we've been talking to  
6 the governor's office every week and they now know.  
7 And we've talked to Senator Skelos and you know and  
8 the assembly and every, everybody. It's sort of  
9 hypocritical you know to be able to present  
10 something like this and not to respond with  
11 support.

12 CHAIRPERSON GIBSON: Right. Okay.

13 SUSAN ZENARIOSE: I think they're  
14 figuring it out honestly but we'll find out right.

15 MARY HAVALIN: Also you should know that  
16 the prevention funds come from the federal  
17 government so it wasn't the governor who got the  
18 prevention funds. The service funds were cut by  
19 state administration but the prevention cuts were a  
20 result of CDC cuts.

21 CHAIRPERSON GIBSON: And National Guild  
22 I, we probably should speak more. I don't know if  
23 you were here this morning for the police  
24 department's testimony. But it was touched on very  
25 little because we had a lot of things to talk about

1  
2 in, in terms of the different borough commands that  
3 would oversee this. But I understand your concern  
4 and I agree. It's certainly not you know priority  
5 wise anything that I think that we should invest a  
6 lot of resources in. But I get the concept so I  
7 would love to talk to you more about that.

8 BEN MYERS: Yeah thank you.

9 CHAIRPERSON GIBSON: Sure. Thank you  
10 all. Thank you for being here this afternoon. I  
11 appreciate you being here. Thank you for your  
12 patience.

13 SUSAN ZENARIOSE: Thank you for staying  
14 late.

15 CHAIRPERSON GIBSON: Okay okay. So as we  
16 close I just want to say thank you to everyone who  
17 has attended this public hearing on the Mayor's  
18 Preliminary Budget the Committee on Public Safety.  
19 I want to thank the New York Police Department, the  
20 Civilians Complaint Review Board, the five district  
21 attorneys, the special narcotics prosecutor, the  
22 Mayor's Criminal Justice Director, an all of the  
23 members of the public, union officials and others  
24 for you testimony. I want to thank all of the staff  
25 Regina Perada Ryan, Isha Right, Ellan Aang, Bryan



1  
2 Crowe, Beth Gollob, Laurie Wen, Theodore Moore,  
3 Pascal Brenard, Faiza Ali, my staff Dana Wax. Thank  
4 you everyone for all of your help today in this  
5 very long but productive hearing. Stay tuned. To be  
6 continued. This hearing is hereby adjourned.

7 [gavel]

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C E R T I F I C A T E

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



Date April 7, 2015