

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON FINANCE
COMMITTEE ON PUBLIC SAFETY

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May 17, 2012
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HELD AT: Council Chambers
City Hall

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DOMENIC M. RECCHIA, JR.
PETER F. VALLONE, JR.
Chairpersons

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A P P E A R A N C E S

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

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Bishop Mitchell G. Taylor
City Council Designee
Civilian Complaint Review Board

Joan M. Thompson
Executive Director
Civilian Complaint Review Board

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2 CHAIRPERSON RECCHIA: Good morning,
3 ladies and gentlemen. Welcome to the New York
4 City Council Chamber. This is the third day of
5 the City Council hearings on the Mayor's Executive
6 Budget for Fiscal Year 2013. My name is Domenic
7 M. Recchia, Jr., and I'm the Chair of the Finance
8 Committee. I'm joined here with my colleague
9 Peter Vallone, Chairman of Public Safety.

10 At this time, I'd like to recognize
11 all the members that have joined us today. We
12 have Council Member Melissa Mark-Viverito. We
13 have Council Member Jumaane Williams, Council
14 Member Jimmy Oddo, Council Member Al Vann, and
15 Council Member Vincent Ignizio.

16 Yesterday, we heard from the
17 Department of Aging and Department of Parks and
18 Recreation. Today, the Finance Committee will be
19 joined by the Committee on Public Safety, chaired
20 by my colleague Peter Vallone, to hear from the
21 Police Department, District Attorneys, Special
22 Narcotics Prosecutor and the Civilian Complaint
23 Review Board.

24 We will begin first with the Police
25 Department. The NYPD's Fiscal 2013 Executive

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2 Budget totals approximately \$4.6 billion, an
3 increase of \$68.4 million, or 15 percent above the
4 Department's Fiscal 2012 Adopted Budget. The
5 executive budget increases the department's budget
6 by \$5.5 million over the preliminary budget, due
7 to increases in energy, fuel and gas, and rent
8 appropriations, as well as other collective
9 bargaining increases.

10 Since budget adoption, the biggest
11 changes to the department's executive budget
12 occurred during the November plan. They include
13 \$50 million in anticipated savings from efficiency
14 measures which have no yet been specified; \$112
15 million in PEG restorations; \$127.5 million to
16 close an enormous fulltime normal gross deficit.
17 This all totals \$178.5 million. Of the \$78.5
18 million in city funds, adjustments to the
19 department's budget, \$173 million occurred prior
20 to 2013 Executive Budget.

21 I am anxious to hear how those
22 numbers relate to overtime, the new police academy
23 class and police unit and initiatives such as the
24 Disorder Control Unit, Domestic Violence Unit and
25 the Anti-graffiti initiative.

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2 Before I turn over the microphone
3 to my colleague, Peter Vallone, I want to remind
4 everyone that the public will be able to testify
5 on the last day of budget hearings, June 6th,
6 beginning at approximately 4:00. For members of
7 the public who wish to testify but cannot make the
8 hearing, you can fax your testimony to my counsel
9 Tanisha Edwards and she'll make it part of the
10 official record. Her fax number is (212) 788-
11 7061.

12 I know my co-chair, Council Member
13 Peter Vallone has a lot to say to the Department,
14 so before we hear testimony from Commissioner
15 Kelly, I would like to recognize and turn the
16 microphone over to my Co-chair Peter Vallone.

17 CHAIRPERSON VALLONE: Thank you,
18 sir. It's an honor to be co-chairing this with
19 you. I do have a long opening statement, which
20 I'm not going to read. I notice that Commissioner
21 Kelly's testimony is very extensive again, as it
22 was the last time. He will be leaving in two
23 hours. We are going to once again do our best to
24 get to everyone's questions. Everyone on the list
25 now we should be able to get to, as long as

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2 everyone stays within five minutes and does not
3 hurt their colleagues by going after that.

4 We are going to have complete
5 hearings in the near future regard a stop-and-
6 frisk letter which Ray Kelly provided to us this
7 morning, regarding changes to the program,
8 improvements which are always ongoing. We are
9 going to have a complete hearing jointly with the
10 Fire and Criminal Justice Committee regarding the
11 911 system and the problems which have occurred
12 there. Neither of those can be accurately and
13 adequately delved into in a budget hearing.

14 I ask you all to keep your
15 questions as budget-relate as possible. We will
16 try to get to everyone. As I said, we only have
17 two hours. So I'll just very briefly say that I'm
18 concerned about the increase in crime in the
19 fourth quarter. We've had 24,255 increase in
20 crime--24,255 thousand--I'll get this right,
21 24,255 index crimes in the first quarter of 2012,
22 up from 22,977 in the first quarter of 2011, which
23 is about a 5 percent increase. As you know, I'm
24 very concerned about our depleted force and how
25 the budget relates to that.

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2 I'm going to eschew my opening
3 statement. We've introduced all the Council
4 Members who are here. Thank you for being with us
5 early today. Commissioner Kelly, we look forward
6 to your testimony. The floor is yours.

7 RAYMOND W. KELLY: Thank you,
8 Chairman. I'm here with Ed Allocco, our Deputy
9 Commissioner of Management and Budget. I want to
10 thank you for this opportunity to discuss the
11 Mayor's Executive Budget for Fiscal Year 2013.

12 Last Friday, in a ceremony at
13 Police Headquarters, the Department added to our
14 Memorial Wall the names of 15 more officers who
15 died in the line of duty. Thirteen died as a
16 result of illnesses they contracted after
17 performing 9/11 rescue and recovery work. Two
18 were killed last year by violent perpetrators.

19 In the last six months, eight
20 police officers have been shot and five stabbed
21 while performing police duties. In several of
22 those instances, officers narrowly escaped with
23 their lives. One of them was Police Officer Eder
24 Loor, who was stabbed in the head by an
25 emotionally disturbed man on April 17th. The

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2 knife grazed his middle cerebral artery and came
3 within an inch of his temporal lobe. Two weeks
4 ago, Officer Loor left the hospital. He has a
5 long road of rehabilitation ahead of him, but
6 we're immensely grateful that he survived and
7 we're grateful, of course, for his courage.

8 Every day, police officers like him
9 put themselves in harm's way to protect the
10 public. It is thanks to their efforts that
11 murders of all kinds in New York City have fallen
12 to a new record low so far this year and are on
13 track to beat the record low established in 2009.
14 There have been 36 fewer murders recorded this
15 year compared to the same period last year: 132
16 down from 168. That's a rate of less than one
17 murder per day.

18 We also benefited greatly from the
19 graduation of 1,600 new officers from the Police
20 Academy in January, the vast majority of whom were
21 assigned to Operation Impact. That same month we
22 hired another class of 900 officers who are
23 scheduled to graduate in July.

24 Our attack on crime is
25 comprehensive. We constantly assess changing

1
2 crime conditions and devise new strategies to
3 address them. One area we're focusing on is the
4 theft of cell phones and other electronic handheld
5 devices. In 2002, this type of crime represented
6 just 8 percent of all robberies and grand
7 larcenies in the City. Now it represents 40
8 percent. That's because as devices have become
9 more complex and expensive, they've become an
10 inviting target for thieves and their fences.

11 As I mentioned in my testimony in
12 March, we've developed a citywide strategy to
13 combat the problem. We assigned 243 new officers
14 from the most recent Police Academy class to the
15 Transit Bureau to patrol the subways. We also use
16 decoy operations against thieves and stings aimed
17 at fences, and we use the devices' own tracking
18 technology to apprehend suspects after the fact.

19 One promising new development is
20 the recent agreement by cell phone carriers and
21 the FCC to remotely disable stolen smartphones,
22 turning them from highly prized stolen property to
23 worthless chunks of plastic. In Europe, this
24 strategy was successfully implemented a few years
25 ago. We're confident it will have a significant

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2 impact here. In addition, we're exploring a new
3 Crimestoppers reward program that would offer up
4 to \$250 for information leading to the arrest of
5 anyone responsible for the theft of property from
6 a person. This would provide further incentive to
7 the public to help us combat electronics theft.

8 Another key front is domestic
9 violence. The Police Department recently
10 instituted a number of measures that we believe
11 will strengthen our work in this sensitive and
12 critically important area. For one, we're
13 emphasizing the need to preserve electronic
14 evidence, such as emails and voice messages,
15 before they can be destroyed. This way, even if
16 the victim is reluctant to prosecute, the District
17 Attorney has the evidence prosecutors need.

18 In addition, we've bolstered
19 staffing in this important area, dedicating an
20 additional 32 sergeants to domestic violence
21 prevention. We've updated and will distribute to
22 our Patrol and Housing Bureaus a new training
23 video on domestic violence issues.

24 We're also providing victims with a
25 notebook and pamphlet. The domestic violence

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2 prevention officer will sit down with victims and
3 instruct them on how to create a safety plan,
4 recording in the notebook places to go in an
5 emergency, important phone numbers and a code word
6 for friends and family to recognize in an
7 emergency, among other things. The officers will
8 use this journal during home visits.

9 Last year we conducted 73,000 home
10 visits to domestic violence victims, often
11 deterring another attack by an abusive partner.
12 We reinstated "Dom-Stat," modeled after
13 CompStat, to track how well we are combating
14 domestic violence. And we established an
15 inspections unit to do follow-up visits to make
16 sure domestic violence calls were handled
17 properly. We now have a checklist to standardize
18 how home visits are conducted, which helps us in
19 assessing how effective they are.

20 We believe that, taken together,
21 these changes will result in a fairer system and a
22 better experience for victims with the courage to
23 come forward. Already this year, domestic
24 violence murders are down by 46 percent, 41 at
25 this time last year to 22 now.

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2 Human trafficking is another crime
3 we're combating from every angle. Last year, the
4 Department created a new detective squad within
5 our Organized Crime Control Bureau. It's
6 dedicated exclusively to investigating cases of
7 human trafficking. The members of the squad
8 report directly to the Commanding Officer of the
9 Vice Major Case Squad, ensuring that their
10 investigations receive high-level attention. The
11 creation of the squad grew out of our meetings
12 with advocates for the victims of human
13 trafficking.

14 Another result of those meetings
15 was a decision to increase enforcement efforts on
16 the demand side by arresting more johns. Earlier
17 this year, we held two major take downs, one in
18 January and another in February. In all, we've
19 arrested 360 johns and seized 102 vehicles. Along
20 with the investigations we conduct, these
21 initiatives, which we call Operation Losing
22 Proposition, represent another strategy we're
23 using to combat prostitution and the devastating
24 crime of human trafficking which helps to fuel the
25 industry.

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2 We're continuing our proactive work
3 to take illegal guns off the streets. Right now,
4 in neighborhoods across the city, we have officers
5 working undercover, infiltrating criminal
6 networks, making buys, and helping to build cases
7 against those who traffic in illegal guns. It's
8 some of the most perilous work that a person can
9 do. We also rely on a policy of engagement. We
10 utilize the long-established right of the police
11 to stop and question individuals about whom we
12 have reasonable suspicion.

13 We realize the sensitivity involved
14 in stops, which is why we place a great emphasis
15 on it in officer training. We must preserve the
16 trust and support of the communities we serve and
17 conduct stops with courtesy and professionalism.
18 I've held a number of discussions with Mayor
19 Bloomberg and Speaker Quinn about this issue and I
20 want to outline a series of steps the Police
21 Department has taken.

22 As I mentioned in March, an
23 independent study by the highly respected RAND
24 Corporation has shown that stops by race in New
25 York City comport with crime suspect descriptions

1 and the racial distribution of arrestees.
2
3 Nonetheless, to protect against even the
4 possibility of bias in the use of this tactic, we
5 republished the Department order that specifically
6 prohibits racial profiling and will incorporate it
7 into ongoing training sessions for all of our
8 personnel.

9 Second, we've tasked the Executive
10 Officer in each Precinct, Housing Police Service
11 Area, and Transit District to review the
12 worksheets every officer must fill out after
13 conducting a stop, thereby elevating the
14 responsibility to the rank of captain or above.
15 This activity will be carried out on an ongoing
16 basis as part of the existing self-inspection
17 program and completed in accordance with
18 guidelines set forth by our Quality Assurance
19 Division.

20 Third, the Deputy Commissioner of
21 Training has completed a review of our curriculum
22 regarding stop, question and frisk encounters. We
23 established a new course that is currently being
24 taught at the Department's Outdoor Range. It
25 provides police officers with an additional level

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2 of instruction in when and how to conduct a lawful
3 stop. This training will first be provided to the
4 1,500 officer who are currently assigned to
5 Operation Impact.

6 Fourth, we're now completing a
7 series of five training videos about street
8 encounters that will outline the methods a police
9 officer should use when conducting a stop. We
10 want to be sure there is mutual understanding
11 between the officer and the person who was
12 stopped.

13 Fifth, the Department has expanded
14 outreach to youth by creating a new pilot program
15 to teach them business-related computer skills.
16 The course is being taught by police officers and
17 has been implemented in two commands: Manhattan's
18 32nd Precinct and Brooklyn's 77th Precinct~ It is
19 designed to last eight weeks and to provide 32
20 hours of instruction.

21 I also want to tell you about a
22 promising new federal grant proposal we've
23 submitted with the Mayor's Office of the Criminal
24 Justice Coordinator. We're seeking \$1.5 million
25 from the Office of Juvenile Justice and

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2 Delinquency Prevention to implement the
3 Brownsville Violence Prevention Program. This is
4 an adaptation of Project Safe Neighborhoods, which
5 was piloted by Yale Law School Professor Tracey
6 Mears in Chicago. It focuses on the typically
7 small group of people within a community or
8 neighborhood who are responsible for the majority
9 of violent crime.

10 The program requires criminal
11 justice agencies to identify these individuals, to
12 engage them constructively by providing them with
13 guidance and social services, and to work with the
14 community to promote nonviolence and lawful
15 behavior. This program will be administered by
16 the NYPD and planned and led by the Center for
17 Court Innovation, a public-private partnership
18 between the New York State Unified Court System
19 and the Fund for the City of New York.

20 Our partners will also include the
21 Kings County District Attorney's Office, the U.S.
22 Attorney's Office, the New York City Department of
23 Probation, the New York State Department of
24 Corrections and Community Supervision, and
25 multiple family-based and community-based

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2 partners. Together, we'll track various key
3 indicators of street violence and recidivism among
4 participants in central Brooklyn.

5 As you know, this area is already
6 host to one of our most promising community
7 partnerships: the Brooklyn Clergy Coalition, a
8 group of more than two dozen religious leaders.
9 They support us by giving their congregations
10 information about crime patterns, reaching out to
11 gang leaders to discourage criminal activity, and
12 hosting gun buy-back events, among other
13 activities. Due in part to this relationship,
14 murders in Brooklyn North fell by 33 percent--13
15 percent, excuse me--13 percent last year, more
16 than three times the citywide rate of decline.
17 Among African-American men between the ages of 16
18 and 37 the decrease was even more dramatic: 33
19 percent. This is very encouraging, given the
20 disproportionate share of victims of violent crime
21 who come from this group.

22 We must also remain vigilant
23 against terrorist threats to New York City. We
24 need look no further than the recently foiled plot
25 by al Qaeda in the Arabian Peninsula, to bomb a

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2 U.S. bound airplane with an explosive designed to
3 evade security screening. We see in this incident
4 further evidence of the determined efforts by al
5 Qaeda and its affiliates to strike the United
6 States, and we see their continued experimentation
7 with new tactics. The case also shows that with
8 good cooperation, dangerous plots and dangerous
9 perpetrators can be stopped.

10 We saw another example of this in
11 the conviction two weeks ago of Adis Medunjanin
12 who, along with two accomplices, plotted to bomb
13 three New York City subways in September 2009, in
14 a plot modeled after the London Transit bombing.
15 His trial opened a window on how three men from
16 Flushing could fall under al Qaeda's spell and
17 nearly succeed in killing untold numbers of
18 innocent New Yorkers.

19 The testimony, in all its chilling
20 detail, also laid bare how the NYPD was falsely
21 accused in the media by anonymous sources, of
22 compromising the investigation. Hopefully, this
23 experience will diminish if not end the
24 destructive practice of giving anonymous sources
25 with bad information a platform with which to

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undermine the truth.

In March, I updated you on our efforts to harden the city through the Lower and Midtown Manhattan Security Initiatives. In addition to monitoring a network of 2,700 cameras, we've established ten radiation sensors on the roofs of precincts to check for the possible presence of radiological weapons. These instruments send readings and alerts in real-time to the Lower Manhattan Security Coordination Center. We also place highly sophisticated radiological sensors in boats and vans.

When I last appeared before the Council, I mentioned an initiative to integrate portions of our citywide Argus camera network into LMSI, and the fact that we had already completed the addition of all Argus cameras located in Manhattan. Since then, we've also finished adding the feeds from every Argus camera in the Bronx, and we've just started to work on Queens. We're also working very closely with the MTA to obtain camera feeds from bridges and tunnels. We recently acquired the feeds from cameras at the Verrazano Bridge and we'll be doing the same

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2 shortly for the Queens Midtown Tunnel. We plan to
3 add more bridge and tunnel cameras in the near
4 future.

5 In addition, we're working with the
6 Department of Citywide Administrative Services to
7 monitor feeds from cameras around the Municipal
8 Building, and with the City Department of
9 Transportation to integrate feeds from its Traffic
10 Management Center.

11 Turning to the Mayor's Executive
12 Budget for Fiscal Year 2013, I'd like to
13 acknowledge the difficult challenges faced by the
14 Administration in crafting a city budget in this
15 tough fiscal environment. In this context, we are
16 very appreciative of the Mayor's commitment to
17 maintaining the strength of the department so that
18 we can keep crime at record lows and protect New
19 York from terrorist threats.

20 We continue to apply for and obtain
21 federal assistance to protect members of the
22 public and vital assets, including the Financial
23 District, the transit system, bridges, tunnels,
24 and ports. As of today, from Federal Fiscal Year
25 2003 through 2012, \$3.4 billion in

1
2 counterterrorism grant funding was allocated to
3 New York State, of which approximately \$1.9
4 billion or 56 percent was allocated to New York
5 City. Of that amount, \$1.1 billion, or nearly 58
6 percent of the funds received by the City, was
7 allocated to the NYPD.

8 The Federal Fiscal Year 2012
9 Department of Homeland Security preparedness
10 grants total \$1.4 billion nationally, which
11 represents a reduction of nearly \$1 billion from
12 the Federal Fiscal Year 2011 appropriation and is
13 \$1.5 billion below the President's Federal Fiscal
14 Year 2012 request.

15 A summary of the funding levels and
16 the current status for each of the major grants
17 under the Federal Fiscal Year 2012 are as follows.

18 The nationwide allocation for the
19 Urban Areas Security Initiative grant was reduced
20 by \$172 million or 26 percent, from \$663 million
21 allocated in 2011 to \$490 million in 2012.

22 Fortunately, the New York State and New York City
23 2012 allocations, which are \$152 million and \$121
24 million, respectively, will remain the same as
25 last year, though they have not been officially

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2 awarded as yet. And we're very appreciative to
3 Secretary Napolitano and the Department of
4 Homeland Security for this.

5 As for the State Homeland Security
6 Program, the nationwide allocation was reduced by
7 \$233 million or 44 percent, from \$527 million
8 allocated in 2011 to \$294 million in 2012. New
9 York State and the City were not spared from cuts.
10 The New York State allocation was reduced by \$36
11 million or 39 percent, from \$91 million in 2011 to
12 \$55 million in 2012. Likewise, New York City's
13 allocation decreased by \$18 million or 39 percent,
14 from \$44 million in 2011 to \$26 million in 2012.

15 Last month we submitted project
16 proposals totaling \$99 million to the City's
17 Office of Management and Budget under the
18 aforementioned programs for the continuation and
19 expansion of various counterterrorism projects and
20 initiatives.

21 These include the continuing build-
22 out of the Lower and Midtown Manhattan Security
23 Initiative, the purchase of critical explosive
24 detection, response, and personal protective
25 equipment, salaries of Intelligence Research

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2 Analysts, overtime for counterterrorism training
3 and the Joint Terrorism Task Force, and continued
4 maintenance and support for projects and equipment
5 previously funded with Homeland Security Grant
6 money.

7 Under the Transit Security Grant
8 Program, the nationwide allocation was reduced by
9 \$112 million or 56 percent, from \$200 million in
10 2011 to \$88 million in 2012. The City's
11 allocation will not be known until September but
12 we expect reduced funding. The Department
13 submitted a funding application this month for \$11
14 million.

15 Under the Port Security Grant, the
16 nationwide allocation was reduced by \$137 million
17 or 59 percent, from \$235 million in 2011 to \$98
18 million in 2012, which includes \$58 million for
19 Group 1 port areas comprised of New York, New
20 Jersey, Texas, Washington, Pennsylvania, Delaware,
21 California, and Louisiana. The City's allocation
22 will not be known until September but we expect
23 reduced funding. The Department submitted a
24 funding application this month for \$6 million.

25 The nationwide allocation under the

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2 Securing the Cities grant increased by \$2 million,
3 from \$20 million in 2011 to \$22 million in 2012,
4 all of which is provided to the NYPD to manage and
5 to allocate funds to other jurisdictions in the
6 region. The Department is currently developing an
7 application for submission under this grant.

8 The Department will benefit from
9 new policies issued by FEMA under the Federal
10 Fiscal Year 2012 Department of Homeland Security
11 preparedness grants. These policies allow for
12 continued support of active and ongoing projects.
13 In past years, continued funding of transit anti-
14 terrorism teams was contingent on a waiver
15 approval by DHS to utilize grant funds in
16 subsequent fiscal years.

17 Under the Federal Fiscal Year 2012
18 Transit Security Grant Program, there is an
19 automatic waiver without a request. Furthermore,
20 there is pending legislation, sponsored by
21 Congressman Turner of New York and supported by
22 Congressman Peter King, Chairman of the House
23 Committee on Homeland Security, to make this
24 waiver permanent for future grant programs.

25 Last week, the House Appropriations

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2 Subcommittee prepared the Federal Fiscal Year 2013
3 Homeland Security Program spending bill and it is
4 anticipated that the full House Appropriations
5 Committee will consider the subcommittee bill as
6 early as this week. The Senate Appropriations
7 Committee also may begin work this week on a
8 proposed DHS funding bill.

9 The proposed bill by the House
10 Committee increases appropriations under the 2013
11 Homeland Security budget for border patrol, cyber-
12 security and first responder programs. FEMA would
13 receive \$1.8 billion nationwide for state and
14 local grant programs, an increase of \$484 million
15 over the 2012 appropriation of \$1.4 billion, and
16 \$393 million less than proposed in the President's
17 2013 budget.

18 The Subcommittee panel has rejected
19 the Department of Homeland Security's proposed
20 National Preparedness Grant Program, which would
21 have combined 16 separate grant programs including
22 four of the major grant programs, UAS, SHSG,
23 Transit, and Port grants received by the
24 Department, into one grant. The proposed DHS
25 program would have utilized factors for terrorist

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2 threats, along with many other weather-related and
3 geological hazards, in assessing the allocation of
4 funds, instead of a strong focus on prevention of,
5 and response to, risks associated with terrorist
6 acts, as we have now with the current grant
7 guidelines. The subcommittee bill would retain
8 all four separate programs, which more clearly
9 define the importance of funding for high-risk
10 areas.

11 Now more than ever, it is important
12 for us to advocate with the Congress, including
13 New York's own congressional delegation, and the
14 Department of Homeland Security for the funds
15 necessary to defend the city and surrounding areas
16 against terrorist threats. We must constantly
17 monitor budget cuts and shifting policies in
18 Washington in order to preserve the resources
19 required for this vital aspect of our mission.

20 Regarding the Executive Financial
21 Plan and its impact on the Police Department: the
22 Department's Fiscal Year 2013 budget is \$4.6
23 billion, of which 94 percent is allocated for
24 Personal Services and 6 percent for Other than
25 Personnel Services. The Fiscal Year 2013 budget

1
2 is \$330 million lower than this year's budget of
3 \$4.95 billion. This decrease reflects non-city
4 funds not yet added to the Fiscal Year 2013 budget
5 as well as an amount for gap closing programs.

6 There were no expense reduction
7 proposals and none of our new needs requests were
8 funded during the plan. However, there were a few
9 technical adjustments as follows: \$3 million in
10 Fiscal Year 2013 and \$2 million beginning in
11 Fiscal Year 2014 was provided for lease cost
12 adjustments, utility and fuel costs.

13 City funds were decreased by
14 \$90,000 beginning in Fiscal Year 2012 and the out-
15 years as a result of a citywide contractual cost
16 savings program for paper purchases.

17 \$368,000 was provided beginning in
18 Fiscal Year 2012 and annually thereafter as part
19 of the final resolution under the District Council
20 37 2008 to 2010 collective bargaining agreement
21 for assignment, longevity, service increments and
22 uniform allowance pay rates.

23 Prior year PEG cuts have reduced
24 the number of fulltime civilian positions by 1,475
25 in Fiscal Year 2012 and the out-years. These

1
2 civilian reductions have affected all department
3 functions, especially clerical and administrative,
4 and the city's continued hiring freeze has limited
5 the Department's ability to fill vacancies in
6 technology, trade and other professional titles.
7 The number of funded full-time civilian positions
8 is 14,431 in Fiscal Year 2012, 14,107 in Fiscal
9 Year 2013 and 14,105 beginning in Fiscal Year
10 2014.

11 Since Fiscal Year 2008, the
12 civilian part time staffing has been reduced by
13 571 positions including 547 cadet positions. The
14 part-time budget currently funds 2,580 positions
15 annually, consisting of School Crossing Guards,
16 Cadets, and College Aides.

17 There were no changes to the
18 uniformed staffing levels in Fiscal Year 2012 and
19 in the out-years under the current plan. The
20 uniformed authorized headcount and projected
21 recruit classes are as follows.

22 The budgeted peak headcount remains
23 at 35,367 in Fiscal Year 2012 and Fiscal Year
24 2013, but decreases to 35,263 in Fiscal Year 2014
25 due to the expiration of ARRA stimulus funds under

1
2 the Federal Fiscal Year 2009 Transit Security
3 Grant Program for 104 officers assigned to protect
4 the New York City transit system.

5 The July 2011 police officer class
6 size was 1,631 recruits, of which 1,519 graduated
7 in December. The January 2012 Police Officer
8 class size was 898 recruits. •

9 We anticipate hiring approximately
10 970 police recruits, plus backfill for Academy
11 attrition, in July 2012. In addition, we
12 anticipate hiring a class of 1,055 recruits in
13 January 2013.

14 The FY 2012 average headcount is
15 estimated to be 34,865 which represents an
16 increase of 34 positions as compared to the FY
17 2011 average headcount of 34,831. The FY 2013
18 projected average uniformed headcount is 34,817.

19 The projected attrition is
20 approximately 1,847 in FY 2012 and 1,811 in FY
21 2013. The size of police classes is based on the
22 funded peak headcount and the replacement of
23 attrition that has occurred since the previous
24 class.

25 Overtime costs in FY 2012 are

1
2 projected to total \$604 million, which is \$53
3 million more than the FY 2011 actual expenditures
4 of \$551 million. This increase is mainly due to a
5 projected overtime increase of \$40 million for
6 unplanned events, which includes a \$30 million
7 cost for Occupy Wall Street and \$7 million for
8 Hurricane Irene. Collective bargaining
9 adjustments and civilian overtime account for the
10 remaining increase in overtime costs.

11 The current FY 2012 overtime budget
12 will total approximately \$586 million. Although
13 OMB provided additional overtime funding in the
14 November Plan, it will not cover all of the
15 increase in overtime categories just mentioned,
16 resulting in a projected overtime deficit of
17 approximately \$18 million. Grants and other
18 reimbursements in FY 2012 will cover approximately
19 \$103 million of the anticipated overtime costs.

20 The FY 2013 overtime budget of \$495
21 million is \$91 million lower than the current FY
22 2012 budget of \$586 million. The decrease is
23 mainly due to non-city overtime funds not being
24 included yet in the FY 2013 budget and to the \$47
25 million overtime PEG that OMB included in the

1
2 November 2011 Financial Plan.

3 As always, we will work to achieve
4 overtime savings wherever possible. Since 2002,
5 our uniformed deployment to planned events has
6 been reduced due to careful management efforts.
7 As a result, overtime costs for this category
8 decreased by a cumulative total of \$205 million
9 through Calendar Year 2011. We expect to continue
10 saving approximately \$21 million each year when
11 compared to the amount spent in 2002 for these
12 same events.

13 On May 3rd, the Mayor also released
14 the FY 2013 Executive Capital Budget and
15 Commitment Plan. It totals \$529 million for the
16 Police Department covering Fiscal Years 2012 to
17 2016.

18 There were no significant changes
19 to this plan since February, however several
20 internal budget reallocations were approved in the
21 Capital Plan to address funding priorities.

22 As mentioned at the March budget
23 hearing, the FY 2012 to FY 2016 Capital Plan
24 maintains funding for the following major facility
25 projects.

1
2 Design and construction of the new
3 Police Academy is budgeted at \$40 million for FY
4 2012 and for FY 2013 which supplements the \$711
5 million budgeted in prior fiscal years.

6 Construction of the new facility has begun and is
7 scheduled for completion in December 2013.

8 Construction of a new tow pound in
9 Queens is budgeted at \$5 million in FY 2012 which
10 supplements \$23 million budgeted in prior fiscal
11 years. Construction started in September 2009,
12 was completed in December 2011, and became
13 operational on January 24, 2012.

14 Design and construction of the new
15 121st Precinct is budgeted at \$1 million in FY
16 2012 and \$4 million in FY 2013 which supplements
17 \$61 million budgeted in prior fiscal years.
18 Construction of the new facility has begun and
19 project completion is scheduled for December 2012.

20 The restoration and renovation of
21 the landmark Central Park Precinct is budgeted at
22 \$640,000 in FY 2012 and \$284,000 in FY 2013 which
23 supplements \$57 million budgeted in prior fiscal
24 years. Construction started in September 2007 and
25 is substantially complete. Precinct personnel

1
2 moved into the new facility in January 2012. The
3 remaining site work and demolition of the
4 temporary facility is scheduled for completion in
5 August 2013.

6 This concludes my prepared
7 statement. I'll be happy to take your questions.

8 CHAIRPERSON RECCHIA: Thank you
9 very much, Commissioner. Before we move forward
10 and start taking questions, I'd like to introduce
11 those members that have joined us: Council Member
12 Lander, Council Member Leroy Comrie, Council
13 Member Koppell, Council Member Julissa Ferreras,
14 Council Member Koslowitz, Council Member Foster,
15 Council Member Mealy and Council Member Brewer.
16 If any Council Member would like to ask questions,
17 please give your name to Tanisha Edwards. At this
18 time, I turn the microphone over to my Co-
19 Chairman, Peter Vallone.

20 CHAIRPERSON VALLONE: Thank you,
21 Mr. Chair. Thank you, Commissioner. Murder rate
22 of less than one a day is truly remarkable. When
23 I was an assistant DA in Manhattan in '92 on
24 homicide call, we would do three or four a night
25 in Manhattan alone. The difference is obviously

1
2 due to yourself and the men and women under your
3 command and some others, so thank you for that.

4 Let me start with some of the
5 things you mentioned. You provided us a letter
6 this morning regarding stop-and-frisk and some of
7 the changes that you're making in that and you
8 testified about that. I want to commend you for
9 your ongoing reforms to that program, which you
10 and I absolutely believe is necessary, and remind
11 people that it's been this committee that's led
12 the way in reforming this process.

13 It was this committee that argued
14 for and got the police officers to explain the
15 reasons for the stops, which had not occurred in
16 the past, to attempt to be more courteous. It was
17 this committee that got a card handed out with
18 information regarding a person's rights. It was
19 this committee, it was myself, and the late great
20 Phil Reed that wrote the city's racial profiling
21 law, and we will continue to lead the way right
22 here, as we are today, in learning about and
23 advocating for new reforms to this process.

24 You mentioned a long list of new
25 initiatives. What is the budgetary result of

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those improvements?

RAYMOND W. KELLY: I think it's difficult to say. Obviously, we have a training bureau that stood up already and we'll use those resources of the training bureau to train police officers. We're taking officers off patrol to train them. That's always a factor anytime you engage in training. But I think overall the budgetary impact will be minimal.

CHAIRPERSON VALLONE: I'm sure that others will ask more questions. We're going to allow a little bit of leeway on that but we hope that they stay budget-related. As I said, we will be having an additional hearing on this topic alone to give it the oversight it deserves.

On page 6, you mentioned that you expect reduced anti-terror funding from the federal government. How will that affect your ability to continue to perform the anti-terror duties that you do here?

RAYMOND W. KELLY: I think particularly the Department of Homeland Security, as I mentioned, has really gone out of their way to make certain that we're getting our fair share.

1
2 Would we like more? Yes, we'd like more. But
3 they have, you know, funded things in significant
4 ways, the Lower Manhattan Security Initiative, the
5 Midtown Manhattan Security Initiative. Those
6 things are well underway. I think the effect will
7 not be significant. But as I mentioned, I always
8 like our congressional delegation to do everything
9 they can to see that New York City continues to
10 get its fair share.

11 CHAIRPERSON VALLONE: The
12 anticipated reduction though, will that affect
13 your abilities in any way?

14 RAYMOND W. KELLY: No, I think
15 we'll be able to continue to do essentially what
16 we're doing now in our counterterrorism efforts.

17 CHAIRPERSON VALLONE: Well that's
18 good news. It's not always what we've heard in
19 the past, so that's again testament to the effort
20 you have made down in Washington with the Mayor.
21 Our headcount is never good news. But this year
22 you expect our hiring to keep up with the rate of
23 attrition so that the police force will remain at
24 the current way too low level?

25 RAYMOND W. KELLY: Yes. The way it

1 works, there's a peak number that you hire to.
2 It's 35,375 or 367 I believe it is. We hire to
3 that number plus a 7 percent overage in the
4 classes because we anticipate attrition in the
5 Police Academy. That's what we see happening. We
6 have a hire schedule for July, approximately 900.
7 We'll have another hire January of 2013, which is
8 1,055 I think is the number. And we do hire over
9 that to account for attrition in the academy.
10

11 CHAIRPERSON VALLONE: Again, that's
12 not great news. I wish we had a plan to increase
13 the force, but it's better than in past years when
14 we have not replaced the attrition that we lost
15 and we've allowed the police force to go from
16 41,000 to a little over 34,000.

17 You mentioned the Police Academy.
18 When will the first class be graduating from the
19 new Police Academy?

20 RAYMOND W. KELLY: Well, we
21 anticipated opening in December of 2013. So,
22 ideally, we'd have our first graduation in June or
23 July of 2014.

24 CHAIRPERSON VALLONE: And
25 Commissioner, we talked about the headcount. You

1
2 mentioned the civilian headcount is going to go
3 down from 14,431 this year to 14,107. That's an
4 over 300 decrease. We discussed this at our last
5 hearing. At our last hearing, I believe you
6 testified that there are at least 500 positions
7 right now filled by regular duty police officers
8 who should be out on our streets patrolling. Now
9 we're going to cut the civilians in the Police
10 Department even more. How will that affect patrol
11 strength?

12 RAYMOND W. KELLY: Well, anytime
13 you cut civilians, obviously civilians who are
14 working in our patrol commands, that job has to be
15 done. So it certainly has the potential for
16 impacting adversely on patrol strength.

17 CHAIRPERSON VALLONE: So if we're
18 hiring to replace the attrition rate but we're
19 losing civilians and police officers will have to
20 come off the streets to replace those civilians,
21 next year we can expect to see less police on the
22 streets?

23 RAYMOND W. KELLY: Well, yes. In
24 absolute numbers, yes, we will.

25 CHAIRPERSON VALLONE: Does the fact

1
2 we have less police officers have an impact on the
3 amount of overtime that you're paying?

4 RAYMOND W. KELLY: Does what? I'm
5 sorry.

6 CHAIRPERSON VALLONE: Have an
7 impact on the amount of overtime that the Police
8 Department pays? This year, you're overtime is
9 expected to be \$604 million. That's over half a
10 billion. In '11, it was \$420 million. That's a
11 huge increase.

12 RAYMOND W. KELLY: The reduction of
13 civilians, you were saying?

14 CHAIRPERSON VALLONE: Well the
15 amount of police officers you have being at what I
16 believe to be too low, does that affect the amount
17 of overtime you're paying? Is that part of the
18 reason we're paying so much more in overtime this
19 year than we did in '11?

20 RAYMOND W. KELLY: Partly, yes.
21 We've had this discussion before as to whether or
22 not it's more effective to use overtime or hire,
23 you know, have new hires come onboard. It
24 depends. You know, you've got to look at it; it's
25 a little bit more complex than that. Obviously,

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2 we'd always like to have more police officers, but
3 sometimes the overtime gives you increased
4 flexibility. So it is not a simple answer, but
5 we'd always like to have more police, yes.

6 CHAIRPERSON VALLONE: I'm only
7 going to ask a thousand more questions, but I'll
8 ask one or two and then get to our colleagues, who
9 as I said before will be limited to five minutes
10 question and answer. So there won't be any here's
11 a list of 20 questions we want you to answer and
12 go. If everyone sticks to that limit we'll
13 hopefully get to everybody. There may be some
14 people we don't get it. I have no control over
15 that because the Commissioner will be leaving at
16 noon.

17 There's an article today in the
18 papers regarding lost revenue from tickets, both
19 from police officers and from traffic agents. To
20 what do we attribute that and how is that going to
21 affect next year's budget?

22 RAYMOND W. KELLY: Well, I'll tell
23 you that is an issue for OMB. I really don't
24 look, I've never had a conversation with anybody
25 about giving out summonses for traffic violations

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2 to generate income. That's not our function. We
3 give out summonses to keep people safe, to do what
4 we can to expedite the flow of traffic but not to
5 generate dollars. At least that's not my
6 approach, my philosophy. It doesn't affect our
7 budget.

8 CHAIRPERSON VALLONE: Right.

9 RAYMOND W. KELLY: It does not go
10 into our budget. Any money that's generated in
11 traffic violation goes into the General Fund.

12 CHAIRPERSON VALLONE: But there is
13 a decrease in the amount of summonses being
14 issued. When it comes to traffic agents, let's
15 say, I'm told that some of that is due to the fact
16 that traffic agents are also doing civilian work
17 that should be done by civilians and are not out
18 on the streets giving our summonses. Is that the
19 case?

20 RAYMOND W. KELLY: They probably
21 are, but it's minimal. I mean they're doing some
22 clerical work inside some positions. Some of that
23 is inevitable. We have offered traffic--this has
24 been brought to our attention by the union. We
25 offered some traffic enforcement agents the

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2 ability to switch over and become police
3 administrative aides. Some have accepted it.
4 Some have not. So they're going to do some
5 administrative work, yes. We would ideally prefer
6 that they all be out in the street and some of it
7 is a function of the reduction of our civilian
8 headcount.

9 CHAIRPERSON VALLONE: Okay, thank
10 you. Again, I could follow up on that for a while
11 but I want to be fair to my colleagues. Who's
12 first on the list?

13 CHAIRPERSON RECCHIA: Each member
14 will have five minutes. Jumaane Williams will go
15 first, followed by Melissa Mark-Viverito.

16 COUNCIL MEMBER WILLIAMS: Thank you
17 to the co-chairs. Good morning, Commissioner and
18 Deputy Commissioner.

19 RAYMOND W. KELLY: Good morning.

20 COUNCIL MEMBER WILLIAMS: A special
21 good morning to spokesperson Paul Brown who's with
22 us and the Mayor's quote of calling the most
23 honest and competent person in government.

24 First, I just want to say when it
25 comes to my district, your office has always been,

1
2 as usual, responsive to me. I'm working with
3 Lieutenant Leur [phonetic] this weekend for our
4 second annual, thanks to you and Inspector McGees
5 [phonetic] last year, march to resource fairs for
6 our young people. So I thank you.

7 A lot of my concern comes from the
8 policies that affect citywide, including my
9 district. I started last hearing with a quote and
10 I want to start another one with a quote. "A
11 large reservoir of good will was under
12 construction when I left the police department in
13 1994. It was called community policing. But it
14 was quickly abandoned for tough-sounding rhetoric
15 and dubious stop-and-frisk tactics that sewed new
16 seeds of community mistrust." I was wondering if
17 that sounded familiar.

18 RAYMOND W. KELLY: I'm sorry?

19 COUNCIL MEMBER WILLIAMS: I was
20 wondering if that sounded familiar.

21 RAYMOND W. KELLY: Did I say that
22 at some time.

23 COUNCIL MEMBER WILLIAMS: Yes, that
24 was a quote from you, back in 2000, when you
25 addressed the City Bar. Twelve years later,

1
2 community policing it seems now is coming back
3 into discussion, which I'm very happy to hear.

4 My first question is why would it
5 take so long to have these discussions again,
6 since this is something you championed? You
7 actually were against stop-and-frisk. And now
8 it's taken so long to come back around.

9 RAYMOND W. KELLY: I've been around
10 the department 44 years. I think our relations
11 with the community now are better than they've
12 ever been. You may not accept that. That's your
13 prerogative certainly. But I think our police
14 officers are working more closely with the
15 communities throughout the city than every before.
16 Our police officer rank is now majority minority.
17 We represent this most diverse city in the world--

18 COUNCIL MEMBER WILLIAMS:

19 [interposing] I'm sorry, Commissioner. My time is
20 going to--

21 RAYMOND W. KELLY: [interposing]
22 Well, you asked me a question and I'm answering
23 the question.

24 COUNCIL MEMBER WILLIAMS: I'm
25 talking about community--

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RAYMOND W. KELLY: [interposing]
What do you want me to say yes or no?

COUNCIL MEMBER WILLIAMS: No, I
want to ask you community police--

RAYMOND W. KELLY: [interposing]
No, I'm giving you--

COUNCIL MEMBER WILLIAMS: Because I
agree with you--

RAYMOND W. KELLY: I'm giving you
my answer.

COUNCIL MEMBER WILLIAMS: I know
but it's long and I don't have that much time.

RAYMOND W. KELLY: Well, I'm sorry
if you're not happy with that. You asked me a
question; I'm going to give you an answer that I
think is appropriate. Do you want to give me yes
or no questions?

COUNCIL MEMBER WILLIAMS: Sure,
because I'm not sure that you're getting to my
answer. So I'll ask another one. The stats are
even pushing homicides are down, which I think is
excellent. I'm very glad to hear that,
particularly in the last quarter. The stat that's
been missing has been the shooting stats which I

1
2 think would more closely tell us if stop-and-frisk
3 is working. Do you know what those stats happen
4 to be for the first quarter?

5 RAYMOND W. KELLY: I do. They're
6 up 80 percent.

7 COUNCIL MEMBER WILLIAMS: They're
8 actually up.

9 RAYMOND W. KELLY: The question is
10 what would they be without out tactics and
11 strategies.

12 COUNCIL MEMBER WILLIAMS: So by the
13 administration's standard--

14 RAYMOND W. KELLY: [interposing]
15 And I think it's also important to note that 96
16 percent of our shooting victims are black or
17 Hispanic.

18 COUNCIL MEMBER WILLIAMS: Yes.

19 RAYMOND W. KELLY: Ninety percent--

20 COUNCIL MEMBER WILLIAMS:
21 [interposing] I agree.

22 RAYMOND W. KELLY: --of our murder
23 victims are black or Hispanic.

24 COUNCIL MEMBER WILLIAMS: So by
25 that, where the shootings are up--

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RAYMOND W. KELLY: [interposing]

Well, if you want to make a speech--

CHAIRPERSON RECCHIA: [interposing]

Could I just interrupt here? This is a budget hearing, Council Member. We're going to have a whole hearing on stop-and-frisk. Keep your questions budget related, okay?

COUNCIL MEMBER WILLIAMS: Well, he also said--

CHAIRPERSON RECCHIA: [interposing]

This is all budget related. If you have a question about the budget, ask a question about this year's budget. This is a budget hearing.

COUNCIL MEMBER WILLIAMS: Sure.

CHAIRPERSON RECCHIA: You'll have plenty of other hearings to ask questions about stop-and-frisk, but today we're talking about the budget.

COUNCIL MEMBER WILLIAMS: How much money does the city pay out in settlement damages and other court related fees? Is it possible that the amount of this is connected in some way to the stop-and-frisk? And will it go up--

RAYMOND W. KELLY: [interposing]

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Will you repeat the first part of the question?

COUNCIL MEMBER WILLIAMS: How much money does the city pay out in settlements, damages and court related fees, and could that be associated with some of the stop, question and frisk?

RAYMOND W. KELLY: It's a significant amount. Some of it may be associated with stop, question and frisk. But again, I think you have to look at the totality and you have to look at the effects of the tactics and strategies and practices that are in place. In the last decade, the Bloomberg decade I call it, you had 5,628 fewer murders than we had in the decade before. If history shows us anything, 90 percent of those lives saved are black or Hispanic.

COUNCIL MEMBER WILLIAMS: I do have one more question.

RAYMOND W. KELLY: So I think that that is probably the most significant--

COUNCIL MEMBER WILLIAMS:
[interposing] I'm sorry.

RAYMOND W. KELLY: That's the most significant statistic that I can give you.

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2 COUNCIL MEMBER WILLIAMS: Well, in
3 2002, there were 970,000, approximately, stop-and-
4 frisk, 587 homicides. Last year, there were
5 685,532 homicides. I'm glad that it went done,
6 but the impact and the resources you put in stop,
7 question and frisk I don't think could be all--

8 RAYMOND W. KELLY: [interposing]
9 No, I can--

10 COUNCIL MEMBER WILLIAMS: I'll
11 finish my question in one second. Since 2003,
12 stops have increased 524,000. You found 173
13 additional guns. I did a gun buyback program,
14 which was one of the solutions. In those hours we
15 got 85 guns. So there are solutions that you have
16 ignored that we've suggested. That's a different
17 thing between us not presenting solutions. My
18 last question, when I was here I said the DYCD
19 commissioner said that you have never had a
20 conversation on the public impact, financially or
21 otherwise, on the cuts that the Mayor is
22 presenting when it comes to public safety and the
23 cuts in youth programs. Have you had a
24 conversation with her since then?

25 RAYMOND W. KELLY: With who?

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2 COUNCIL MEMBER WILLIAMS: The
3 commissioner of DYCD.

4 RAYMOND W. KELLY: I have not, but
5 my people have. They talk to them every day.

6 COUNCIL MEMBER WILLIAMS: That I
7 believe, also, another solution to have--

8 RAYMOND W. KELLY: [interposing]
9 Let me say something about your statistics.

10 COUNCIL MEMBER WILLIAMS: Yes.

11 RAYMOND W. KELLY: There's no way
12 that we were recording accurately--

13 COUNCIL MEMBER WILLIAMS:
14 [interposing] I see.

15 RAYMOND W. KELLY: --stop and
16 questions in 2002 or the years before. We simply
17 were not constructed to do that. We didn't have
18 the mechanism to do it. So the notion that
19 somehow these stops have gone up that number
20 simply is wrong. And you pride yourself on
21 knowing--

22 COUNCIL MEMBER WILLIAMS:
23 [interposing] Well LA has dropped murders 50
24 percent--

25 RAYMOND W. KELLY: --police

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officers.

COUNCIL MEMBER WILLIAMS: Yes.

RAYMOND W. KELLY: Ask them if they were being recorded in 2002. They simply weren't. They were not recorded--

COUNCIL MEMBER WILLIAMS:

[interposing] LA's murders have gone down 50 percent, 45 percent in Phoenix. All this was done with stop-and-frisk--without stop-and-frisk, I'm sorry. Another solution--

RAYMOND W. KELLY: [interposing]

I'm sorry. What was that?

COUNCIL MEMBER WILLIAMS: Fifty

percent in Los Angeles. Forty-five percent in Phoenix.

RAYMOND W. KELLY: Wait a second,

that simply is not the case.

COUNCIL MEMBER WILLIAMS: Crime.

I'm sorry, crime.

RAYMOND W. KELLY: New York City is

by far the safest big city in America. We're safer than Los Angeles. Chicago, right now--

COUNCIL MEMBER WILLIAMS:

[interposing] I said that have gone down. I

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didn't say who was up or down, I said that they've reduced it by 50 percent, 45 percent--

CHAIRPERSON VALLONE: [interposing]
Okay, we're way above the five minute limit now, Jumaane--

COUNCIL MEMBER WILLIAMS: --that was without--well, my time is up. But thank you. This is an ineffective program. It's been proven by your own statistics. It's either accidentally, incidentally or purposefully racist. Those two combined should mean that we have some more changes. I'm thankful for the letter that's here--

RAYMOND W. KELLY: [interposing] We are at less than one murder a day and you're saying we had--

COUNCIL MEMBER WILLIAMS:
[interposing] Not because of stop, question and frisk.

RAYMOND W. KELLY: Well that's your opinion.

COUNCIL MEMBER WILLIAMS: No, your own numbers that are here. There is no correlation between the shootings--

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CHAIRPERSON RECCHIA: [interposing]
Councilman--

COUNCIL MEMBER WILLIAMS: --and
murders--

CHAIRPERSON RECCHIA: [interposing]
Council Member, your time is up.

COUNCIL MEMBER WILLIAMS: --and
stop, question and frisk.

CHAIRPERSON RECCHIA: We gave you
some leeway.

COUNCIL MEMBER WILLIAMS: Thank you
very much.

CHAIRPERSON RECCHIA: All right.
Melissa Mark-Viverito, but before we let her ask
questions, we've been joined by Council Member
Gentile and Council Member Van Bramer. After
Melissa Mark-Viverito, Jimmy Oddo will be asking
questions. Thank you.

COUNCIL MEMBER MARK-VIVERITO:
Thank you. Commissioner, I do want to start off
by thanking you for the letter that you submitted
this morning. I think it is a recognition of all
the pressure that has been mounting and pushback
with regards to stop, question and frisk and the

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2 policies. I think that when you outline the
3 importance of having greater relationship with the
4 community, that is something that we've talked
5 about.

6 The last hearing I talked about
7 community-based solutions. I have a 20-page
8 report based on conversations with young people in
9 my community about what they would like to see.
10 We want to see more programs in our communities,
11 which there is an acknowledgement of the
12 importance of that in the letter that you wrote.
13 We need enrichment programs and not just
14 enforcement programs in our community.

15 It is counterproductive if we're
16 talking about the health of a community and the
17 wellbeing of our young people when you have these
18 ineffective policies that just criminalize not
19 just those young people but the communities as a
20 whole in which they live and reside. That is what
21 stop, question and frisk is doing.

22 Not only that, it's not only the
23 physical and emotional consequences of the policy,
24 it is also in terms of resources. We are in
25 extremely limited times, as you have presented in

1
2 your testimony, and we need our police officers to
3 be engaged in practices that are smarter in terms
4 of policing tactics. This is really important.

5 We need targeted deterrence, which
6 you acknowledge in your letter by the grant that
7 you're asking from the federal government. That
8 is targeted deterrence, looking at people that are
9 really causing the problems in our communities.

10 I think the question that was
11 raised about the tort claims and about how much
12 money are we paying out in terms of people that
13 are suing the city based on these practices, is
14 that a figure that you would happen to have with
15 you now? Do you know if that number is on the
16 rise?

17 RAYMOND W. KELLY: I don't. It's
18 significant--

19 CHAIRPERSON RECCHIA: [interposing]
20 You'll be able to get that from the Corporation
21 Counsel at that hearing.

22 COUNCIL MEMBER MARK-VIVERITO: We
23 need to see that because I think that's very
24 critical.

25 CHAIRPERSON RECCHIA: I will

1
2 recommend that to the Corporation Counsel, Michael
3 Cardozo when he testifies before us at the next
4 hearing.

5 COUNCIL MEMBER MARK-VIVERITO:

6 Again, it speaks to I think being smarter about
7 our policing practices. This is not indicting
8 that we want softer policing, less policing. We
9 want effective, smart policing. That's what we're
10 talking about here.

11 Also, just speaking to what Council
12 Member Jumaane Williams was alluding to, there's
13 an editorial in the *Times* today that speaks about
14 the fact that crime is falling in other cities
15 that don't have the zero tolerance policy. Crime
16 is falling in other cities, actually maybe even in
17 greater percentages than it is in New York without
18 the zero tolerance policy. Do you recognize that
19 or acknowledge that?

20 RAYMOND W. KELLY: I would ask you
21 to look at things such as murder rate and index
22 crime rate. New York City is by far the safest
23 city in America.

24 COUNCIL MEMBER MARK-VIVERITO: Let
25 me read a statistic because I don't have--

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RAYMOND W. KELLY: [interposing]

You talk about--

COUNCIL MEMBER MARK-VIVERITO:

Commissioner, you want to keep talking about statistics, let me--

RAYMOND W. KELLY: [interposing]

Well you asked me a question.

COUNCIL MEMBER MARK-VIVERITO: Let

me just read this.

RAYMOND W. KELLY: You asked me a question.

COUNCIL MEMBER MARK-VIVERITO:

Blacks and Latinos were more likely to be frisked.

And among those frisked are far less likely to be found with a weapon. This is analysis based on your data. Of blacks and Latinos who were stopped, 57.5 percent were frisked, while 44.2 percent of whites who were stopped were frisked.

Yet a weapon was found in only 1.8 percent of blacks and Latinos frisked as compared to a weapon being found in 3.8 percent of whites frisked.

Would you contest those figures?

RAYMOND W. KELLY: I don't know

where you're getting those figures from, but--

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COUNCIL MEMBER MARK-VIVERITO:

[interposing] This is an NYCLU report that is based--

RAYMOND W. KELLY: [interposing]

Oh, well it must be correct then.

COUNCIL MEMBER MARK-VIVERITO: --

that is based on the analysis of your own data. This is based on the analysis of your data that was provided out of a FOIL request and it was analyzed. You would contest those figures.

RAYMOND W. KELLY: I think we have

to look at all--

COUNCIL MEMBER MARK-VIVERITO:

[interposing] Would you contest those figures?

RAYMOND W. KELLY: Please, you

know, don't ask me questions like that. You know, I can't answer a question like that because it's a much broader--

COUNCIL MEMBER MARK-VIVERITO:

[interposing] Well, you're saying the reason--

RAYMOND W. KELLY: --a much broader

issue.

COUNCIL MEMBER MARK-VIVERITO: --is

because you're taking guns off the street but your

1
2 own data is indicating in terms of percentages
3 that when you frisk white individuals in our
4 community you're getting more guns percentage wise
5 from those encounters than you are from blacks and
6 Latinos.

7 RAYMOND W. KELLY: As I said in my-

8 COUNCIL MEMBER MARK-VIVERITO:

9 [interposing] That's significant. It's
10 significant. Go ahead, sir.

11 CHAIRPERSON RECCHIA: Let's stick
12 to the budget.

13 RAYMOND W. KELLY: As I said in my
14 prepared remarks, the RAND Corporation says that
15 the most reliable indicator of who should be
16 stopped and questioned and sometimes frisked is
17 either the universe of arrestees who's being
18 arrested or people who are described as committing
19 crimes of violence. Now, if you look at those
20 numbers, it's roughly 66 percent black in New York
21 City. The stops, 53 percent of the stops are
22 African American. So blacks are under-stopped by
23 the RAND Corporation analysis. Hispanics are over
24 stopped. Whites are over stopped. Granted, but
25 that's the RAND analysis, a well respected think

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2 tank that's been in existence for 100 years. Now,
3 I can't comment precisely on those numbers.

4 COUNCIL MEMBER MARK-VIVERITO:

5 Well, I would ask that you look at it because I
6 think that's significant. The last thing I would
7 say is can I implore you to talk some sense into
8 our Mayor?

9 CHAIRPERSON RECCHIA: Okay, all

10 right--

11 COUNCIL MEMBER MARK-VIVERITO: We

12 need, as you recognize in your own letter--

13 CHAIRPERSON RECCHIA: [interposing]

14 Council Member?

15 CHAIRPERSON VALLONE: Okay, times

16 up.

17 COUNCIL MEMBER MARK-VIVERITO: --

18 that we need more services--

19 CHAIRPERSON RECCHIA: All right,

20 time is up.

21 COUNCIL MEMBER MARK-VIVERITO:

22 Wait. We need more prevention services in our
23 community.

24 CHAIRPERSON VALLONE: This has

25 nothing to do with the budget.

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2 COUNCIL MEMBER MARK-VIVERITO: We
3 need more money for prevention services in our
4 communities as a way of engaging our young people
5 positively. We can't continue to cut--

6 CHAIRPERSON RECCHIA: [interposing]
7 All right, thank you.

8 COUNCIL MEMBER MARK-VIVERITO: --
9 these social vital services. And you recognize
10 that.

11 CHAIRPERSON RECCHIA: Council
12 Member, we gave you more than enough time--

13 COUNCIL MEMBER MARK-VIVERITO:
14 [interposing] I would hope that we can get your
15 help on that.

16 CHAIRPERSON RECCHIA: Council
17 Member Jimmy Oddo, to be followed by Council
18 Member Al Vann. We've been joined by Council
19 Member Jackson and Council Member David
20 Greenfield. Council Member Jimmy Oddo?

21 COUNCIL MEMBER ODDO: Thank you,
22 Mr. Chairman. First, I would like to lodge a
23 formal protest in that Council Members Williams,
24 Lander and Mark-Viverito are seated on the right
25 and Council Member Ignizio and I are on the left.

1
2 It's sort of Seinfeld like bizarre karma that's
3 going to be created by that.

4 Commissioner, let me just begin by
5 thanking you and the men and women of your
6 department. I want to thank you for everything
7 you've done to keep us safe from thugs and
8 terrorists. I've said this before and I'll say it
9 right now in front of everyone, I think you're an
10 American hero.

11 I'll give you an analogy that I'm
12 sure is not lost on you. When I get a chance, I
13 watch the Met games at night and I sit in my
14 basement and I know that Terry Collins, a baseball
15 man for 35 years, always makes the wrong decision.
16 He shouldn't have taken that pitcher out. He
17 shouldn't have pinch run. I know better.

18 My question Commissioner is I'd
19 like to focus on the challenges of precinct
20 commanders today and if you can give us your
21 thoughts as to those challenges today relative to
22 earlier times in the department's history. I'll
23 just give you an example. In this budget, three
24 precincts on Staten Island, the 120 is scheduled
25 to get a cut of \$2.7 million; the 123, a scheduled

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2 cut of \$3.1 million; the 122, a scheduled cut of
3 \$4.6 million. Those precincts are some of the
4 largest precincts in the city.

5 So I guess my question to you is
6 exactly how do these cuts manifest themselves in
7 terms of the command level? If you could give us
8 some examples, I'm not asking you to tell me
9 precisely how the 122 is going to meet that cut.
10 But how do they manifest themselves and what does
11 the department do for these precinct commanders,
12 aside from give them a reduction in their budget?
13 Is there training? Are there strategies? Are
14 people brought in and taught to do more with less?

15 Because those of us in the Council,
16 we're the most immediate level of government. We
17 deal with the quality of life complaints and
18 everything. I see my precinct commanders on
19 Staten Island stretched beyond thinly. I
20 understand, and you did a good job of affirming
21 and underscoring the fiscal constraints. But what
22 more than here's your reduced budget does the
23 department do to help precinct commanders?

24 RAYMOND W. KELLY: I'm going to ask
25 Commissioner Allocco to explain sort of the

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2 budget--you're getting this information from the
3 OMB report. Explain that report, okay?

4 EDWARD ALLOCCO: Councilman, first
5 of all there are no personnel cuts scheduled for
6 Staten Island precincts. So what you're looking
7 at is the difference from one fiscal year to the
8 next. It has to do with our budget
9 reconciliations reconfigurations, monies that have
10 to be moved as we go through the budget process
11 and into next year. So that will all even out.
12 So there is nothing to be concerned about. Those
13 staffing levels will be held constant from this
14 year to next year.

15 RAYMOND W. KELLY: Now, as far as
16 precinct commanders, I think we have the best crop
17 of precinct commanders that we've ever had. It's
18 a challenging job. I know I was commanding
19 officer of four precincts. So you have to do more
20 with less oftentimes. But they are assisted by a
21 flow of more information than we've ever had. So
22 they know now in much greater detail what's
23 happening in their commands.

24 Thanks to you and other members of
25 the Council too, we have been able to increase our

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2 camera coverage in a lot of areas, which is very
3 helpful. It helps them do investigations, it
4 helps them know what's going on in their commands.
5 We have experienced borough commanders that the
6 Council aid assists precinct commanders. We have
7 task forces that we use to overlay. We have
8 Impact officers that we shift around to help.
9 It's a demanding job and we understand that. We
10 ask a lot of them and I think they do a great job.
11 It is probably the key position in the department
12 in terms of a title, in terms of a billing. The
13 ones in Staten Island have done a very good job.

14 COUNCIL MEMBER ODDO: Commissioner,
15 when there is a citywide event, whether it's a
16 parade or whether it's a demonstration, precinct
17 commanders are asked to give up some local
18 officers. Is that correct?

19 RAYMOND W. KELLY: Sure.

20 COUNCIL MEMBER ODDO: Generally
21 speaking, how much time is a precinct commander
22 given to make the adjustments? I mean I
23 understand if it's a sort of impromptu event,
24 obviously. But if it's a scheduled event, is it
25 48 hours? Is there a general rule?

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2 RAYMOND W. KELLY: Well, police
3 officers need a certain amount of time if they're
4 notified that you're going to change their
5 assignment. But we're spending a significant
6 amount of overtime, as you heard the chairman say
7 so. You know, most of these events, for instance
8 Occupy Wall Street, that's covered by overtime.
9 That's somebody who's not normally working. We're
10 not taking him out of the precinct. We're having
11 him work on their day off to cover these events.

12 So, you know, the impact on
13 commands, because they're so low, is minimal. We
14 have to pay overtime. We have to bring people in
15 who are not working.

16 CHAIRPERSON RECCHIA: Thank you.
17 Council Member Al Vann?

18 COUNCIL MEMBER VANN: Yes, thank
19 you. Good morning, Commissioner. A couple of
20 fairly quick questions. One deals, sort of a
21 parochial one. Community Board 8, which is part
22 of my district, had requested of me for cameras in
23 certain parts of the area. Following the
24 protocol, I wrote to you as to how we could get
25 these cameras installed. I never got a clear

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2 understanding of how do we go about getting these
3 cameras in place. You did respond in writing, but
4 there was no clear direction how to do that.

5 RAYMOND W. KELLY: Well, you know,
6 we've gotten funding and we appreciate it. We got
7 funding from the Council. We've gotten them from
8 Council Member James, Council Member Oddo, Council
9 Member Cabrera. What we do is our Office of
10 Management Analysis goes out with us and does an
11 analysis to see where they should go in a
12 particular district and the process goes forward.
13 It's not the speediest process in the world. I
14 must admit, Council Member James is not here, but
15 she waited a long time for her cameras because we
16 had to shift from capital to expense budget and it
17 was not an easy process.

18 But basically, if you have--the
19 money is coming through the Council, not through
20 the community board. It's coming through the
21 Council. We go out and we do a survey. It lines
22 up through Commissioner Allocco's office. The
23 cameras are installed and they're hooked into a
24 system. I would say probably it takes a year and
25 a half, maybe even longer.

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2 COUNCIL MEMBER VANN: Is there a
3 way we can expedite that process?

4 RAYMOND W. KELLY: Yeah, I mean
5 people that are putting them in, we use our
6 technical assistance and response unit. They do
7 other things. We use contractors to do it, though
8 it is a somewhat protracted process. Right?
9 Okay, Ed tells me that the process now is going to
10 be faster because we have the contracts in place.
11 The initial problem with the cameras requested by
12 Council Member James was problematic and we think
13 we've smoothed out the system. So it could be
14 shorter than the timeframe I gave you.

15 COUNCIL MEMBER VANN: Thank you.
16 We'll look for a shorter time span. My question
17 deals with is there a relationship to the budget
18 of a precinct commander based on how effective you
19 have evaluated their performance at all? Precinct
20 commanders get the same budget, well unless, of
21 course, the number of--

22 RAYMOND W. KELLY: [interposing]
23 No. Really, when you say budget, precinct
24 commanders are not really in charge of their own
25 budget. It doesn't work like that. They get

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2 allocations based primarily on workload
3 generators. Crime, obviously, is a major factor.
4 There are certain commands, like in Midtown
5 Manhattan, that, you know, for a variety of
6 reasons may have more people. But other commands
7 may have more crime but fewer people. We use
8 computer models to generate headcount. But the
9 precinct commander is not running his or her own
10 independent budget.

11 COUNCIL MEMBER VANN: Does CompStat
12 take into consider a precinct commander who
13 probably does better than most in terms of having
14 a positive rapport or relationship with the
15 community? Is that taken into consideration in
16 your statistics?

17 RAYMOND W. KELLY: Well, CompStat
18 is really focused to a large extent on numbers.
19 The relationship that a precinct commander has
20 with the community surfaces in a lot of different
21 ways. It's something I'm very much aware of and
22 certainly our Community Affairs Chief Phillip
23 Banks, our Chief of Patrol, our Chief of
24 Department Joseph Esposito, we're all very much
25 tuned in to the feedback and relationship that

1
2 commanders have with the communities, and it's
3 important. But CompStat looks at some of that but
4 mostly it's focused on crime and tactics and
5 strategies to fight crime in a particular command.

6 COUNCIL MEMBER VANN: So there is
7 really no way to--because it's a relationship,
8 there are no ways to quantify it. So, if I'm a
9 precinct commander, if I feel I'm going to be
10 evaluated based on statistics in terms of number
11 of arrests, so on and so forth, the incentive is
12 to focus on that because that makes sense. I'm
13 going to be measured by this, as opposed to what
14 we know is ultimately the best strategy for
15 reducing crime has to do with the relationship
16 between the community and the police. As a matter
17 of fact, everyone would admit to the extent you
18 have a good community relationship and they're
19 communicating with us, that makes us a more
20 effective police force.

21 I guess my point is there's no
22 incentive for precinct commanders strengthening or
23 going all out to make that relationship positive
24 and better, even though we know that would be the
25 better thing to do. I'm not going to be evaluated

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on that in terms of my promotion.

RAYMOND W. KELLY: No, it doesn't work like that.

COUNCIL MEMBER VANN: It doesn't work like that?

RAYMOND W. KELLY: It's not either/or. I mean obviously we are very much concerned about the relationship that a commander has with the community that they serve. I mean I meet with a panel of community council people. I mean there are lots of different ways for feedback to come into the higher executive core as far as the relationship that a commander has with his community. So we expect both. We need a strong close relationship with the communities that are served in a particular precinct, plus we want them to devise plans and strategies to address crime in the geographical area. It's not a question of either/or.

COUNCIL MEMBER VANN: I understand, except--

CHAIRPERSON VALLONE: [interposing]
Thank you, Council Member. We have to move on.
If everyone sticks to their five minutes, we will

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2 get to everybody on the list right now, which ends
3 with Koppell. If they don't, we won't. I don't
4 know if we can get to anyone else who wants to add
5 their name at this point. We're going to go to
6 Council Member Gale Brewer.

7 COUNCIL MEMBER BREWER: Thank you
8 very much. I always compliment somebody and I
9 want to compliment Chief William Morris, Manhattan
10 North, doing a great job.

11 I also want to ask about NYCHA. We
12 all have great respect for the residents of NYCHA,
13 as I know you do, and for the leadership of NYCHA
14 trying very hard to keep the bricks and mortar
15 going. My question is there's always a back and
16 forth about how much funding is going to NYCHA
17 that NYCHA has to pay you I guess in order for
18 their services.

19 I do think that when we had, during
20 last summer and the summer before, nonprofits
21 working with our seniors, the seniors felt more
22 comfortable working with PD. We actually, in some
23 developments, caught the bad guys. It's sort of
24 back to this it's not cops and kids, it was in
25 this case cops and seniors and a nonprofit.

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2 So my question is how much funding
3 that goes back and forth. Do you feel you need
4 more or less or different, in terms of dealing
5 with some of the NYCHA challenges? In a lot of
6 precincts, a lot of your crime because of the
7 nature of NYCHA, comes from those developments. I
8 always feel that the residents need more
9 prevention support and it's complicated. People
10 don't want to snitch on each other. People are
11 dealing with families.

12 I just want to know if you agree
13 that there needs to be more funding for police in
14 NYCHA, a different kind of funding in NYCHA or is
15 NYCHA not an issue at all?

16 RAYMOND W. KELLY: An issue that
17 surfaces, which I think you're addressing is the
18 \$72 million supplement--

19 COUNCIL MEMBER BREWER:
20 [interposing] Correct.

21 RAYMOND W. KELLY: --that under the
22 merger agreement in 1995, NYCHA was required to
23 pay. It's largely based on federal funds that
24 they get.

25 COUNCIL MEMBER BREWER: Correct.

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2 RAYMOND W. KELLY: We spend about a
3 half a billion dollars a year, \$500 million, to
4 police NYCHA facilities. So, you know, that \$72
5 million does not come close to--

6 COUNCIL MEMBER BREWER:
7 [interposing] What's needed.

8 RAYMOND W. KELLY: --reimbursing
9 for the \$500 million. If that somehow were to be
10 removed, the city is going to have to find \$72
11 million someplace. So it's not clear to me
12 wherever this is coming from, how they anticipate
13 filling the \$72 million hole.

14 COUNCIL MEMBER BREWER: I'm happy,
15 I know there's a lot of discussion about whether
16 it's going to be filled or not. I always feel
17 that maybe you need maybe a different kind of
18 policing. In other words, the money is there but
19 do you need other kinds of supports to support
20 your police officers? I tried to give you an
21 example of where a nonprofit worked with seniors.
22 The seniors then felt comfortable talking to your
23 officers and then we caught the bad guys.

24 So it's back to this notion a
25 little bit that others were mentioning. If you

1
2 have a solution, we want to work on solutions to
3 alternatives. In other words, we're trying to say
4 your officers are wonderful but they need a
5 different kind of support to catch some of the bad
6 guys. In this case, it was giving the seniors
7 cover so that when they reported something, they
8 had a nonprofit to fall back on because they're
9 scared. I think generally that's a situation that
10 works.

11 But some of that money perhaps
12 could go towards that kind of policing or that
13 kind of support, because I don't think without it
14 you can find people willing to come forward. I
15 think NYCHA in particular needs a different
16 approach in some cases to catching the bad guys.
17 I'm just wondering if you feel like everything is
18 fine in NYCHA and maybe we don't need any other
19 kind of policing.

20 RAYMOND W. KELLY: Well, the
21 reality is that in NYCHA housing, we have about 4
22 percent of the city's residents. It generates
23 about 20 percent of the violent crime.

24 COUNCIL MEMBER BREWER: That I
25 know. That's why I'm trying to--

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RAYMOND W. KELLY: [interposing]
It's way disproportionate. So obviously we'd like more resources, any sort of NGO interaction, you know, that's beneficial--

COUNCIL MEMBER BREWER:
[interposing] Okay, I guess what I'm saying is I feel like somebody should be talking about this. You're doing your bit, but it's more of a citywide issue. We should be working, as somebody suggested, with DYCD. We should be working with DFTA. We should be looking for that, what Dinkins used to call "cops and kids," Murphy used to call "cops and kids." I might call it "cops and nonprofits." A different approach, maybe using some of the money that's already there, because if there isn't some other money, to look at different policing methods, more dialogue, more outside groups being the intermediary to help the young people and to work with the seniors.

RAYMOND W. KELLY: Well, we have one of our most innovative projects; it's called JRIP, Juvenile Robbery Intervention Program that is really housed in our housing facilities. It's expanded somewhat. But this has been started by

1
2 Chief Joanne Jaffe and her staff, where young
3 people, mostly young men, teenagers, who are
4 robbery recidivists, they have this intervention
5 program. They work with their families. There's
6 a lot of interaction between the police and these
7 young people. It's been successful. The
8 recidivism rate has gone down significantly. We
9 have a lot of dialogue going on in Housing. I
10 would say Chief Jaffe is very forward looking and
11 very sensitive to this issue.

12 COUNCIL MEMBER BREWER: All right,
13 I will contact. One other question which is the
14 issue of typewriters and technology, is that
15 something that you feel you have enough funding
16 for technology? The typewriters are still
17 necessary. It's a small amount of money, or is
18 that something that is not on your radar?

19 RAYMOND W. KELLY: I hope we're not
20 using typewriters.

21 COUNCIL MEMBER BREWER: Yes, you
22 are using typewriters.

23 RAYMOND W. KELLY: Where?

24 COUNCIL MEMBER BREWER: When you
25 take some of the reports in the precincts. Yes,

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you are using typewriters.

RAYMOND W. KELLY: Well, we used to use them for fingerprints. But as far as I know, they should be putting it on computers.

COUNCIL MEMBER BREWER: Okay, so if you have typewriters, you're feeling you don't need them. DCAS put out a contract--

CHAIRPERSON RECCHIA: [interposing] Council Member, your five minutes is up--

COUNCIL MEMBER BREWER: -- typewriters--

CHAIRPERSON RECCHIA: I have many other Council Members.

COUNCIL MEMBER BREWER: All right.

CHAIRPERSON RECCHIA: We've been joined by Council Member Jackson, Council Member Greenfield, Council Member James, and Council Member Garodnick.

COUNCIL MEMBER BREWER: All right, thank you.

CHAIRPERSON RECCHIA: Council Member Darlene Mealy, to be followed by Council Member Jackson. I mean, Julissa Ferreras then Jackson.

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COUNCIL MEMBER MEALY: Good morning, Commissioner. I just want to thank you for being available whenever I do call, and your staff. I want to concur with my colleagues about the buyback program. That would be a better solution and empowering programs for our communities, just that statement.

But what I wanted to ask you, in our Fiscal 2013 Primary Budget, you say that at least 951 uniform officers currently perform in non-enforcement jobs. Have you ever thought of-- well, of course you had to. And you just stated that they have to. Could you tell me what does the Department--why do they really have to have these officers inside instead of outside doing what they are paid to do, working in the community and in the streets, fighting crime, not typing, not answering citizen complaints, where people are being laid off. Union people are being laid off on jobs because the police officers are taking their job. So how could you justify having all these police officers that carry guns be at a desk? Could you explain that?

RAYMOND W. KELLY: Because we don't

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have enough civilians to do those jobs.

COUNCIL MEMBER MEALY: But we are laying off civilians, union civilians, DC 37--

RAYMOND W. KELLY: [interposing] Well, not in the police department.

COUNCIL MEMBER MEALY: I know because I would have been one of them if I didn't win this election. A lot of the operators are being laid off.

RAYMOND W. KELLY: Oh, you're talking about the provisionals.

COUNCIL MEMBER MEALY: Yes.

RAYMOND W. KELLY: Oh, that's a different story. That's by operation of law. This is the Long Beach decision. That's not something that--

COUNCIL MEMBER MEALY: [interposing] Instead of laying them off, those provisionals, because I was a provisional, just as--

RAYMOND W. KELLY: [interposing] We don't want to lay anybody off. We want more civilian workers to do the clerical work. And we want to get--

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COUNCIL MEMBER MEALY:

[interposing] So why can't we work together as administration to help this whole city? Have the police do what they supposed to do, be on the street. And then have the citizens inside the office, doing what they are paid to do.

RAYMOND W. KELLY: I think that's an issue for you. You have OMB coming. You have DCAS coming. We want more civilian workers and we want full bodied police officers out on the street. We agree with you.

COUNCIL MEMBER MEALY: Okay. I have another question. With your pound, the new pound that you all just--the tow pound in Queens. Is it really big enough now that if a fiasco like the snowstorm, we would not have to outsource any of our jobs now to privately owned tow companies now?

RAYMOND W. KELLY: I'm not--

COUNCIL MEMBER MEALY:

[interposing] I'm saying--

RAYMOND W. KELLY: In terms of as tows?

COUNCIL MEMBER MEALY: Yes, you

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just created a new pound.

RAYMOND W. KELLY: I mean, in terms of snow?

COUNCIL MEMBER MEALY: When the snowstorm came, we were not prepared. The city was not prepared. So they borrowed tow trucks from everywhere, outside companies.

RAYMOND W. KELLY: Oh, okay.

COUNCIL MEMBER MEALY: And I'm saying now, will this Administration be ready for anything? If the Sanitation do not have trucks, now we could call the NYPD to utilize their trucks instead of outsourcing city jobs to private companies.

RAYMOND W. KELLY: We have a plan. The city put in place a plan after the December 26th snowstorm. And we use multiple agencies. We sort of mass our towing capacity, that includes Sanitation, Police Department, Fire Department, other agencies. So we have an effective citywide tow plan using--

COUNCIL MEMBER MEALY:
[interposing] So this new pound would be able to solidify the whole city if emergency come up--

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2 RAYMOND W. KELLY: [interposing] I
3 don't think the pound really would impact on--

4 COUNCIL MEMBER MEALY:
5 [interposing] Because we really--

6 RAYMOND W. KELLY: --on a snowstorm
7 issue. We're talking about getting--if I'm
8 understanding you--getting cars off the street or
9 getting cars away from--

10 COUNCIL MEMBER MEALY:
11 [interposing] Yes. That we wouldn't outsource.

12 RAYMOND W. KELLY: In a snowstorm,
13 we wouldn't be towing them to the pound.

14 COUNCIL MEMBER MEALY: Not just
15 snowstorm, any emergency. We can use this pound;
16 this pound is big enough in regards to helping a
17 majority of the boroughs.

18 RAYMOND W. KELLY: Answer the
19 question.

20 EDWARD ALLOCCO: I think if there
21 was a major emergency, I mean we're not towing
22 vehicles because they're illegally parked or
23 whatever at that point. We're towing them because
24 it's an emergency and we need to get them out of
25 the way, put them somewhere else. The city could

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2 use temporary facilities to move those vehicles
3 to. And as the Commissioner said, there's a
4 comprehensive plan that was put in place after
5 that snowstorm where we have multiple agencies
6 with tow--

7 COUNCIL MEMBER MEALY:

8 [interposing] Not outsourcing?

9 EDWARD ALLOCCO: Not outsourcing.

10 Or actually I think there's a combination of
11 existing contracts with outside tow companies.
12 All of these resources, department resources, city
13 resources, contracted resources would be put into
14 play to move these vehicles out of wherever they
15 need to be moved from to deal with the emergency.
16 In terms of storing them somewhere, that's a
17 different issue. It depends what the problem is.
18 We have tow facilities we could store them at.
19 There are also temporary facilities that could be
20 identified, depending on the nature of the
21 emergency.

22 RAYMOND W. KELLY: There are
23 outside companies that tow for the city. You
24 know, there are authorized towing programs that we
25 have. I'm not really clear what your question is.

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2 The two pound is not really going to be affected
3 by that. The tow pound really has to do with
4 parking illegally and we take the car to the tow
5 pound and they have to pay to get the car out,
6 that sort of thing. So I'm a little bit confused
7 on the question.

8 CHAIRPERSON RECCHIA: Council
9 Member, your time is up. We have to move on.
10 Council Member Julissa Ferreras?

11 COUNCIL MEMBER FERRERAS: Thank
12 you, Chairs. Good morning, Commissioner. First,
13 I want to thank you for your work with the Speaker
14 and myself on the domestic violence four-point
15 plan and sex trafficking. I know that in your
16 statement you mentioned your takedowns, the two
17 major takedowns on johns. We're looking to have a
18 hearing specifically on johns because I think that
19 they also play a very important role in sex
20 trafficking. The fact that you focused energies
21 and your department on the importance of what the
22 role johns play when we talk about sex
23 trafficking. So I want to thank you for that.

24 I want to focus in on Operation
25 Impact. My district includes Roosevelt Avenue and

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2 it is an Impact zone. I know that when you have
3 new academy graduates, they're assigned to the
4 Impact. Is there going to be an issue, since the
5 new class is smaller, how does that impact
6 Operation Impact?

7 RAYMOND W. KELLY: Yes, we'll just
8 have fewer people to do it. Basically, what we've
9 done is taken the most recent graduating class
10 from the Police Academy and put them in Impact
11 zones. And we've kept them in place, some of
12 them, for over a year, a year and a half. We use
13 that as the pool to staff precincts. So we have
14 just transferred a significant number of police
15 officers from Impact zones into precincts. So the
16 officers doing Impact have been reduced.
17 Essentially, what we've done is kept the last
18 graduating class, roughly 1,500 police officers,
19 we've kept them in Impact. But that will overall
20 reduce the size of the Impact zones and number of
21 officers deployed to Impact. Then every six
22 months we look to change the Impact zone.

23 COUNCIL MEMBER FERRERAS: So, could
24 you speak to the number that the Impact zone may
25 be reduced to, since the class seems to be about

1
2 900 and something, the new class? So could it
3 ever come down below 1,000 or what would those
4 numbers look like potentially?

5 RAYMOND W. KELLY: Excuse me.
6 Right now it's 1,500.

7 COUNCIL MEMBER FERRERAS: I'm
8 sorry?

9 RAYMOND W. KELLY: It's 1,500 right
10 now.

11 COUNCIL MEMBER FERRERAS: And
12 potentially it could be less. I'm sorry; breathe
13 through your nose.

14 [Laughter]

15 RAYMOND W. KELLY: It will probably
16 remain above 1,000 for the foreseeable future.

17 COUNCIL MEMBER FERRERAS: Okay.
18 Does the number of the reduction also potentially
19 eliminate some of the zones? Does the actual
20 number of zones that you have throughout the city,
21 if the number is below a certain sustainable--

22 RAYMOND W. KELLY: [interposing] We
23 average about 20 zones. We also use a program
24 called Impact Overtime, which sort of expands
25 those zones. Sometimes we look at Impact and

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2 think it causes displacement so we'll use Impact
3 overtime and go to some of those zones. But it
4 averages around 20. We also have an Impact
5 program in the Housing Bureau and we have one in
6 the Transit Bureau. This looks different. It's
7 configured differently, but we average about 20.
8 Yeah, I mean certainly it could be reduced.

9 COUNCIL MEMBER FERRERAS: And if
10 you could just speak to the budget of Operation
11 Impact?

12 RAYMOND W. KELLY: We don't. It's
13 built into the regular budget. We don't have a
14 separate Impact number.

15 COUNCIL MEMBER FERRERAS: Does he
16 want to add anything or no? So it's built into
17 the general budget of the NYPD?

18 RAYMOND W. KELLY: Yeah, the Impact
19 overtime is \$22 million. But the personnel costs
20 of Impact officers, it's not a discrete budget
21 item.

22 COUNCIL MEMBER FERRERAS: I know
23 that we're going to have a separate hearing on
24 stop, question and frisk, but I think that there
25 is also a component to the newer officers in the

1
2 Impact zones and the relation to the new officers
3 in stop and questioning and frisk, but I think
4 that should be a conversation that's added to the
5 hearing that we will have. But again, I thank you
6 for your efforts with sex trafficking and DV work.
7 These Operation Impacts really do make a very big
8 difference in our community. The fact that we
9 have such a smaller class I think is something
10 that we really need to look into.

11 RAYMOND W. KELLY: We have 6,000
12 fewer police officers.

13 COUNCIL MEMBER FERRERAS: I know.

14 RAYMOND W. KELLY: You know, you've
15 got to factor that in.

16 COUNCIL MEMBER FERRERAS: I
17 understand.

18 CHAIRPERSON RECCHIA: Thank you,
19 Council Member. Council Member Jackson, to be
20 followed by Council Member Greenfield.

21 COUNCIL MEMBER JACKSON: Thank you,
22 Chair Recchia.

23 CHAIRPERSON RECCHIA: Hold on; and
24 we've been joined by Council Member Cabrera.

25 COUNCIL MEMBER JACKSON: Thank you,

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2 Chair Recchia and Chair Vallone. Commissioner
3 Kelly, good morning to you and your staff. I
4 appreciate the opportunity to say a couple of
5 comments regarding this executive budget. First,
6 as you see, my nameplate says that I chair
7 Education. I've said publicly and privately that
8 the most important thing for me, people may think
9 it's education, because I've walked the walk and I
10 talked the talk. But safety and security of the
11 people that I represent is number one. That's the
12 most important thing to me. I say that and I
13 appreciate you and the Chief Morris and the
14 additional staff at a certain time when the 34th
15 Precinct, because of the issues and concerns that
16 were expressed all by elected officials up there.
17 So we appreciate the cooperation and working with
18 you and your staff in ensuring that the people of
19 our Northern Manhattan are served by the men and
20 women of NYPD.

21 But also, I say to you that I co-
22 chair the New York City Council's Black, Latino
23 and Asian Caucus. There are 27 members of this
24 body that are members of the caucus. The issue of
25 stop-and-frisk is a prime issue on our plate. I

1
2 understand, in speaking to Chair Recchia, that
3 we're going to have a separate hearing on that. I
4 need to say that overall, with respects to this
5 entire executive budget, knowing that there's not
6 going to be a cut in the budget of NYPD but a
7 short couple of million dollars, \$65, \$68 million
8 increase, the concerns of that I will bring out in
9 detail at the hearing.

10 But I understand and my colleagues
11 may have asked you a question about that as far as
12 the impact from a tort or lawsuit point of view of
13 past Fiscal Year 12 and Fiscal Year 11. They
14 asked additional staff and got a response that
15 \$180 million has been paid out for the past two
16 years, fiscal years is my understanding.

17 I'm curious to know how many people
18 were stopped and frisked from 2005 to present.
19 Considering that the federal judge had put forward
20 that this is going to be a class action, knowing
21 that FDNY for example has \$128 million set aside
22 because of discriminatory aspects of the
23 examination process. I was just curious as to the
24 numbers of millions of billions of dollars that
25 may be available if in fact this lawsuit is

1
2 settled down the road as far as stop-and-frisk. I
3 don't know if you have a response for that or if
4 you want to wait for the hearing.

5 RAYMOND W. KELLY: I'm not going to
6 talk about the litigation.

7 COUNCIL MEMBER JACKSON: Right.

8 RAYMOND W. KELLY: But that
9 question would be more properly addressed to the
10 Law Department and OMB.

11 CHAIRPERSON RECCHIA: The Law
12 Department is coming on May 30th.

13 COUNCIL MEMBER JACKSON: Okay. I
14 hear you loud and clear on that. My colleague,
15 Darlene Mealy raised a question of
16 civilianization. And I do agree and I believe you
17 do also that where appropriate that civilians
18 should be doing the job where NYPD officers are in
19 the offices or at a desk. Because you indicated,
20 and we all agree, that there are 6,000 officers
21 less than there were years ago. We as legislators
22 want to see those individuals out patrolling our
23 community, in order to help keep our communities
24 safer.

25 So that's an important issue, not

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2 only for DC 37, the union that represents the
3 civilians, but that's also an issue for the
4 caucus. We have raised that over and over again
5 over the years. I say to you that's an issue.

6 And finally, I wanted to comment
7 that I saw I think a public service announcement
8 put out by the Policemen Benevolent Association
9 indicating that pressure is being put on officers
10 in order to deal with issues such as ticketing,
11 stop-and-frisk, and what have you and so forth.
12 I'm concerned about undue pressure on officers out
13 on the street by supervisors and/or those above.

14 I express that to you,
15 Commissioner, quite frankly because I'm saddened
16 when I hear, for example, that another police
17 officer--not recently--but when I hear that a
18 police officer has committed suicide and that the
19 numbers of suicide of police officers, I think it
20 was 12 or something like that, it breaks my heart.
21 I know that I've heard from officers that pressure
22 is being brought upon. So I ask you to be aware
23 of that overall for the men and women under your
24 supervision.

25 RAYMOND W. KELLY: Let me say this,

1
2 sir. Every time there is a suicide, we have an
3 in-depth briefing as to the circumstances, as best
4 can be determined, the cause. These are very
5 complex issues.

6 Well, let me back up and say, we
7 did a survey a few years ago about 100 suicides
8 that took place over a period of time in the
9 Police Department. Only two of those suicides
10 were deemed to be job related. People, you know
11 we all live in a complex world. So the notion
12 that you're apparently implying that the job has
13 brought about suicides, I would say that I
14 wouldn't go there. It is a complex area, a
15 complex issue. But it is not something that--in
16 every one that I have seen in the last five years,
17 there's no indication that it was related to the
18 job or had anything to do with the pressure that
19 you're talking about.

20 CHAIRPERSON RECCHIA: Okay.
21 Council Member David Greenfield?

22 COUNCIL MEMBER GREENFIELD: Thank
23 you, Chairs. I just want to start and say thank
24 you, Commissioner. I think that we're all very
25 grateful for the reduction in crime. I don't want

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2 you to think that our questions are not reflective
3 of that. I think there are, of course, questions
4 regarding tactics which I think are going to be
5 addressed later. But I do want to thank you for
6 the significant reduction in crime.

7 Just focusing on that, and
8 following up on Council Member Vann's question,
9 when we talk about the security cameras, is that
10 something--we were out of seats so I'm sitting up
11 here, sorry--is that something that you would like
12 Council Members to do, that you would encourage us
13 to do or are you kind of agnostic about it? I
14 mean, because we would like to do it if you want
15 us to do it. But if it's sort of going to get
16 lost in the shuffle then obviously we don't want
17 to sort of put in the resources. So what's your
18 guidance on that?

19 RAYMOND W. KELLY: No, we like it.
20 It gives us additional resources. But it's
21 important that they're deployed based on an in-
22 depth crime analysis. You know, it needs to have
23 a nexus to the conditions in a particular
24 neighborhood.

25 COUNCIL MEMBER GREENFIELD: Sure.

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2 So that leads to my next question. So, you know,
3 we all know our neighborhoods, right? So, if I
4 know on the corner of Avenue S and Ocean Parkway,
5 I think it's a hotspot and I put in the money for
6 a camera and I come back and I say hey, this is
7 something that I'd like you guys to look at, how
8 does that work? Would you then look at it? Would
9 you make your own assessment? You would agree,
10 you would disagree, and ultimately you would
11 decide where to place it? I mean, I'm just trying
12 to understand for my colleagues, you know, how it
13 is the process actually works in terms of putting
14 the funding in and then deciding where those go.

15 RAYMOND W. KELLY: Yeah, we'd start
16 looking at your recommendation first. That would
17 be the starting point. But we'd look at crime
18 conditions in the area. I mean, obviously, you
19 know, with limited resources, if you're going to
20 put six cameras in, you want to put them where
21 statistics show they're going to be the most
22 effective.

23 COUNCIL MEMBER GREENFIELD: Are
24 those--

25 RAYMOND W. KELLY: [interposing]

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2 Obviously, we'd include your view, your vision,
3 your opinion.

4 COUNCIL MEMBER GREENFIELD: Are
5 those decisions made on the precinct level or is
6 it on a higher level? If so, who makes those
7 decisions?

8 RAYMOND W. KELLY: We usually do it
9 through our Office of Management Analysis and
10 Planning. But they obviously talk to the
11 precinct. They look at the crime maps and that
12 sort of thing.

13 COUNCIL MEMBER GREENFIELD: Who is
14 that? Just so we know, who is that? Ultimately,
15 who makes the decision on that in terms of where
16 those go.

17 RAYMOND W. KELLY: It is an
18 executive in the Office of Management Analysis and
19 Planning.

20 COUNCIL MEMBER GREENFIELD: Okay,
21 great. Another quick question for you, I noticed
22 that at least on its face, if you look at the
23 Transit budget, it seems like it's shrinking by
24 around \$15 million and at the same time it seems
25 like the Transit crimes have gone up. Is that

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2 sort of coming from somewhere else? I'm just
3 looking at the actual numbers and it says
4 reduction \$15.4 million.

5 RAYMOND W. KELLY: Do you want to
6 explain it?

7 EDWARD ALLOCCO: Again, this has to
8 do with reconfiguration of our budget codes. We
9 get money, as you know we had significant funds
10 added to our budget to address the structural
11 deficit and overtime, unfunded overtime amounts in
12 this fiscal year and then going forward. So there
13 are no personnel cuts planned from year to year.
14 What you're looking at will probably be corrected
15 by the next time you look at a budget into the
16 fiscal year.

17 COUNCIL MEMBER GREENFIELD: Okay.
18 So the short answer is there's not going to be
19 less cops out on Transit? Is that what you're
20 saying?

21 EDWARD ALLOCCO: Yes.

22 RAYMOND W. KELLY: We just put 243
23 in--

24 COUNCIL MEMBER GREENFIELD:
25 [interposing] No, I just saw the numbers and I was

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concerned. So the numbers are actually going up?

RAYMOND W. KELLY: Yes.

COUNCIL MEMBER GREENFIELD: Got it.

The next question I have is I think you announced a few months back that there was going to be a change in terms of the policy regarding marijuana arrests, right? I think that was a memo that came from your office to different offices. Have we actually seen a reduction in the number of arrests or have the numbers been similar in terms of year to date from this year to last year or at least since the change has been initiated?

RAYMOND W. KELLY: No, the numbers have gone down.

COUNCIL MEMBER GREENFIELD: The numbers have gone down?

RAYMOND W. KELLY: Yes.

COUNCIL MEMBER GREENFIELD: Okay. Do you know by how much or roughly?

RAYMOND W. KELLY: I think it's down about, I'm going to say, 15 percent.

COUNCIL MEMBER GREENFIELD: Okay, that's good news. I appreciate that. The other question I wanted to know, in terms of the seven

1 indexes, it seems like obviously we're doing great
2 overall and I'm grateful for that. It seems like
3 the numbers of rapes are nudging up. Is that
4 correct still for this year? If so, is there
5 something that we can point to? I was looking at
6 the numbers that you gave us the last couple of
7 years. It looked like it was up a few percentage
8 points.

9
10 RAYMOND W. KELLY: We're down.

11 COUNCIL MEMBER GREENFIELD: Down
12 for this year?

13 RAYMOND W. KELLY: Yes.

14 COUNCIL MEMBER GREENFIELD: Okay.
15 So you're saying year to date--

16 RAYMOND W. KELLY: [interposing]
17 You know, we all understand that rape is an
18 underreported crime.

19 COUNCIL MEMBER GREENFIELD: Okay.
20 I mean is that an area of concern or is it just
21 you're saying that year to date for this year is
22 lower than last year? Because it looked like from
23 '10 to '11 it was up by around 3.5 percent.

24 RAYMOND W. KELLY: This year it's
25 down. I think it's down 6 percent whatever, it's

1
2 down this year so far. It is a number that has to
3 concern us because we think that it is not
4 adequately reported. We know that victims are not
5 always willing to come forward in this crime, and
6 other crimes as well.

7 COUNCIL MEMBER GREENFIELD: Got it.
8 All right, thank you, Commissioner, I appreciate
9 it.

10 CHAIRPERSON RECCHIA: Commissioner,
11 I just want to follow up on the camera questions.
12 How much would it cost? Like how much should a
13 Council Member put in if they wanted to use their
14 capital money to put in to get these cameras?

15 RAYMOND W. KELLY: I think it's
16 about \$30,000 per camera. That's for a box of
17 two.

18 CHAIRPERSON RECCHIA: So it's
19 \$30,000 for a box of two?

20 RAYMOND W. KELLY: Yeah, the camera
21 box has two cameras in it.

22 CHAIRPERSON RECCHIA: Okay. Just
23 so I know, because my colleagues have been asking
24 us. All right, Oliver Koppell, to be followed by
25 Council Member Lander.

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2 COUNCIL MEMBER KOPPELL: I think
3 it's now on. First of all, let me thank you,
4 Commissioner. In the 50th Precinct, we had a
5 murder related exactly to one of the things you
6 talked about which is theft of cell phone. The
7 detective work that allowed for the arrest of the
8 two perpetrators who have now admitted
9 participation was just remarkable. Less than a
10 week and innovative work by looking at the ads, I
11 think on Craigslist, they found the perpetrators.
12 Everybody associated with that deserves thanks.

13 I also want to mention, because
14 talking about relations with the community, that
15 recently in the last couple of weeks we had the
16 47th Precinct breakfast and there were over 600
17 participants who paid to come to that breakfast in
18 a community that's overwhelmingly minority. So I
19 just have to say that. I mean there are
20 legitimate concerns about stop-and-frisk, but I
21 don't think it's fair to say that the community
22 doesn't support our police. At least in my
23 district, the community across the board, all
24 different backgrounds, supports the police. The
25 47th Precinct, I think you know it's probably the

1
2 largest breakfast in the city and we appreciate
3 that.

4 As you also know, Commissioner,
5 I've been concerned about police corruption for
6 many years. We've talked about this going back a
7 decade. Is the Internal Affairs Bureau, as far as
8 you're concerned, properly funded and effective?
9 One of the things that concerns me is I see the
10 instances of corruption, and I haven't seen huge
11 numbers but there have been. They tend to be
12 prosecuted federally which suggests to me that
13 perhaps the state prosecutors and the IAB are not
14 as effective as they should be. Do you want to
15 respond to that and tell us whether you think your
16 budget is big enough in that area?

17 RAYMOND W. KELLY: Well, I've
18 increased the size of IAB by over 100
19 investigators since I've been in this job. Plus
20 we've increased I think \$24 million in the last
21 few years. I think they do a very effective job.
22 We work very closely with federal prosecutors.
23 Some of these crimes are interstate. It depends
24 on sometimes they surface through informants. It
25 depends on what agency has that informant. But I

1
2 think the Internal Affairs Bureau is very
3 effective.

4 I think the reality is that when
5 you have 50,000, uniform and civilian, who make
6 relatively low ages, relatively speaking, and you
7 give them a lot of power, you're going to have
8 corruption. It is a fact of life. You know, we
9 can't sweep it under the rug; we don't want to do
10 that. I think our Internal Affairs investigators
11 are better know than they've ever been, more
12 effective. They work more closely. They have the
13 confidence. Every one of our district attorneys
14 has a public corruption unit. So does the two US
15 attorneys. They have in my judgment great
16 confidence in our Internal Affairs Bureau.

17 COUNCIL MEMBER KOPPELL: Do you
18 think that the Mayor's Commission on Police
19 Corruption is functioning--

20 RAYMOND W. KELLY: [interposing]
21 Yes.

22 COUNCIL MEMBER KOPPELL: --
23 effectively? For a while it was kind of dormant.

24 RAYMOND W. KELLY: No, I don't
25 think it was dormant. They've done several

1 reports. I meet with them on a monthly basis.
2 They interact with IAB on a weekly basis. They
3 get every corruption complaint that comes into the
4 department, they get it as well. The Mayor has
5 just agreed to increase their funding for four
6 more attorneys. Michael Armstrong is the
7 chairman. He's the former counsel of the Knapp
8 Commission. He's a legend in the business. He's
9 a former district attorney of Queens County. It
10 is a panel of very distinguished and well regarded
11 attorneys from the private sector. They have
12 criminal law experience. I think it is effective.
13 I think if you read their reports, you can see
14 that they do in-depth analysis and it helps us.

15
16 COUNCIL MEMBER KOPPELL: I'm glad
17 to hear that you're focusing--

18 RAYMOND W. KELLY: [interposing]
19 Thank you.

20 COUNCIL MEMBER KOPPELL: --budget
21 attention on this subject. I think it's probably
22 one of the most important subjects. If we can't
23 trust the police force, who can we trust, right?
24 Thank you.

25 CHAIRPERSON RECCHIA: Council

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Member Lander?

COUNCIL MEMBER LANDER: Thank you to the Chairs.

CHAIRPERSON VALLONE: Council Member, we have three Council Members left. The Commissioner has informed us he's leaving in five minutes. So if everyone asks one question quickly, we can get to them all. If you don't, we don't. As I said, some Council Members went over and this is what happened. But everyone that was here at 10 got to ask questions. So I ask you all to be as brief as possible because the Commissioner will be leaving. Council Member Lander?

COUNCIL MEMBER LANDER: Thank you, Mr. Chair. Thank you, Commissioner. I want to express that I share my colleagues' deep respect for what the commanders and your officers are doing on the ground to keep my neighborhood safe. They are doing extraordinary work. In particular, I echo Council Member Ferreras' praise of the work that you're doing on trafficking and domestic violence. I appreciate the letter you've submitted outlining new steps on stop-and-frisk.

1
2 But I am very concerned about some
3 of the issues around the certification of the
4 lawsuit. As you know, Judge Scheindlin in your
5 opinion yesterday cited a deeply troubling apathy
6 towards New Yorkers' most fundamental
7 constitutional rights. What I was more concerned
8 about though was the Mayor's response that polling
9 shows that New Yorkers support the policies. We
10 could debate the polls or not, but I really hope
11 the Administration's position is that our
12 constitutional rights aren't subject to polling.

13 But I do want to ask the budget
14 question since it's a budget hearing. In the
15 *Times* this morning, Richard Aborn of the Citizens
16 Crime Commission suggests that this is precisely
17 what happens when the city declines to have
18 independent oversight of the department and that
19 it's far more costly to pay for oversight by
20 litigation than if we had an NYPD inspector
21 general. As you know the NYPD is the only agency
22 in the city that lacks an inspector general. I
23 wonder if you've considered with OMB and the Law
24 Department just from a budget point of view
25 whether it would be more cost effective to have an

1
2 inspector general than to open the city up to what
3 Mr. Aborn calls "oversight by litigation"?

4 RAYMOND W. KELLY: More cost
5 effective? I don't see that. But I think we have
6 tremendous oversight in the city. We have five
7 district attorneys. We have two US attorneys. As
8 I said before, we have the Mayor's commission to
9 combat police corruption--

10 COUNCIL MEMBER LANDER:

11 [interposing] I think that's precisely his point
12 though that if it's by litigation that we do
13 oversight, whether that's on stop-and-frisk,
14 whether that's on surveillance, whether that's on
15 a range of other issues not within the domain of
16 IAB but outside it, we're opening ourselves up to
17 spending far more through litigation suits than we
18 would by having an inspector general that could
19 work with you to identify problems and suggest
20 corrective action plans prior to forcing people to
21 go to court and to get an opinion like the judge
22 issued yesterday.

23 RAYMOND W. KELLY: We live in the
24 most litigious environment in the world. If you
25 think that having another position is going to

1
2 stop litigation in this city, I would simply
3 disagree with you.

4 COUNCIL MEMBER LANDER: You and OMB
5 and the Law Department haven't discussed whether
6 an inspector general might be cost effective and
7 in fact in the long run save the city money as a
8 result of reducing our exposure to litigation?

9 RAYMOND W. KELLY: No.

10 COUNCIL MEMBER LANDER: Thank you.
11 At our preliminary budget hearing in March, I
12 asked a series of budget questions that you and
13 the deputy commissioner couldn't answer at the
14 time, said you'd get back to me about the 60
15 percent increase in the counterterrorism budget
16 and when the intelligence budget is factored in, a
17 50 percent increase over the past several years at
18 a time when we're reducing spending on officers on
19 the ground. I'm glad that we're doing less of
20 that in this year's budget but I guess I'd like to
21 re-ask that question.

22 RAYMOND W. KELLY: I'm going to
23 have the commissioner try to explain this again.
24 It's convoluted. What I think the terrorism
25 increase had to do with the creation of the World

1
2 Trade Center unit. We took 206 police officers
3 and 5 civilians and moved them into a separate
4 unit, focused primarily on the memorial and the
5 surrounding area of the memorial that opened on
6 September 11th. But this whole area is confusing,
7 this budget, because OMB puts this document out
8 without consulting us, and that's the confusion
9 with--

10 COUNCIL MEMBER LANDER:

11 [interposing] So I guess I'll just ask again, if I
12 could get--you know, I'd be glad to have it
13 explained so I can understand the increase.

14 EDWARD ALLOCCO: I'd like to
15 explain it very quickly and briefly. As the
16 Commissioner said, the only programmatic change
17 was the creation of the World Trade Center
18 command. That was a reallocation of approximately
19 200 employees into the counterterrorism budget
20 structure. All of the other changes that you have
21 to see have to do with structural deficit and
22 funds that were added to fully fund out overtime
23 budget. And those monies get added in several
24 different places and the monies need to be moved
25 around as we go through and we clean up the budget

1 structure.

2
3 So moving forward, you'll see--
4 because we're working on this with OMB--there's a
5 lot of budget mods that have to be submitted and
6 OMB has to accept those mods, implement them and
7 then do additional budget runs. You'll see those
8 numbers straightening out, evening out, and you're
9 not going to see those significant increases.
10 They have to do with monies not being in place and
11 then being put in place. So it's not a real
12 change to the budget, it's more of a technical
13 adjustment.

14 COUNCIL MEMBER LANDER: My other
15 similar question at the preliminary budget hearing
16 was about the spending, the overseas spending,
17 whether \$1.5 million from the Police Foundation is
18 really paying for the 11 deployments. And I think
19 to press afterwards, you clarified that covers the
20 travel expenses essentially and the lodging. Is
21 it possible for us to get a breakdown, but not
22 essentially the salaries that we're spending on
23 officers on overseas deployment--

24 RAYMOND W. KELLY: [interposing]
25 Salaries are paid with public funds. Everything

1
2 else is paid with foundation money.

3 COUNCIL MEMBER LANDER: So could we
4 either today or if I follow up, find out how much
5 of public funds we're spending on the staffing of
6 those overseas deployments?

7 RAYMOND W. KELLY: Well, we have I
8 think a total of 13 people. So it is what a
9 detective would make. In one case it's a
10 lieutenant. So I mean it's not a mystery. You
11 could do it yourself, multiple it by 13, average
12 salary.

13 CHAIRPERSON VALLONE: Thank you,
14 Council Member.

15 COUNCIL MEMBER LANDER: Thank you.

16 CHAIRPERSON VALLONE: Commissioner,
17 we have two more Council Members. I will leave it
18 up to you. The next Council Member is Council
19 Member James. I'd ask you to be as brief as
20 possible. The commissioner does have to leave.

21 COUNCIL MEMBER JAMES: Hello? So I
22 thank you, Commissioner. I understand earlier you
23 talked about how I was the first Council Member
24 who provided capital funds in the budget seven
25 years ago for surveillance cameras in my district.

1
2 As you know, those surveillance cameras were put
3 up almost two years ago. I plan on putting
4 another half a million dollars in my budget for
5 some more surveillance cameras in my district. By
6 the time I leave the City Council, most of my
7 district will have surveillance cameras in major
8 corridors, working with the commanding officers.
9 I thank you for doing that. I'm glad that it's
10 finally in place.

11 I also want to thank you for
12 working with my office and others as we did Safe
13 Surrender in Brooklyn. I would like to do a gun
14 buyback. I know that I have to leave in ten
15 minutes because the 77th Precinct is having a
16 luncheon in downtown Brooklyn for seniors and some
17 young people. I think you are invited.

18 Last night, the 88th Precinct in
19 North Brooklyn, we had a meeting which was
20 attended by Deputy Inspector Henderson from the
21 88th, Detective Marvin Lewis--Inspector Marvin
22 Lewis and Chief Nelson. I thank you for all of
23 that. And thank you for all that you do, but
24 obviously have major concerns as it relates to
25 stop-and-frisk.

1
2 As I indicated earlier, my brother
3 was stopped, my nephew was stopped, who was in
4 college, who came from Delaware to visit me in
5 Brooklyn and who was stopped and frisked and who
6 walked into the house and curled up in bed in a
7 fetal position, saying that he did absolutely
8 nothing wrong.

9 CHAIRPERSON VALLONE: Could we get
10 to a question? We went out of our way to get you
11 to ask a question and you haven't asked one yet.

12 COUNCIL MEMBER JAMES: Thank you.
13 So the point is that stop-and-frisk abuse has no
14 place in a civil society. And the policy that's
15 currently practiced by NYPD is in complete abandon
16 of our constitution. It robs individuals of their
17 civil rights and their humanity. Police
18 Commissioner, this really is a defining moment and
19 this really is a teaching lesson for all
20 individuals, particularly regarding our
21 constitution and our civil rights.

22 Last night, I attended an event
23 where someone was doing a book on Mayor Bloomberg.
24 They invited me to this event because I'm featured
25 in this book. What's interesting is on the cover

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of the book--

CHAIRPERSON VALLONE: [interposing]
Question, at some point please.

COUNCIL MEMBER JAMES: --it says
that Mayor Bloomberg's quote is that in a society
government should respect the civil rights of all
people, including the very rich and the very poor.
So I thank you. It's unfortunate that in this
city reform comes by litigation, reform on NYCHA,
reform on stop-and-frisk and reform on marijuana
arrests. It seems that are managing NYPD through
the courts and that's unfortunate.

So, police commissioner, are you
familiar SNUG, which is guns spelled backwards,
which was a very effective program where the state
legislature provided funds to organizations to
intervene on crime in the City of New York? But
unfortunately, the Republicans in the State Senate
pulled back all of those funds and it's an
initiative that we should, I believe, move forward
on. It was, again, financing, they're called
violence interrupters. In fact, there's a number
of documentaries about their effectiveness. Do
you believe they're effective?

1
2 RAYMOND W. KELLY: SNUG is a
3 program that we support. Senator Malcolm Smith
4 has been a leading advocate of it. But, you know,
5 the whole notion of violence interrupters, it's
6 been going forward in a lot of other cities for a
7 long time. The level of violence, quite frankly,
8 is much higher than it is in New York. So we're
9 looking to work with anything, any program that
10 has promise, that has hope of reducing violence,
11 we support it. In my prepared remarks, I talked
12 about looking for grants to help us do that in
13 Brownsville and other places. We are onboard at
14 looking at all of these programs. But I just
15 would caution you not the panacea.

16 COUNCIL MEMBER JAMES: No, I
17 understand.

18 RAYMOND W. KELLY: People have been
19 talking about for years about you're going to use
20 moral suasion, we're going to get young men who
21 have a bent towards crime and we're going to bring
22 them in a room, we're going to embarrass them, you
23 know. It may work on two blocks or it may work in
24 an immediate area, but it hasn't been shown to me
25 that it is an effective citywide program.

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COUNCIL MEMBER JAMES: Police
Commissioner, I recognize that there's--

CHAIRPERSON VALLONE: [interposing]
Thank you, Council Member.

COUNCIL MEMBER JAMES: I believe
that there's three--

CHAIRPERSON VALLONE: [interposing]
Council Member Cabrera. Thank you, Council
Member.

COUNCIL MEMBER JAMES: --aspects of
crime: intervention, prevention--

CHAIRPERSON VALLONE: [interposing]
You asked your question.

COUNCIL MEMBER JAMES: --and
suppression. And I believe that we should work
with all three and I look forward to working with
you as we go forward.

RAYMOND W. KELLY: I agree.

COUNCIL MEMBER JAMES: Thank you.

CHAIRPERSON VALLONE: Thank you.
Council Member Cabrera, one very quick question.

COUNCIL MEMBER CABRERA:
Definitely. Limited to one minute, out of respect
out of my chairs. Welcome, Commissioner and thank

1
2 you for working with me in regards to the cameras.
3 I hear they're going to go up very soon. My
4 question is in regards to overtime. Would it make
5 more sense to hire more police officers rather
6 than to overstretch--I don't know if I'm using the
7 right word here--the police force in working
8 overtime?

9 RAYMOND W. KELLY: Sometimes. It
10 depends. We talked about it a little bit before.

11 COUNCIL MEMBER CABRERA: I'm sorry;
12 I missed that.

13 RAYMOND W. KELLY: We'd like to
14 have more police officers but overtime does give
15 you flexibility. You hire more police officers,
16 they come with the total package, health benefits,
17 retirement, that sort of thing. Overtime, of
18 course, you already have that person onboard. It
19 does, as I say, give you the ability to be
20 flexible and to move around. So it's not an easy
21 answer to give. It depends on what situation,
22 what condition you're trying to address.

23 COUNCIL MEMBER CABRERA: Thank you
24 so much, Commissioner.

25 CHAIRPERSON RECCHIA: Thank you,

1
2 Commissioner. We want to thank you for testifying
3 here today. If any Council Member wants to ask
4 further questions, they could submit them to
5 Tanisha Edwards and we'll send them off to the
6 Commissioner. Thank you for coming. I also want
7 to thank you for the capital projects. They're
8 all moving forward and I want to thank your office
9 for working with us.

10 Okay, we'll take a five minute
11 break and then we'll have the district attorneys.

12 [Pause]

13 CHAIRPERSON RECCHIA: We will now
14 resume the City Council hearing on the Mayor's
15 Executive Budget for Fiscal Year 2013. The
16 Finance Committee and the Committee on Public
17 Safety, chaired by my colleague, Council Member
18 Peter Vallone will now hear from the District
19 Attorneys and the Special Narcotics Prosecutor.
20 At this time, I'd like to recognize my colleague
21 Peter Vallone.

22 CHAIRPERSON VALLONE: Thank you.
23 It's an honor to be chairing with you again.
24 Where did everybody go? I want to thank the DAs
25 for all being here. I'm not sure everyone gets

1
2 just how important your work is, as is evidenced
3 by the lack of people over there, but hopefully
4 they'll be coming back in. As they say on TV,
5 there's two separate but equal arms of public
6 safety and you are half of that. What you do
7 absolutely affects the Police Department's budget
8 and what they do affects your budget. That's why
9 we're glad you're all here again today and we look
10 forward to your testimony. So I think it's DA
11 Johnson, correct? I forget this every time.

12 CHAIRPERSON RECCHIA: Just let me
13 recognize all the members that are with us: Gale
14 Brewer, Lew Fidler, Melissa Mark-Viverito, Vincent
15 Gentile, Erik Dilan, David Greenfield and Oliver
16 Koppell.

17 ROBERT T. JOHNSON: Good afternoon.
18 Thank you, both Chairs Recchia and Vallone and all
19 the members, for once again hearing us out with
20 regard to the status of the district attorneys and
21 our budgets. I am pleased to be here. I'm
22 grateful for the support you've given us in the
23 past. I think your support is one of the factors
24 in the truth and the reality that we sit here in a
25 better position that we did when we came before

1
2 Public Safety two months ago.

3 The Mayor and the Criminal Justice
4 Coordinator actually for the first time in quite a
5 long time I think have begun to put us back on the
6 road to where we need to be, and done so in a more
7 significant way than has been done in a long time.
8 So I also want to express gratitude to the Mayor
9 and the Criminal Justice Coordinator, OMB, for
10 acknowledging in their workload analysis the work
11 that we have been doing.

12 That is not to say that the year
13 have not been difficult because the money is just
14 put in going forward and we still have not
15 finalized raising the staffs to where they need to
16 be. We have had people working in very difficult
17 positions for a long time, under very difficult
18 circumstances. However, we have accomplished a
19 great deal, as always. Our accomplishments I
20 believe have really run the gamut on the behalf of
21 the people of Bronx County.

22 In 2001, we had to oversee the
23 indictment resulting from a major bus accident on
24 the New England Thruway that took the lives of 15
25 citizens and injured an additional 16 others. We

1
2 are continuing to prosecute and prepare for
3 prosecution and prepare for trial that
4 significant, significant case, the outline of
5 which you can find on pages 29 and 30 of the
6 report that's been given to you.

7 And I must apologize. We had some
8 printing malfunctions. I think that's part
9 staffing more than budgetary. But we weren't able
10 to get enough copies for those that may come and
11 join you but I think there are enough for those of
12 you who are here now.

13 In addition to that, we continue to
14 also prepare for trial from the preceding year
15 another major incident which involved the assault
16 on individuals because of their perceived sexual
17 identity, the gay bashing case. Something that's
18 very, very important to all New Yorkers. I think
19 that we all have to stand by the proposition that
20 everybody is entitled to be treated fairly and
21 with respect. And that when somebody commits a
22 crime based on a bias factor, there is an
23 additional harm done not only to the member of the
24 group who is attacked, but done to all of us
25 because we then become potential victims of hatred

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based on who we are.

We last year completed a two-year long investigation, outlined on pages 23 and 24, regarding serious misconduct and brought indictments alleging serious misconduct on the part of police officers, ranging from marijuana sales, robbery, grand larceny, transmitting information regarding investigation and transporting what was believed to be a large amount of heroin by a police officer.

This investigation, as I'm sure you realize, also led to a 1,600 count indictment, which I think got more attention than those initial great harms that brought us to the investigation. The indictment also included allegations of ticket fixing. There were 11 officers indicted for that. We believe that that is really part of our mission also. Official corruption, whether it be in the extreme criminal acts that caused the investigation or the acts that cause people to lose faith in the criminal justice system. We believe that we have to deal with that within the system.

In addition, working alongside

1
2 defense attorney, worked to vacate a prostitution
3 conviction for sex trafficking, outlined on page
4 9. We believe that was the first, that victim of
5 sex trafficking who had a prostitution conviction,
6 was the first American citizen in New York State
7 to receive the relief from the statutory changes.

8 We have, in terms of what we've
9 done year in and year out, indicted 40 individuals
10 in the Williamsburg section in the Bronx, two of
11 them charged as kingpins in a cocaine organization
12 that we believe was selling \$250,000, a quarter
13 million dollars worth of cocaine weekly.

14 In addition to all these things,
15 we've increased the use of technology, not only to
16 use DNA in particular--I think that's the major
17 area in which we increased the technology, we've
18 done also internet crimes, sex crimes on the
19 internet, financial crimes on the internet. But
20 we have used the technology in terms of DNA, in
21 terms of not only sex crimes but burglaries,
22 murders and robberies. We've utilized this
23 technology to bring people who commit those acts
24 to justice.

25 All of this I think will become

1
2 easier because of what I alluded to in the fact
3 that the city has submitted additional workload
4 analysis funds to our budget. However, the funds
5 for Fiscal Year 2013, as I've indicated also, will
6 not bring us to the level that we need to be. But
7 they will put us on the road to doing more of what
8 needs to be done. There are significant problems
9 with gangs and guns.

10 We in the Bronx are facing in
11 particular a significant arrest to arraignment
12 problem. We recognize the fact that not everyone
13 who is arrested is guilty of a crime. Some of
14 them are innocent. Whether they're innocent or
15 guilty, they need to see a judge and have a
16 decision whether or not they're going to be on
17 bail, released on their own recognizance or
18 remanded, have that decision made as quickly as
19 possible. The lack of resources is one of the
20 factors which has stymied that in the Bronx.

21 The money that is just placed in
22 the budget is going to allow us to begin to bring
23 on additional assistant DAs and additional support
24 staff for that and for our gang prosecution bureau
25 and for the investigators that we need. As we

1
2 speak, our detective squads, New York City police
3 detectives have really dropped to record low
4 levels. They are working as hard as they can.
5 Our detective investigators are working as hard as
6 they can and they are completely taxed. We are
7 hard pressed to find somebody to go look for a
8 witness because they're involved in a number of
9 major investigations that we're doing. Hopefully
10 in the next fiscal year, this will be alleviated
11 somewhat by the funds that are forthcoming.

12 These funds, as I say, are bringing
13 us on the road. Nevertheless, we still have had
14 some particularly unique Bronx problems not
15 addressed. As I've indicated in past years, we
16 are the only one of the district attorneys offices
17 who has no police typists in our complaint room.
18 That's a factor that would help speed arrest to
19 arraignment. We've asked. I guess the funding,
20 perhaps, would have to be put in the Police
21 Department's budget or if it was put in our
22 budget, we could then hire similar personnel to do
23 what's being done in other counties.

24 Once again, I point out to you that
25 we have unique jurisdiction over Rikers Island,

1
2 which takes a great deal of manpower, personnel
3 from our investigations divisions. Dealing with
4 not only acts of corruption but of acts of assault
5 on correction offices, acts of assaults on
6 inmates.

7 We spend a lot--it's a lot of labor
8 intensive work with very difficult witnesses, in
9 most of the case, witnesses who sometimes end up
10 upstate after the crime has taken place and
11 they're difficult to track down and bring back and
12 to have cooperate. And also, as much
13 corroboration is possible is necessary because of
14 the nature of the criminal past of the witnesses
15 that we use. So these cases continue to cause us
16 great difficulty.

17 I come here not doing a dance for
18 joy, but certainly not crying the blues the way we
19 have in past years. I'm grateful for the progress
20 we made. I hope that your continued support will
21 help us make additional progress. Thank you very
22 much.

23 CHARLES J. HYNES: May I proceed?
24 Good afternoon. With me is Amy Feinstein, my
25 chief assistant, Lance Ogiste, who's my counsel,

1
2 Deanna Rodriguez, who's in charge of my gang
3 bureau and Mike Poretzky [phonetic] who's in
4 charge of budget issues.

5 I want to first of all thank Chair
6 Vallone and Chair Recchia and all of the members
7 of the Council for your constant support for my
8 office and for the offices of my colleagues. We
9 were very, very pleased to learn that the workload
10 analysis money which, in my case, is \$2.59 million
11 dollars was added to our baseline budget for FY
12 13. I very much appreciate your efforts to force
13 a workload analysis by the City which led to the
14 baseline increase for my Office and for the
15 Offices of the Bronx, Queens and Staten Island.

16 Unfortunately, while the money
17 which you demanded for my FY 12 Budget and the
18 budget of my colleagues was allocated, OMB in my
19 office deducted budget money in some 50 or so
20 different programs. So the net effect was an
21 increase of \$370,000 dollars to our baseline
22 rather than the \$2.59 million dollars you
23 negotiated for FY 12. Unless the money is
24 restored, my Office will be in deficit to the tune
25 of \$4 million dollar deficit at the end of FY 12.

1
2 And, of course, nothing currently exists to
3 prevent OMB from doing exactly the same thing for
4 FY 13. Nothing exists except your support.

5 Despite all the past implemented
6 cuts, we continue to expedite the transfer of
7 incarcerated State sentenced prisoners to the
8 State Department of Correction. In addition, we
9 have widened the video teleconferencing which
10 substantially reduces the number of inmates
11 transported to Court by the City's Department of
12 Correction. Both of those programs net the city
13 about \$3 million.

14 Brooklyn's workload continues to be
15 a serious resource problem. Annually, we average
16 10,000 more arrests than the next highest county.
17 In order to deal with this increased caseload, we
18 continue to augment our staff with dozens of pro
19 bono lawyers and lawyers on loan from major law
20 firms who pay their salaries.

21 We are very proud of our programs
22 designed to maintain increases in public safety
23 through recidivism reduction. For example, our
24 Family Justice Center, which has been replicated
25 in the Bronx and in Queens and is planned for New

1
2 York County, provides many services for victims of
3 Domestic Violence and their surviving children.
4 The data suggests that children living the
5 nightmare of domestic violence who are not
6 counseled often commit crimes of violence as a
7 result of pent-up rage.

8 It is the reason why I thank Joe
9 Torre and his Safe at Home Foundation. We have
10 the resources through him to hire child therapists
11 to begin the healing process. Since our Family
12 Justice Center opened in July of 2005, 8,859
13 children have received counseling, something long-
14 term which will reduce recidivism. Just a few
15 months ago, we celebrated the 100,000 client visit
16 to our center.

17 Still another unique program we
18 have to reduce recidivism is called Safe
19 Surrender. The program was suggested to me by the
20 great Reverend Johnny Ray Youngblood. It
21 responded to the fact that more than 200,000
22 Brooklyn citizens fail to appear in Court after
23 receiving a C Summons for having an open container
24 of alcohol, being in a park after curfew or riding
25 a bike on the sidewalk. As a result of their not

1
2 showing up, an arrest warrant is issued which is
3 far more serious than the C Summons.

4 The effect is that someone wanted
5 for an arrest cannot apply for a job where
6 fingerprinting is required. Some whose job
7 opportunities are therefore diminished may be
8 tempted to commit a crime. Safe Surrender, with
9 the help of the Office of Court Administration,
10 sets up a Court Part in a Church which is staffed
11 by Clerks and Court Officers and has a sitting
12 Judge. A total of four Safe Surrender programs
13 have been established leading to the clearing of
14 arrest warrants for 1,562 citizens of Brooklyn.
15 Our next Safe Surrender program will be in
16 November. The result is to discourage citizens
17 from turning to criminal activity.

18 Our contribution to taking guns off
19 the streets is another way of reducing recidivism
20 and has been a highly successful gun buyback in
21 partnership with members of the clergy, the NYPD
22 and a number of elected officials from here in the
23 City Council, Congressman Ed Towns, as well as
24 State Assembly Members and State Senators. This
25 past year, we had four buybacks in Brooklyn

1
2 Churches. Since we commenced this program in
3 2008, we recovered 2,267 guns. The program has
4 been replicated by district attorneys in the city
5 and elsewhere to the north of the city and to the
6 east as well.

7 Continuing our program to reduce
8 sex trafficking, begun in 2010, we have convinced
9 grand juries to indict 35 alleged pimps. We
10 currently have ten convictions with significant
11 prison sentences. We have received assistance
12 from radio personality and weatherman, Mr. G., to
13 promote information about our domestic violence
14 programs.

15 Our crime reduction strategies
16 include presentations at public and private
17 schools about sexual predators on the Internet.
18 In addition, our staff outreaches to not-for-
19 profit organizations, civic associations, senior
20 citizen centers, community boards, police precinct
21 councils, adult learning centers, ACS Meetings and
22 health care institutions -these presentations, in
23 addition to internet cyber safety, sexting,
24 bullying, gang information, ID fraud, real estate
25 fraud and computer crimes.

1
2 During the 2010-2011 academic year,
3 my staff made 240 presentations to more than
4 20,000 parents, teachers, students and community
5 groups. My Gang Chief, Executive Assistant
6 District Attorney Deanna Rodriguez, who joins me,
7 runs a program called Project Redirect to
8 encourage gang members to leave gang life. Of the
9 nine kids who graduated in 2011, three are in
10 college, two have fulltime jobs, two are in high
11 school and two others are working and getting
12 their GED.

13 Last year, we began the process of
14 establishing Brooklyn's Second Community Court in
15 the Brownsville section. We hope to achieve the
16 unparalleled success of the Red Hook Community
17 Court, with the help of its Court, went from one
18 of City's most dangerous neighborhoods to today,
19 it's one of our most safest.

20 Our project called Brownsville Back
21 on Track includes services for youngsters formerly
22 incarcerated in juvenile detention centers and a
23 program for problem truants. The truant program,
24 Re-Start, has been particularly successful with 17
25 students, an 89 percent attendance rate and with a

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2 GPA of between 75 and 80. Unfortunately, the city
3 did away with the funding for our truancy program,
4 which was highly successful, expanded during the
5 Giuliani administration. We had six centers
6 receiving truants who weren't going to school.
7 Project Back on Track brings back part of that.

8 Our program has produced a
9 reduction of recidivism rate for this population
10 from 77 percent down to 18 percent. That's being
11 validated now by John Jay College of Criminal
12 Justice.

13 Our Youth and Congregations in
14 Partnership, begun in 1997, for teenagers at risk
15 for prison is a faith-based initiative.
16 Partnering with many Brooklyn Churches, we have
17 reduced recidivism from a high of nearly 80
18 percent to 15.15 percent.

19 Our Prison Re-entry program for the
20 formerly incarcerated continues to be academically
21 validated and a success story. The program is
22 overseen by my Counsel, Lance Ogiste, who is with
23 us today. Harvard University, in 2007, found that
24 our program reduced recidivism for this population
25 by more than half. Instead of the national

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2 average of six out of detainees rearrested within
3 three years and more than half going back to
4 prison, only two of ten in our program are
5 rearrested within the same period.

6 Of course, if we had the funding
7 that City has so far withheld from this fiscal
8 year, all of these programs would be expanded.
9 And every one of these programs, including a 20
10 year old program of residential drug treatment,
11 saves the city millions and millions of dollars
12 each and every year. The city's decision to
13 ignore its agreement with this Council is
14 shortsighted and I really hope you can do
15 something about it. Thank you so much.

16 RICHARD A. BROWN: At the outset, I
17 want to express my appreciation to all of you
18 folks, Speaker Quinn, and all of your colleagues
19 for the support that you've given us through the
20 years, and the recognition of the important role
21 that New York City prosecutors play in the
22 criminal justice system.

23 Today, after a decade, if you will,
24 of rather difficult budget challenges, challenges
25 that have include the loss since 9/11 of almost 20

1
2 percent of our funding and an inability to plan
3 because of the failure to baseline, it appears
4 that we're finally beginning to see some progress
5 in the city's plans for the coming fiscal year and
6 beyond.

7 As you'll recall, when we last
8 appeared before you in March to discuss the
9 Mayor's Preliminary Budget, \$1.67 million in
10 baseline funding had been added to my budget for
11 Fiscal 12, as a result of the new workload formula
12 that had been devised to address our chronic under
13 funding. But while we were delighted at that time
14 to see that funding commitment for Fiscal 2012,
15 particularly the fact that it was baselined, at
16 the same time, we expressed that the same infusion
17 of funds had not been provided for Fiscal 13 and
18 14.

19 Of course, I'm very pleased to say
20 that today with the city's proposed executive
21 budget for Fiscal 13 and 14 does now indeed add
22 those additional monies to our proposed budgets.
23 For Queens, that means an additional \$1.67 million
24 in baseline funding for Fiscal Year 13 and an
25 additional baseline infusion of the same amount

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for Fiscal 14 and beyond.

So, for the first time in many years of fiscal uncertainty and repeated budget reductions, unrestored cuts for Queens County alone totaling some \$7 million, or as I say close to 20 percent to 9/11, the ability to stabilize our budget situation and to plan ahead to make intelligent and thoughtful decisions as to where best to direct our resources is here to be provided.

That said, however, I'd be less than candid if I didn't point out that we have a long road ahead of ourselves, just as my colleagues have pointed out, as we begin the process of rebuilding our operations.

First, the new monies that are now being proposed in the executive budget are being phased in over the next two years. That means that it will take us a number of years before we're even able to begin to have sufficient funding for the work that we are currently doing.

Secondly, we anticipate that a good portion of the additional Fiscal 13 funding we will be receiving next year will unfortunately

1
2 first be needed to be used to address a
3 substantial projected structural defect that we're
4 facing in Fiscal Year 13.

5 This is due to many factors
6 including the long-term impact of the budget
7 reductions we have taken over the years and the
8 continued loss of other available outside funding
9 or grant streams to cover the gaps.

10 Third, the long-term impact of the
11 budget cuts that we've sustained over time have
12 simply been devastating to our operations, again
13 as my colleagues have pointed out, and will take
14 us some time to rebuild. There are many critical
15 decisions and choices that we need to make as we
16 move forward and we, as a result, very much need
17 your support.

18 So to summarize, I'm very pleased
19 at the significant progress that we see in the
20 proposed executive budget. I very much look
21 forward to continuing to have the opportunity to
22 use these resources and to begin the process of
23 rebuilding and to have your support in the
24 process. So once again, I thank you for
25 everything that you've done for us.

1
2 CYRUS R. VANCE: Chairman Vallone,
3 Chairman Recchia, members of the Council, good
4 afternoon. It's very good to be back here in the
5 phenomenally renovated chambers. They are
6 beautiful.

7 I, like the other district
8 attorneys, thank you very much for the opportunity
9 to speak with you today regarding the Mayor's
10 Fiscal Year 2013 Executive Budget and its impact
11 on our county and Manhattan. As the other
12 district attorneys have indicated, I also
13 sincerely wish to thank this Council for your
14 support of our collective law enforcement mission
15 of our county, which we all know is essential to
16 our safety in the city.

17 Our office in Manhattan faces
18 challenges that are stemming from the unique
19 characteristics of our borough. New York County
20 is the most densely populated county in the United
21 States. With over 69,000 people per square mile,
22 Manhattan has almost twice as many people per
23 square mile as any other county. In addition,
24 Manhattan makes up roughly two-thirds of the
25 city's property value and a significant percentage

1
2 of the city's finance, insurance, real estate, and
3 business services.

4 As a result, the district
5 attorney's office in our county is responsible for
6 the prosecution and investigation of crimes in the
7 county responsible for a significant portion of
8 our city's tax base. And of course, New York City
9 is home to the economic markets of our nation and
10 beyond, and our office has, today does, and will
11 continue to play an integral role in assuring the
12 integrity of those markets and policing them
13 against fraud.

14 Now, in the last year, and looking
15 forward, our office has had measurable success in
16 many of the kinds of cases that have been
17 discussed earlier. Just last week, we had a
18 sentencing in our courthouse, after a two-year
19 investigation, to a shooting in Harlem of a 13-
20 year-old boy named Scotty Scott. That case went
21 on uninvestigated and unsolved for two years, but
22 the diligence of our office, working with the NYPD
23 broke through the barriers of silence that have
24 separated law enforcement from the community and
25 in traditional street fighting and crime

1 enforcement role, brought that defendant to
2 justice, who has now been sentenced to 32 years.

3
4 Several weeks before, in the sex
5 crimes area, our office convicted a police officer
6 of sexual assault to the young Latina going to her
7 first day of work. And the court in that case has
8 now meted out a sentence of 75 years to life for
9 that officer.

10 Again, in the traditional district
11 attorney's crime fighting role, our office over
12 the last year had indicted numerous gangs
13 throughout northern Manhattan in particular. One
14 example in particular is a gang in 137th Street
15 that was holding the Harlem neighborhood hostage--
16 Council Member Jackson knows this well--in the
17 shadows of the Abyssinian Church.

18 Our Crime Strategies Unit, working
19 with the community and the Police Department,
20 identified the individuals, in that case 14 who
21 have been engaged in drug selling, gun moving,
22 using young boys and girls to move guns and drugs
23 because they are so young they're not likely to be
24 stopped by the police. As a result of that
25 investigation, all 14 of those gang members have

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been now convicted.

The most important statistic as a result of our work with the police in the community is there were 14 shootings in that area in the two years leading up to the indictment. In the following year, Mr. Chairmen there have been zero, with the exception of one domestic violence homicide.

So that's the kind of work we're doing and that you've enabled us to do and we want to continue to do in combating sex crimes, street crimes and the typical fare of district attorneys' offices.

But in the remaining time I have here, I'd like to talk about some of the unique work that our office is called upon to do and that I believe we do extraordinarily well, which benefits the city and all of the region.

In light of the substantial contribution Manhattan businesses make to the city's economy, our Office has to continue and aggressively identify and prosecute fraudulent activities that threaten our businesses and their clients. Our enforcement efforts help to ensure

1
2 that Manhattan retains its integral role in
3 promoting national economic development and
4 policing global financial markets.

5 We conduct investigative work in
6 our office and provide local expertise alongside
7 partnering federal, state, and city agencies to
8 target individuals and entities who abuse our
9 financial institution, or whose conduct undermines
10 the integrity and stability of our banks or our
11 markets. International money laundering,
12 investment and securities fraud schemes, frauds
13 perpetrated on the markets, and cyber-crime
14 threats are just a few areas that our office plays
15 a unique and strong enforcement role in.

16 We continue to aggressively pursue
17 those who violate the trust of investors by
18 committing fraud or falsifying records. Last
19 year, we had \$100 million mortgage fraud scheme
20 which resulted in the conviction of all the
21 defendants in sentences of eight and a third to 25
22 years for the primary actors in that case.

23 Another example is in November of
24 last year, where our office announced the
25 indictment of a hedge fund manager who used a

1
2 Ponzi scheme to steal more than \$6 million from
3 scores of investors.

4 Our office has a unique role and
5 needs to continue to be able to play that unique
6 role to ensure that major economic crimes like the
7 ones I've identified are prosecuted effectively,
8 and that affected victims receive compensation.
9 Our prosecutorial and investigative efforts to
10 combat these crimes set important precedents and I
11 believe they also instill confidence in the
12 operations of the American and global economy.

13 Our white collar crime enforcement
14 efforts have an ancillary benefit of allowing us
15 to make substantial financial contributions to the
16 city during these difficult financial times.
17 Since the beginning of 2009 alone, our office has
18 returned to the New York City Treasury more than
19 \$400 million, which is more than five times my
20 annual budget.

21 We strongly believe that the
22 resources we invest in complex white-collar cases
23 are well worth the benefits they return to the
24 taxpayers in the form of justice, public safety,
25 and revenue. And we need, however, this City

1
2 Council's continued support in ensuring that we
3 have the funds necessary to do our continued work.

4 Briefly, on the issue of cyber
5 crime and identity theft, I'd like to say that in
6 recent years, advances in technology have paved
7 the way for the emergence of new types of crime,
8 such as malware attacks, computer hacking, and
9 sophisticated cyber frauds. These crimes require
10 us as the Manhattan DA's office absolutely to
11 develop innovative strategies for identify,
12 investigate and prosecute these offenders.

13 A critical part of our efforts on
14 this front have been the partnerships we have
15 developed with the NYPD and federal investigators,
16 which allow us to proactively investigate and
17 pursue 21st century criminals.

18 For example, our Cybercrime and
19 Identity Theft Bureau uses cutting edge computer
20 forensics lab in our office and cyber crime
21 expertise to supervise as many as 400 new identity
22 theft cases that come into our office each month.
23 We track these cases and find important links
24 among them, which are invaluable tools in
25 discerning criminal patterns, typologies, and in

1
2 identifying what we see too often, which is
3 organized, structured and sophisticated criminal
4 organizations that would otherwise go undetected.

5 Over the past five years, violent
6 crime arrests in Manhattan have fallen 24 percent,
7 from 1,287 arrests in 2006 to 1,062 in 2010. And
8 I believe there is cause for all of us in our
9 county to be proud of the role that the Manhattan
10 DA's Office has played in bringing about this
11 remarkable decline in crime, but lowered crime
12 rates should not be seen as an opportunity to
13 divest from our offices and put our hard work,
14 public safety gains at risk.

15 Instead, I argue that we have to
16 maintain vigilance and invest in new and
17 innovative crime fighting strategies. With
18 dwindling funding available for policing and
19 correctional services, the role of the district
20 attorney offices I believe is even more critical
21 as we take on a greater number of investigations
22 and develop innovative prosecutorial methods that
23 can slow the costly revolving door of our criminal
24 justice system. Without long-term and stable
25 funding support from the city, our ability to meet

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these challenges is greatly threatened.

Past history showed us that low crime rates have been a key contributor to the economic well being of New York. And of course, we ask and we need the City Council's support to ensure that we have the funds necessary to continue our work.

I and all of my staff look forward to working closely with this Council in ensuring the future safety of our county.

I thank you for the opportunity to speak today and look forward to taking your questions.

BRIDGET BRENNAN: Good afternoon. Thank you, members of the Council and Chairs Recchia and Vallone for your continued support of our office. Your support has been critical through the years. This year, we want to thank the Mayor's Office and OMB for recognizing some of our very significant needs for new funding, new initiative funding, new resources and coming to our aid with a total of \$455,000 in additional funds this year for our prescription drug initiative. I also received additional funds in

1 Fiscal Year 12 in the November plan for that unit.

2 I would like to take some time, I
3 know the Council is very sensitive to this issue,
4 and Councilman Vallone chaired a hearing on this
5 issue but it's critically important that public
6 awareness continue to be developed of the very
7 serious problems that this epidemic represents. I
8 think the funding represents the Mayor's deep
9 understanding, the city's deep understanding of
10 the ramifications of the problem of prescription
11 drug abuse and the city's willingness to commit
12 funds to bring this problem under control.

13 But the problem is one that
14 continues to rise in this city. And if you'll
15 look at my annual report, there's a map that shows
16 the level of increase in Oxycodone prescriptions
17 in the city between 2010 and 2011. You can see
18 while the number of prescriptions is not
19 increasing at the same rate as it has in the past
20 in Staten Island, the rest of the city the
21 increase is extraordinary. The rest of the
22 boroughs are increasing at a rate of 16 and 17
23 percent. That's only with respect to the highly
24 addictive pain reliever Oxycodone. That's only
25

1
2 one addictive pain reliever that is being
3 prescribed in increasing dosages throughout the
4 city.

5 There are others, and if you
6 combine the other most popular pain reliever,
7 Vicodin, with Oxycodone, for the year 2011, you
8 will find that there were enough prescriptions
9 written to supply one out of every four man, woman
10 and child in New York City. That's the problem
11 that we're confronting right now. And these are
12 regulated drugs.

13 CHAIRPERSON VALLONE: I've heard
14 that statistic a few times and people have
15 questioned me on it. How many of these
16 prescriptions can be attributed to the same
17 people? Like when you get a prescription for
18 this, how many does that person get? Does that
19 skew the statistics at all or is it actually one
20 in every four people?

21 BRIDGET BRENNAN: Well, it's not
22 one in every four people is getting it. It's to
23 give you a sense of the volume of drugs that are
24 out there, there's enough to supply one
25 prescription--not one pill but one prescription--

1
2 to one out of ever four people. Now, are some
3 people receiving multiple prescriptions?

4 Obviously. I mean that's clearly the problem.
5 Many of these prescriptions are fraudulent
6 prescriptions. It's not as though one out of
7 every four New Yorkers is walking into a pharmacy
8 and presenting a prescription.

9 But you see, that, too, highlights
10 the essence of the problem. This is a regulated
11 drug. It's a legal drug. It's being prescribed
12 by doctors. These statistics track only those
13 prescriptions that are filled in pharmacies and
14 the information is provided to us by the State
15 Department of Health, the Bureau of Narcotics
16 Enforcement.

17 CHAIRPERSON VALLONE: So is there
18 any way to actually know how many people in New
19 York City are taking one of these very highly
20 addictive drugs right now?

21 BRIDGET BRENNAN: No. There is no
22 way because the prescriptions are being filled by
23 fraudulent users, by people who are presenting
24 somebody else's IDs. There is no way of tracking
25 who's actually consuming the drugs. But what I

1
2 can tell you is that we are seeing these drugs in
3 our traditional narcotics cases. That when we
4 execute search warrants in various locations
5 throughout the city, in some of the housing
6 developments, all over the city, we're seizing not
7 only cocaine and heroin or crack, but we're also
8 seizing prescription drugs. So it's become a drug
9 that's being marketed just like all of our other
10 drugs.

11 Not only are you seeing that,
12 you're seeing the overdose rate is actually
13 skyrocketing. The City Health Department released
14 a study that indicated the overdose rate was up
15 about 20 percent of the period of time that they
16 looked at. Nationally, a report just came out a
17 week ago that the number of infants born suffering
18 opiate withdrawal has tripled over the last
19 decade. So that gives you a sense of the problem
20 that we're dealing with.

21 As I say, this is a highly
22 regulated area. These cases are extraordinarily
23 difficult to make. But it's uniquely suited for
24 our jurisdiction, which is citywide narcotics
25 prosecutions and that's why I am so grateful for

1
2 the funding that we've received from the city and
3 for the Council's support in this area.

4 But not only do we do those cases,
5 obviously, and that appears to me to be the city's
6 most pressing new issue at this time, we're also
7 seeing our traditional narcotics cases have not
8 abated. I mean we're continuing to do that kind
9 of work. Narcotics cases always fuel violence.
10 We've seen it time and time again. That's how we
11 focus our efforts. We're seeing it, obviously, in
12 the prescription drug area. We've had violent
13 robberies. We've had other violent cases
14 associated with it. But we continue to see it in
15 the cases of cocaine and heroin, and we continue
16 to focus our efforts in that area.

17 I'd also like to point out to the
18 Council that we are seeing an alarming trend of
19 more methamphetamine coming into the city. The
20 DEA, New York's field office of the DEA showed I
21 believe it was a tripling in the amount of
22 methamphetamine seized here in the city over the
23 last five years. Our own international
24 investigations have tracked those cases
25 increasing. So that's another area we need to be

1
2 very sensitive to.

3 We have continued our work in our
4 traditional areas. We've reorganized our office
5 to address the new problems. I dropped one of my
6 trial bureaus in order to funnel more resources to
7 the prescription drug area. We continue to do our
8 international cases. Traditionally, we write
9 among the most wiretaps for narcotics cases of any
10 office in the country and we continue to be
11 preeminent in that area.

12 So we continue all the work we've
13 always done, in addition to forging ahead in this
14 new area. It presents significant challenges to
15 us, but even though we've seen the number of
16 prescriptions rising, we see community awareness
17 is also rising on this issue. I think the Council
18 can claim some credit for it, along with the city
19 leaders.

20 I'd like to thank the Council for
21 your support. Point out that our needs for
22 resources; we're still down overall in resources
23 from where we were in 2010. We expect that the
24 state and the federal government will be
25 decreasing their support. We look for your

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2 continued support and I look forward to taking
3 questions from you.

4 DAN MASTER: Chairman Vallone and
5 Chairman Recchia, members of the Committee of
6 Public Safety and Finance, good afternoon and
7 thank you for the opportunity to address you
8 regarding Fiscal Year 2013 Executive Budget. My
9 principal, Staten Island District Attorney Dan
10 Donovan, like his colleagues, thanks you very much
11 for your continued support, especially last year
12 with respect to our TASC program, which I'll
13 address in just a moment.

14 Several issues remain a concern,
15 and you have our submitted testimony, but rather
16 than repeat some of which has already been said,
17 I'd like to focus your attention, if I could, on
18 one issue that in particular affects our office on
19 Staten Island and the Staten Island community and
20 that's the un-funding of TASC.

21 TASC, or the Treatment Alternatives
22 for Safer Communities is a very successful
23 alternative to incarceration program that performs
24 required drug tests for defendants and manages our
25 Staten Island Drug Treatment Court cases. The

1
2 TASC program in Staten Island is unfunded
3 beginning July 1st and once again in danger of
4 closing.

5 Last year, TASC conducted 4,459
6 drug tests and served hundreds of defendants in
7 court-mandated treatment programs on Staten
8 Island. Allowing TASC would be especially
9 dangerous in light of the fact that Staten Island
10 has the highest rate of prescription pill
11 overdoses in the city. Last year, 31 Staten
12 Islanders died of unintentional opioid analgesic
13 poisoning. That's one person every 12 days, and
14 that's 8.4 deaths per 100,000 residents.

15 That statistic is updated from the
16 materials that you have in our submitted
17 testimony. Again, it's 8.4 deaths per 100,000
18 residents. To put that in perspective, this
19 compares to 2.4 deaths per 100,000 residents in
20 Brooklyn and to 1.2 deaths per 100,000 residents
21 in Manhattan.

22 Last year, pain medication
23 overdoses killed more Staten Islanders than car
24 crashes or murder. It's essential to the
25 operation of Staten Island Drug Court and to the

1
2 Staten Island community that TASC be re-funded in
3 the upcoming budget. I would be remiss if I did
4 not thank Speaker Christine Quinn and Chairman
5 Peter Vallone and Chairman Domenic Recchia and the
6 entire City Council for allocating these funds
7 last year. We are very appreciative. It truly
8 allowed the operation of Staten Island's Drug
9 Treatment Court to continue and to be one of the
10 more successful drug treatment courts in the city.

11 But we're once again at the
12 crossroads and we're asking you for your
13 assistance to make \$250,000 available in the
14 upcoming budget to fund TASC so that Staten Island
15 can continue to have the alternatives to
16 incarceration available in the other boroughs.
17 Thank you very much. I look forward to your
18 questions.

19 CHAIRPERSON VALLONE: Thank you
20 all. DA Hynes, you hand delivered a letter to us
21 yesterday and you alluded to it today. I frankly
22 was not aware that they had cut, I think you said
23 50 programs, after giving you the workload
24 increase of \$2.59 million, which leaves you with
25 less than \$500,000 in your personal services

1 budget, of an increase. It sounds to me like
2 they're pulling the same sort of scam that the
3 state did with the lottery when they said if we
4 increase the money for the lottery it would all go
5 to education and then just took out all the other
6 money that they were putting into education. Can
7 you give us some more details on that, explain the
8 programs that the city cut and whether they've
9 given you any explanation for that?
10

11 CHARLES J. HYNES: I can't explain
12 it. It's bait and switch. I mean it's remarkable
13 to me. Personal service funding restoration cut
14 \$547,000. The January plan restoration cut
15 \$335,000. Revenue agreement funding cut \$620,000.
16 Criminal justice system: \$357,000. Revenue
17 agreement funding: \$319,000. Overall budget
18 reduction is \$305,000. So the cuts are \$2.4
19 million. The workload adjustment was \$2.590. We
20 end up with actually \$370,000, not the \$2.59
21 million.

22 As I pointed out, Chair, there is
23 nothing that would prevent OMB from doing the same
24 damn thing in '13.

25 CHAIRPERSON VALLONE: Obviously,

1 we'll ask you to provide that to us so we can--

2 CHARLES J. HYNES: [interposing]

3 Yeah, I will. I certainly will.

4 CHAIRPERSON VALLONE: --follow up
5 on it. Has the same thing happened in the other
6 offices?
7

8 ROBERT T. JOHNSON: Not in the
9 Bronx.

10 CHARLES J. HYNES: It shows how
11 unfavored I am.

12 CHAIRPERSON VALLONE: Was the
13 enhanced arrest processing part of that, the EAP,
14 that cut?

15 CHARLES J. HYNES: No, I don't
16 think so.

17 CHAIRPERSON VALLONE: Before I go
18 over to my esteemed co-chair, and some of the
19 other Council Members have questions. The
20 detective investigators that work for all of you
21 have been without a contract for a few years now.
22 That's going to be a budget issue at some point.
23 I know how important they are. I never quite seem
24 to do an important enough case to have them work
25 on my case but I know that they work on your most

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important cases.

First of all, has that affected your ability to retain them? Second of all, if that contract settlement is finally settled, they're in limbo between the state and city as you know, is that going to have an effect on your budget this year? Anyone can handle that.

CHARLES J. HYNES: Well, you know, first of all, detective investigators do a superb job. But we've been in this merry go round of why don't you give them money? Oh, we don't have money, the city has the money. And does it affect the retention? Sure it does. We've had some experienced senior detective investigators with nowhere to go except to leave and get a better job. It is, again, a mindless misunderstanding of the tremendous role they play in the operation of each one of our offices.

CHAIRPERSON VALLONE: Would anyone else like to be heard on that issue? Bridget?

BRIDGET BRENNAN: We've been involved in extensive--sort of in the middle of extensive litigation and our detective investigators do a great job. We haven't lost

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2 any. But the litigation itself consumes
3 tremendous time and resources, certainly from my
4 office and I would imagine from all the other
5 offices. We're all hoping that the litigation
6 will end soon. You know, we hope for contract
7 resolution. But I would say the onus really comes
8 with all the effort, all the distraction of the
9 litigation has been very time consuming.

10 CHAIRPERSON VALLONE: Just for the
11 people on the commission that may not know what
12 the litigation entails, can you describe it very
13 quickly?

14 BRIDGET BRENNAN: The litigation
15 entails what the issues are?

16 CHAIRPERSON VALLONE: Yes.

17 BRIDGET BRENNAN: Oh boy.

18 CHAIRPERSON VALLONE: You know
19 what, we will discuss that later.

20 BRIDGET BRENNAN: It would probably
21 be better to discuss at a different--so I can get
22 very specific about if you like.

23 CHAIRPERSON VALLONE: Domenic says
24 we have enough lawyers on our committee they can
25 figure it out. Domenic?

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CHAIRPERSON RECCHIA: Thank you.

To my good friend Joe Hynes, you know we hear you loud and clear. We are fighting hard, the Brooklyn delegation, to try to get you the funding and try to correct this issue. I just want to ask the Bronx District Attorney, you said you needed the patrolmen typists. Just how much is that?

ROBERT T. JOHNSON: Well, it's five people that we've been trying to get for as long as I can remember. What it is, is that the Police Department, the arrest to arraignment process is both the Police and District Attorney process. And as the cases come through, both agencies work to prepare the cases to get them to the court. My county is the only county in which we don't have that police personnel. So it all comes out of whatever we can provide in our budget to get the job done.

And my county, at the same time, is the county where the arrest to arraignment time is the worst; it's been the most difficult. That's part of the problem. It's been an additional factor.

CHAIRPERSON RECCHIA: It's part of

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the problem because of these police typists?

ROBERT T. JOHNSON: Right.

CHAIRPERSON RECCHIA: How much would that cost? What's the number?

ROBERT T. JOHNSON: I'm just putting, you know if you say \$40,000. I'm not sure what number you put on the typists. But if you say \$40,000, it's \$200,000 we're talking about. It could be less, it could be some more.

CHARLES J. HYNES: If I may, I would like to take this quick opportunity to thank the members of the Brooklyn delegation: you, Dave Greenfield, Vincent Gentile and Lew Fidler, because without you last year we wouldn't have had a prayer of getting this money baselined. As I say, I must be some sort of a favorite in the administration because they haven't affected the Bronx, they just affected me. I don't know about the other guys or people.

ROBERT T. JOHNSON: I just want to make a correction. I'm told it's actually ten typists that we--

CHAIRPERSON RECCHIA: [interposing]
What?

1
2 ROBERT T. JOHNSON: It's ten
3 typists, not five. I'm sorry. So you can double
4 the amount that I have you. In terms of the
5 typists, it's ten.

6 CHAIRPERSON RECCHIA: So it would
7 be \$400,000?

8 ROBERT T. JOHNSON: I don't know
9 how much a typists is going to--

10 CHAIRPERSON RECCHIA: [interposing]
11 I want to ask you a question. Did you explain
12 this to the Criminal Justice Coordinator?

13 ROBERT T. JOHNSON: Well, I've
14 explained it to the Mayor, the Criminal Justice
15 Coordinator, the director of OMB. The one time I
16 sat down with the director of OMB and explained it
17 and then was told how sense it made was the day
18 before I found out we were taking another cut.

19 CHAIRPERSON RECCHIA: Okay. All
20 right, so it's \$400,000 that you need. Staten
21 Island, we know about your \$250,000. We're right
22 on top of that. You know, we saw DA Donovan and
23 spoke about it. We're well aware of that. So
24 it's definitely on our radar screen.

25 The special prosecutor, so if I'm

1
2 hearing correctly, you need like \$1.4 million? Is
3 that the shortfall?

4 BRIDGET BRENNAN: I think that was
5 a summary of the cuts that we've sustained or
6 anticipate between FY 2010 and to date. You know,
7 look, we're aware of the city's funding issues.
8 Obviously, we want to do our fair share. But what
9 happened last year was that we didn't end up
10 getting the caseload funding.

11 CHAIRPERSON RECCHIA: Right.

12 BRIDGET BRENNAN: Although that was
13 fixed to a certain extent by the funding of some
14 of the special units. I think what DA Hynes
15 referred to is some of the other funding streams
16 were eliminated when that baseline funding went
17 into play. Like the revenue funding and some of
18 the other streams. So it ends up being
19 replacement funding as opposed to additional
20 funding.

21 CHAIRPERSON RECCHIA: Additional
22 funding.

23 BRIDGET BRENNAN: That's correct.

24 CHAIRPERSON RECCHIA: So you're
25 still short \$1.4 million?

1
2 BRIDGET BRENNAN: Yeah, that's the
3 summary of what's anticipated our loss of the
4 various revenues this year compared to FY 2010.

5 CHAIRPERSON RECCHIA: And you went
6 from three trial units to two?

7 BRIDGET BRENNAN: That's correct.

8 CHAIRPERSON VALLONE: We've been
9 joined by Council Member Halloran I believe.

10 CHAIRPERSON RECCHIA: All right,
11 I'll come back. We'll go to Council Member David
12 Greenfield.

13 COUNCIL MEMBER GREENFIELD: Thank
14 you, Chairs. Thank you, District Attorneys for
15 coming out here today. We're very grateful for
16 the work that you do. We know how integral it is
17 to keep the city safe. For those of you that make
18 a profit, we thank you for that as well. That
19 would be you, Mr. Manhattan District Attorney.

20 I do want to just focus on a couple
21 of things. As you know, the Chairs have made the
22 workload funding a priority. We're actually very
23 pleased that it was restored in this year's
24 executive budget. It was not in the preliminary
25 budget, as you know, and that was something that

1
2 we pushed hard for. We sent a letter that almost
3 all of our colleagues signed onto. We'll give you
4 the names of those who didn't later on. We just
5 want you to know that it is a very important
6 priority for us.

7 You know, before I get into the
8 details, I just always like to highlight a point.
9 So if you don't mind my asking, what's the
10 starting salary these days for an ADA?

11 CHARLES J. HYNES: Same as it's
12 been for years, \$50,000.

13 COUNCIL MEMBER GREENFIELD:
14 \$50,000. Roughly the same across the board give
15 or take?

16 RICHARD A. BROWN: We're \$55,000.

17 COUNCIL MEMBER GREENFIELD: That's
18 pretty good.

19 CYRUS R. VANCE: I think we're
20 \$60,000.

21 COUNCIL MEMBER GREENFIELD: Sixty?

22 DAN MASTER: And Staten Island is
23 at \$54,000.

24 BRIDGET BRENNAN: And we don't set
25 salaries. The DAs assign the DAs to us and they

1
2 are the ones who set the salaries for us.

3 COUNCIL MEMBER GREENFIELD: Mr.
4 Hynes, you've got some tough competition from your
5 neighboring colleagues.

6 CHARLES J. HYNES: It's good to be
7 singled out.

8 COUNCIL MEMBER GREENFIELD: I
9 always like to point this out because if you go to
10 the NYPD's website, they like to brag that after
11 five years with the NYPD you're annual guaranteed
12 salary is approximately \$100,000 a year. And to
13 me it's always amazing because in order to become
14 an assistant district attorney, at the very least
15 you need to have a bachelor's degree and a law
16 degree. Plus, I imagine that you have to take the
17 bar and pass it. That is, in fact, exactly five
18 years longer than the requirement to be a police
19 officer which is an associate's degree.

20 So basically the message that we're
21 telling people in the City of New York is that you
22 should go to college, go to law school, get
23 yourself \$200,000 in debt and then we'll pay you
24 half of what police officers make.

25 I just think right over there it's

1
2 effectively the very problem that we have in the
3 city which is that there seems to be a double
4 standard where when the NYPD comes and asks for
5 money, you know they can come in here and ask for
6 tanks and surface to air missiles and we're like
7 "where do we sign?" And then when you folks ask
8 for money to pay your bills, the answer is that
9 the city is nickel and diming you. So it's just
10 something that I wanted to reflect and I want to
11 share that frustration.

12 Of course, District Attorney Hynes,
13 we support your request. It is, as they say
14 "fuzzy math," it does not make sense to us how we
15 could give you \$2.6 million and then we could only
16 be left with \$370,000. It's frustrating. We've
17 already reached out to the administration and we
18 will continue definitely to do so.

19 CHARLES J. HYNES: I know you will
20 and I'm really very, very grateful that you--

21 COUNCIL MEMBER GREENFIELD:

22 [interposing] Thank you very much. Mr. Bronx
23 District Attorney, if you don't mind my asking,
24 you mentioned the arrests I guess last year,
25 regarding the ticket fixing, which you said

1
2 actually had gotten more publicity than the
3 original arrests, which obviously were much more
4 serious arrests, involving police officers.

5 I noticed at the time that the
6 media reports had shown that there were some
7 officers that were protesting outside that had
8 sworn that they would no longer cooperate with the
9 district attorney's office. Some of them had even
10 said things like "down with the DA," and other
11 things. I imagine they were frustrated. And I
12 guess I understand that, although obviously I
13 disagree with how they expressed their
14 frustration.

15 Have you had any problems since as
16 a result, in terms of the cooperation with the
17 Police Department or individual officers or any
18 other sorts of issues as a result of the bold
19 action that you took?

20 ROBERT T. JOHNSON: As I would
21 guess it would be zero or close to zero in terms
22 of problems. As I indicated that day, I expected
23 that was, you know, venting at the time. I
24 understood it. From what I've seen, the officers
25 have been cheerful and diligent and responsive to

1
2 our requests. I have not seen anything that I
3 could attribute to them holding back or not
4 cooperating because a few of them were indicted.

5 COUNCIL MEMBER GREENFIELD: Okay.
6 So they were just blowing off steam at the time.
7 It was, I guess, empty threats, for lack of a
8 better term.

9 ROBERT T. JOHNSON: Well, you know,
10 I think they felt the cases were in the wrong
11 place and actually the majority of the cases did
12 not come into the criminal system. The majority
13 of the cases went departmentally.

14 COUNCIL MEMBER GREENFIELD: Sure.

15 ROBERT T. JOHNSON: I think they
16 understood that. In conversations with the
17 leadership of the union, even at the time, I think
18 they understood that we were being fair and
19 responsible.

20 COUNCIL MEMBER GREENFIELD: Thank
21 you. For the Special Narcotics Prosecutor, I'm
22 just wondering a couple of things. You mentioned
23 that it seems like part of the probably,
24 obviously, is that much of these Oxycodone are
25 being obtained legally, right? And I know we had

1
2 a hearing a few weeks ago about some prescription
3 issues. Do you have any other suggestions,
4 especially on the federal level in terms of what
5 could be done to try to remedy this situation?
6 Because, obviously, if someone is legally getting
7 Oxycodone, I imagine it's pretty difficult for you
8 to make a prosecution, regardless of how wanton
9 that prescription may have been.

10 BRIDGET BRENNAN: I think on a
11 national level one of the things that's been
12 suggested, and this is something that DA Donovan
13 has supported, is something of a national database
14 that would track the filling of prescriptions.

15 One of the things that you see is
16 even within New York State we have a tracking
17 system and that tracking system needs updating, it
18 needs fixing and we're working on that now.
19 However, you can go over to New Jersey and get a
20 prescription filled and that will not be in our
21 current database. So if you had a national
22 database that would be helpful.

23 I think training for physicians
24 needs to be significantly updated on the basis of
25 what we have seen with regard to addiction issues.

1
2 A lot of the changes that need to come need to be
3 in the area of better information, better training
4 of doctors, better information for patients,
5 follow through, those kinds of things.

6 COUNCIL MEMBER GREENFIELD: Okay.

7 I guess I just have one final follow-up question.
8 I always love your full color presentations, by
9 the way. Although it's not necessary to have full
10 color presentations, just for the record, just to
11 understand. The other DAs have tighter budgets on
12 the production. But I like them nonetheless. I'm
13 teasing.

14 My question, however, is this: you
15 have a great description of drug diversion where
16 you say doctor prescription, patient, pharmacy,
17 patient. Good. Something we discussed in the
18 last hearing and I just want to bring it up to you
19 as well is as you know the federal government
20 basically takes the view that if you order
21 prescriptions, legal prescriptions from Canadian
22 or other pharmacies, that they don't--despite the
23 fact that it's technically illegal--they don't
24 actually get involved or prosecute for anything
25 that's 90 days or less.

1
2 The reason that this is--in terms
3 of 90 day supply or less--the reason that this is
4 obviously an issue is that in many cases, because
5 of the inadequacy of the medical insurance in the
6 United States, many folks who are today
7 underinsured or uninsured, the costs obviously of
8 medication from places like Canada are literally a
9 fraction of the costs.

10 Do you take, in terms of the
11 Special Narcotics Prosecutor and I guess the
12 prosecutor from Queens where I guess some of the
13 stuff gets sorted or delivered in terms of
14 airports and things like that, do you folks take a
15 similar view? I mean, when you focus on theses
16 kinds of things, in terms of technically illegal
17 drugs, if someone has obtained it, let's say,
18 through a pharmacy in Canada or Mexico, is that
19 something that you would prosecute? Or is that
20 something in terms of just being personal use?
21 What's sort of your position on that?

22 BRIDGET BRENNAN: That's never been
23 an issue. I mean, where we see or we would arrest
24 for possession of prescription drugs, it would be,
25 for example, when we would seize them in a search

1
2 warrant case. And then typically they're being
3 sold. Or it's seized in conjunction with cocaine
4 or heroin. Or conversely, we might prosecute a
5 doctor who's running a pill mill and is basically
6 using his medical license to serve as a drug
7 dealer for addicted people.

8 We've never had an issue ever where
9 the defense has been "I've obtained my pills
10 legally" or "I obtained my pills from Canada or
11 from Mexico." It's just the cases don't present
12 in that way at all. Typically, there are people
13 who make a lot of money by bundling up drug,
14 obtaining them from an army of individuals who
15 might go into pharmacies and present scripts and
16 obtain those scripts.

17 COUNCIL MEMBER GREENFIELD: Got it.

18 BRIDGET BRENNAN: And then they
19 bundle them up and resell them. Those pills are
20 to be sold again out on the street. And so when
21 we come to it, we're entering into the situation
22 at a very different level.

23 COUNCIL MEMBER GREENFIELD: Great.
24 Thank you very much.

25 CHAIRPERSON RECCHIA: We've been

1
2 joined by Council Member Eric Ulrich. It'll be
3 Lewis Fidler, Vincent Gentile and then Gale
4 Brewer.

5 COUNCIL MEMBER FIDLER: Thank you,
6 Mr. Chairman. Council Member Greenfield made some
7 reference to the starting salary for ADAs,
8 comparing them to police officers. Council
9 Member, I don't know that that's the fairest
10 comparison in the world. But I think if we look
11 more aptly, perhaps, at the Corporation Counsel's
12 office, we probably would find that ADAs don't get
13 paid terribly well in comparison to that. I think
14 that's a fairer comparison and I think that's
15 probably true.

16 I do take great umbrage to Brooklyn
17 being picked on and I want to be sure I understand
18 correctly what's going on here. At what point in
19 time, DA Hynes, did they tell you that these cuts
20 were coming on these 50 programs? Do they come
21 all at once? Or was it like death by a thousand
22 cuts?

23 MICHAEL PORETSKY: We received that
24 information--

25 COUNCIL MEMBER FIDLER:

1 [interposing] And you have to identify yourself
2 for the record.
3

4 MICHAEL PORETSKY: I'm sorry. I'm
5 Michael Poretsky. I'm the Chief Fiscal Officer
6 for Mr. Hynes. We received that information at
7 the time that we received the information about
8 the adopted budget.

9 COUNCIL MEMBER FIDLER: So--

10 MICHAEL PORETSKY: [interposing]
11 2012. We receive a report from the Office of
12 Management and Budget that shows how they arrive
13 at the adopted figure for the current year, based
14 on changes that are made to the previous adopted
15 budget, the previous year's adopted budget.

16 COUNCIL MEMBER FIDLER: So you were
17 informed about this all last July?

18 MICHAEL PORETSKY: Right.

19 COUNCIL MEMBER FIDLER: And did
20 they tell you why they were reducing money--

21 CHARLES J. HYNES: [interposing] We
22 never get an answer.

23 COUNCIL MEMBER FIDLER: --from the
24 adopted budget? I assume that these 50 programs
25 had different amounts in them at adoption and as

1
2 opposed to actual is what you're telling me,
3 right?

4 MICHAEL PORETSKY: Yes, Mr. Fidler.
5 They're not so much programs as they are
6 accounting lines, different accounting lines.

7 COUNCIL MEMBER FIDLER: Right.

8 MICHAEL PORETSKY: The ones that
9 Mr. Hynes told you about are the major items that
10 were cut. There were a lot of smaller items in
11 and out as part of the change. We never get an
12 explanation of why these cuts are made.

13 COUNCIL MEMBER FIDLER: Ask for an
14 explanation? Did you? Like, golly, gee, guys,
15 the City Council passed a budget that said \$10.
16 How come there's \$9.47 here now?

17 MICHAEL PORETSKY: I had
18 substantial conversations with people at OMB and I
19 didn't get any hard explanations that made any
20 kind of sense to me of why these changes were
21 made.

22 COUNCIL MEMBER FIDLER: They didn't
23 make sense to you. What did they offer up? This
24 sounds like the Twilight Zone to me and I'm just
25 trying to figure this out. It makes absolutely no

1 sense.

2
3 CHARLES J. HYNES: They don't offer
4 anything. And they know we have nowhere to go,
5 except to complain to you all. And as you know, I
6 have been complaining. That's the bottom line.
7 It's just they decided on their own arbitrarily
8 what the reduction is going to be. And we have no
9 review process, other than the support we get from
10 the City Council.

11 COUNCIL MEMBER FIDLER: It's my
12 understanding that the Mayor is allowed to modify
13 the budget up to 1 percent of a line or something
14 like that on his signature or something, or 5
15 percent. And of course, the Department of
16 Education where lines are \$18 billion that's a lot
17 of money, right. So I just want to know how they
18 did it so that they can't do it. I'm not really
19 understanding. Is there any correspondence on
20 this that you could share with the committee?
21 It's insane.

22 CHARLES J. HYNES: It is insane.
23 The last time the issue was raised was several
24 months ago, I guess the last time. I guess my
25 chief assistant testified. The director of OMB

1
2 was asked about this. His response was he was
3 going to look into it. The answer is he does not
4 believe he has to give a plausible explanation to
5 me, certainly not, or to you. As long as he's
6 able to do that, then we will be faced, I believe,
7 with the same thing in FY 13. He can reduce again
8 and we will have no was to resort to.

9 COUNCIL MEMBER FIDLER: Well, then
10 I'm going to ask A: for any correspondence you
11 have, any documentation you have on this, number
12 one. Number two: a written chronology of what
13 happened, what they've said and when. Because
14 Director Page is going to be sitting in that chair
15 in a couple of weeks, and I will not accept the
16 answer "I will get back to you" without doggedly
17 getting back to him and making sure he gets back
18 to us. Because when we pass a budget and we put a
19 number in the budget--

20 CHARLES J. HYNES: [interposing]
21 Right.

22 COUNCIL MEMBER FIDLER: --all
23 right, it should be the number that's in the
24 budget.

25 CHARLES J. HYNES: Right.

1
2 COUNCIL MEMBER FIDLER: And it
3 shouldn't be what they decide later on and then,
4 you know, it's not--

5 CHARLES J. HYNES: [interposing]
6 Councilman, the director told you that \$2.59
7 million is in the budget, so what are you
8 complaining about. And that's just disingenuous.
9 Because he knew damn well that money was taken out
10 from other parts of our budget. As far as
11 correspondence, it's a waste of time. They will
12 not respond to us. It is a kind of arrogance that
13 they have total control over this district
14 attorney at least and everyone else.

15 COUNCIL MEMBER FIDLER: Welcome to
16 our world.

17 CHARLES J. HYNES: Yeah, welcome to
18 yours. I know that. If it wasn't for you folks,
19 from the different borough Council Members and
20 certainly the Brooklyn delegation, I don't know
21 where we would be.

22 COUNCIL MEMBER FIDLER: Listen, I
23 have to tell you, first of all I want to be clear.
24 He hasn't done it to the rest of you? Just to
25 Brooklyn, right? None of the others got this cut?

1
2 There's just something wrong going on here. I
3 feel as if we're being punished for insisting that
4 we get our fair share and what is absolutely
5 needed. We haven't addressed the issue of rent in
6 Brooklyn. I mean all of that stuff, it's like the
7 more we ask, the more they snicker and find a back
8 way to take it back away. It's not funny because
9 it's not games, it's real lives and it's real
10 stuff and it's real important things. I know I'm
11 preaching to the choir again.

12 CHARLES J. HYNES: And you know--

13 COUNCIL MEMBER FIDLER:

14 [interposing] But it's outrageous that they do it.

15 CHARLES J. HYNES: You know very
16 well that every year they play the same game that
17 we have \$11 million in our budget which brings us
18 on or close to even with one of the other counties
19 and they know damn well that money never gets to
20 my budget, it goes for rent. But over and over
21 again, you know, it's right out of the caps. So,
22 wasting time writing to them; no, I've got other
23 things to do.

24 CHAIRPERSON VALLONE: Anyone else
25 here? Who's next?

2 CHAIRPERSON RECCHIA: Council
3 Member Vinny Gentile.

4 COUNCIL MEMBER GENTILE: There we
5 are. Thank you, Mr. Chairman. Just to follow up
6 on that workload funding issue. In Kings County,
7 you had the \$2.59 million. It indicates in the FY
8 13 budget that both the second and third
9 disbursements are part of the FY 13 executive
10 budget, which would mean that it's \$5.18 million.
11 Am I correct?

12 CHARLES J. HYNES: For 2013?

13 COUNCIL MEMBER GENTILE: 2013. I'm
14 just looking at the material provided to us. That
15 the second and third disbursements are part of the
16 Fiscal 2013 Executive Budget.

17 CHARLES J. HYNES: No, the only
18 thing we've seen is the 2.59 repeated for '13 as
19 it was in 2012. I think also there's a promise of
20 2014 as well. But the \$5 million figure is not
21 known to us.

22 COUNCIL MEMBER GENTILE: So, Mr.
23 Chairman, I think we should just check on that
24 because this is a City Council prepared chart that
25 I'm looking at. It indicates the other boroughs,

1
2 Bronx, Queens and Staten Island also two
3 disbursements in the FY 13 Executive Budget. If
4 that's not the case then we should look at that
5 chart. That would change some of the discussion
6 that we're having here.

7 CHARLES J. HYNES: Absolutely. If
8 that was to restore what has been withheld in 2012
9 or has been moved around in 2012, that would be
10 something that would resolve this problem.

11 COUNCIL MEMBER GENTILE: Right.
12 That being said, let me just ask.

13 [Pause]

14 COUNCIL MEMBER GENTILE: Okay.
15 They're telling me that that is the case, that
16 you'll be getting two disbursements in FY 13.
17 That's what they're telling me.

18 CHARLES J. HYNES: That's called
19 double speak.

20 COUNCIL MEMBER GENTILE: Okay, that
21 being said, we'll follow up. The numbers reflect
22 double of what the FY 12 disbursement was in each
23 of the boroughs.

24 CHARLES J. HYNES: That would be
25 terrific.

1
2 COUNCIL MEMBER GENTILE: Okay. So
3 we may have good news for them, who knows? Let me
4 just finish by following up on a similar question
5 about staffing. We've heard the salaries ranging
6 between \$50,000 and \$60,000 for ADAs. I'm just
7 curious, given those salaries, what is the average
8 tenure of assistant DAs these days in your various
9 offices and whether or not that is an increase or
10 a decrease in the amount of tenure for an average
11 ADA in recent years.

12 CHARLES J. HYNES: The economic
13 downturn, rather, obviously has inured to our
14 benefit because kids can't find jobs. But it's
15 between three and five years. But we've certainly
16 slowed down attrition because of the absence of
17 jobs in the private sector.

18 CYRUS R. VANCE: Our average,
19 Council Member, is roughly seven years.

20 COUNCIL MEMBER GENTILE: Seven
21 years?

22 RICHARD A. BROWN: I have a
23 somewhat difficult problem or different problem;
24 more than 50 percent of my assistants have been
25 with me more than ten years. So as a result my

1 salaries are top heavy, if you will. But as far
2 as the young people are concerned, we have the
3 same retention problem that everybody does.
4

5 COUNCIL MEMBER GENTILE: Of
6 retaining the younger people.

7 RICHARD A. BROWN: Yeah.

8 COUNCIL MEMBER GENTILE: Yeah.
9 Well I did 11 years in your office, so I'm in that
10 other category. In the Bronx or in...

11 ROBERT T. JOHNSON: I haven't done
12 an average, Council Member, but we require a
13 three-year commitment and we have at least a
14 handful of people over 30 years, probably a half a
15 dozen or more. I would say though that of the
16 newer people, most of them leave between three and
17 five years. Although that has somewhat slowed
18 because of the economy.

19 COUNCIL MEMBER GENTILE: Right.

20 DAN MASTER: The same is true for
21 Staten Island. The downturn in the economy has
22 resulted in fewer opportunities for people to go
23 and double their salaries by going and working for
24 an insurance company, for example. But we still
25 have a number of people who leave after about five

1
2 years because our salaries seem to stagnate in the
3 mid to high 60s at that point and it's very
4 difficult to retain people after that.

5 COUNCIL MEMBER GENTILE: Well,
6 Special Narcotics, you don't really staff, you--

7 BRIDGET BRENNAN: [interposing]
8 We're a different animal.

9 COUNCIL MEMBER GENTILE: Right.

10 BRIDGET BRENNAN: Our assistants
11 are assigned to us. They may transfer back to
12 their home county.

13 COUNCIL MEMBER GENTILE: Exactly.
14 So in the end, it really is the salary structure
15 at the lower end that absent the economy that is
16 still causing retention problems. Am I correct
17 about that?

18 CHARLES J. HYNES: Yeah.

19 COUNCIL MEMBER GENTILE: Okay,
20 thank you, Mr. Chairman.

21 CHAIRPERSON RECCHIA: I just want
22 to set the record straight so we're all clear on
23 this. With the workload funding supplement, the
24 Bronx, Kings and Queens and Richmond County, 2012
25 the Bronx got 2.90. They're going to go in 2013,

1
2 4.1 and then in 2014 they're going to go to 6.2.
3 So you've doubled. Kings County went from 2.5,
4 they're going to 5.1 and then to 7.7. Queens,
5 it's 1.6 going to 3.3 going to 4.9. And Richmond
6 is from 320 to 640 to 960 by 2014.

7 CHARLES J. HYNES: We've not seen
8 that figure. If it's accurate it's wonderful.

9 CHAIRPERSON RECCHIA: It's in the
10 executive budget.

11 CHARLES J. HYNES: Good, very good.
12 I would assume that got in by accident, not by the
13 complaints that you've been making.

14 CHAIRPERSON RECCHIA: Listen, we
15 hear you loud and clear.

16 CHARLES J. HYNES: I know.

17 CHAIRPERSON RECCHIA: Okay. We're
18 working hard on this.

19 CHARLES J. HYNES: I know you are.

20 CHAIRPERSON RECCHIA: We brought up
21 the issue about Brooklyn's rent money. We'll talk
22 to you further, all right.

23 CHARLES J. HYNES: Good. Okay,
24 thank you. That's wonderful to hear.

25 CHAIRPERSON RECCHIA: If you want,

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I could give you all a copy of this.

CHARLES J. HYNES: Yeah, I'd like to see it.

CHAIRPERSON RECCHIA: Okay, I'll get you all copies.

CHARLES J. HYNES: It's clear to me that two months ago that wasn't happening at all. If you all weren't complaining on our behalf, it wouldn't happen. So I thank you again.

CHAIRPERSON RECCHIA: Okay, we'll make copies of this.

CHARLES J. HYNES: Thank you.

CHAIRPERSON RECCHIA: We have Council Member Brewer and then Council Member Halloran.

COUNCIL MEMBER BREWER: Thank you very much. I know that the police commissioner talked a lot about overtime. As you know, it's way up, for a whole series of reasons. I was wondering, there are some efforts to cut arrest processing times by making greater use of the enhanced arrest processing. Somebody mentioned the issue of using some conferencing technology wise. Sometimes that works I think and sometimes

1
2 it doesn't. So I'm just wondering, are there
3 initiatives that work in terms of cutting the
4 processing time using technology or any other
5 means or is that something that's not possible?

6 DAN MASTER: I think you're
7 correct. Some of them work and some of them do
8 work and there have been efforts to, for instance,
9 do either video conferencing or just signatures
10 electronically from the precinct to arraignments.
11 Queens has an effort that's going police officers
12 preparing affidavits themselves. So we have tried
13 some of them. Some of them have not worked
14 because of breakdowns in the technology. But we
15 are also continuing to examine what Queens is
16 doing. We have a number of cases that we don't
17 want to do on that method for reasons that we just
18 want to maintain more control. But we're trying
19 to work with the Criminal Justice Coordinator to
20 put more and more into those type of methods so
21 that we can result in some savings.

22 CYRUS R. VANCE: Council Member, I
23 would just make the point I'm sure that all the
24 offices are trying to use technology and enhance
25 efficiency. But I think it's important for the

1
2 Council and others to understand more broadly that
3 case screening at the front end to be slavishly
4 adhering to efficiency may cut time on the
5 beginning but it may increase time on the back
6 end.

7 COUNCIL MEMBER BREWER: Correct.

8 CYRUS R. VANCE: And so,
9 ultimately, it is the balance between doing
10 thorough screening on the front end that both
11 enhances the chance that justice is being
12 administered fairly and minimizes the chance of
13 problems with cases down the road that aren't
14 adequately screened that become very expensive to
15 the city.

16 COUNCIL MEMBER BREWER: Okay. My
17 other question is I wanted to know--I know some of
18 you have talked about this--but the issue of can
19 you quantify what you're doing to prevent crime.
20 I know, for instance, in Manhattan I know
21 extremely well about some of the athletic
22 opportunities. But is this something that you can
23 quantify? Is there something that you--certainly
24 some offices have spent years and decades trying
25 to adhere to that. I want to know if there is any

1
2 number that can be applied to that. What you're
3 doing, trying to do crime prevention, all the
4 issues of cops and kids that we're all trying so
5 hard to be realistic about, and I didn't know if
6 there was any number that can be attached to that.

7 CYRUS R. VANCE: I'm going to jump
8 in, if I can, just to put me past it. Council
9 Member Rodriguez asked me this question last time
10 we were here. Everything we do in our office is
11 equally devoted I think to crime prevention. In
12 our office, it is the devotion of community
13 affairs and the work of the office as well as
14 assistant district attorneys who in their spare
15 time are working in the communities. It is the
16 focus of proactive investigations in our trial
17 division. So I don't want to duck the answer to
18 your question but I really think that modern
19 prosecutors' offices are so focused on crime
20 preventive strategies at every level that it is
21 fundamental and part and parcel of everything that
22 we do.

23 CHARLES J. HYNES: Have you staff
24 take a look at the Center for Alcohol and
25 Substance at Columbia University. It was a five

1
2 year study that found that our drug treatment
3 program, which was the first prosecutor run drug
4 treatment program in the country, has reduced
5 recidivism by more than half, has an employment
6 rate of about 90 percent. If you look at Bruce
7 Western's report on our re-entry program called
8 the "Community and Law Enforcement Resources
9 Together," and his study which was released in
10 2007, he found that we reduced the recidivism rate
11 of the formerly incarcerated by more than half.
12 So instead of six out of ten getting rearrested
13 within three years or more than half going back to
14 prison, it's two out of ten. So those are two
15 flagship issues or programs rather, which have a
16 direct effect on public safety in Brooklyn.

17 COUNCIL MEMBER BREWER:

18 Congratulations. Then one other question, I know
19 regarding narcotics we had a big hearing about
20 that. This issue, I don't know if you can
21 quantify it, but the issue with the doctors, where
22 kind of policy wise are we able to address that
23 issue. I know it's hard to quantify in a budget
24 hearing but that seems to be the source of some of
25 the issues, not to mention international

1 challenges.

2
3 BRIDGET BRENNAN: Right. I think
4 the City Health Department has done quite a bit on
5 that. Actually, they just issued some new
6 recommendations with regard to the prescribing of
7 prescription drugs. For example, recommending
8 that after surgery, I believe it's a five-day
9 prescription for pain killing drugs be prescribed
10 rather than a 30-day prescription.

11 So the City Health Department has
12 been very forward thinking with respect to that
13 and with respect to our city's medical community.
14 I think that's the direction we need to move,
15 along with some of the work that we've been doing.
16 We're looking at doctors who are engaged in what
17 we believe criminal activity, who are really just
18 using their medical license to sell drugs.

19 Those doctors are few and far
20 between. That is not your mainstream doctor. But
21 those doctors need to be treated like any other
22 drug dealer and that's our intention. I think
23 both those kinds of approaches are critical in
24 bringing this epidemic under control.

25 COUNCIL MEMBER BREWER: At the

1
2 hearing I remember, I don't know if there's a cost
3 associated with this, the issue of trying to think
4 of some online electronic health record--maybe
5 that's the wrong word--for trying to do some
6 tracking. Is that something that's a budget
7 problem or is it happening or is it not worth it?

8 BRIDGET BRENNAN: I think it is
9 happening. I think one of the things that is on
10 down the line is e-prescribing, mandatory e-
11 prescribing. Once that is in place and everybody
12 is participating in that, there will be a way for
13 the prescriber as well as pharmacists to see all
14 the drugs that--all the controlled substances that
15 somebody has been prescribed. Now that will be
16 limited to New York. So the problem they may have
17 in Staten Island, where somebody is driving over
18 to Jersey, well those scripts won't be there. But
19 that is a direction that I think the medical
20 profession is moving.

21 COUNCIL MEMBER BREWER: That's
22 something that the State of New York or the City
23 of New York is implementing in terms of oversight?

24 BRIDGET BRENNAN: It's the State
25 Health Department has oversight on prescriptions.

1
2 COUNCIL MEMBER BREWER: And trying
3 to do the e-version.

4 BRIDGET BRENNAN: The e-version is
5 something that will be down the line. There's
6 obviously a big cost associated with that. Not
7 just to the state but to all the people--

8 COUNCIL MEMBER BREWER:
9 [interposing] No, I understand.

10 BRIDGET BRENNAN: --who
11 participate. But yes, I believe that that is
12 contemplated on down the line.

13 COUNCIL MEMBER BREWER: Thank you.

14 CHARLES J. HYNES: Council Member
15 Recchia, could I correct something for the record.
16 That Christmas gift we got was very, very short
17 lived. The document I have says for 2013, \$2.5
18 million. For 2014, it says \$5 million. Not 2013,
19 2014. So we have the \$2.5 million and we're still
20 down about \$2 million because of the money they
21 played games with last time. So this document
22 says \$2.5 million for 2013 and \$5 million for
23 2014. So we're in the same boat we were before.

24 CHAIRPERSON RECCHIA: I'm going to
25 have Lionel explain it. Go ahead, Lionel.

1
2 LIONEL FRANCOIS: Hi, I'm Lionel
3 Francois. I work in the Finance Division of the
4 Council. The \$2.59 million that constituted the
5 first increment of the workload funding was
6 received at the last preliminary. It was adjusted
7 a little in the executive but it's in the base.
8 That was already received. What appears in the
9 current budget are the additional two increments
10 that you've been promised. The first kicking in,
11 in 2013, an additional \$2.59 million and the third
12 in 2014, and all three are baselined.

13 CHARLES J. HYNES: \$2.59 twice for
14 2013?

15 LIONEL FRANCOIS: Right.

16 CHARLES J. HYNES: Why doesn't this
17 say that?

18 LIONEL FRANCOIS: Well that only
19 shows the second and third increments that are
20 being put into your budget as of this budget.

21 CHARLES J. HYNES: But there is a
22 document that shows we have 2.59 and another 2.59
23 for '13?

24 LIONEL FRANCOIS: Well, there's a
25 document that shows the first \$2.59 million going

1
2 in as of last year's executive budget. But it's
3 already part of your adopted budget for 2012.

4 CHARLES J. HYNES: Right. But they
5 put in the 2.59, thanks to the Council last year,
6 and then reduced other portions of our budget by
7 \$2 million. So we ended up with a net of 370,000
8 rather than the 2.59.

9 LIONEL FRANCOIS: Yeah, there are
10 probably other changes to your budget from prior
11 years. If you look at it beginning say in 2010
12 and you add up all of the changes to your budget,
13 it could net against whatever you got for workload
14 funding and cause it to look much smaller than
15 that change. That change is being isolated just
16 to show an individual program going into your
17 budget.

18 CHARLES J. HYNES: It's not really
19 a question for me the way it looks. I know the
20 money in my budget. I know that the \$2.59 million
21 which was negotiated by this Council for FY 12 was
22 in the budget, no question. But they reduced by
23 over \$2 million other parts of my budget. So I
24 ended up with a net increase of 370, not the 2.59.
25 It is just gamesmanship.

1
2 LIONEL FRANCOIS: Right. I'm not
3 arguing that at all--

4 CHARLES J. HYNES: [interposing] I
5 just want to make it clear.

6 LIONEL FRANCOIS: --all I'm saying
7 is that those changes are already part of your
8 base. So the only thing that's being shown in
9 this budget are the additional increments that
10 you've been promised for 2013 and then 2014 and
11 the out years.

12 CHARLES J. HYNES: I'm pointing out
13 our base has been reduced dramatically and I'm in
14 the same position I was before, which means I'm
15 going to go into the end of FY 12 with a deficit
16 of about \$4 million. That is profoundly unfair.

17 LIONEL FRANCOIS: Right. No
18 argument about that.

19 CHAIRPERSON VALLONE: Council
20 Member Halloran?

21 COUNCIL MEMBER HALLORAN: Thank
22 you, Mr. Chair. Good to see all of you here,
23 appreciate your advocacy for the city. I wanted
24 to hit two areas. I will come back to this budget
25 and the funding issues that the DA has been just

1
2 discussing. I appreciate, Mr. Hynes, all of your
3 advocacy for transparency in the budget because
4 it's the non-transparency that's causing us these
5 problems. When you take from a different pot but
6 give in another one, it appears that they've
7 complied with the request. But in fact, as you
8 all know, that's not necessarily how it trickles
9 down.

10 Let me just go to a question that
11 was earlier being discussed about salary and
12 retention of our assistant district attorneys.
13 You know, any one of you who wants to answer on
14 this front can. We've looked at the cost
15 breakdowns and over the first five years of being
16 a police officer or corrections officer, you're
17 basically getting to the top end salary of an
18 assistant district attorney. I am in no way
19 disparaging our corrections or police officers.
20 They do a great job, they're hard working and they
21 should be paid well. But certainly someone who
22 has got law school debt and has spent four years
23 of higher education post bachelor's degree to
24 effectively be a civil servant puts them in a very
25 awkward position.

1
2 I note that there was some
3 attrition in the Manhattan DA's report. That you
4 believe you'll have some attorneys lost. Can you
5 quantify the impact on your offices of the loss of
6 x number of DAs that you anticipate you will not
7 be able to fund either because you've lost them
8 because grant money has dried up or whatever else
9 and what that will do to the efficiencies of your
10 respective offices in how you conduct operations
11 from a day-to-day perspective.

12 CYRUS R. VANCE: Council Member, I
13 think in our report simply is that as the budget
14 is restricted in our office, it requires us to
15 tighten our belt, we have to decrease hiring. So
16 it's really in our case more of just having to cut
17 back across the board in our operation of the
18 office in order to work within the financial
19 constraints that we're given to operate.

20 COUNCIL MEMBER HALLORAN: In that
21 vein, you touched on the issue of front end
22 examination of cases to prevent long-term
23 expenditures, right. And I think one of the
24 things all five of the county offices have done a
25 great job doing is pre-arraignment screening:

1
2 kicking out those cases which you're going to
3 decline to prosecute, looking serious when you can
4 at those things up front so that you're not
5 expending costs later on.

6 The Court of Appeals has imposed on
7 our Legal Aid Society a maximum threshold of cases
8 that can be handled by a Legal Aid attorney at a
9 given period of time. They've set a ceiling. You
10 won't be able to do that with your assistant
11 district attorneys who have a far more, in some
12 ways, difficult job because they also have to do
13 investigation in a sense. They're pulling
14 together the resources to go forward in a case.

15 How is that going to impact your
16 administration of justice? One of the components
17 that the DA's office does is search for the truth.
18 You're not just there to prosecute per se, but to
19 try to find out what the real truth is in a case
20 that the Police Department or other investigative
21 unit brings to you. How is that going to be
22 impacted by this reduction in the DA headcount
23 that's going to go on when it comes to looking at
24 these cases either in advance to save money long-
25 term or in general throughout your offices?

1
2 ROBERT T. JOHNSON: I'm a little
3 bit confused about all this discussion because I
4 think we have already bottomed out. I'm not
5 saying that we aren't doing what we can. And I
6 agree with you that our work is maybe more labor
7 intensive than the defense. But my understanding
8 is that the money is, as was just described, and
9 that we are building our way back up over the next
10 two years. That's what I'm planning to do.

11 That's why I outlined that we're going to be able
12 to make the first step in what we asked for in the
13 workload analysis of bringing on assistant DAs.
14 So, you know, we are still struggling, but I think
15 we've improved. I really want to make that clear.

16 COUNCIL MEMBER HALLORAN: I'm not
17 in any way shape or form criticizing what you've
18 done to this point with so little. But, you know,
19 as we look back over 2011 versus 2013, the raw
20 number proposed is still below those numbers that
21 you guys theoretically should have been given
22 back, you know, as we look historically through
23 the budget. If you grew in proportion to--

24 ROBERT T. JOHNSON: [interposing]
25 Oh yeah, if you're counting inflation, we're still

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approaching 2002 I think.

COUNCIL MEMBER HALLORAN: Exactly.

That's the problem is that ultimately all those costs have gone up, including salary needs for your employees, but your budgets have not grown in any proportion relative to those true needs.

Whereas, in the Police Department, we have a \$500 million overtime budget, just overtime is \$500 million. That's more than your collective budgets and it's for overtime because we're down 6,000 cops.

So, you know, again, I'm just looking for you guys to maybe quantify for us so that we can go back and say there's going to be an impact to not getting us back up to a number that's inflationarily stable, given the relative needs of these offices. We're cutting programs. TASC treatment courts will be next. You know, if you don't get increases as opposed to sort of towing the line, which is all I see this program is doing in the \$2.5 million, DA Hynes', you're trying to play catch up. I don't think we should be playing catch up in this environment given what is going on.

1
2 CHARLES J. HYNES: Councilman, just
3 to repeat, and I'll do it endlessly if I have to.
4 They gave us \$2.59 million with the one hand and
5 took more than \$2 million with the left hand.
6 It's bait and switch at its worst. You know, you
7 talk about trying to do--if tomorrow the economy
8 magically increased, I think I would have people
9 knocking me down at the elevator leaving. The
10 only thing that keeps us together is the kids
11 can't get jobs. We augment our staff with dozens
12 and dozens of pro bono assistants and the lawyers
13 we get from the law firms. That's the way we have
14 stayed even. But, you know, we could have a race
15 for the door if the economy turned around.

16 COUNCIL MEMBER HALLORAN: Judge
17 Brown, how are things with our assistants in
18 Queens?

19 RICHARD A. BROWN: Well, I've
20 always been a great believer in front loading the
21 system. It goes back to my days in Brooklyn
22 arraignments. And that's what we do. We have so
23 many people in our intake bureau and as a result,
24 we're able to go ahead and move cases out based
25 upon their weight, if you would.

1
2 COUNCIL MEMBER HALLORAN: And I
3 appreciate the pre-trial screenings that you do
4 and the amount of cases that you're able to
5 shuttle off because of that. Again, I appreciate
6 the Chairs' indulgence. I'm just trying
7 desperately to understand how we can create a
8 program where we're going to spend, I think, \$2
9 million to educate cabbies about how to spot a
10 prostitute, but I can't plug a \$2 million in a
11 district attorney's prosecuting budget. I just
12 think our priorities are just completely out of
13 whack. If we can't get the money to the people
14 who are actually going to go out and do the
15 enforcement, who are going to stand by to protect
16 us, I don't know why we're even here.

17 So thank you all for your hard
18 service. I wish there were more we could do. I'm
19 sure Chair Vallone will continue to push as he has
20 to be an advocate. It's because of his hard work
21 that we would up with baselining a lot of this
22 material. Thank you, Mr. Chair.

23 CHAIRPERSON VALLONE: Thank you,
24 Council Member. We had a lot of help from Council
25 Member Recchia. Oh, here he's back. Thank you,

1
2 all. I know that DA Brown has to get moving. It
3 is 2:00, which is the amount of time we promised
4 to take out of your very busy schedules. We will
5 follow up on a lot of this in writing and continue
6 to work with you to get the budgets you deserve.
7 So thank you all for the work you do every day.

8 We'll take maybe a two minute break
9 before CCRB. No, wait, Domenic has something?

10 CHAIRPERSON RECCHIA: No.

11 CHAIRPERSON VALLONE: We'll take a
12 two minute break and then come back with CCRB.

13 [Pause]

14 CHAIRPERSON RECCHIA: Civilian
15 Complaint Review Board. All right, we now resume
16 the City Council hearing on the Mayor's Executive
17 Budget for Fiscal Year 2013 with the Civilian
18 Complaint Review Board. The Finance Committee and
19 the Committee on Public Safety, chaired by my
20 colleague Council Member Peter Vallone, will hear
21 from the Civilian Complaint Review Board. At this
22 time, I'd like to recognize all the members that
23 have joined us: Diana Reyna and David Greenfield
24 and Vinny Gentile. I recognize and turn the
25 microphone over to my colleague and Co-chair Peter

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Vallone.

CHAIRPERSON VALLONE: I just want to say how excited I am to have Bishop Taylor with us today, as the first time. I think he was our most recent appointment to the Board by the City Council. If I had to go into all the good work he does back in Northwestern Queens, we would go past our allotted time. So I won't do that, but it is a pleasure to see you here today. I know that Mr. Chu is on trail, but the silver lining is we get to see you for the first time. I know you have some good news for us, so we'll turn the floor over to you.

BISHOP MITCHELL G. TAYLOR: Thank you. To the Public Safety Committee and Finance Board, certainly we're glad to be here today. This is my second term on the CCRB. I was appointed in 2009 to the Board and I'm also the chair of outreach for the CCRB. So to all of my friends on the board today, we greet you.

Chairman Recchia and Chairman Vallone, members of the Finance and Public Safety Committees, my name is Bishop Mitchell G. Taylor. I am the City Council designee from the Borough of

1 Queens to the Civilian Complaint Review Board.

2 With me today are the agency's Executive Director,
3 Joan M. Thompson, and members of our executive and
4 senior staff, particular Markos [phonetic]. Ms.
5 Thompson and I will be available to answer your
6 questions at the conclusion or during this
7 testimony.
8

9 The CCRB is an independent board
10 that investigates and mediates police misconduct
11 complaints involving excessive force, abuse of
12 authority, discourtesy, and use of offensive
13 language, otherwise known as FADO. The board also
14 conducts public outreach as well as public
15 reporting on the information that we gather.

16 With the agreement between Mayor
17 Michael R. Bloomberg, City Council Speaker
18 Christine Quinn, the Police Department, and the
19 CCRB, the board was granted prosecutorial
20 authority over all substantiated police misconduct
21 cases in which the board has recommended charges
22 and specifications. Under the agreement, the CCRB
23 will establish a unit, known as the Administrative
24 Prosecution Unit, or the APU.

25 The APU will consist of a chief

1
2 prosecutor who will serve as the unit head; a
3 deputy chief prosecutor; ten attorneys who will be
4 handling the cases; five investigators to assist
5 the attorneys with trial and witness preparation;
6 one clerical staffer; and a programmer and a
7 policy analyst to manage a new database and
8 produce regular reports that increase transparency
9 with respect to prosecution and misconduct
10 complaints.

11 The 2013 budget stands at
12 \$10,549,398. It authorizes a headcount of 164
13 full-time positions, of which 20 positions will be
14 in the APU.

15 I will now outline two issues that
16 the board wants to bring to the attention of the
17 committees. The first is the status of the new
18 prosecution unit and the second is an update on
19 the high vacancy rate affecting the Investigations
20 Division.

21 The Administrative Prosecution Unit
22 on April 2, 2012, had an agreement between the
23 mayor and the speaker and was formalized in a
24 Memorandum of Understanding between the Police
25 Department and the CCRB. The agency then

1 submitted a new need request to the Office of
2 Management and Budget. In that memorandum, we
3 requested funding for 18 positions in addition to
4 the 2 that were already funded through the pilot
5 program. We also made a one-time capital budget
6 request to upgrade our Complaint Tracking System.
7

8 On May 3, 2012, Mayor Bloomberg
9 included a portion of our new need request into
10 the Executive Budget for 2013. Although the
11 Executive Budget authorizes the APU positions the
12 CCRB requested, it only contains half the
13 recurring funding the board requested to pay for
14 these positions. The board requested a recurring
15 funding of \$1,561,449 and the Executive Budget
16 included half the funding requested. It included
17 \$799,755 for Fiscal 2013 and \$780,725 for Fiscal
18 2014 and the out-years.

19 We understand that the
20 administration and the City Council are committed
21 to ensuring that all the resources needed for the
22 CCRB to carry out the APU's responsibilities will
23 be reflected in the Adopted Budget. The board
24 appreciates the commitment of the speaker and the
25 council to the mission of the CCRB.

1
2 In addition, the Capital Budget
3 provides the CCRB with \$700,000 to pay for a one-
4 time upgrade to the CCRB's complaint tracking
5 system. The database update will facilitate
6 management of, and public reporting on, the cases
7 that the APU handles. It will also update a 12-
8 year old database that has served the agency well
9 but requires some necessary upgrading.

10 The actual transfer of
11 prosecutorial power will occur after the CCRB and
12 the NYPD amend their respective rules. The rules
13 take effect 30 days after they are published in
14 the City Record.

15 The gap between authorized and
16 actual headcount in the CCRB's Division of
17 Investigations: I would now like to discuss with
18 you how the hiring restrictions enacted since
19 September 2010 have had an adverse impact on the
20 agency's investigative operations. I want to
21 bring to your attention that our situation is
22 critical, particularly in light of the
23 implementation of the APU. The success of the APU
24 rests on the strength of our Investigations
25 Division and, as I will show, our high vacancy

1
2 rate is having a detrimental effect on our ability
3 to thoroughly and timely investigate complaints.

4 Since the start of Fiscal 2012, the
5 CCRB's vacancy rate has been over 10 percent. In
6 March, with a vacancy rate over 20 percent, the
7 CCRB received authorization from City Hall to hire
8 20 investigators. Fifteen investigators have been
9 hired and five additional investigators are
10 scheduled to start June 4th, 2012.

11 As of May 1, 2012, the authorized
12 headcount was 142 positions but we had an actual
13 head count of 123. This is a 13 percent vacancy
14 rate. Given our normal double-digit attrition
15 rate, we are concerned that the vacancy rate will
16 continue to increase. Last year, we lost 20
17 investigators from May to September and the year
18 before that we lost 27 within the same timeframe.

19 Our data shows that, to close as
20 many cases as we currently receive, we need 93
21 line investigators with no vacancies. We
22 currently have 75 on staff while the authorized
23 headcount for fiscal 2013 stands at 92.

24 The effect of the hiring
25 restrictions is already noticeable in our Fiscal

1
2 2012 performance. The high vacancy rate has
3 resulted in a 32 percent increase in the open
4 docket of the Investigations Division, from 1,551
5 cases in July 2011 to 2,051 cases at the end of
6 April 2012.

7 The increase in the open docket has
8 resulted in an increase in the average number of
9 days it takes the agency to investigate a
10 substantiated complaint. The average number of
11 days is now 373, which is 36 days longer than at
12 the end of Fiscal 2011, an 11 percent increase.
13 As a result, the percentage of substantiated cases
14 referred to the Police Department for discipline
15 that were 15 months or older has increased from 14
16 percent to 29 percent.

17 The Statute of Limitations is 18
18 months and the concern of the Board is that
19 investigative delays may make the prosecution of
20 police officers who commit misconduct ever more
21 difficult because of the time constraints
22 associated with our investigations.

23 In summary, we are seeking your
24 support to ensure that the APU is fully funded.
25 The board respectfully requests that the council

1
2 restore to the CCRB's Fiscal 2013 budget that
3 portion of the APU funding not included in the
4 Executive Budget. Specifically, the amount of
5 restoration for the APU we seek is \$799,755 in
6 Fiscal 2013. In addition, we also ask the Council
7 to discuss the matter of our vacancy rate with the
8 administration. The goal is to receive
9 authorization to hire investigators at the
10 authorized headcount level at the same time we are
11 staffing the prosecution unit.

12 Thank you for your time and
13 continued support. Ms. Thompson and I will be
14 happy to answer any questions you may have. Thank
15 you.

16 CHAIRPERSON RECCHIA: Thank you,
17 Bishop Taylor. We're glad that funding was
18 restored, put back. We're just trying to move
19 forward. We wanted to make sure, this City
20 Council wants to make sure that you're properly
21 funded so you could investigate and prosecute
22 those claims that are viable.

23 In going over your budget, we
24 notice you're hiring ten new attorneys, staff
25 attorneys. We notice they're paid \$90,000 an

1 attorney. The district attorneys were just in
2 here and they're paying \$50,000. Brooklyn is
3 paying \$50,000, the Bronx is \$60,000 and \$55,000
4 and Queens is \$60,000. We're just wondering--

5 BISHOP MITCHELL G. TAYLOR:

6 [interposing] Why our attorneys would be paid 90
7 when they're being paid 50, 60 and 70.

8 CHAIRPERSON RECCHIA: Well yeah,
9 they start out with that, right.

10 BISHOP MITCHELL G. TAYLOR: Well,
11 as you know, the investigation of officers is a
12 highly sensitive matter in and of itself. We
13 certainly want to have high level attorneys that
14 can handle this complicated process of the APU
15 unit. I think that if you look for tenured and
16 experienced attorneys to be able to handle this,
17 it's going to be, you know, in that range.

18 CHAIRPERSON RECCHIA: So what's the
19 average number of years experience for the
20 attorneys?
21

22 BISHOP MITCHELL G. TAYLOR:

23 JOAN M. THOMPSON: I believe that
24 the time that we're asking for is at least seven
25 years experience. Also, we looked at comparable

1
2 lines within the Police Department when we made up
3 the budget. So that's why we reflected that
4 certain amount that we've been discussing.

5 CHAIRPERSON RECCHIA: So you need
6 seven years experience, or the average years of
7 all your attorneys are seven years experience?

8 JOAN M. THOMPSON: Oh no, our
9 attorneys have more than seven years experience.

10 CHAIRPERSON RECCHIA: So what's the
11 average of all the attorneys? What's the average
12 number of years?

13 BISHOP MITCHELL G. TAYLOR: I
14 thought the question was the time needed to apply,
15 was it five years, ten years?

16 CHAIRPERSON RECCHIA: No.

17 BISHOP MITCHELL G. TAYLOR: You're
18 saying what is our average tenure pool of
19 attorneys now?

20 CHAIRPERSON RECCHIA: Yeah. She
21 just said that in order to apply you need seven
22 years.

23 BISHOP MITCHELL G. TAYLOR: Right.

24 CHAIRPERSON RECCHIA: What I want
25 to know is of all the attorneys that you have,

1
2 what's the average number of years of experience
3 that they have?

4 BISHOP MITCHELL G. TAYLOR: Oh,
5 okay.

6 JOAN M. THOMPSON: I'd have to get
7 back to you in that. I don't know. There are
8 several attorneys. I don't know--

9 CHAIRPERSON RECCHIA: [interposing]
10 All right. I was just curious. Council Member
11 Peter Vallone?

12 CHAIRPERSON VALLONE: You know,
13 we've been advocating on your behalf for this APU
14 type unit for a while now. This is great news
15 that it's happening. We congratulate everyone
16 involved. It says here the actual transfer of
17 power will occur after CCRB and NYPD amend their
18 respective rules. When do we actually think that
19 you will have the personnel in place and hired and
20 that this transfer will happen and it'll be up and
21 running?

22 JOAN M. THOMPSON: I think the time
23 really will vary. The rules are being amended now
24 as we speak. We're working with the PD on that.
25 We have to have a public hearing. We are planning

1
2 on having a joint public hearing also to try to
3 expedite that as much as possible. So I think by
4 the time--we're hoping on Monday for us to post
5 the position and then getting in resumes and
6 interviewing. That will go on concurrently with
7 the rules being changed. They have to go back to
8 operations. They have to go back to the Law
9 Department. Then they have to go back--there are
10 so many places that they have to go. So I would
11 say probably my best guess is around October.

12 CHAIRPERSON VALLONE: That's why
13 I'm asking, because I understand the process--

14 JOAN M. THOMPSON: [interposing]
15 Yeah, it's a very lengthy process and we're trying
16 to do two or three of the things at the same time
17 as much as we can do. But I'm saying I would
18 think an educated guess would say October.

19 CHAIRPERSON VALLONE: I hope we're
20 not here next March in our budget hearing still
21 discussing the implementation of this program.

22 JOAN M. THOMPSON: I hope we're not
23 also.

24 CHAIRPERSON VALLONE: Please let us
25 know if there are any delays that we can help you

1
2 with.

3 JOAN M. THOMPSON: Certainly, we'll
4 do that. Thank you.

5 CHAIRPERSON VALLONE: It's part of
6 our job to get through city agency red tape. The
7 hiring freeze, how does that affect your agency?
8 Do you have to lose three positions to hire one
9 or--

10 JOAN M. THOMPSON: [interposing]
11 Yes.

12 CHAIRPERSON VALLONE: --do you have
13 some sort of exemption? How does it work?

14 JOAN M. THOMPSON: No. We have to
15 adhere to all the regular rules that everybody
16 else does. We have been granted, because our
17 vacancies are so, so high, that we were granted
18 20. Recently, we were given the opportunity to
19 hire 20 investigators. But as of that, you know,
20 the gate was closed and so we are still
21 experiencing very high vacancy and particularly
22 from May to September every year, that's when we
23 lose more of our investigators. Last year we lost
24 20, the year before we lost 27 within that span of
25 time.

1
2 CHAIRPERSON VALLONE: A lot of that
3 is due to the fact that your budget--you were
4 unable to commit to these people for any length of
5 time because of your budget problems. We are
6 already going to start working on a letter to the
7 administration regarding allowing you to hire.
8 There's always been a public safety exception, or
9 there should be when it comes to these things and
10 that's part of what you do. Getting rid of, or
11 helping weed out bad officers, as we saw in the
12 press today or yesterday about one involved with a
13 drug dealer. It involves our public safety and
14 the job you do needs investigators. So we'll be
15 working on seeing what we can do to get you to
16 hire some people.

17 JOAN M. THOMPSON: Thank you.

18 CHAIRPERSON VALLONE: It's hard
19 enough to get you to have the budget to hire
20 people. Now we have a budget to hire people but
21 we can't hire the people. I know that we have OMB
22 here with us. I did not know that before but now
23 I do. So they're listening to everything we're
24 saying. Any questions?

25 CHAIRPERSON RECCHIA: No, no

1
2 questions. I want to thank you for coming here to
3 testify. No further questions, I just have to
4 read a statement into the record. This concludes
5 our hearing for today. The Finance Committee will
6 resume the executive budget hearing for Fiscal
7 2013 tomorrow at 10:00 a.m. Tomorrow, we'll hear
8 from the City University of New York and the Human
9 Rights Committee. The hearing will be held at 250
10 Broadway in the 16th Floor Committee Room. Please
11 be on time.

12 As a reminder, the public will be
13 allowed to testify on the last day of the budget
14 hearings, June 6th, beginning at 4:00. For
15 members of the public who wish to testify but
16 cannot make the hearing, you can fax your
17 testimony to my counsel, Tanisha Edwards and she
18 will make it part of the official record. Her fax
19 number is (212) 788-7061.

20 I want to thank the staff of the
21 Public Safety Committee and the Finance Committee
22 for the wonderful job that they did today in
23 putting this together. This concludes today's
24 hearing.

C E R T I F I C A T E

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

Signature Donna Hintze

Date June 15, 2012