

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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November 22, 2021

Start: 10:34 A. M.

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HELD AT: REMOTE HEARING (VIRTUAL ROOM 2)

B E F O R E: Hon. Adrienne E. Adams, Chair

COUNCIL MEMBERS:

Justin L. Brannan  
Fernando Cabrera  
Robert F. Holden  
Vanessa L. Gibson  
Carlos Menchaca,  
I. Daneek Miller  
Keith Powers  
Kevin C. Riley  
Ydanis A. Rodriguez

Other Council Members Attending:

Helen Rosenthal

## Committee on Public Safety

## A P P E A R A N C E S

Jumaane Williams,  
Public Advocate

Fredrick Davie,  
Chair of The Civilian Director Review Board (CCRB)

Jonathan Darche,  
Executive Director of The Civilian Director Review  
Board (CCRB)

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

Edward Winski,  
Deputy Inspector Chief/Commanding Officer for The  
Candidate Assessment Division, NYPD

Deputy Inspector Howard Gottesman, New York Police  
Department Housing Bureau.

Andrew Case,  
LatinoJustice PRLDEF Senior Counsel

Ben Weinberg,  
Director of Public Policy at Citizens Union

Towaki Komatsu,  
Member of the Public

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Committee on Public Safety

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SERGEANT LEONARDO: Pc recording is underway.

SERGEANT LUGO: Cloud is up.

SERGEANT LEONARDO: Good.

Good morning, and welcome to today's remote New York City hearing for the Committee on Public Safety.

At this time we ask that all council members and council staff turn on their video for verification purposes. To minimize disruptions, please place cell phones and electronic devices to vibrate or silent.

If you have testimony you wish to submit for the record, you may do so via email at

[testimony@council.nyc.gov](mailto:testimony@council.nyc.gov) , once again that's

[testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).

We thank you for your cooperation.

Chair, we are ready to begin.

CHAIRPERSON ADAMS: Thank you very much and good morning.

CHAIRPERSON ADAMS: I'm Council Member Adrienne Adams of the 28th District in Queens, and I'm the Chair of the Committee on Public Safety.

I want to thank the members of the Public Safety Committee who are here. Right now we have Council Member Miller. And, I'm sure there will be others to follow.

1                    Uh, we also have, uh, Public Advocate Jumaane.  
2  
3 Williams as well.

4                    I want to thank my fellow sponsor of these bills,  
5 Council Member Francisco Moya.

6                    The hearing we're holding today is of incredible  
7 importance as we seek to continue enhancing public  
8 safety in our city while curbing incidents of police  
9 abuse and misconduct.

10                   All New Yorkers deserve to feel safe, supported,  
11 and protected especially by our law enforcement.

12                   Over the past two years, The City Council has  
13 enacted a series of reforms to address this, some of  
14 which include: ending qualified immunity against  
15 unreasonable searches and seizures, banning the use  
16 of choke holds, establishing a right to record police  
17 activities, creating an early intervention system,  
18 adopting The Mayors Police Reform Plan, which directs  
19 critical funding to anti-violence, mental health, and  
20 social service initiatives.

21                   Today we seek to build on that legacy by hearing  
22 new bills which aim to bolster accountability,  
23 improve safety in NYCHA, and help to prevent bad  
24 actors from joining the ranks of our police  
25 department.

1  
2 Specifically, if passed, these bills would  
3 authorize The Civilian Complaint Review Board to  
4 initiate its own complaints requiring NYPD to conduct  
5 annual security assessments at every NYCHA building,  
6 and prohibit persons dismissed for misconduct from  
7 other police departments from service with the NYPD.  
8 Taken together this legislation shows our deep  
9 commitment to police reform and to improving public  
10 safety.

11 With that, I turn it over committee counsel for  
12 further instructions.

13 COMMITTEE COUNSEL: I'm here, thank you, Chair  
14 Adams.

15 And, good morning, everyone. I'm Josh Kingsley  
16 the committee counsel to The Public Safety Committee.

17 Before we begin testimony, I want to remind  
18 everyone that you will be on mute until you are  
19 called on to testify, after which you'll unmuted by  
20 the host.

21 I will be calling on panelist to testify. Please  
22 listen for your name to be called. I will be  
23 periodically announcing who's the next panelist.

24 The first panelists to give testimony will be  
25 representatives from The Civilian Complaint Review

1 Board, followed by the New York City Police  
2 Department.

3 From CCRB, we will be hearing testimony from  
4 Chair Fred Davie, as well as Jonathan Darche who's  
5 the Executive Director.

6 I will call on you when it's your turn to speak.  
7 During the hearing, if council members would like to  
8 raise any... If council members would like to ask  
9 any questions of the administration, or specific  
10 panelist, please use the Zoom Raise Hand function,  
11 and will call on you in order.

12 All hearing participants should submit written  
13 testimony to [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).

14 I will now call on representatives of the  
15 administration to testify. Before we begin, I will  
16 administer the oath. Members of the administration, I  
17 will call each of your names individually for a  
18 response.

19 Please raise your right hand, we will begin with  
20 CCRB, and then after CCRB provides testimony, I will  
21 swear in the folks from NYPD.

22 So, from CCRB, Chair Davie, do you affirm to tell  
23 the truth, the whole truth, and nothing by the truth,  
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before this committee, and to respond honestly to council member questions?

CCRB

CHAIR DAVIE: I do.

COMMITTEE COUNSEL: And, Executive Director Darche, do you affirm to tell the truth, the whole truth, and nothing by the truth, before this committee, and to respond honestly to council member questions?

EXECUTIVE DIRECTOR DARCHE: I do.

COMMITTEE COUNSEL: Thank you both. You may go ahead.

CCRB CHAIR DAVIE: Thank you.

Chair Adams, members of The Public Safety Committee, thank you for the opportunity to appear before you today. I am Reverend Frederick Davie, Chair of The Civilian Complaint Review Board, CCRB.

I'm here to testify today in support of Introduction 2440 that would authorize the CCRB to investigate here, make findings, and recommend action upon complaints initiated by the CCRB alleging police officer misconduct falling within CCRB's jurisdiction. The bill is critical for the people of New York, particularly those who are most vulnerable



1  
2 as it shifts the burden of responsibility away from  
3 victims and civilians most in need.

4 As it stands, now, even if the CCRB is aware of  
5 misconduct, we must receive a complaint from the  
6 victim, a witness, or other concerned citizen before  
7 we are able to investigate the complaint. This  
8 places the burden on New Yorkers to report  
9 misconduct, even when situations where they might not  
10 feel comfortable... even in situations where they  
11 might not feel comfortable, and assumes that everyone  
12 has access to the resources to and then knowledge of  
13 how to file a complaint.

14 Furthermore, in can lead to long delays before  
15 the CCRB is able to initiate... able to investigate  
16 the incident, which can lead to longer investigations  
17 and the inability to collect evidence in a timely  
18 manner.

19 If the CCRB is aware of misconduct, an  
20 investigation should not be delayed or... or not  
21 even occur just because a complaint is not filed.  
22 All misconduct must be addressed and be addressed  
23 promptly; this bill would bring us one step closer.

24 So, in sum, this bill amending the charter to  
25 allow the CCRB to self-initiate complaints means that

1  
2 the CCRB can proactively open investigations without  
3 placing the burden on those vulnerable to file a  
4 complaint themselves. And, this bill has the CCRB's  
5 full support.

6 Finally, I cannot leave today without mentioning  
7 another large impediment to CCRB's investigations,  
8 which is that CCRB does not have access to sealed  
9 records. Currently, the statutes that are enacted to  
10 seal records, that are often sealed due to police  
11 misconduct, are used to prevent the CCRB from  
12 investigating the conduct that caused the record to  
13 be sealed. It is imperative that the CCRB have  
14 access to these and all documents that enable us to  
15 investigate police misconduct, particularly as the  
16 agency embarks on investigating allegations of racial  
17 profiling and biased based policing.

18 We believe that as an independent oversight  
19 agency, created to investigate police misconduct, we  
20 must obtain records essential to our mission.

21 We continue to work with our state partners to  
22 achieve the enactment of an exemption from otherwise  
23 applicable sealing statutes by the state legislature.

24 The CCRB has made great strides in the last  
25 couple of years, and continues to push forward

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changes in policies that make the agency more effective - - and police accountability fairer and swifter.

I believe this bill will help us to continue to push forward, as will striving for the CCRB, and all oversight agencies, to be exempt from sealing statues.

Thank you, and, I'm happy to answer any questions.

COMMITTEE COUNSEL: Uh, thank you, uh, Chair Davie. Uhm, I actually made a mistake. We were gonna go first to, uh, Public Advocate Williams for a statement on the bills. I apologize to Public Advocate for that.

So, uhm, Public Advocate, you can go ahead and make a statement, and then... And, Mr. Davie, we will then turn to questioning after that.

Thanks for bearing with us.

PA WILLIAMS: Uh, no problem, uh, thank you, Committee Counsel, thank you, uh, Chair Davie, uh, thank you, uh, to the Chair, and, uh, to the Public Safety Committee.



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2           Given the immense responsibility of a police  
3 officer, including the discretion to use lethal  
4 force, city government has a duty to its constituents  
5 to guarantee the applicants that meet the description  
6 in question will not be considered for hiring.

7           This bill is also important to the integrity of  
8 the NYPD. Over the past few years, the relationship  
9 between the NYPD and the communities they serve, has  
10 frayed in large part due to issues surrounding police  
11 misconduct.

12           By making it clear that the NYPD will not be a  
13 landing spot for those who are found not to be fit to  
14 serve in other jurisdictions, the passage of this  
15 legislation will be an important step towards  
16 reestablishing trust with New Yorkers.

17           I'm also supportive of Resolution 1782 by Chair  
18 Adams, which calls the passage of Assembly Bill of  
19 7284, and Senate Bill 6489 by Romos and Benjamin.  
20 These bills provide a state wide equivalent to the  
21 council's Intro 2297. And, if passed in the  
22 conjunction with the city legislature, that will  
23 ensure that wondering officers will not be able to  
24 serve in any police, uh, force in the state.

1  
2 I want to additionally express support for Chair  
3 Adam's bill Intro 2440, which would authorize The  
4 Civilian Complaint Review Board to initiate  
5 complaints.

6 Currently, the victims of misconduct does not  
7 have the capacity to file a complaint. The incident  
8 in question will go uninvestigated by the board.  
9 This bill's passage would ensure the bureaucrat  
10 barriers won't impeded critical work by the board.

11 I must also raise that in order for the CCRB to  
12 serve as a genuine force for accountability, its  
13 disciplinary recommendations should be binding rather  
14 than subject to overruling or downgrading by the  
15 NYPD.

16 As legislative session comes to a close, I hope  
17 this body will use its remaining time to establish  
18 key police reforms such as the ones referenced to  
19 above, in partnership with other legislation that  
20 addresses the scope of police accountability measures  
21 that are critical to the mission of redefining and  
22 furthering public safety in our city's next chapter.

23 Lastly, while I have the opportunity to address  
24 city representatives from the NYPD, I'd like to raise  
25 the department's recent purchase of guns that require

1  
2 only five pounds of pressure to fire, rather than the  
3 previously standard twelve pounds.

4 On November 1st, 2021, Council Member Lander and  
5 I sent a letter to the department that asked  
6 questions regarding the cost, funding stream, and  
7 decision making associated with this purchase. We've  
8 yet to receive a response. Maybe we can get some  
9 here today, uhm, Madam Chair.

10 As we understand it, this decision was made  
11 without any input from New Yorkers. Further our  
12 offices are not aware of complaint that weapons  
13 commonly used by NYPD officers, are of have been  
14 insufficient.

15 We are aware that there are too many instances  
16 when NYPD officers have resorted to lethal force and  
17 led to innocent people losing their lives.

18 Guns that fire more quickly would not have  
19 prevented death or increase the safety of either  
20 officers or communities.

21 We have yet to receive the responses I mentioned,  
22 and thus request the department to discuss the issue  
23 in today's hearing.

24 Thank you for your time and your consideration.  
25

2 COMMITTEE COUNSEL: Uh, thank you, Mr. Public  
3 Advocate.

4 Uhm, before we go on, any council members, if you  
5 have questions for CCRB, please use the Zoom Raise  
6 Hand function. After CCRB testifies, we'll then turn  
7 to the police department, and you can ask questions  
8 to those individuals as well.

9 Uhm, before we turn to Chair Adams for questions,  
10 I want to recognize, uhm, Council Members Brannan,  
11 Cabrera, Holden, Riley, Rosenthal, and Menchaca.

12 Uhm, Chair Adams, you may, uh, proceed with  
13 questions for the CCRB, thank you.

14 CHAIRPERSON ADAMS: Thank you very, very, much.  
15 And, I want to thank, uh, Public Advocate Williams,  
16 uh, for always, uhm, being present, uhm, and  
17 accounted for in these hearings, uh, to support his  
18 legislation. And, we thank him for that. And, I  
19 will definitely, uhm, I'm mindful of that  
20 questioning, so thank you very much, Public Advocate,  
21 for being here today.

22 Reverend Davie, always a pleasure to see you.  
23 Uh, thank you for being here today. And, thank you  
24 in advance for your testimony. If you could just,



1  
2 uh, give, uh, the current process for initiating a  
3 complaint with the CCRB? What does that look like?

4 CCRB CHAIR DAVIE: Sure, thank you, Chair Adams  
5 and other council members who are here as well. I  
6 also want to acknowledge our Executive Director,  
7 Jonathan Darche, who is here, uh, and who can provide  
8 some texture in some of these questions that I might  
9 not be able to completely provide.

10 Uhm, so the process is that we... The CCRB gets  
11 a complaint, uh, from any number of ways, either, uh,  
12 by telephone by, uhm, over the, uh, over the  
13 internet, by email, uhm, a complaint filed a, uhm, at  
14 a police precinct, a complaint filed, uhm, with IAB,  
15 that is under CCRB's jurisdiction that will come our  
16 way.

17 And, then, it's up to staff to take that  
18 complaint to verify that we have the jurisdiction,  
19 uh, and then proceed to... proceed to, uhm,  
20 investigate the complaint.

21 CHAIRPERSON ADAMS: Do... (Cross-Talk)

22 CCRB CHAIR DAVIE: Jon, did you want... Did you  
23 want to add anything to that? Sorry, Madam Chair.

24 CHAIRPERSON ADAMS: Go right ahead.  
25

2 EXECUTIVE DIRECTOR DARCHE: The only thing that I  
3 would add is the... You could call 3-1-1 to file a  
4 complaint, but you could also, uh, call our hotline  
5 at 1-800-341-2272. You can also go to our website,  
6 uh, which is the easily found by, uh, Googling CCRB,  
7 space, NYC, uh, and then filing a complaint with us  
8 online.

9 CHAIRPERSON ADAMS: Okay, thank you.

10 Does CCRB believe that there are circumstances  
11 where officer misconduct may go unreported because an  
12 individual chooses not to initiate a complaint with  
13 the CCRB?

14 CCRB CHAIR DAVIE: Yes, absolutely. Uhm, and  
15 usually as I said in my testimony, people are  
16 vulnerable. Uhm, they are victims, uhm, they often  
17 don't know how to file a complaint. Don't have the  
18 resources to file a complaint. Uhm, sometimes don't  
19 even know they can file a complaint. And, this bill,  
20 uh, would help to address that.

21 Uhm, Madam Chair, we live in age where, uh,  
22 technology has changed rabidly. Uhm, we have the  
23 ability to see events unfold in real time like we've  
24 never had before, and for, uhm, a simple decision  
25 that was made about how complaints get filed prior

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2 to, uhm, advancement we have in technology to stand  
3 in the way of our stepping in to the, you know, first  
4 quarter of the 21st century, uh, would be a huge  
5 mistake and a disservice to the people of the city of  
6 New York.

7 So, we, uhm, strongly this bill and believe being  
8 able to self-initiate complaints will allow us to  
9 further serve, uh, New Yorkers.

10 CHAIRPERSON ADAMS: Thank you, Chair Davie.

11 So, Davie, uhm, we're hoping that this  
12 legislation goes through. Were CCRB to be granted  
13 authority be granted authority to initiate an  
14 investigation without having received a complaint  
15 from a member of the public? How would CCRB then  
16 implement such changes in the process?

17 CCRB CHAIR DAVIE: Sure, I'll start, and then I'll  
18 turn to Jon.

19 I think we would pretty much follow the process  
20 we have followed to date. The only difference is  
21 CCRB would, uhm, would initiate the complaint, and  
22 then we would proceed with a thorough and partial  
23 investigations that would do if we got a complaint  
24 from the victim, or a witness, or another sources.



2 determination on the facts would be helpful, uh, to  
3 people in this city.

4 CHAIRPERSON ADAMS: Okay, thank you. So, what  
5 sources of information would be available to the CCRB  
6 to inform investigations of police misconduct?

7 CCRB CHAIR DAVIE: So, Madam Chair, I think as  
8 we've mentioned, uhm, there is ample video on social  
9 media, uhm, that, uhm that we all witness and see.  
10 Sometimes it's, uh, sent to us, uhm, either directly,  
11 uh, sent to me, uhm, Executive Director Darche, and  
12 other directly, or it's, uh, direct message to us on  
13 social media accounts, or, uh, people make us aware  
14 of video. There's body worn camera, uh, video as  
15 well where, uhm, misconduct is observed, uh, and, uh,  
16 CCRB could initiate a complaint from there as well.

17 So, uh, video is the... since it's prevalent and  
18 everywhere in society and culture, is the primary  
19 source of additional information evidence about  
20 allege police misconduct. But, again, I'll see if,  
21 uh, Executive Director Darche wants to add anything  
22 to that... (Cross-Talk)

23 EXECUTIVE DIRECTOR DARCHE: I have nothing further  
24 to add.

25 CHAIRPERSON ADAMS: Okay, thank you.

2 And, I'm gonna turn this over to my colleagues in  
3 a minute.

4 I'd like to acknowledge that we've been joined by  
5 Council Member Gibson.

6 So, how many additional CCRB investigations would  
7 occur each year would... would you think?

8 CCRB CHAIR DAVIE: Yeah, that's a good one. Jon  
9 did you want to try and... try that? (Cross-Talk)

10 EXECUTIVE DIRECTOR DARCHE: We estimated  
11 approximately 500.

12 CHAIRPERSON ADAMS: Okay. That's a substantial  
13 amount.

14 Okay, I going to turn it over to my colleagues,  
15 uh, Council, do any council members have questions  
16 for CCRB representation?

17 COMMITTEE COUNSEL: Council Members, please use  
18 the Zoom Raise Hand function if you have any  
19 questions for CCRB. Uhm, I'll give you a minute, and  
20 if not, we'll move on to the NYPD for their segment.

21 Seeing no hands raised... Oh! (Cross-Talk)

22 CHAIRPERSON ADAMS: Council Member Rosenthal.

23 COMMITTEE COUNSEL: Council Member Rosenthal,  
24 sorry to miss you there. Go ahead.

1                   COUNCIL MEMBER ROSENTHAL: Uh, thank you. Uh,  
2                   thank you so much to Chair Adams for holding these  
3                   hearings, uhm, as always. And, uhm, thank you, Chair  
4                   Davie for being here, and I appreciate the work  
5                   you've done. You and I have talked recently about,  
6                   uhm, to what extent, uhm, CCRB could also be looking  
7                   at, uhm, sort of disrespectful behavior on the part  
8                   of, uhm, (Background Noise) sorry, I'm distracted by  
9                   another panelist. Uhm, but, if someone could...  
10                  Sorry, uhm, we've talked about whether or not CCRB  
11                  could, uh, look at the behavior of other, uhm,  
12                  detectives even who are disrespectful to people who  
13                  come forward. And, I really appreciate... We were  
14                  specifically looking at the Sex Crimes Unit. Uhm,  
15                  (Background Noise) you know, I... And, I was  
16                  appreciate of your followup and your possible  
17                  interest in pursuing these types of cases.

18                  And, I was just wondering if you could talk on  
19                  the record about that at all. Uhm, or if this is  
20                  more of something we to explore that's fine, too.  
21                  Or, if, uhm, Mr. Darche could talk about it, that  
22                  would be much appreciated.

23                  Thank you.

1  
2 CCRB CHAIR DAVIE: Sure, thank you, Council  
3 Member. Let me, I'll just make one statement, and  
4 then I'll turn to Jon if that's appropriate.

5 Uhm, if a person in the course of an  
6 investigation believes they have been disrespected by  
7 a member of service in the NYPD, they can file a  
8 complaint with the CCRB.

9 And, I'll turn it to Jon for further comment, if  
10 any.

11 EXECUTIVE DIRECTOR DARCHE: No comment. It's  
12 exactly 100% accurate.

13 COUNCIL MEMBER ROSENTHAL: Okay, great, thank you  
14 so much. Really appreciate that. Appreciate your  
15 interest. Thank you... (Cross-Talk)

16 CCRB CHAIR DAVIE: Sure, thank you.

17 COUNCIL MEMBER ROSENTHAL: And, thank you,  
18 Committee Counsel and Sergeants, for your help with  
19 that.

20 COMMITTEE COUNSEL: Thank you, Council Member  
21 Rosenthal.

22 Uhm, if any other council members have questions  
23 for CCRB, please speak up. Uhm, I'd also like to  
24 recognize Chair Powers, uhm, Chair Adams, do you have  
25 a question before we move on to NYPD, or?



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2 CHAIRPERSON ADAMS: I do have one additional  
3 question. Uhm, how will the CCRB balance when a  
4 complainant wants to withdraw? If a complainant  
5 wants to withdraw, what would that look like?

6 CCRB CHAIR DAVIE: So, let, uh, again, I'll make a  
7 comment, and then I'll see if Jon wants to, uhm,  
8 speak as well.

9 Uhm, (Background Noise) I'm sorry, I'm also  
10 distracted by the... this, uh, other panelist.

11 So, but, uhm, if a complainant withdraws from the  
12 complaint, uhm, CCRB still has the opportunity to  
13 determine, particularly if CCRB can initiate a  
14 complaint based on evidence (INAUDIBLE 24:00) to  
15 determine the outcome of case... of a case of  
16 alleged misconduct on the merits. That is, we can  
17 investigate and determine whether to... it's, uh,  
18 it... if the action actually happened, and if it did  
19 happen, whether or not it was, uhm, in violation or  
20 not of the, uhm, of the uh, police guide... uh,  
21 patrol guide and other rules and regulations.

22 But, Jon, did you want to add to that?

23 EXECUTIVE DIRECTOR DARCHE: The Chair is... is  
24 correct. We will have to balance the... Look at the  
25 evidence that we do have once the complainant has

1  
2 withdrawn their uh, complaint, and see if we have  
3 enough to move forward. And, if we can move forward,  
4 then we will. And, if not, uhm, the case will be,  
5 uh, closed without a full investigation the way it  
6 currently would be.

7 CHAIRPERSON ADAMS: Okay, thank you very much.

8 I just want to double check again, uhm, Committee  
9 Counsel, if my colleges have no further questions?

10 COMMITTEE COUNSEL: Yep, we have no additional  
11 folks here. So, we could move on to the next panel.

12 CHAIRPERSON ADAMS: Okay, thank you both for being  
13 here to testify this morning... (Cross-Talk)

14 CCRB CHAIR DAVIE: Thank you (INAUDIBLE 25:09)...

15 CHAIRPERSON ADAMS: Uh, happy Thanksgiving to you,  
16 thank you.

17 CCRB CHAIR DAVIE: Thank you, Madam Chair, Happy  
18 Thanksgiving.

19 COMMITTEE COUNSEL: Uh, thank you, everyone.

20 We will now move on to the next panelist for the,  
21 uh, administration, which will be representatives  
22 from the NYPD.

23 Uhm, the same kind of goes as before. If any  
24 council members have questions, please use the Zoom  
25 Raise Hand function, uhm, we will let the panel kind

1 of ask questions... Or, I'll swear the panel in at  
2 this moment. Hold on a second.

3  
4 So, for NYPD, we're gonna have Deputy Inspector  
5 Chief Edward Winski, who's the commanding officer of  
6 The Candidate Assessment Division, Deputy Inspector  
7 Howard Gottesman, who's the Housing Bureau Chief, and  
8 then also Michael Clarke, who's Director of  
9 Legislative Affairs Unit.

10 As mentioned previously, we're going to now swear  
11 the members of the administration in. So, before I  
12 begin, can you please your hand, and I will ask each  
13 of you individually for a response.

14 Uhm, Chief Winski, do you affirm to tell the  
15 truth, the whole truth, and nothing by the truth,  
16 before this committee, and to respond honestly to  
17 council member questions?

18 CHIEF WINSKI: I do.

19 COMMITTEE COUNSEL: Deputy Inspector Gottesman?

20 DEPUTY INSPECTOR GOTTESMAN: I do.

21 COMMITTEE COUNSEL: And, Director Clarke?

22 DIRECTOR CLARKE: I do.

23 COMMITTEE COUNSEL: You all may begin, thank you  
24 so much.

1                   DIRECTOR CLARKE: Good morning, Chair Adams and  
2 members of the council. I am Michael Clarke,  
3 Director of Legislative Affairs for the New York City  
4 Police Department. I am joined today by Deputy Chief  
5 Edward Winski, Commanding Officer of the Candidate  
6 Assessment Division, and Deputy Inspector Howard  
7 Gottesman from the NYPD's Housing Bureau. On behalf  
8 of Commissioner Dermot Shea, I wish to thank the  
9 Council for the opportunity to discuss the bills  
10 being heard today.

12               Intro 2297 would disqualify any individual from  
13 appointment to the NYPD who was dismissed from any  
14 police force due to misconduct or who resigned while  
15 being investigated pursuant to a charge of  
16 misconduct. The Department agrees with this  
17 employment policy and it has been our long-time  
18 practice to not hire individuals who have been  
19 dismissed from other police departments for  
20 misconduct.

21               Accordingly, if the NYPD learns during its  
22 comprehensive background investigation that an  
23 applicant was previously dismissed for misconduct,  
24 that applicant will be disqualified from appointment.  
25 As such, we support the intent of this bill, for it

1  
2 reflects our scrutinizing approach to background  
3 investigations.

4       However, we are exploring whether this proposal  
5 is consistent with the State Civil Service Law and  
6 look forward to discussing this with the Council.

7       I note that the state has taken steps to ensure  
8 that officers fired for misconduct are not able to  
9 join other police departments in the state.

10       In the most recent State budget, the legislature  
11 enacted the New York State Professional Policing Act  
12 of 2021, which, among other things, amended the State  
13 Executive Law to require that the State's Municipal  
14 Police Training Council to promulgate rules  
15 concerning background investigations for police  
16 officers.

17       Additionally, the state budget made applicable to  
18 the NYPD the requirement that all police officers in  
19 the State obtain a certificate of satisfactory  
20 completion of a basic training program. It also  
21 provides that this certificate may be permanently  
22 invalidated upon an officer's removal for cause,  
23 resulting in an officer being ineligible for any  
24 future certification in the state.

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Intro 1883 requires the Department to conduct annual security assessments for each building in a public housing development in the New York City Housing Authority or NYCHA. This legislation would also require the department to report quarterly on the annual security assessments completed in the prior quarter.

The Department supports the intent of this legislation; however, we have operational concerns.

NYCHA is the nation's largest public housing authority with 2,302 buildings, including 2,198 residential buildings stretching across the five boroughs. These developments range from single units to 25-story buildings. Further, NYCHA buildings include commercial businesses, day cares, community centers which the NYPD does not have access to.

We could not roll an undertaking of this size into the duties of current officers, and it would require the creation of a new unit, with the sole purpose of conducting these housing assessments.

As an example of the challenges, we would need to do exterior lighting inspections in the evenings to ensure that they work and cover enough area, but would also need to work with building managers during

1                   the day to ensure that cameras are operating  
2 properly.  
3

4           The Department is committed to ensuring the  
5 safety of every New Yorker and takes its commitment  
6 to safety in NYCHA very seriously.

7           The NYPD is committed partners with NYCHA and are  
8 in constant communication regarding safety measures  
9 within housing developments.

10          Officers currently have the ability to report  
11 security issues to NYCHA through the creation of  
12 field reports. To be clear, these are not full  
13 security evaluations but they do document what  
14 officers observe while performing their day-to-day  
15 duties.

16          Additionally, the department works with NYCHA on  
17 safety inspections on an ad hoc basis based on  
18 conditions that are present in a building.

19          In conclusion, the Department and the  
20 Administration support the intent of these bills and  
21 we look forward to a continued dialogue with the  
22 council. Thank you, and we look forward to answering  
23 any questions you may have.

24          COMMITTEE COUNSEL: Uh, thank you, Michael. Uhm,  
25 we will turn to Chair Adams for questions. If any

1                   Committee on Public Safety                   32  
2 council members have any... I see Council Member  
3 Miller will follow Council Member Adams.

4           So, Council Member Miller, you'll go after  
5 Council Member Adams. Chair Adams, go ahead for  
6 questions, thank you.

7           CHAIRPERSON ADAMS: Thank you very much.

8           And, thank you, uhm, good to see you all this  
9 morning.

10          Uhm, Director Clarke, thank you for being here.  
11 Uhm, and before I go to my questionings on the bills,  
12 uh, I'd just like to address the Public Advocate's  
13 concerns. Uh, if any of you are able to answer the  
14 concerns about the purchase of the new guns, uhm, why  
15 that happened, and when will he receive, uhm, the  
16 response that he is looking for?

17          DIRECTOR CLARKE: Sure, I... I... I'm familiar  
18 with the... The Public Advocate's letter, uhm, my  
19 understanding, that it is... A response has been  
20 drafted and should either of already made it to the  
21 Police Commissioner's desk, uh, for signature, or  
22 should be shortly. Uhm, you know, I think it's...  
23 The goal is to get it out quickly. Uh, in terms of  
24 the substance of it, you know, I don't think any of  
25 us here are the experts on that decision. Uhm, so,



1 I'm a little hesitant to start talking out of turn  
2 about that. But, I... I should... But, I do know  
3 that the response has been worked on, and, uh, should  
4 be submitted for PC approval shortly.... Or, it  
5 already has. As of last week, it hadn't, but I  
6 just... As of late last week, but I am not sure  
7 exactly where it is there. But, I'll find out after  
8 this.

9  
10 CHAIRPERSON ADAMS: Okay, we appreciate that.

11 And, I'm sure that, uhm, Public Advocate Williams  
12 will also, uhm, follow up once again if that is not  
13 received expeditiously. So, thank you very much.

14 Thank you, Public Advocate.

15 Uh, okay, so, uh, Director Clarke, what specific  
16 circumstances currently disqualify an individual from  
17 being appointed as a police officer?

18 DEPUTY CHIEF WINSKI: Good morning, I'm, uh,  
19 Deputy Chief Edward Winski. I'm the commanding  
20 officer of the Candidate Assessment Division.

21 CHAIRPERSON ADAMS: Good morning.

22 DEPUTY CHIEF WINSKI: Good morning.

23 I... I am, uhm, the commanding officer of, uhm,  
24 pre-employment screening for the department for  
25 titles including police officer. And, currently

1                   there are four components that would disqualify  
2 someone. We conduct medical testing, psychological  
3 testing, they have physical testing -- which is  
4 called a job standard test, and we do a background  
5 investigation that we call, uh, character  
6 investigation. Any one of those four components, uh,  
7 failure of any one of those four components, could  
8 disqualify a candidate.  
9

10           CHAIRPERSON ADAMS: So, that's... That's  
11 interesting, uhm, Chief Winski, just... I'm thinking  
12 character, uhm, character assessment, that's pretty  
13 interesting. What's... What types of, uhm,  
14 resources do you use to, uhm, you know, to decide  
15 someone's character?

16           DEPUTY CHIEF WINSKI: Types of resources... I...  
17 The background investigation includes school history,  
18 work history, criminal history, driving history, uhm,  
19 and alcohol and drug history. So, it's... It's many  
20 different criteria.

21           DIRECTOR CLARKE: Right, and I think a candidate  
22 would have to list... is required to list all of  
23 their employment going back to, I think, age 16 and  
24 provide transcripts and provide school records. Uhm,  
25 and our investigators will go through and interview

1 old bosses. We'll determine why, if you were fired,  
2 why were you fired? Uhm, if you were... have  
3 disciplinary records at your university, what they  
4 are, right? Like, and not everything would be a  
5 disqualifier. So, if you got caught smoking  
6 marijuana in your school and had this on record, you  
7 know, I don't think that would disqualify you. But,  
8 if you got caught stealing, stalking someone,  
9 plagiarism, right? That might be something we would  
10 consider, uhm, in order to determine whether you're a  
11 good fit for the NYPD. Is that right?

12  
13 CHAIRPERSON ADAMS: So...

14 DEPUTY CHIEF WINSKI: That's all correct, yes.

15 CHAIRPERSON ADAMS: Okay, so what entity, uhm,  
16 actually establishes those qualification standards?

17 DIRECTOR CLARKE: So, I think there is standards  
18 that are set by the state. Uhm, you know, it's... A  
19 combination of state law, uh, the civil service law,  
20 uh, the public officers' law, the executive law.  
21 And, then The Municipal Training Council, which is  
22 created in the executive law, has rules as well, uhm,  
23 that govern, uhm, some of our hiring standards.

24 But, these are sort of the minimum standards.

25 They're not necessarily the maximum standard. So, we

1                    could, you know, use them as guidelines, as minimum  
2 floors, uhm, and but... but do more. So, for  
3 instance, under state law, you have to be 20 years  
4 old in order to be a police officer. Right? That's  
5 not something we could change. And, you have to take  
6 your test the day before you 35th birthday in order  
7 to become a police officer. Right?

9                    So, those are things that are mandated by state  
10 law. You have to be a United States citizen. Again,  
11 it's mandated by state law. Uhm, but, within that,  
12 we can sort of raise standards, but not lower.

13                    CHAIRPERSON ADAMS: Okay, the... Regulated by  
14 state law, but to what extent is the NYPD actually  
15 involved in determining, uhm, the qualifications  
16 standards? If any.

17                    DIRECTOR CLARKE: So, we do have a seat on The  
18 Municipal Training Council. Uhm, we are... I, you  
19 know, we... Chief Kenneth Corey, or whoever The  
20 Chief of Training is, is sort of our representative  
21 on that board. Uhm, so, in terms of state rules, you  
22 know, I think we have a say in that way. Uhm, and  
23 then in terms of, you know, what we have voluntarily  
24 done...

1                   DEPUTY CHIEF WINSKI: So, what we've... We've  
2                   been part of past studies on, uhm, hiring practices,  
3                   and we follow best practices, uhm, that are used  
4                   around the country. We follow department policy, and  
5                   we follow past civil service commission decisions,  
6                   which guide our practices.  
7

8                   DIRECTOR CLARKE: Right, so if... If we  
9                   disqualify someone there, there's a process to appeal  
10                  that. Uh, it goes to the state Civil Service  
11                  Commission, and the decision of the Civil Service  
12                  Commission sort of give ,you know, guidance that. You  
13                  know, we disqualified you for X, Y, Z reason,  
14                  that's... They've given us the blessing so that can  
15                  sort of be something to go forward with. Uhm, so,  
16                  that's sort of all this kind of comes in to the stew  
17                  of making our hiring decisions.

18                  CHAIRPERSON ADAMS: Okay, thank you for that.

19                  I see we've been joined by Council Member  
20                  Rodriguez as well.

21                  Are there circumstances... Are there any  
22                  circumstances at all where the NYPD believes an  
23                  individual should qualify for appointment as a police  
24                  officer, even if the individual had previously been  
25

2 fired for misconduct by a police department in  
3 another jurisdiction?

4 DIRECTOR CLARKE: I don't... I don't think so. I  
5 don't see that situation where we would do that.  
6 Uhm, I think, you know, what we don't want is hiring  
7 people who have been problems elsewhere. And, I...  
8 You know, I think you and the Public Advocate talked  
9 about the wandering police officers. And, certainly  
10 that is something in the profession, you know,  
11 nationwide has been a concern. But, uh, you know, I  
12 think as Chief Winski said when he said, it's not  
13 something we do, and we don't think it should happen.

14 CHAIRPERSON ADAMS: Okay, thank you.

15 Uh, I was going to ask another question. It's  
16 similar, but I'll twist a little bit. Are there any  
17 known instances of current or former NYPD officers  
18 having been appointed as a police officer after  
19 having been fired for misconduct by a police  
20 department in another jurisdiction?

21 DEPUTY CHIEF WINSKI: No. Uhm, so, I've been in  
22 this position for 3 ½ years, and there are none...  
23 In those 3 ½ years, and I sat down with our resident  
24 historian, who's been in this division conducting  
25 this type of work for over 28 years. And, not that

1 we know of. Not that we've documented anywhere. The  
2 answer is, no.  
3

4 CHAIRPERSON ADAMS: Okay, thank you.

5 I'm gonna ask a couple of questions. I guess,  
6 uhm, this is going to be for DI Gottesman. We're  
7 going to go in to your wheelhouse in housing.

8 Uhm, to what extent is there coordination between  
9 the NYPD and NYCHA regarding public safety issues  
10 with in public housing developments currently?

11 DI GOTTESMAN: Good morning, Chair Adams, good  
12 morning, members of the council.

13 Uhm, there isn't a work day that goes by without  
14 some sort of coordination between the executives  
15 assigned, uh, in The Chief of Housing and the  
16 executives over at the New York City, uh, Housing  
17 Authority. Uh, as well, in our local PSAs and  
18 housing boroughs, there is equal coordination, uh,  
19 between, uh, those local on the ground officers, the  
20 NCOs in particular, and the property managers, uhm,  
21 within that PSA or that precinct.

22 CHAIRPERSON ADAMS: Are there regular meetings  
23 between NYPD and NYCHA officials?

24 DI GOTTESMAN: Yes.  
25

1  
2 CHAIRPERSON ADAMS: How do precincts maintain  
3 collaborative relationships with property managers,  
4 tenant associations, and residents of NYCHA buildings  
5 located within their precinct?

6 DI GOTTESMAN: Uh, so the answer is, the meetings  
7 that you alluded to in your prior question. Uhm, the  
8 Build the Block meetings, the community council  
9 meetings, uhm, there are impromptu meetings that are  
10 called when there's a condition that pops up. And,  
11 uhm, those are the on the ground, you know, in trench  
12 meetings where the actual work is happening. There  
13 are other meetings happening at the executive, uhm  
14 headquarters level. Uhm, but, that doesn't cover,  
15 uhm, the question that you've asked.

16 CHAIRPERSON ADAMS: I'm going reference, uhm, for  
17 me and my district, South Jamaica Houses, where the  
18 NCO's prior to COVID, were very, very much in place,  
19 very engaged, uhm, and then the pandemic hit. So,  
20 for about a year and a half or so, and I don't think  
21 stability's come back, uhm, in that particular  
22 precinct that handles South Jamaica Houses. We  
23 noticed a drop of in NCO's, uh, in their work, uh,  
24 around the development, and, uhm, a whole lot of  
25



1  
2 complaints from residents, because there's been no  
3 further or in depth monitoring, uhm, since COVID.

4 So, I'd just like to hear from you, whether you  
5 hear those complaints, or whether you've heard those  
6 complaints across other precincts. And, how do you  
7 see that improving over, you know... How do you see  
8 that improving in the future?

9 DI GOTTESMAN: And, so to answer your first  
10 question first, uhm, I personally have not heard,  
11 uhm, a similar complaint. Although, I do understand  
12 why it appears that there's less contact. Obviously  
13 with, uhm, COVID, uh, we had a shutdown of the in-  
14 person meetings, uhm, for well over a year. Uhm,  
15 we're starting to bring those back. Uh, there are  
16 virtual meetings that we have. Obviously our NCOs,  
17 uh, are working every day. The PSA, uh, we you speak  
18 of, uh, it has 20 NOCs and two NCO sergeants. Uhm,  
19 that particular development has two NCOs, it's a  
20 rather large development for that PSA. Uhm, so, I  
21 have not personally heard that there is, uhm, a drop  
22 off, uh, in that contact. Uhm, however, perception  
23 is what it is. And, uhm, you know, an... An effort  
24 will be made to make sure that that perception, uhm,

1 is not, uh, actually happening. Uhm, this is the  
2 first I'm hearing that it... (Cross-Talk)

3 CHAIRPERSON ADAMS: Hmmm...

4 DI GOTTESMAN: seems that the NCOs are less  
5 engaged, uhm, since COVID. Uhm, I will take that  
6 back to my chief. We'll speak to the PSA and find  
7 out, uhm, their, uh, attendance. Uh, we'll take a  
8 look at how many people are coming pre-pandemic -  
9 post pandemic, and, uhm, make sure that that's not  
10 actually, uhm, ,you know, the... the perception is  
11 not actually, uh, a reality.

12 CHAIRPERSON ADAMS: Uh, I... I thank you for  
13 that. Uhm, pre-COVID, uhm, our NCOs were extremely  
14 attentive and engaged. Know the residents very, very  
15 well. And, it was very obvious to me going through,  
16 uhm, the developments, you know, over the months, the  
17 presence is missed... uh, has been missed. And,  
18 there are just, you know, there was some things that  
19 have been, uhm, out of the norm because of the  
20 reduction in attention over the months. So, I'm glad  
21 that, uh, I'm able to put that in your radar.

22 So, currently, NYPD responsibilities for  
23 providing security in public housing developments  
24 derived from a MOU between the NYPD and NYCHA. Has  
25

1  
2 the agreement been modified in years since it was  
3 agreed to in the late 1990's?

4 DI GOTTESMAN: Uhm, I'll unaware of any  
5 significant modifications in writing to that, uh, MOU  
6 that was signed in 1994. Uhm, the, uhm, the  
7 liability or the use of the NYPD in public housing  
8 is... goes beyond the MOU. The MOU, uh, is a  
9 document that created or helped facilitate the merger  
10 back in the, uhm, mid 90's. Uh, it very much still  
11 exists. Uhm, but it's s our responsibility policing  
12 police public housing goes way past the MOU.

13 CHAIRPERSON ADAMS: Okay, so... So, uhm, DI  
14 Gottesman, what obligations does the NYPD assume  
15 pursuant to the MOU?

16 DI GOTTESMAN: Well, the MOU is very robust, I'm  
17 sure you have a copy. Uhm, but we're responsible for  
18 all police services, uh, in public housing, uhm,  
19 throughout the city, uh, regardless of whether  
20 there's a PSA or a precinct that responds. Uhm,  
21 we're responsible to make sure that conditions that  
22 detract from the quality of life to the residents,  
23 the visitors, The Housing Authority staff, to make  
24 sure those conditions are addressed, uhm, eliminated  
25 if possible, uhm, at the very worst kept to a very

1 minimum. Uhm, and, you mentioned the MOU, is a very  
2 lengthy document, uhm that goes on for many, many  
3 pages, uhm, that creates addition responsibilities  
4 that I believe the intention was to make sure that  
5 the NYCHA Police Department and their duties and  
6 responsibilities don't fall, uh, away from the NYPD  
7 when the merger was to happen. Which, by now, uh, is  
8 about 26 years old.

9  
10 CHAIRPERSON ADAMS: Okay. How often does the NYPD  
11 conduct security assessments of NYCHA buildings?

12 DI GOTTESMAN: Uh, currently we, uhm, do field  
13 reports when we do our interior patrols. Uhm, there  
14 are, uh, other occasions beyond the interior patrols,  
15 uhm, where we're either asked by NYCHA to come out  
16 and, uhm, do some sort of walkthrough. Uh, whether  
17 they're putting in new cameras or they just have a  
18 condition that they want, uhm, mitigated. Uh, so,  
19 they will ask on a, uhm, a one by one basis to come  
20 out and take a look. But, the bulk of our security  
21 assessments will be done by officers going in to the  
22 buildings on calls for service or just doing an  
23 interior patrol either because they are directed to  
24 or they self-direct -- they just go in, because  
25 there's a condition that they want to take a look at,

1  
2 and then they will document their findings in what we  
3 call a field report.

4 CHAIRPERSON ADAMS: That was actually my...

5 (Cross-Talk)

6 DI GOTTESMAN: So, there's a...

7 CHAIRPERSON ADAMS: I'm sorry, so that was  
8 actually my question. Whether or not these patrols  
9 were scheduled or whether they did them on call by  
10 residents or others. Uhm, so, there is no set  
11 schedule?

12 DI GOTTESMAN: Correct.

13 CHAIRPERSON ADAMS: Okay.

14 Uh, what specific things typically, uh, is the  
15 NYPD looking for, uhm, when making these patrols?

16 DI GOTTESMAN: We are looking for, uh, conditions  
17 that would either lower the quality of life, uh, in  
18 that building or create a, uhm, situation that would  
19 endanger the residents or the staff of The Housing  
20 Authority.

21 For example, uhm, a door... A front door of a  
22 building, or even the rear door of the building, if  
23 it's left open, that's a condition, that's a problem.  
24 We don't want that. So, we'll simply just close the  
25 door and correct the condition. Uhm, however,

1 sometimes, the doors are physically closed, they're  
2 just not locked, because the lock will be, uhm, not  
3 working or will be broke, vandalized, tampered with.  
4 Uhm, in which case, that goes beyond the scope of our  
5 ability, we can't, uhm, we don't have the tools or  
6 the ability to fix a complicated situation like that.  
7 So, then, we'll go the field report and, uhm, make  
8 NYCHA aware of the situation for further correction.

9 CHAIRPERSON ADAMS: Thank you.

10 Uhm, so you share, does NYPD share security  
11 assessment findings -- all findings -- with NYCHA?

12 DI GOTTESMAN: The field reports, yes. Yeah, the  
13 field reports are afforded, uhm, to property managers  
14 and borough offices. (INAUDIBLE 47:35)... (Cross-  
15 Talk)

16 CHAIRPERSON ADAMS: And... And, my final... Uh-  
17 huh? Go ahead? I'm sorry.

18 DIRECTOR CLARKE: And, usually when we're doing  
19 ,you know, Inspector Gottesman mentioned when we do  
20 sort of the ad hock, uh, review, ,you know, we're  
21 doing it with NYCHA staff. So, we're going around  
22 with them and telling them what we're seeing. Right?  
23 So, it's not, you know, a formal report in the way I  
24 think the legislation is envisioning. It's more of  
25

1 a... We'll go out with the building manager and say,  
2 here's where we think you can improve or... Your...  
3 or get better. And, you know, and I think, you know,  
4 Chief (INAUDIBLE 48:03) himself has gone out and done  
5 some of them. Uhm, so, it's, you know, less of a  
6 formal thing like that and more of a, you know, we...  
7 Here, here, here, and their staff, you know, can  
8 address situations.  
9

10 CHAIRPERSON ADAMS: Okay, thank you.

11 Uhm, my final question before I go to, I believe,  
12 Council Member Miller, separate from law enforcement  
13 measures, what do you think the city could be doing  
14 to make NYCHA buildings safer?

15 DI GOTTESMAN: That's a really good question.

16 Uhm, any sort of investment in, uhm, in cameras,  
17 in, site security, lighting -- which they're all  
18 doing right now. The upgrades, uh, the LED lights,  
19 uhm, the upgrading of, uh, cameras to more advanced  
20 cameras -- some of these systems are quite old. Uhm,  
21 that... We're all headed in the right direction.  
22 Any sort of, uhm, funding, because it could be quite  
23 expensive when you look at the price of some of  
24 these, uhm, items. And, anything they could, uhm, do  
25 to add to that would be an improvement.

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CHAIRPERSON ADAMS: Okay. It's exactly where our funding goes in the council. We'll continue to do our part.

Uh, thank you very much. We'll move on to council questions.

COMMITTEE COUNSEL: Thank you, Chair Adams. Uhm, Council Member Miller, are you able to log on to speak? I hear your... Is he... Go ahead, sir.

COUNCIL MEMBER MILLER: Okay, uh, good afternoon, uh, good morning... Good morning, uh, Chair Adams, and good morning to all.

Uhm, so, I have a couple of questions, but I will be where Chair Adams left off with her NYCHA questions -- a few about, uh, agency coordination. And, it was, uh, Admin testified that they, uh, do some of these, uhm, some of the... the... The surveillance and investigation in to other, uh, activities, uh, alongside of NYCHA, uh, management.

Are there other agencies involved and such? Uhm, and, as you said, it's not necessarily what the... what the legislation would envision, uhm, but I think that there is a specific, innate, uh ask within the legislation, and that's why it's written that way.



1                   And, I'll give you an example. Uh, in Collin  
2 Life, one of the two senior developments that are  
3 represented, uh, District 27, uhm, they're about two  
4 - three blocks from each other, but also Rosa Park.  
5 Collin Life, uhm, has had a serious security issue,  
6 uh, for the past eight years, as long as I've been in  
7 the council. Five years ago, we invested, uh, in  
8 capital, uh, in a new door, uh, a new, uh, cameras  
9 and security system. And, they're not up yet.

11                  In the interim, uh, just over the past few  
12 months, we had, uh, three overdoses, uh, from folks  
13 right there on the staircase and in the building, uh,  
14 who aren't residents of the building. Uhm, this is  
15 constant... Has been a constant concern of the, uh,  
16 of the residents of Collin Life, uh, and my office,  
17 uh, Chief Burrell, while he once the commanding  
18 officer of Queens South, uh, and 103 was very much  
19 aware of it. And, unless it's bumped up to that  
20 level, we don't see the day to day operations that  
21 would coordinate in a way, uhm, that would mitigate  
22 this, uh, unless we have a crisis and do that.

23                  And, the reason why I say that, is because they  
24 are constantly concerning about the outside folks  
25 that are sleeping in the staircase. Some folks that

1  
2 have outright taken over apartments of senior  
3 residents that live in the building, uh, selling  
4 drugs and other nefarious activities. And, but, we  
5 have gotten no, uhm, support on this over the years.  
6 It's... It's just gotten worse. Uhm, and the  
7 \$400,000.00 investment that we made, uh, we would  
8 love for the police department to say that, hey, this  
9 would assist them if we can have, uhm, the new  
10 intercoms, the new security door, and the cameras up  
11 and running, uh, would support their efforts.

12 But, uh, in terms of agency coordination, I'd  
13 love for you to be able to speak to that further, uh,  
14 around NYCHA.

15 And, then the other thing is, uhm, the  
16 administration's dealing, uh, of drug use, uh,  
17 homelessness, and others, it appears that the  
18 responsibilities of... to remove, uh, these, uh,  
19 folks that are... that are sleeping in stairwells  
20 and taking over apartments, uhm, has been removed  
21 from the responsibilities of the police department.

22 If that is the case, how do you coordinate with  
23 other agencies to keep these seniors safe?

24

25

1  
2 DI GOTTESMAN: Thanks, uh, thank you for that  
3 question. I would... I'll take your last question  
4 first.

5 Uhm, you are correct sir, uh, there has been a,  
6 uh, an agreement with, uh, The Housing Authority as  
7 well as The Department of the Homeless Services, uh,  
8 DHS, to address, uh, homelessness in particular in  
9 NYCHA. Uhm, you are correct in that, where it is  
10 not, uh, deemed to be a safety hazard, uh, it is The  
11 Department of Homeless Services that, uh, take the  
12 lead. Uhm, when we are requested to co-respond with  
13 them, if they feel unsafe for whatever reason, uh,  
14 the coordinate that, uhm, with us. They will notify  
15 us, and we meet them at the location, uh, usually  
16 with a representative of The Housing Authority. And,  
17 uhm, we then go and engage, uhm, the apparently  
18 homeless, uh, individual, or individuals in the  
19 staircases, and offer them, uh, an array of services.  
20 Uhm, well that is the, uhm, that is the current  
21 method that we, uh, use to engage with our people who  
22 are apparently homeless.

23 Uh, it kind of ties in with your first question,  
24 which you mentioned the, uh, the folks found, uhm, in  
25 the staircases, uh, either, uhm, utilizing narcotics,

1                   Committee on Public Safety                   52  
2   or... or overdosed. Uhm, the financial, uhm,  
3   contributions, whether it's from your office or from,  
4   uh, others in the city council, uhm, that does go to  
5   The Housing Authority.

6           We do partner with them, again, if they ask us to  
7   assess the physical, uhm, campus. I'm very familiar  
8   with Common Life. I actually used to work for that  
9   PSA many, many years ago. Uhm, it is a senior said,  
10   as you've said.

11           Uh, my understanding is that there is a, uhm,  
12   partial security, uh, meaning private security, hired  
13   by The Housing Authority, that will do, uhm, you  
14   know, either one 8-hour shift, or two 8-hour shifts.  
15   So, they'll have that building covered for about 16  
16   hours out of the 24-hour period.

17           Uhm, while the NYPD does not control how these  
18   monies are invested or the time frame, uhm, as to  
19   when these security improvements are made, we can and  
20   we will reach out to our partners, uh, The Housing  
21   Authority, and ask that, uh, for this particular  
22   building, it be fast-tracked. Uhm, I was looking at  
23   the numbers for Common Life as you presented in your  
24   questions. Uhm, the index crimes in that development  
25   -- in that one building, uh, is flagged to be

1 (INAUDIBLE 55:48) uhm, it's not something that would  
2 be on our radar. But, uhm, people overdosing, uh, in  
3 the staircase most likely are homeless individuals  
4 coming in. It's definitely something we don't want,  
5 uh, for a whole host of reasons. And, we will look  
6 in to that.  
7

8 Uh, I believe I've covered of, uhm, of your  
9 questions.

10 COUNCIL MEMBER MILLER: Yep, because for seniors,  
11 uh, are relegated to their own home to their  
12 apartments. They're afraid to come out. They're  
13 afraid to use the elevator. And, certainly won't use  
14 the stairs when you have folks, uh, with drug use  
15 sleeping on the stairs, uh... uh, using drugs.

16 And... And, as I said, uh, actually... who have  
17 actually taken over apartments, uh, within the, uh,  
18 residence, uhm, from senior residents. And, they're  
19 using that to... to deal drugs out of. And, you  
20 know, how do we address that?

21 Again, uhm, if there's a coordination, uhm, with  
22 other agencies, like you said DHS, and... And,  
23 others that... that could facilitate that. And,  
24 then, when you do your security assessment, you know,  
25 what is that actually saying? Uh, if you could, uhm,

1  
2 if you have it, or if you can get back to us on the  
3 latest security assessment for Collin Life, we... we  
4 would definitely appreciate that.

5 And, then, uhm, Chair Adams talked about  
6 qualifying/disqualifying uh, of applicants for the  
7 police department, uh, around character and other  
8 issues. One around character, I recall having this  
9 in committee a few years ago when we all addressed  
10 the issues of, uhm, low level marijuana and other  
11 offences. And, that, at that time, uh, was deemed to  
12 be a matter of character, uh, which seemed to be  
13 another reason that disproportionately, uh,  
14 disqualified candidates of color considering, uhm,  
15 Stop and Frisk, and the disproportionate amount of  
16 low level marijuana arrests in some instances that  
17 occur. The community of color, uhm, obviously we...  
18 we... we... I represent the 105th precinct, which  
19 nine out of ten years, had the highest, uh, summons  
20 and arrests in the city. Which would appear to be a  
21 disqualifying... I speak to this as one with that  
22 experience. One who was a, uh, a part of the, uh, I  
23 believe it was 1983 class action suit around, uh,  
24 psychological disqualifications of the police  
25 department.

1                   So, we don't take this lightly. Uhm, and, as you  
2                   said, now, that, well, you know, , uh, it's  
3                   subjective, uh, but, two years ago, when we had the  
4                   hearing, it was pretty firm that people found doing  
5                   marijuana use, as opposed to other things that make,  
6                   uh, uses or drug use or other behaviors, uhm, of  
7                   character that occurred outside of communities of  
8                   color.  
9

10                  Uh, so, what is it now? Does... Does marijuana  
11                  use, uh, is that considered to be a character  
12                  disqualifier currently?

13                  And... And... And, if not, what do the numbers  
14                  say? What do the actual numbers say in terms of  
15                  disqualification? Do you keep those?

16                  DEPUTY CHIEF WINSKI: So, I'll answer your first  
17                  question. Absolutely not. Marijuana usage is not,  
18                  uhm, a disqualifier. It hasn't been even, uh, before  
19                  marijuana became legal in New York State. So, we  
20                  don't not disqualify people for marijuana use.

21                  Uhm, and, you second question, do we keep numbers  
22                  on what?

23                  COUNCIL MEMBER MILLER: Well, on those who have  
24                  been disqualified for marijuana use as it relates to  
25                  character?

1                   So, I will tell... We can... You know, we can  
2 go back and pull the records and the testimony. I  
3 assure you, in public hearings, uh, it was testified  
4 that, you know, marijuana was, uh, was deemed to be a  
5 character flaw, and that folks had been not  
6 necessarily, it was subjective, but that they were,  
7 uh, in the past, uh, disqualified because of that.

8                   DEPUTY CHIEF WINSKI: Yes, I would... I would not  
9 disagree with that. In the past, people who were...  
10 Candidates, applicants, were disqualified for  
11 marijuana usage. But, that is no longer the case.  
12 Uhm, again, I've been there for 3 ½ years, it's never  
13 been the case in those 3 ½ years. And, that was  
14 prior to marijuana becoming legal. So, uhm, it's no  
15 longer the case. It was the case in the past.

16                   And, we still do, just as a, in addition to that,  
17 we still do drug tests on all of our candidates just  
18 prior to hire. Uhm, and marijuana usage by members  
19 of this department is still strictly prohibited.

20                   COUNCIL MEMBER MILLER: I would hope... I would,  
21 uh, think so.

22                   So, uh, and, then, finally, uh, the question,  
23 uh, that was also asked by the Chair in a number of  
24 different ways, about, uh, folks, uh, as relates to  
25



1  
2 Member Moyer's legislation, uhm, and folks being  
3 hired from other, uh, departments outside in...  
4 within the region who had been fired. Uh, those  
5 who... Does that also apply to those who had  
6 resigned from other departments? Do we, uh, look and  
7 take a deeper dive in to why folks are, uh, are  
8 resigning from other departments, and not assume that  
9 this is just higher rate of pay or something? And,  
10 uh, and so that people who may have resigned in lieu  
11 of termination are not picked up by the NYPD?

12 DEPUTY CHIEF WINSKI: Yes, absolutely. So, we do  
13 a... We... We conduct a personal contact with a  
14 supervisor from any law enforcement agency where one  
15 of our candidates may have been before.

16 COUNCIL MEMBER MILLER: Just a supervisor? No H.  
17 R.? You don't go in to... to the record? Uh,  
18 you... You... So, uh, a supervisor, for a smaller  
19 municipality where some obviously... who has a  
20 relationship, is the one responsible for... Uh, do  
21 ask specific... You know, what... What... What  
22 questions are being asked, and/or do you go in to the  
23 full, uh, employment file, uh, to see...

24 DEPUTY CHIEF WINSKI: So, we... We will... We  
25 never get their full employment file. We send a

2 written request for all of their, uhm, history with  
3 their... whatever department it is, including  
4 disciplinary history. Then we follow it up with a  
5 personal phone call from the investigator to a  
6 supervisor, uhm, who give, uhm, information on why  
7 they left the department, if they left that  
8 department in good standing, and any further  
9 information you can get from them.

10 COUNCIL MEMBER MILLER: Oh, okay. Thank you.  
11 Thank you, Chair Adams.

12 CHAIRPERSON ADAMS: Thank you, Councilman Miller.  
13 Counsel, are there any other questions from  
14 colleagues?

15 COMMITTEE COUNSEL: Uh, seeing no other hands  
16 raised, I think we're ready to move on to the public  
17 panel testimonies.

18 CHAIRPERSON ADAMS: Okay, with that, I say, uh,  
19 thank you very much, Chief Winski, Inspector  
20 Gottesman, and Director Clarke. Thank you very much  
21 for your testimony this morning.

22 ALL: (INAUDIBLE 1:02:59)

23 CHAIRPERSON ADAMS: Happy Thanksgiving.

24 ALL: Thank you. Happy Thanksgiving.

25 COMMITTEE COUNSEL: Thank you everyone.

1                   We will now turn on to the stage of public  
2 testimony.  
3

4                   Uhm, first we'll hear testimony from Andrew Case,  
5 followed by Ben Weinberg.

6                   Uhm, please, uh, remember to send your testimony  
7 in to [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov) .

8                   Uh, Andrew, you may begin when you are ready.

9                   SERGEANT AT ARMS: Starting time.

10                  COMMITTEE COUNSEL: We'll unmute you in just a  
11 second, sorry about that, sir.

12                  ANDREW CASE: Thank you... (Cross-Talk)

13                  COMMITTEE COUNSEL: Go ahead, sir.

14                  ANDREW CASE: Thank you.

15                  Uhm, Dear Chair Adams, and members of the  
16 Committee, on behalf of LatinoJustice PRLDEF, I want  
17 to thank you for giving me the opportunity to testify  
18 today.

19                  LatinoJustice supports passage of 2440-2021,  
20 which would authorize the CCRB to initiate its own  
21 complaints, and 2297, which would bar a person from  
22 taking a civil service exam for a position in the  
23 NYPD if the person has previously been dismissed from  
24 a police force for misconduct or resigned from a  
25 police force during an open investigation.

1                   We are opposed to 1883. Broken locks and burnt-  
2 out lights can be investigated and repaired by NYCHA.

3                   As you heard from the NYPD, performing these  
4 investigations would require an increase to police  
5 funding and staffing. LatinoJustice believes any new  
6 funding for security should go directly to NYCHA.

7                   LatinoJustice believes in an effective and  
8 transparent disciplinary system for officers who  
9 engage in misconduct, and that includes a robust  
10 Civilian Complaint Review Board.

11                   I personally have a long history with the CCRB  
12 starting as an investigator there in 1997, leaving as  
13 Director of Communications and Intergovernmental  
14 Affairs in 2008.

15                   When the CCRB was established in its current form  
16 in 1993, the requirement that it receive a sworn  
17 complaint to conduct and investigation made sense.  
18 Video reporting of police - civilian encounters was  
19 virtually unknown, and the agency is prohibited from  
20 making a finding bases solely on an unsworn  
21 complaint. Without a sworn complaint, the agency  
22 would be unlikely... would have been unlikely to  
23 collect evidence sufficient to make a finding. But,  
24 the bar on self-initiated complaints is an impediment  
25

1                   Committee on Public Safety                   61  
2           to transparency in the age of video footage and  
3           social media.

4           If a recording suggesting police misconduct is  
5           publically released -- in the media or on social  
6           media -- the agency's inability to investigate makes  
7           it look like it's hiding something. Even in 2008, I  
8           struggled to explain to a skeptical public, when I  
9           would give presentations of behalf of the CCRB, as to  
10          why the agency was not investigating acts of police  
11          of violence that were reported in the press.

12          We expect that board members will use the power  
13          to initiate complaints judiciously, and the vast  
14          majority of cases will continue to be initiated by  
15          civilian complaints.

16          But, because the agency's credible depends on a  
17          perception that it thoroughly investigates  
18          misconduct, the law will provide the small, but  
19          necessary, fix in the agency's operations.

20          Number 2297 will also close a loophole that  
21          allows harmful officers to escape disciplinary  
22          consequences by hopping from one police department to  
23          the next.

24          It is positive and encouraging to hear from the  
25          NYPD that its policy currently prohibits individuals

1  
2 who have been fired or have faced discipline from  
3 other departments, uh, from joining the NYPD. But,  
4 the structure of 2297 will vest this power with DCAS  
5 and bar such applicants from even taking the exam.

6 Policy can change over time, and having  
7 (INAUDIBLE 1:06:35)... (Cross-Talk)

8 SERGEANT AT ARMS: Time expired.

9 ANDREW CASE: in place, will keep the NYPD from  
10 changing that policy in the future.

11 In short, 2440 will give the CCRB the power to  
12 bolster its legitimacy by initiating cases, and 2297  
13 will ensure that officers who try to evade the  
14 consequences of their misconduct cannot join the  
15 NYPD.

16 LatinoJustice supports both bills.

17 Thank you, both.

18 COMMITTEE COUNSEL: Thank you for testimony,  
19 Andrew.

20 We will now move on to Ben Weinberg, followed  
21 by... Yes, there you are Ben. Uh, you will... You  
22 will be going next, followed by Towaki Komatsu.

23 Uh, Ben you may begin when you are ready.

24 SERGEANT AT ARMS: Starting time.



1  
2 evidence, such as videos, where possible cases of  
3 misconduct are reported in the press, the CCRB, which  
4 has developed expertise on this issue should be able  
5 to investigate.

6 This would allow for faster responses for  
7 possible cases of misconduct. It would also mean more  
8 efficient and precise initiation of investigation,  
9 considering that most of the filings or complaints to  
10 CCRB receives in a year, do not fall within its  
11 jurisdiction.

12 Altogether, Citizens Union believes Intro 2440  
13 would allow the CCRB to take a more active role in  
14 fighting police misconduct and would contribute to  
15 accountability in our city.

16 Intro 2297 is another bill before the committee  
17 today. Citizens Union believes barring people who  
18 served in another police force, but were dismissed  
19 due to misconduct or resigned while being  
20 investigating for misconduct, uhm, barring them from  
21 serving in the NYPD is a sensible and appreciate  
22 addition to city law. As mentioned in NYPD's  
23 testimony today, this requirement is already enforced  
24 and practiced. City law also already bans NYPD  
25





1 Uhm, Towaki, you may begin. Go ahead, sir.

2 SERGEANT AT ARMS: Starting time.

3 TOWAKI KOMATSU: Hi, uhm, so, question... First  
4 question I have for you basically is this, uhm, The  
5 Mayor's NYPD security detail has been in the news  
6 lately, and there's been no announcement about a  
7 public hearing about The Mayor's NYPD security  
8 detail, specifically Howard Redmond.

9 Uhm, question, why is that? Meaning, if tax  
10 payers are paying for their operations and they're  
11 ripping off tax payers, why are you, Miss Adams, as  
12 the Chairwoman of this committee, not making  
13 arrangements to have public hearings held.

14 Uhm, the other issue really is this...really is  
15 this, this hearing is about the CCRB. To a large  
16 extent, the CCRB itself is totally useless.

17 Uhm, Mr. Darche, he's a defendant in a federal  
18 lawsuit for retaliating against his own staff.

19 Uhm, Judith Lê used to be an investigator for the  
20 CCRB. She's currently in an attorney for the mayor.  
21 After I met with her and made, uh, complaints against  
22 Mr. Redmond, the head of the mayor's security  
23 detail... Uhm, also the CCRB, they don't harvest  
24 evidence, meaning I made a complaint to the CCRB on  
25

1  
2 April 27th of 2017 by phone. They had sufficient  
3 notice. That was their duty to gather the evidence -  
4 - the video recordings -- from video security cameras  
5 at the school in Queens. They didn't do that. So,  
6 basically they dropped the ball.

7 Uhm, the other thing, too, uhm, (INAUDIBLE  
8 01:11:45) a police officer in court, I'm now suing  
9 them. Uhm, again, that involves Miss Lê, she  
10 basically upheld, uh, the actions of that police  
11 officer in spite of the fact the police officer  
12 fraudulently claimed I was trespassing when the New  
13 York City's, uh, ZoLa website about zoning matters,  
14 confirms that my feet actually were not in a park;  
15 they were in a public corridor.

16 So, the point is, when the CCRB conducts  
17 investigations, if they conduct shoddy  
18 investigations, why in the hell is there no oversight  
19 of the CCRB such that it actually conducts proper  
20 investigations?

21 The same person who illegally stopped me on  
22 December 26th of 2017, uhm, he actually continued to  
23 make illegal acts against other New Yorkers after  
24 that.

1                   Committee on Public Safety                   68  
2           So, the question is, why does this person still a  
3 police officer if he's continuing to violate the  
4 rights of people I've never met and never will meet?

5           I mean, again, you're the chairwoman of this  
6 committee. You have, I guess, some oversight powers.  
7 So, why is that Saquoi Harris, uhm, of the NYPD's  
8 48th precinct, still a member of the NYPD?

9           Seriously. So, same thing with Raphael  
10 (INAUDIBLE 01:12:56), uhm, he violated my rights on  
11 April 27, 2017, and that was after somebody else, uh,  
12 sued him.

13           Howard Redmond, he settled in court with somebody  
14 named, uh, some reporter from, uh, what, September  
15 20... September 2012 incident?

16           So, just Google his name, Howard Redmond, R e d m  
17 o n d. Seriously, I've got the transcript confirming  
18 that he committed perjury on May 19, 2017. The law  
19 department also gave me a video recording confirming  
20 that he committed, uh, perjury.

21           So, yeah, at the end of the day, this hearing,  
22 it's about the CCRB, I guess granting them greater  
23 authority to investigate matters, when fact of the  
24 matter is, they routinely cover up for the NYPD.

1 I mean, the mayor appoints people like Mr.  
2 Darche, so there's no, you know, autonomy.

3 Uh, last... (Cross-Talk)

4 SERGEANT AT ARMS: Time expired.

5 TOWAKI KOMATSU: Can I continue just to finish up?

6 Uhm, I have federal litigation against the city  
7 of New York, primarily against NYPD. Case numbers:  
8 20 CV 7046, that's a consolidated case. Uhm, There's  
9 another one, it's 20, dash, CV 10942. All of you  
10 have the legal authorization to submit applications  
11 to intervene in that case as interested parties.

12 I think, Miss Adams, you've done that previously  
13 in other litigation. So, in the event, uh, that you  
14 want to do so, I would love to have you.

15 Last point, there is, uh, a public hearing in one  
16 of those court cases on December 7th, with Magistrate  
17 Judge Lehrburger against the person who illegally  
18 stopped me on December 26, 2017, about which I  
19 testified to Vanessa Williams and Corey Johnson on, I  
20 think, uhm, multiple dates to the city council.

21 So, if you want to attend that hearing, it's at  
22 500 Pearl Street, again, December 7, uh, 2021 with  
23 Magistrate Judge Lehrburger, and that was for case  
24 number 20 CV 10942.  
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Committee on Public Safety

That's the end of my testimony.

COMMITTEE COUNSEL: Thank you, Towaki. We appreciate your testimony.

Uhm, seeing no other members of the public, uh, to testify, please, uh, Chair Adams, you may, uhm, close out the hearing. Thank you.

CHAIRPERSON ADAMS: Okay, thank you again, to all of my colleagues, members of the public, Committee Counsel Josh Kingsley, Matt Thompson, and Ebony Meeks - Laidley from The Speaker's Office.

Uh, all of our security, uhm, geniuses that take care of us behind the scenes, we appreciate you all as well. Thank you for taking good care of us all day today, uh, specifically at my hearing today.

This meeting is hereby adjourned, with a very happy Thanksgiving.

(GAVEL)

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 11, 2021