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COMMITTEE ON PUBLIC SAFETY

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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June 18, 2020
Start: 10:18 a.m.
Recess: 10:44 a.m.

HELD AT: REMOTE HEARING

B E F O R E: Donovan J. Richards,
Chairperson

COUNCIL MEMBERS:

- Adrienne E. Adams
- Alicka Ampry-Samuel
- Justin L. Brannan
- Fernando Cabrera
- Andrew Cohen
- Chaim M. Deutsch
- Vanessa Gibson
- Rory I. Lancman
- Carlos Menchaca
- I. Daneek Miller
- Keith Powers
- Antonio Reynoso
- Deborah Rose
- Paul A. Vallone

1 COMMITTEE ON PUBLIC SAFETY

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2 SERGEANT BIONDO: Alright, at this time, would
3 all sergeants please start the recordings.

4 SERGEANT SADOWSKY: PC recorded is started.

5 SERGEANT BIONDO: Thank you.

6 SERGEANT HOPE: Recording started.

7 SERGEANT BIONDO: Thank you. And Sergeant Polite
8 whenever you are ready.

9 SERGEANT POLITE: Good morning, welcome to the
10 Committee on Public Safety. Will all Council Members
11 and staff please turn on your videos at this time.
12 please place all cellphones and electronic devices on
13 vibrate. We are ready to begin.

14 CHAIRPERSON RICHARDS: Good morning, I am Donovan
15 Richards of the 31st District in Queens and I am the
16 Chair of the Committee on Public Safety and let me
17 acknowledge those who we are joined by today. We're
18 joined by Council Members Adams, Ampry-Samuel,
19 Brannan, Cabrera, Cohen, Deutsch, Gibson, Lancman,
20 Menchaca, Miller, Powers, Reynoso, Rose and Vallone.
21 And I think I got everybody.

22 Today, we are voting on the following legislation
23 Proposed Introduction 487-A by Council Member Gibson
24 in relation to creating comprehensive reporting and
25 oversight of New York City Police Departments

1 surveillance technologies. Followed by Proposed
2 Introduction 536-B by Council Member Lancman. In
3 relation to chokeholds and other such restraints.
4 Following Proposed Introduction 721-B, by Public
5 Advocate Williams in relation to respecting the right
6 to record police activities. Following that,
7 Proposed Introduction 760-B by Council Member
8 Gibson, in relation to an early intervention system.
9 Following that, Proposed Introduction Number 1309-A,
10 by Council Member Richards which is I, in relation to
11 requiring the police department to develop an inter-
12 disciplinary matrix. And then we're voting on
13 Preconsidered Introduction by Council Member Ampry-
14 Samuels in relation to requiring visible shield
15 numbers and rank designations. And lastly
16 Preconsidered Resolution by Council Member Rivera,
17 calling upon the United States Congress to pass, and
18 the President to sign, the Eric Garner Excessive Use
19 of Force Prevention Act of 2019, H.R. 4408, which
20 would prohibit police chokeholds and other tactics
21 that result in asphyxiation.
22

23 The path to today's vote was a long one. Many of
24 these bills were first introduced last session. My
25 bill was heard over a year ago. And of course, the

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2 issues underlying these bills have been decades if
3 not centuries in the making.

4 As the Chair of the Public Safety Committee which
5 holds oversight responsibility over the NYPD, I have
6 not quite – oh hold on. Okay, I think I did
7 something wrong.

8 I have not quite seen a day like this. Over the
9 last hearing, – our last hearing was something I had
10 never experienced before. Ten hours, hundreds of
11 witnesses all of them angry at the NYPD. That
12 surprising number were White allies who had recently
13 had their first experience of police use of force and
14 they were angry, so angry about it that they sat
15 through ten hours of Committee hearings.

16 A lot of the anger was directed at me, at the
17 Council, at the City, government at large which many
18 of these New Yorkers correctly believe hadn't done
19 enough to curb police abuse that has plagued the
20 Black and Brown community for years.

21 I don't mind that anger. I get it and while I
22 think a lot of the criticism of those of us who have
23 been here doing this work for years is somewhat
24 misdirected. I will take ownership of my inability
25 to do more. In a lot of ways, they were right. Not

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2 enough has been done. Even assuming all these bills
3 pass, still not enough will have been done. But
4 there is more to the story than governmental
5 inaction, what I found interesting is that many of
6 the people came here to acknowledge that everyone of
7 us is complicit in this failure. The main reason we
8 were unable to change anything before is because
9 people weren't here yelling all these years.

10 People weren't in the streets demanding change.
11 Up until last week, people wanted more cops to keep
12 their neighborhood safe. I'm not trying to deflect
13 blame. The fact that it's taking us this long to
14 take basic steps towards disciplinary accountability
15 and transparency in the NYPD. The fact that it took
16 another murder of a Black man on camera to pass some
17 measures curbing the use of police force. Those
18 things are as much my fault as anyone's.

19 As an elected official accountability and
20 transparency in the NYPD - Oh, oh, I think I doubled,
21 just give me one second. Okay, sorry, so to everyone
22 who was here a couple of weeks ago blaming the NYPD,
23 blaming the Mayor, blaming the Council, and most of
24 all blaming me. I have one message; it is good to
25 see you. It is good to hear you're angry. It means

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2 that I, as a black man who grew up and lived my whole
3 life and what you are finally seeing with your own
4 eyes.

5 As an elected official who for six and a half
6 years has been sounding the alarm into a seemingly
7 disconnected microphone, I am finally being heard.
8 The injustice is finally being seen. Please don't
9 forget that anger. Please come yell at me. I will
10 be right here a couple times a month. For as long as
11 it takes to make sure that we stay on this course.

12 I am proud of the disciplinary matrix bill. I
13 think it is going to bring much needed transparency
14 and accountability but only your continued outreach
15 can prevent the department from putting out week
16 punishments and having the Commissioner override it
17 half the time anyway.

18 The NYPD must be held accountable for the actions
19 of its officers for a culture that ignores and even
20 encourages a way of treating people that is just
21 simply unacceptable for everyone. Much less a public
22 servant.

23 So, while I am proud of this bill and proud of my
24 colleagues for their work, the truth is that these
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2 bills barely scratch the surface and we need to keep
3 the pressure on. We have so much more work to do.

4 Officer disciplinary records, DNA collection,
5 gang database, facial recognition, criminalization of
6 mental illness, criminalization of homelessness and
7 so much more.

8 We need you to say that the NYPD cannot decide
9 how we are going to police this city. And this city
10 cannot send police to fix every single problem, what
11 they've done in handcuffs.

12 Welcome to the struggle. Please stay angry with
13 us. Please stay engaged. I want to thank all my
14 colleagues today for their bills. I also want to
15 acknowledge the people who work on these bills. For
16 a long time, Daniel Ades, I want to thank you for
17 your work. To the Speaker, thank you and to two
18 former staff members who are not here Jordan Gibbons
19 who worked on the disciplinary matrix with me. To
20 Casey Addison as well, to Tiffany Eason, to Nevin
21 Singh and to Brian Crow, I say thank you to each and
22 everyone of you.

23 And with that being said, I will go to the other
24 sponsors of the bills for remarks and go to Council
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1
2 Member Gibson first, followed by Lancman and if
3 Public Advocate Williams is here, we'll go to him.

4 COUNCIL MEMBER GIBSON: Thank you so much and
5 good morning Chair Donovan Richards. Good morning to
6 all of my colleagues on the Public Safety Committee
7 and to all of those New Yorkers who are watching
8 today's hearing.

9 Thank you for the opportunity. I am Council
10 Member Vanessa Gibson of District 16 in the Bronx and
11 I thank all of you for watching our hearing this
12 morning. This morning is a very important day for
13 our city. When the City Council takes a very bold
14 step forward in recognizing that a sleeping nation
15 has finally woke up following the horrific murder of
16 George Floyd in Minneapolis.

17 While I applaud all of the advocates, the
18 activists, our allies, and all New Yorkers who have
19 really stepped up. Those of us who are tired of
20 being tired, and those who have simply seen far too
21 much.

22 I am really saddened that we have seen another
23 Black man killed by police violence in America. This
24 morning, I am proud to sponsor the post-Act Intro.
25 487 before this Committee today. First introduced

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2 way back in 2017, which will increase the
3 transparency and oversight of the NYPD's use of
4 surveillance technologies and information sharing
5 networks to keep New Yorkers safe.

6 The post-Act will require the NYPD to develop and
7 disclose and impact and use policy for each piece of
8 surveillance technology that it purchases as well as
9 new technology purchases in the future. This policy
10 would include information on surveillance
11 technologies, such as the description and
12 capabilities, the rules, the processes, guidelines
13 and any safeguards and security measures designed to
14 protect the information that is collected.

15 The impact and use policy will be sent to the
16 Council and the Mayor and will be posted on the
17 NYPD's website for 45 days after the closure of the
18 public comment period. These measures are important
19 safeguards we believe to protect the civil liberties
20 and privacy rights of all New Yorkers.

21 In an effort to balance law enforcement and
22 national security concerns, with the need for
23 transparency and accountability. The NYPD's powerful
24 surveillance equipment is vast and it includes such
25 items as stingrays, cellphone towers, license plate

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2 readers, x-ray vans and even drones. What happens to
3 this information that's gathered from innocent
4 bystanders? How long is the data and the information
5 kept? Is this information shared with anyone?

6 The answer to all of these questions is very
7 simple. We do not know. Our city has the unique
8 opportunity at this moment in history, to join other
9 cities like San Francisco, Berkley, Oakland, Seattle,
10 Detroit, Cambridge, and Nashville in our collective
11 efforts to know about and understand the surveillance
12 tools that law enforcement uses in our communities.

13 This legislation is the floor and not the ceiling
14 and is a basic reporting bill to understand and
15 really create a foundation of information on
16 technology and surveillance that is used by the NYPD.
17 We can respect individuals civil liberties and keep
18 our city safe at the same time. These priorities are
19 not mutually exclusive.

20 I want to extend my gratitude to our former
21 colleague Dan Garodnick for his early support and
22 commitment as the original sponsor of the post-Act.
23 And certainly, all credit and admiration for this
24 moment in history to the committed and hard working
25 advocates who remain consistent on this long journey.

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2 They always knew that this day would come but none of
3 us knew exactly when.

4 I want to acknowledge the Brennan Center for
5 Justice, the surveillance technology oversight
6 project, Urban Justice Center, American Civil
7 Liberties Union, New York Civil Liberties Union, the
8 Legal Aid Society, the Council on American Islamic
9 Relations, the National Lawyers Guild, the National
10 Action Network and Empire State Indivisible.

11 I thank all of my colleagues who have signed on
12 as sponsors of the post-ACT and certainly the
13 legislative division who have worked extremely hard
14 on this bill and I urge my colleagues on the Public
15 Safety Committee to vote aye.

16 Thank you so much Chair Richards for the
17 opportunity to speak on a very important piece of
18 legislation for this moment in history.

19 Thank you.

20 CHAIRPERSON RICHARDS: Thank you. I'm going to go
21 to now Council Member Lancman.

22 COUNCIL MEMBER LANCMAN: Thank you Mr. Chairman
23 and good morning. I will have a lot more to say on
24 the chokehold legislation that we will be passing at
25 the Stated. But for now, let me just thank everyone

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2 for their support including in particular yours Mr.
3 Chairman. This has been a long time coming.

4 Six years now we have waited for this legislation
5 to pass and finally the day is here. I am hopeful
6 and even at this last moment, I want to be optimistic
7 that the Mayor will sign the bill into law but if he
8 doesn't, I'm confident that we have the votes to
9 override his detail. And we didn't get here by
10 accident, we got here through the sacrifice and hard
11 work of the mothers of the movement and in particular
12 Gwen Carr herself, Eric Garners mom. The bill now is
13 broader than just a chokehold bill. It includes
14 restraints on a persons ability to breathe if an
15 officer sits, kneels, or stands on their chest or
16 back.

17 But the origin of this legislation was the
18 horrific killing of Eric Garner that we all witnessed
19 with our own and having witnessed that, how can we
20 not act. We must act and today we are acting.

21 As I said, I will have more to say on the
22 chokehold bill at the stated meeting but for now, I
23 thank everyone for their support. I thank the staff
24 for their hard work over these years and I look
25 forward to a great day, not just for my bill but for

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2 all the bills that we're passing today and the
3 comprehensive criminal justice reform that this
4 Council is continuing to push forward.

5 Thank you very much.

6 CHAIRPERSON RICHARD: Thank you. Is Public
7 Advocate Williams here? If he is not, we will go to
8 Council Member Ampry-Samuels.

9 COUNCIL MEMBER AMPRY-SAMUELS: Good morning
10 everyone and thank you so much Chair for all of your
11 hard work and your voice and always speaking your
12 truth and I really do appreciate your opening
13 remarks.

14 Yesterday, the Human Rights Council, the United
15 Nations Human Rights Council, held an urgent debate
16 on race based human rights violations, systematic
17 racism, police violence against persons of African
18 descent and violence against peaceful protestors
19 within the United States and other jurisdictions.

20 The organization called for the debate to lend
21 meaningful outcomes including inquiry mechanisms
22 designed to investigate systematic racism in law
23 enforcements globally. And on June 19th, two years
24 ago, the United States announced its withdrawal from
25 the United Nations Human Rights Council.

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2 The White House said at that time that the
3 decision did not mean that the country would retreat
4 from its stance on human rights but we see different.
5 And there is no wonder why we have aggressively gone
6 backwards these past few years.

7 And also, yesterday State Attorney General
8 Letitia James held a public hearing with former
9 United States Attorney General Loretta Lynch who
10 heard from peaceful demonstrators about their
11 encounters with police officers. And most of them
12 testified about not just assaults but also the
13 blocking of police badges. Story after story had the
14 same experience and encounters of police hiding their
15 badge numbers.

16 So, Preconsidered Intro. 1962 which will require
17 the shield number or rank designation of a uniformed
18 officer to be visible. A private right of action
19 would exist where an individual demonstrates that
20 they requested that an officer make their shield
21 number or rank designation visible and such officer
22 did not apply. This means uniformed police officers
23 can no longer hide or cover their badge number during
24 a protest and allows for transparency and police
25 accountability.

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2 Officers who have become accustomed to this
3 practice because they knew there would no punishment,
4 or they knew that their bosses had the discretion.
5 This will no longer be tolerated and will now give
6 people a right to a private action in court. Simply
7 stated, when policies don't work within our agencies
8 as a Council body, we must legislate and this bill
9 and the companied pieces of legislation is a start of
10 ensuring that when Americans Pledge Allegiance to the
11 Flag, that last part, that last line that states,
12 with liberty and justice for all. These bills will
13 truly mean liberty and justice for all.

14 So, thank you so much for allowing me to just
15 speak on my bill related to the blocking of police
16 badges and I hope that everyone is very supportive of
17 this bill because clearly it makes sense. And I will
18 save the rest of my comments for Stated.

19 Thank you so much Chair.

20 CHAIRPERSON RICHARDS: Thank you. We'll go to
21 Council Member Rivera. Okay, she is not here. So, I
22 will ask the Counsel to call the roll. Are there any
23 other Council Members who want to give remarks at
24 this time?
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2 Alrighty, seeing none, Counsel, I ask you to call
3 the roll.

4 COMMITTEE COUNSEL: William Martin Committee
5 Clerk, roll call vote Committee on Public Safety.
6 All items are coupled. Chair Richards?

7 CHAIRPERSON RICHARDS: I just want to thank all
8 my colleagues. This is lifetime struggle but these
9 bills are certainly big steps in the right direction
10 as we shift you know to ensure that there is more
11 accountability in the police department, which only
12 makes our city safer. So, I want to thank each and
13 every one of you for your hard work and I vote aye on
14 all.

15 COMMITTEE COUNSEL: Gibson?

16 COUNCIL MEMBER GIBSON: Permission to explain Mr.
17 Chair?

18 CHAIRPERSON RICHARDS: Yes, please go, Council
19 Member Gibson.

20 COUNCIL MEMBER GIBSON: Okay, thank you so much.
21 I thank all my colleagues again for their support and
22 I wanted to also bring to your attention, I have
23 another bill on today's agenda, Intro. 760-B which is
24 known as the Early Warning Intervention System.
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2 are mass and continue to grow. And certainly, what
3 we have seen with some cases of excessive force
4 and/or serious injuries.

5 So, I ask my colleagues for their support of this
6 particular legislation as well and with that, Mr.
7 Chair, and colleagues, I vote aye on all of today's
8 agenda items.

9 Thank you.

10 COMMITTEE COUNSEL: Cabrera?

11 COUNCIL MEMBER CABRERA: Aye on all.

12 COMMITTEE COUNSEL: Cohen?

13 COUNCIL MEMBER COHEN: I vote aye.

14 COMMITTEE COUNSEL: Deutsch?

15 COUNCIL MEMBER DEUTSCH: I'll save my comments
16 for the Stated. I vote no on all.

17 COMMITTEE COUNSEL: Lancman?

18 COUNCIL MEMBER LANCMAN: I vote aye.

19 COMMITTEE COUNSEL: Menchaca?

20 COUNCIL MEMBER MENCHACA: With incredible
21 gratitude to all the staff and members and advocates
22 and everyone on the streets right now who are making
23 their voices heard, stay out there. Stay loud.
24 We're not done yet. I vote aye on all.

25 COMMITTEE COUNSEL: Miller?

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2 Council Member Miller: I'd like to thank my
3 colleagues for their thoughtful, insightful, and
4 courageous legislation put forth today. I vote aye
5 on all.

6 COMMITTEE COUNSEL: Rodriguez?

7 COUNCIL MEMBER RODRIGUEZ: Permission to explain
8 my vote?

9 CHAIRPERSON RICHARDS: Council Member Rodriguez,
10 you have permission to explain your vote.

11 COUNCIL MEMBER RODRIGUEZ: Chairman Richards and
12 former Chairman Gibson, you make a big difference in
13 this Committee. As someone that served my first four
14 years where there was no space to talk about police
15 reform, having both of you leading us in this work,
16 I'm so proud of what you have done. Thank you, the
17 brothers and sisters who are not Black, Latino,
18 Asian. Those of you who are White, who also has
19 raised this issue. You know, it's tough. I have
20 been arrested more than 15 times in the civil
21 disobedience. Among those, there have been four or
22 five. Two of them that I felt for my life. Being
23 their raised in 1989, when I was taking political
24 science 101, using my [INAUDIBLE 22:40], I never
25 thought that it would be my first interaction with

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2 the police in the way that [INAUDIBLE 22:49] there is
3 no freedom. Then when I was arrested on the street,
4 I won my lawsuit of \$25,000 and even though my wife
5 would have liked to have killed me because I every
6 single dollar, I donated to Center for Constitution
7 Right because they took my case in '89.

8 If you are not Black or Latino, if you don't live
9 in the poorest neighborhood, my brothers, and sisters
10 from the upper east side of the area, thank you for
11 solidarity. You and your family will never feel what
12 we go through.

13 So, this is a historical day. I think that with
14 this reform, we will attract police officers that
15 want to serve, keeping our community safe, getting
16 the respect from the community but not thinking that
17 just because they had a gun. They have all the power
18 to go around cursing or hurting people.

19 While my brother was a police officer at the 42nd,
20 I'm proud Chief [INAUDIBLE 24:01]. I'm proud of
21 Chief Mauri[SP?] you know when he was at the NYPD.

22 I don't think that most police officers are bad
23 apples but we have a few bad apple everywhere in the
24 police departments, in government, public and private
25 sector.

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2 So, thank you Chair. Thank you, all the
3 colleagues. With this reform, we're taking New York
4 City to be a remodel nationwide. And this will not
5 make the job at the NYPD harder. It will make it
6 difference. They have to abide themselves and those
7 who are not ready to work in this way, they can get
8 another job. And explain if they want to serve,
9 dressed in blue because they want to keep our
10 community safe and with this reform, I know that it
11 would be the best working relationship with the
12 community we have respect to the police and the
13 police would respect the community.

14 With that, I vote aye.

15 COMMITTEE COUNSEL: Vallone?

16 COUNCIL MEMBER VALLONE: Aye on all.

17 COMMITTEE COUNSEL: Adams?

18 COUNCIL MEMBER ADAMS: So, proud to have signed
19 onto every piece of this legislation. So very proud
20 of my colleague. I'm proud to be a member of this
21 body and I proudly vote aye on all.

22 COMMITTEE COUNSEL: Brannan?

23 CHAIRPERSON RICHARDS: Brannan?

24 COUNCIL MEMBER BRANNAN: Hello, hi, sorry. Aye
25 on all.

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2 COMMITTEE COUNSEL: Powers?

3 COUNCIL MEMBER POWERS: Aye on all. I'll save my
4 comments for Stated. Thank you to everybody who has
5 worked very hard on these bills to get us where we
6 are today. I'm voting aye on all.

7 COMMITTEE COUNSEL: By a vote of 12 in the
8 affirmative, 1 in the negative and no abstentions,
9 all items have been adopted by the Committee. Thank
10 you.

11 CHAIRPERSON RICHARDS: Thank you all. With that
12 being said, I also want to just acknowledge in
13 closing the work of the Black, Latino, Asian caucus.
14 I want to thank the Co-Chairs Council Member Adams
15 and also Miller for their work as well.

16 With that being said, this vote is closed.

17 [GAVEL]
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C E R T I F I C A T E

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



Date June 30, 2020