

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMITTEE ON PUBLIC SAFETY

CITY COUNCIL  
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY  
----- X

March 18, 2022  
Start: 9:45 a.m.  
Recess: 6:10 p.m.

HELD AT: REMOTE HEARING (VIRTUAL ROOM 1)

B E F O R E: Kamillah Hanks,  
Chairperson

COUNCIL MEMBERS:

- Speaker Adams
- Joann Ariola
- Alexa Avilés
- Diana Ayala
- Charles Barron
- Gale A. Brewer
- Erik D. Bottcher
- Justin L. Brannan
- Tiffany Cabán
- Carmen N. De La Rosa
- Shahana K. Hanif
- Robert F. Holden
- Rita C. Joseph
- Darlene Mealy
- Sandy Nurse

COMMITTEE ON PUBLIC SAFETY

2

COUNCIL MEMBERS: (CONT.)

Pierina Ana Sanchez  
Althea V. Stevens  
Kalman Yeger

COMMITTEE ON PUBLIC SAFETY

3

A P P E A R A N C E S

Edward Caban  
NYPD First Deputy Commissioner

Kristine Ryan  
NYPD Deputy Commissioner of Management and Budget

Isa Abbassi  
NYPD Deputy Chief

Michael Lipetri  
NYPD Chief of Crime Control Strategies

Oleg Chernyavsky  
NYPD Assistant Deputy Commissioner

Jason Wilcox  
NYPD Chief of Transit

James Essig  
NYPD Chief of Detectives

Kathleen O'Reilly  
NYPD Chief of Patrol

Kim Royster  
NYPD Chief of Transportation

John Miller  
NYPD Deputy Commissioner for Counter Terrorism  
and Intelligence

Theresa Tobin  
NYPD Chief of Interagency Operations

Matthew Pontillo  
NYPD Chief of Risk Management

Marlon Larin  
NYPD Deputy Chief

Juanita Holmes  
NYPD Chief of Training

Amy Litwin  
NYPD Deputy Commissioner of Department Advocate

COMMITTEE ON PUBLIC SAFETY

4

A P P E A R A N C E S (CONT.)

Ernest Hart  
NYPD Commissioner of legal Matters

Martin Morales  
NYPD Chief of Personnel

Edward Thompson  
NYPD Deputy Chief

Danielle Pemberton  
NYPD Deputy Commissioner of Strategic Initiatives

Jeffrey Maddrey  
NYPD Chief of Housing

Kevin O'Connor  
NYPD Assistant Commissioner

Danny Farina  
NYPD Tech Support

Kenneth Perez  
NYPD Deputy Inspector

Donna Jones  
NYPD Chief of Staff for Commissioner

Arva Rice  
Interim Chair of the Civilian Complaint Review  
Board, CCRB

Jonathan Darche  
Executive Director of the Civilian Complaint  
Review Board, CCRB

Darcel D. Clark  
Bronx DA's Office

Michael McMahan  
Richmond District Attorney's Office

Melinda Katz  
Queens District Attorney's Office

Kristen Kane  
Director of Intergovernmental Affairs and Policy

COMMITTEE ON PUBLIC SAFETY

5

A P P E A R A N C E S (CONT.)

Jay Bond  
Deputy Director of Intergovernmental Affairs and  
Policy

Jennifer Naiburg  
Chief Assistant District Attorney

Camille Chin-Kee-Fatt  
Chief of Staff for the District Attorney in  
Queens

Jacqueline Duckfield  
Administrative and Finance Director at the  
District Attorney's Office

Eugene Wang  
Director of Fiscal Services and Budget

Alvin Bragg  
Manhattan DA's Office

Nancy Hoppock  
DA's Chief Assistant District Attorney in  
Brooklyn

Jill Harris  
DA's Chief Policy and Strategy or the DA Chief of  
Policy and Strategy

Malik Branch(SP?)  
Chief Fiscal Officer

Eric Gonzales  
Kings County District Attorney

Bridget G. Brennan  
Special Narcotics Prosecutor for the City of New  
York

Eisha Green

Donald Nesbit  
Executive Vice President for Local 372

COMMITTEE ON PUBLIC SAFETY

6

A P P E A R A N C E S (CONT.)

Jim McLeod  
Second Vice President for Local 1549

Olivia Duong  
President of Local 3778, DC 37 AFSCME

Lisa Schreibersdorf  
Executive Director of Brooklyn Defender Services

Alice Fontier  
Managing Director of the Neighborhood Defender  
Service of Harlem

Tina Luongo  
Chief Defender at the Legal Aid Society

Justine Olderman

Nancie Katz  
Director of Seeds in the Middle

Shane Correia  
Deputy Director of Government Partnerships at the  
Center for Court Innovation

Mateo Guerrero-Tabares  
TGNCIQ Lead Organizer at Make the Road New York

Katherine Sal  
Member of Make the Road New York and I am a trans  
woman from Guatemala

Dulce  
Member of Make the Road New York and I am a trans  
person from El Salvador

Roselyn

Andy Bowen  
Associate Director of Government Affairs for the  
Sex Workers Project of the Urban Justice Center,  
SWP

Salma Andrews  
Translating

COMMITTEE ON PUBLIC SAFETY

7

A P P E A R A N C E S (CONT.)

Jennifer

Sex worker and a trans woman working on the  
streets in Queens

Alex Mojica

Senior at Bronx Academy for Software Engineering

Anthony Morales

Youth Leader at Make the Road New York and the  
Urban Youth Collaborative

Keyanna Bernard

High School Senior in Brooklyn

Leo Ferguson

Director of Strategic Projects at Jews for Racial  
Economic Justice

Kelly Grace Price

Close Rosies

Darren Mack

Co-Director at Freedom Agenda

Adeyemise Oni

Youth Organizer and Program Participant at Growth  
for Gender Equity

Amber Khan

Director of the Health Justice Program at New  
York Lawyers for the Public Interest or NYLPI

Divad Durant

Representative of the Justice Committee

Allison Holihan

Senior Policy Manager with the Osborne  
Associations New York Initiative for Children of  
Incarcerated Parents testifying on behalf of  
Jonathan Salazar

Patrick Ronk

Research Associate at the Citizens Budget  
Commission

COMMITTEE ON PUBLIC SAFETY

8

A P P E A R A N C E S (CONT.)

Melissa Vergara  
Member of Freedom Agenda and the Treatment not  
Jail Coalition

Peggy Herrera  
Leader and a Member with Freedom Agenda and the  
Treatment Not Jail Coalition

Shani Adess  
Associate Director of the Domestic Violence Law  
Unit, New York Legal Assistance Group

Typhani Carter  
Vice President of Programs at Joe Torre Safe at  
Home Foundation

Crystal Clark  
Member of Freedom Agenda

Paola Martinez  
Sex trafficking survivor



SERGEANT KOTOWSKI: Computer recording started.

SERGEANT SADOWSKY: Thank you.

SERGEANT LEONARDO: Cloud is rolling.

SERGEANT SADOWSKY: Thank you and good morning and welcome to today's Remote New York City Council Hearing of the Committee on Public Safety. At this time, would all Council Members and staff please turn on their video.

To minimize disruption, please place electronic devices on vibrate or silent mode. If you wish to submit testimony, you may do so at [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). Once again, that is [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). Thank you for your cooperation, we are ready to begin.

CHAIRPERSON HANKS: Thank you. Good morning and thank you for joining our virtual hearing. I'm Council Member Kamillah Hanks, Chair on Public Safety. Welcome to the Public Safety Committee Budget Hearing. I would like to acknowledge that we've been joined by my colleagues, Council Member Brewer, Brannan, Bottcher, Hanif, Yeger, Holden, Cabán, Ariola, Barron, Stevens, Ayala and Council Member De La Rosa.

Today, we will discuss the Fiscal Year 2023 Preliminary Budget. We will hear testimony from the New York City Police Department, Civilian Complaint Review Board and the city's five District Attorney's and the Office of the Special Narcotics Prosecutor.

Before we get started, I would like to thank your public safety staff, our Senior Financial Analyst Nevin Singh, Jack Storey, Deputy Director Eisha Wright and Counsel Josh Kingsley. I also want to thank my staff members. Chief of Staff Marci Bishop and the Budget and Legislative Direct Paul Casali.

First, we will hear from the New York City's Department Commissioner Keechant Sewell. We look forward to partnering with you in your tenure to keep New Yorkers safe.

Now, I'd like to turn it over to our Moderator Committee Counsel Josh Kingsley to go over some procedural items, unless you want me to start the -

COMMITTEE COUNSEL: Chair, you should finish your opening statement and then we'll -

CHAIRPERSON HANKS: Okay, got it, thank you, sorry.

COMMITTEE COUNSEL: And then we'll turn it over to the Police Commissioner. Thank you.

CHAIRPERSON HANKS: Got it, thank you. So, Public Safety is at the top of mind for all New Yorkers. This portion of the hearing, we will hear from NYPD first. We'll focus on the Fiscal Year 2023 Preliminary Budget for NYPD. The hearing to discuss the Mayor's blueprint to end gun violence in depth will be held on March 30<sup>th</sup>. The New York City Police Departments Fiscal Year 2023 Budget is \$5.2 billion. This is a large allocation of resources and reflects our commitment to keep our citizens making sure they're safe.

The NYPD budget supports 35,030 uniformed officers as well as 15,021 civilian personnel. We are here today to discuss the NYPD's strategy and efficiency in employing these personnel to keep our city safe. Over the last two months, we've learned that several new strategies to address gun violence, new units called Neighborhood Safety teams that have been deployed to neighborhoods with high rates of gun violence.

One of the most significant changes in the NYPD is the cancelation of the transfer of \$304 million from New York City School Safety Division to the

Department of Education from excuse me, School Safety Division to Department of Education.

Together, we will work on a budget that works for all New Yorkers. Now, we will hear testimony from Police Commissioner Sewell. I will turn it over to our Moderator Committee Counsel Josh Kingsley to go over some procedural items.

COMMITTEE COUNSEL: Thank you so much Chair. Thank you everyone. I'm Josh Kingsley, I'm Counsel to the Committee on Public Safety. Before we begin testimony, I want to remind everyone that you will be on mute until you are called on to testify. After which, you'll be unmuted by a host. I will be calling on panelists to testify individually, please listen for your name to be called.

I will be periodically announcing who the next panelist will be. During the hearing, if Council Members would like to ask questions of the Administration, please use the Zoom raise hand function. Additionally, all hearing participants should submit written testimony to [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).

Our first panelist to give testimony today will be representatives from the NYPD. Testifying for the

Police Department will be Commissioner Sewell, who I believe the Chair just acknowledged. Additionally, we will have Edward Caban who is the NYPD First Deputy Commissioner, Kristine Ryan who is the NYPD Deputy Commissioner of Management and Budget, Isa Abbassi who's the NYPD Deputy Chief, Michael Lipetri who is the NYPD Chief of Crime Control Strategies, Oleg Chernyavsky who is the NYPD Assistant Deputy Commissioner, Jason Wilcox who is the NYPD Chief of Transit, James Essig who is the NYPD Chief of Detectives, Kathleen O'Reilly who is the NYPD Chief of Patrol, Kim Royster who is the NYPD Chief of Transportation, John Miller who is the NYPD Deputy Commissioner for Counter Terrorism and Intelligence, Theresa Tobin who is the NYPD Chief of Interagency Operations, Matthew Pontillo who is NYPD Chief of Risk Management, Marlon Larin who is the NYPD Deputy Chief, Juanita Holmes who is the NYPD Chief of Training, Amy Litwin who is the NYPD Deputy Commissioner of Department Advocate, Ernest Hart who is the NYPD Commissioner of legal Matters, Martin Morales who is the NYPD Chief of Personnel, Edward Thompson who is the NYPD Deputy Chief, Danielle Pemberton who is the NYPD Deputy Commissioner of

1  
2 Strategic Initiatives, Jeffrey Maddrey who is the  
3 NYPD Chief of Housing, Kevin O'Connor who is the NYPD  
4 Assistant Commissioner, Danny Farina who is the NYPD  
5 Tech Support, Kenneth Perez who is the NYPD Deputy  
6 Inspector and finally, Donna Jones who is the NYPD  
7 Chief of Staff for Commissioner.

8 Before we begin, I'm going to administer the  
9 oath. We're going to go the Police Commissioner. I  
10 will say the oath and you can just raise your right  
11 hand and affirm as well. I think we're going to - we  
12 normally do it one by one but since there's so many  
13 folks, we're just going to do it all at once. So,  
14 Police Commissioner and all the other folks in the  
15 Executive Conference room, I'm going to Administer  
16 the oath and I'll call on each of you to please raise  
17 your right hand. Do you affirm to tell the truth,  
18 the whole truth and nothing but the truth before this  
19 Committee and to respond honestly to Council Member  
20 questions?

21 PANEL FROM NYPD: Yes.

22 COMMITTEE COUNSEL: Excellent, all good. Go  
23 ahead Police Commissioner. Thank you so much for  
24 coming.  
25

KEECHANT SEWELL: Good morning Speaker Adams, Chair Hanks and the Council Members. Thank you for the opportunity to testify before the Committee on Public Safety and to discuss the Mayor's Preliminary Budget for the 2023 Fiscal Year. I am joined today by members of my executive staff as stated, who will assist me in answering your questions.

I would like to begin by congratulating the new Council Members who have been given the privilege and swearing an oath to serve the proud and resilient people of this city, just as I recently did. Though we take an oath to serve, our driving purpose to serve does not rise merely from the words we say. It comes from our hearts and our shared values, and from the inspiration we see New Yorkers as they lift each other up through dark days and drive forward to a brighter and safer future.

I am convinced that our individual and collective successes, in leaving the city in a better place than we we found it, hinges on our ability to effectively work together as partners. Partnership and cooperation should never be viewed as a dilution or abandonment of our individual mandates or responsibilities, rather, it must be viewed as a

1  
2 necessary path to achieving sound policies, sensible  
3 legislation, effective initiatives and an informed  
4 government that will make the lives of those we serve  
5 better.

6 To that end, I want to voice my commitment to  
7 improving the lines of communication between us. I  
8 believe your ability to be effective and responsive  
9 to your constituents depends on your ability to  
10 seamlessly communicate their concerns to us and our  
11 ability to timely inform you of developments in your  
12 districts. Over the past months, executives from the  
13 Department's Legislative Affairs Unit and your local  
14 precincts have introduced themselves to most, if not  
15 all, of you and exchanged contact information.

16 While I expect these contacts to improve in  
17 addressing your needs, I am exploring additional  
18 methods to relay relevant information to you  
19 expeditiously. I believe public safety is the key to  
20 recovery. The way forward for us as a department and  
21 as a city in these challenging times and climate, is  
22 to dedicate every necessary resource to our shared  
23 goal of ensuring the safety of all New Yorkers.

24 As the city re-opens and beyond, the NYPD will do  
25 our part to ensure that workers, residents and



visitors from near and far feel safe when traveling into and throughout this city. Every business, small and large, and the workers who are the lifeblood of the city's economy, must have the confidence that they will be able to get their work done without fear of standing on a subway platform, walking down a street, or that a criminal with a gun will put their life at risk.

Every person must be free to live their lives without warily looking over their shoulder. I have been meeting with business leaders and organizations representing our business community to hear their concerns as they return their workforce and we are adjusting for these needs accordingly. I am certain that an improved quality of life is central to achieving the greater goal of safety and the NYPD is committed to advocate for every victim, fight for every block, and to protect every single neighborhood.

We are identifying the pockets of crime and violence and focusing our resources accordingly. So far this year, we know homicide arrests are up 20 percent, rape arrests are up 40 percent, robbery arrests up 24 percent, felony assault arrests up 18

1  
2 percent, burglary arrests up 13 percent, and grand  
3 larceny arrests are up 21 percent, car theft arrests  
4 up 42 percent. We are employing a precision enhanced  
5 deployment strategy which has already put hundreds of  
6 more cops on the streets and into the transit system,  
7 and our Neighborhood Safety Teams will supplement  
8 this work focusing on seizing illegal guns and  
9 apprehending the offenders who use them.

10 Gun arrests currently closely parallel the  
11 significant increases of the prior two years and I  
12 anticipate that those numbers will continue to  
13 improve with the dangerous work of our Neighborhood  
14 Safety Teams. With their extensive training and  
15 oversight, which is an outgrowth of the concerns you  
16 and New Yorkers expressed to us, these teams will be  
17 the most qualified, most prepared officers in the  
18 nation and will seize guns and take them off the  
19 streets before someone, too often a child, makes a  
20 decision that they cannot take back.

21 Throughout the last two years the NYPD has  
22 embraced the challenge to do more with less. It  
23 required nothing short of a re-imagination of how a  
24 modern police department functions, how it leverages  
25 its resources in the most efficient and state-of-the-

1  
2 art way. I am committed to moving the ball forward  
3 by achieving public safety while enhancing  
4 efficiency. This process has already begun with a  
5 top to bottom review of every bureau to determine  
6 where the current structure inefficiencies are and  
7 redundancies exist. And which programs and units  
8 should be redesigned, consolidated, or even  
9 eliminated.

10 We will also conduct a comprehensive review of  
11 our training curriculum with the goal of modernizing,  
12 reorganizing and streamlining to ensure the training  
13 being received by our officers is having tangible  
14 results on the streets, and is not merely an exercise  
15 in fulfilling training mandates. This will include  
16 meaningful participation by our community members and  
17 crisis management providers in our curriculum.

18 New York City has the privilege of being  
19 identified as one of the most, if not the most,  
20 diverse police department in the nation and cities in  
21 the nation. It is important that our officers  
22 understand the people and communities they are  
23 policing. This understanding should not merely  
24 consist of cultural immersion but must include an  
25 understanding of the basis of distrust of police in

1  
2 certain communities, and appreciation of the  
3 downstream impact of growing up in poverty, in  
4 abusive households and without something or someone  
5 having an impact that changes the trajectory of  
6 someone's life.

7 I believe that communication goes well beyond the  
8 words that we speak. It is my firm belief that a  
9 deeper understanding of those who are sworn to  
10 protect and serve will enable better communication  
11 and further a climate of mutual respect, which in my  
12 assessment is what breeds trust and preempts  
13 escalated encounters. In both the public and private  
14 sectors, technological innovation is the backbone of  
15 any drive toward efficiency.

16 We will continue to push forward and leverage  
17 technological norms embraced during the pandemic in  
18 order to communicate with a larger number of New  
19 Yorkers, to help fight crime, and to provide  
20 services. For example, the pandemic required us to  
21 radically improve our streaming and remote access  
22 capabilities at an extremely accelerated pace. This  
23 will now afford us the opportunity to leverage this  
24 increased capability on a number of fronts, from  
25 streaming Build-the-Block and Precinct Community

1  
2 Council meetings, to retooling the Department's  
3 online presence to facilitate ease of use by the  
4 public. We will also continue to create more user  
5 friendly online dashboards to share information and  
6 to identify opportunities to allow for a more  
7 streamlined and cost-effective process for  
8 individuals seeking service.

9 We look forward to the Council's continued  
10 support to procure more Argus cameras and fund their  
11 maintenance. These cameras are an invaluable tool in  
12 deterring and solving crime and the demand for them  
13 outweighs the funding available for the ongoing cost  
14 of their maintenance. ShotSpotter is another key  
15 tool that enables rapid deployment to a location  
16 where shots are fired, and with your help, we will  
17 continue expanding our ShotSpotter capabilities. The  
18 ability to quickly respond to shootings and secure  
19 vital evidence is one of the most effective tools we  
20 have in tracking and tracing trigger-pullers and the  
21 lethal firearms they use.

22 The Department will also continue to fight crime  
23 with tried and true policing techniques while at the  
24 same time exploring every opportunity to develop  
25 collaborative relationships to make this city safer.

1  
2 The NYPD has long had and continues to expand its  
3 public and private sector partnerships through  
4 Operation Nexus, NYPD SHIELD and the Lower Manhattan  
5 Security Initiative. These local and national  
6 partnerships that count tens of thousands of entities  
7 that share information and resources in a collective  
8 effort to keep New Yorkers safe from all threats.  
9 Many of these partnerships emerged out of a  
10 collective appreciation of the risks posed by  
11 domestic and international terrorism.

12 Likewise, and in addition to our participation in  
13 a number of taskforces with our state and federal  
14 partners, the recent creation of the Gun Violence  
15 Strategic Partnership, which is led by our Deputy  
16 Commissioner for Community Partnerships, is an  
17 outgrowth of the significant increase in gun  
18 violence. This is a strategic initiative whose  
19 members include representatives from over 20 local,  
20 state and federal law enforcement and prosecutorial  
21 agencies who meet daily to share intelligence and  
22 build prosecutions against those terrorizing our  
23 communities with gun violence. This model of  
24 collaboration and information sharing has been  
25

recognized by President Biden as one that should be replicated nationwide.

However, if we are to realize a long-term vision of public safety, minimal enforcement, and a marked impact on the number of individuals sentenced to incarceration, this vision must be achieved through prevention and not reaction. Waiting for criminal behavior to occur and then reacting to it will only drive crime, enforcement and incarceration. I believe that government must examine its interactions, or lack thereof in some cases, with two primary groups in order to have any type of meaningful impact upon downstream criminal behavior, our children, and the incarcerated.

For its part, the NYPD has made great strides with its youth strategy by shifting to a holistic, opportunity-based approach. Our Youth Coordination Officers will continue to be the primary drivers within our Youth Initiative. YCOs, the Youth Coordination Officers, have the ability and resources to develop long-term solutions and, unlike NCOs, who are assigned to a particular sector, YCOs work with young people across the whole precinct. YCOs focus on identifying at-risk youth, providing

opportunities, fostering connections and securing resources. Their work is tailored to the specific needs of the young people in the communities they serve.

The NYPD Community Center at 127 Penn provides an ever-growing range of services, such as academic planning, fitness and wellness programs, music and dance classes, and mental health, counseling service and many others. The Explorers program, which teaches the importance of higher education, self-empowerment, positive reinforcement, responsibility and self-discipline, served 1,500 kids last year.

Our Youth Leadership Councils educate and empower our youth – excuse me, and advocate for positive changes to the relationship between the police and our youth, as well as to become more civic-minded. The Summer Youth Police Academy is a six-week program during which students attend classroom sessions with lecturers, engage in role-playing, and receive instruction on topics in law, social science, drug prevention, and gang resistance. The Police Athletic Leagues provides year-round sports leagues, which include football, basketball, softball and volleyball, as well as workshops on a wide-array of



youth-related topics including personal safety, cyberbullying, police and youth relationships, gang prevention and awareness, and peer mentoring.

The Options Program helps our kids build decision-making skills and provides access to career development opportunities through a series of workshops, training programs and internships. The Summer Youth Employment Program provides paid summer jobs for youth in every bureau in the department and we are increasing the number of youth we will hire this summer. These are just some of the many ways we try to reach our youth, and as Police Commissioner, I commit to identifying additional ways and resources and opportunities for engagement. But, in order for us to be successful, this effort must be comprehensive. It will take coordination between agencies, which is now happening under the Mayor Adam's leadership, to identify at-risk youth and deliver needed services to them and their families.

It will take effective service providers and mentors with meaningful insight and metrics for success. And it will take a collective effort to change the mindset that has led some of our youth to believe that they must join a gang to be safe or that

1  
2 they are striving for academic success isn't cool, or  
3 that it is not worth trying to become a doctor, a  
4 lawyer, a financier, or Police Commissioner because  
5 it is unattainable.

6 The other inflection point I referred to is our  
7 support of those who re-enter society after serving  
8 their prison sentences, or said differently, how we  
9 currently underserve that population. I firmly  
10 believe that recidivist criminals are responsible for  
11 a disproportionate amount of the crime in New York  
12 City. If our collective goal is to ensure that these  
13 individuals find a better path and leave a life of  
14 crime, we must address the systemic flaws that allow  
15 them oftentimes to be released after serving their  
16 sentence with only a bus ticket, a small amount of  
17 money, and a prison identification card. Many  
18 individuals are released into homeless shelters.

19 The NYPD is committed to working with our sister  
20 agencies, legislators and advocacy partners to  
21 improve re-entry. The possibilities are myriad, but  
22 action must be taken if we are to break the cycle of  
23 recidivism.

24 Turning to the Preliminary Budget and its impact  
25 on the NYPD in the coming fiscal year. In totality,

1  
2 the NYPD's Fiscal Year 2022 Expense Budget is \$5.6  
3 billion, the vast majority of which 90 percent is  
4 allocated for personnel costs. The remaining 10  
5 percent is dedicated to non-personnel costs,  
6 including technology that provides officers with  
7 immediate access to critical safety equipment, tools,  
8 and applications. As part of the Program to  
9 Eliminate the Gap, the Department's personnel funding  
10 saw cuts of \$129 million in the current fiscal year  
11 and \$61 million next fiscal year. These savings  
12 include a civilian headcount cut of 770 vacant  
13 positions, including 200 non-safety civilian  
14 positions and a reduction to the School Safety  
15 headcount vacancies of 560. The Offices of  
16 Management and Budget has indicated that, as the  
17 Department works to hire up to headcount, they will  
18 work with the Department to provide additional  
19 staffing as needed.

20 Before I conclude, I want to take a moment to  
21 speak directly to all New Yorkers and to express my  
22 sincere gratitude to you for joining us in mourning  
23 during the recent tragedy and losses of Detective  
24 Jason Rivera and Wilbert Mora. We so appreciate your  
25 support and prayers during this difficult and

devastating times. Your support was invaluable.

Thank you.

While nothing we do will bring Jason and Wilbert back to us and their families, we must all reflect on the type of human beings they were and what motivated them to public service and to be being police officers, helping people and improving police-community relations. These principles are what motivate their brothers and sisters. They suit up in blue every single day and they hope for the safety of this city and they know they work for the members of this department and the citizens of New York every single day and your safety is paramount.

We have come together during this time of great pain through all of your gracious recognition of sacrifice of Jason and Wilbert and what they made for us all. I ask that we not allow this moment to fade quickly. I ask that you not permit a few loud voices to place wedges between us, and that you don't discount their attempts to broadly condemn every police officer based on the wrongs of a few. I ask that you view of the police and be shaped by the officers you encounter every day responding to your emergencies, addressing your complaints, patrolling

1  
2 your neighborhoods, and engaging in the most basic  
3 interactions with you, your loved ones and your  
4 neighbors. They are your police officers and this  
5 is your police department.

6 The truth is that we have far more Jason's and  
7 Wilbert's putting their lives on the line each day to  
8 serve and protect you and your families than those  
9 who have misdeeds that damage us all. The space  
10 between police and the communities we serve is not as  
11 wide as a few voices may have you believe. As Police  
12 Commissioner, I am committed to working in  
13 partnership with you, fighting crime, keeping you  
14 safe, building trust between you and your police  
15 officers, and continually striving for fairer and  
16 more just policing. I am committed to identifying  
17 opportunities to systemically improve policing and I  
18 will take full advantage of those opportunities to  
19 bring us together. I will not wait until a bad  
20 incident occurs to take corrective action that will  
21 make policing better and fairer.

22 And I commit to taking appropriate disciplinary  
23 action, including termination when appropriate,  
24 against those officers that violate our collective  
25 trust and their duty to serve you fairly,

1  
2 respectfully and professionally. However, we will  
3 only achieve Detective Rivera's and Mora's wish of  
4 advancing police community relations by working  
5 together police, communities, elected leaders and  
6 advocates, to improve policing, to recruit officers  
7 in their mold and to condemn and marginalize the  
8 voices of division.

9 Every neighborhood faces unique challenges and  
10 there is no-one-size-fits-all solution to crime and  
11 conditions in a city as diverse in every way as ours,  
12 but these challenges that the NYPD has been built to  
13 overcome and will succeed at. This diversity of  
14 cultures, ideas, ways of life, and people is our  
15 strength and it is one of the things that makes our  
16 city and our department resilient.

17 We must remain resilient together. We must move  
18 beyond division and disagreements and forge ahead  
19 with a shared vision of public safety and fair and  
20 effective policing while we all accelerate toward a  
21 brighter and prosperous future.

22 Thank you for your time and we'd be happy to  
23 answer your questions.

24 COMMITTEE COUNSEL: Thank you Commissioner. We  
25 will now turn to Chair Hanks for questions.

Panelists and NYPD Executive, please stay unmuted. We will ask questions from there. If you need to pass it off to additional folks, let us know and we'll unmute them as well. Chair Hanks, you may go ahead.

CHAIRPERSON HANKS: Thank you so much Josh. I would like – thank you so much Commissioner Sewell. Before I get into my line of questioning, I do want to acknowledge the Madam Speaker is on the call. Would you like to ask any questions before I proceed Madam Speaker?

SPEAKER ADAMS: Thank you very much Madam Chair and thank you Commissioner. It's always great to see you. Thank you to all of your time for being here and submitting testimony before this Committee this morning. I just have a couple of questions before Chair Hanks proceeds and our colleagues jump in. I know this is going to be a very lively hearing this morning.

So, Commissioner, I think that I shared with you in our meeting that as former Chair of this Committee, there was a lot of oversight and a lot of testimony that came before this Committee when it came to the reforms that were put in place last March

1 through this committee and I've relayed to you I was  
2 looking towards your leadership to bring something  
3 new and something different to the relationship  
4 between the Council and the NYPD and I hope that is  
5 the case. I feel your commitment through and through  
6 for the people of the city of the city and  
7 particularly for your NYPD. All that said and just  
8 dealing with some of the things that have happened as  
9 of late. The right to record is the law in New York  
10 City sanctioned by the New York City Council and in  
11 the press conference regarding the Neighborhood  
12 Safety Teams, the Mayor did reference the fact that  
13 he would be admonishing citizens.

14 He admonished citizens who would exercise that  
15 right to report in the vein of perhaps putting  
16 officers in jeopardy or any kind of threat, a  
17 deterrent if you will from doing their job. What's  
18 your position on the use of cellphone cameras? Which  
19 again is the law. And the right to record when it  
20 comes to recording your officers, particularly with  
21 the use when it comes to Neighborhood Safety Teams  
22 going forward?

23  
24 KEECHANT SEWELL: So, we certainly recognize the  
25 right to record is the law. I think the Mayor's



1  
2 position was simply that it just needs to be done  
3 safely and we support that as well. There is a safe  
4 way to do it where the officers are not in danger and  
5 the person is not interfering with the police action  
6 that's taking place. So, while we recognize that  
7 there is a right to record, it just needs to be done  
8 safely.

9 SPEAKER ADAMS: Okay, thank you. I just make  
10 mention also on another note, you referenced  
11 technology in the NYPD, which of course we welcome.  
12 ShotSpotter in particular. I think I was around when  
13 it was first introduced some years ago and the  
14 enhancements to it have certainly fortified our  
15 precincts. Another thing that we will proceed in  
16 further discussion however is going to be the DNA  
17 databases, who is placed in those data bases, who was  
18 particularly targeted through those databases, the  
19 youths and going forward the necessities or non-  
20 necessities going forward.

21 Last session, I sponsored a bill reporting on  
22 traffic stops. The EO203 implementation track note  
23 that a technology solution has been created and is in  
24 the process of being tested with an expected launch  
25

1  
2 date of January 2022, which has come and gone. Has  
3 this technology solution been launched to date?

4 KEECHANT SEWELL: Thank you for that. I'm  
5 actually going to turn that over to my Assistant  
6 Deputy Commissioner of Legal Matters. He's actually  
7 gonna have some information about that, about the  
8 EO203.

9 SPEAKER ADAMS: Thank you.

10 ERNEST HART: Thank you Speaker for the question.  
11 So, we have done the technological solutions. We've  
12 trained all of our officers, developed the requisite  
13 forms that are necessary to record the traffic stops.  
14 That was launched in a timely manner at the beginning  
15 of the year and we anticipate issuing the mandated  
16 report in a timely manner.

17 SPEAKER ADAMS: Thank you very much. Along those  
18 same lines, last year the NYPD underwent a  
19 department-wide initiative to reform policing, which  
20 I just referenced and the online tracker hasn't been  
21 updated since December. Can you discuss with us the  
22 resources dedicated in this budget to the commitments  
23 in the initiatives? Initiative such as any  
24 training's or active standard ship in law enforcement  
25

that the city committed to all officers having by the end of first quarter of 2022?

KEECHANT SEWELL: I'm going to actually ask my - Danielle Pemberton, our Deputy Commissioner for Strategic Initiatives to jump on for me please. Commissioner Pemberton are you there? I think she's going to have to unmute or be requested to unmute her microphone.

DANIELLE PEMBERTON: Hi, good morning Speaker. Can you hear me?

SPEAKER ADAMS: Yes. You're muted again.

DANIELLE PEMBERTON: Good morning. Can you hear me?

KEECHANT SEWELL: Yes.

DANIELLE PEMBERTON: Good morning, so yes Speaker, my team was intimately involved with the police reform and reinvention collaborative. We have an entire team here that's dedicated to making sure that those items in the tracker that you referenced are implemented. The tracker has about 132 items on it. Not all of them are assigned to the NYPD as the primary agency. We have about 62 items on that list that are assigned to us.

1  
2       The tracker itself is actually managed by the  
3 Mayor's Office, so we don't have the ability to  
4 update that. They coordinate the entire effort  
5 throughout the city, so there have been some updates  
6 to some of those efforts since the tracker was  
7 updated in December. So, we are tracking that  
8 internally. We can provide those updates to you as  
9 well. You specifically referenced able, that is  
10 something that we are committed to implementing. We  
11 have over 25,000 of our members trained thus far.  
12 So, we are on track to training all of our uniformed  
13 by the end of quarter to this year.

14       SPEAKER ADAMS: Okay thank you and thank you for  
15 making us aware that it is the Mayor's Office who was  
16 responsible because my next question was going to be  
17 who is responsible was the process for updated the  
18 tracker. So, that's been answered.

19       I'm going to shift just a little bit and then I'm  
20 going to turn it back into our able Chair. And  
21 speaking about the Mayor's blueprint to end gun  
22 violence. Which other agencies or what other  
23 agencies is the NYPD partnering with on the blueprint  
24 and is the administration working to ensure that  
25 those other agencies receive necessary resources?

1  
2 KEECHANT SEWELL: I'm going to turn it over to  
3 Chief Abbassi. I will tell you that we are working  
4 with a number of agencies on a variety of different  
5 fronts. The Mayor has made it clear that there has  
6 to be a holistic approach to public safety because  
7 it's everyone's responsibility. I'm going to ask  
8 Chief Abbassi to actually give you some details on  
9 that as well.

10 ISA ABBASSI: Good morning Speaker. Thank you  
11 for the question. So, you know in terms of the  
12 blueprint you know, law enforcement agency partners,  
13 you know we at NYPD and under the leadership of  
14 Commissioner Sewell, truly do believe that public  
15 safety is a shared responsibility. We're currently  
16 working very closely with the New York State police  
17 expanding partnerships. There are also our federal  
18 partners, everybody from FBI, ATF, but almost you  
19 know as importantly if not more, our prosecutorial  
20 partners. The Eastern District, Southern Districts  
21 of New York, our five county district attorney's.  
22 The expansion of our GVSP, what we call our Gun  
23 Violence partnership. Where we're sitting at the  
24 table every day sharing information, identifying  
25 strategies that we can use to leverage our resources

collectively to impact on those few people in our communities that are inflicting the highest amounts of crime.

So, I think the short answer to your question is we're actively working with every law enforcement agency partner we can but looking to maximize and leverage our partnerships with prosecutors as well, so that the great work that's being done by our investigators and our first responders is being also leveraged in the court room.

SPEAKER ADAMS: Thank you very much. I am going to turn it back over to Chair Hanks. I know that she along with our colleagues on this line want to dig into the \$5.2 billion budget. Units of appropriation, overtime and a host of other things. So, thank you very much for your testimony this morning. Commissioner, thank you again. And Chair Hanks thank you for the time.

CHAIRPERSON HANKS: You're welcome Madam Speaker. Thank you so much for those important questions. Again, this is a hearing about the blueprint and the budget as it relates to public safety, so I appreciate that.

1  
2 Before I get into my questioning, I would like to  
3 recognize Council Member Avilés has joined, Council  
4 Member Mealy has joined and also Council Member  
5 Joseph has joined. So, thank you once again  
6 Commissioner, I appreciate your thoughtful and long  
7 testimony. My colleagues and I are here today and  
8 also the public to really unpack and dig into your  
9 testimony as it relates to the budget. So, one of  
10 the questions I have is a major concern for all New  
11 Yorkers is the increase in crime, specifically gun  
12 violence across the city.

13 In 2018, shootings have more than doubled. The  
14 Mayor released this blueprint to end gun violence and  
15 can you provide more details as it relates to the  
16 Neighborhood Safety teams? How many officers are  
17 being deployed? What are their tactics and more  
18 importantly, how do you plan on measuring  
19 effectiveness?

20 KEECHANT SEWELL: So, thank you for that question  
21 Madam Chair. I have to say that we have been focused  
22 on gun violence since the very beginning. We realize  
23 that the numbers are off but we are steadfastly  
24 addressing with major initiatives. To speak directly  
25 about the Neighborhood Safety Teams, I'm going to ask

Chief Abbassi to go into the specifics of those teams for you. Chief Abbassi.

ISA ABBASSI: Good morning Chair Hanks. It's great to see you again.

CHAIRPERSON HANKS: Good morning.

ISA ABBASSI: So, yeah, the Neighborhood Safety Teams is a very important part of this strategy. It's one facet of many but to your point, it's a very important one. We have identified as you know 34 Neighborhood Safety Teams in our 30 most violent precincts. To date, we've deployed 26 of them. There are currently 176 officers in the street performing Neighborhood Safety Team functions and when Phase One roll out is complete, well just to say that we have one team in every one of those 34 identified commands. We going to have 238 officers doing this important work.

Phase One is important because that is an evaluation for this and as further expansion is allowed to happen, we're going to have up to 500 and maybe more Neighborhood Safety Officers performing these functions. The thing to realize here and to remember is that in the history of the NYPD, this is the most highly trained constitutionally focused



group of officers performing this work in the history of the department.

In terms of oversight and measuring success, our success you know, our measurements of success come in several ways. The primary measure of success is that performing the work constitutionally and to the satisfaction of not only city government and this agency but to the satisfaction of the people that were served.

The second part is the quality of the work that comes in. And to that point, you know we rolled out on this past Monday, most of the officers were off on Monday, so they started Tuesday. So, effectively three days in the street. In those three days they've been able to accomplish 17 arrests already. Four of those arrests involve guns, taking guns off the street and unfortunately, you know when you look at those four guns, you know it really is a symptom of the disease, the epidemic that we're seeing here in New York. Attached to those guns are 15-year-old, 16-year-old, 17-year-old and a 20-year-old. And when you look at that youngest individual that's arrested, the 15-year-old, implicated in two prior shooting incidents in Manhattan, already you know on a

trajectory of you know unfortunately being involved in gun violence.

So, you know the measurements come in several ways. Constitutionality is first, the quality of the work is second and making sure that we are indeed focused upon those that are driving violence in our communities and in the first three days, we've seen nothing done.

CHAIRPERSON HANKS: Thank you. As far as that's concerned, did you request additional funds from OMB and the Administration to help you achieve these goals and how much overtime will these teams be allocated? Do you have an estimate?

KEECHANT SEWELL: I'm sorry, we're having a little technical issue here, bear with us for just one moment.

KRISTINE RYAN: Good morning Chair. It's nice to see you.

CHAIRPERSON HANKS: Good morning.

KRISTINE RYAN: So, we are making every effort to cover this primarily through redeployments. In terms of discrete new funding, we will need additional resources to cover the cost of the dashcams for the vehicles, which we estimate will be about \$2.5

million for the initial installation and \$500,000 annually for the maintenance.

With regard to overtime, at this point, the overtime is a continuation. The overtime that's focused on the gun violence and other violent crime is a continuation of the overtime that we traditionally spend in various crime reduction, in investigations as well as in the transit system, transit platform coverage.

CHAIRPERSON HANKS: Okay, thank you. Thank you. So, the blueprint also mentions increased resources to Gun Violence Suppression Division, however, the budget remains at \$5 million which supports salaries for 60 officers. Why was there no additional funding for this division?

JAMES ESSIG: Good afternoon. Good morning, Chief Essig, Chief of Detectives. During the course of the last year, we've upstaffed gun, the Gun Violence Suppression Division throughout the — from last March right up until this February. So, I think the Gun Violence Suppression Division is fully staffed where it can accomplish the mission of reducing the gun violence throughout the city.

CHAIRPERSON HANKS: Okay. So subway crime is in the news regularly over the past year. Many New Yorkers feel afraid to use our public transportation. What is your plan to reduce crime in subways and make people feel safe again? How many officers are assigned to patrolling subway stations and subway cars?

Also, homeless outreach functions were being transferred out of NYPD but NYPD still engages with homeless and subways when necessary. Can you talk about your current directives to engage with homeless individuals and those experiencing mental health crisis and does this have an impact on your budget?

KEECHANT SEWELL: Things we'll talk about here. We'll talk about the subways. We'll talk about our homeless outreach and then we'll talk about how it effects the budget.

So, as you know, we have deployed additional officers into the transit system because we recognize the need for them in that system. We actually have deployed officers that are in the Patrol Bureau down into the subways to increase visits inside the subway to be able to make it safer. To be able to have more people on the platforms and riding the subways. So,

1  
2 to turn to that strategy, I'm going to ask the Chief  
3 of Transit Bureau Chief Wilcox to step in.

4 JASON WILCOX: Good morning everyone and thank  
5 you for allowing me to speak to you this morning.  
6 So, obviously one of the key things that we're trying  
7 to accomplish and we are determined to do so in the  
8 subway system is to make people feel safer.  
9 Uniformed presence, uniformed trained patrols is a  
10 foundation of that very concept and dedicated to that  
11 effort.

12 So, the Commissioner mentioned additional  
13 uniformed members coming into the transit system from  
14 patrol and enhance platform coverages as well as  
15 vertical patrols. So, so far year-to-date, we have  
16 over 96,000 uniformed verticals coming from patrol  
17 precincts housing into transit to maintain,  
18 supplement our normal post coverage that we're doing  
19 in the transit system.

20 In addition, we have supplemental coverages which  
21 include members of patrol, transit, Housing Bureau,  
22 Administrative Fallout, there's over 1,000 additional  
23 officers per day to increase our presence.

24 So, when you look the transit crime statistics,  
25 when we looked at last years numbers, you saw a

1  
2 smaller or one percent increase from the year prior.  
3 But the context is very important here but when you  
4 look at the context when you compare those numbers  
5 from last year to 2019, which was a pre-COVID year,  
6 crime was actually down 29.7 percent when you measure  
7 that metric.

8       So far this year, if you measure crime against  
9 the pre-COVID numbers, down like 25 percent from  
10 those numbers. So, as we see ridership beginning to  
11 increase daily, where it's now returning back to a  
12 sense of normalcy, over 3 million a day, you know  
13 that is also driving our number up as we compare the  
14 numbers of this year to the decreased ridership  
15 numbers from last year.

16       So, obviously you know, the Mayor initiated a  
17 Subway Safety Plan and there are very important  
18 elements to that that we're trying to accomplish.  
19 One is adding enforcement. So, we're trying to  
20 maintain and restore a sense of calm, a sense of  
21 order, a sense of safety into the transit system.  
22 We're addressing quality of life violations to  
23 accomplish that. We're looking at so far year-to-  
24 date, over 13,000 summons issued for a theft of  
25 service. Over 1,080 summons issued for smoking, 200

summonses issued for urinating, 620 for drinking, 470 for being outstretched, taking up additional sitting.

So, we're now very much focused on these quality of life situations that we're experiencing in transit, so that definitely adversely affect the other, the ridership when they see these things. So, that's a key element to what we're doing. Our arrests are up significantly for the year. We're up over 56 percent in arrests since the beginning of the year. [INAUDIBLE 48:45] arrests are up 113 percent. Theft of service, fare evasion arrests are up 44 percent.

So, obviously you know we're looking - we're working very hard to restore that sense of calm, that sense of order into the transit system. So, obviously another very important, very important aspect of the Subway Safety Plan is the initiatives that we know with our homeless population, our homeless New Yorkers as we encounter them.

So, since February 24<sup>th</sup>, we've initiated a joint partnership on the trains with DHS, Family Services, Health and Mental Hygiene, nurses, clinicians. We go out every day, twice a day, ride the trains on six designated train lines and we support the members of

DHS, they have the lead on this but we support their efforts.

So, so far year-to-date, since February 24<sup>th</sup>, when we initiated this sort of response team effort, we've escorted 273 teams on 864 train runs and placed 198 persons to shelter. This effort is continuing seven days a week. We just finished one this morning on the overnight. We're expanding our homeless detention into now again, joint partnerships, joint collaboration, the MTA, Homeless Services, Health and Mental Hygiene, The BRC, the Bowery Residents Committee at end of the line train stations in the system.

So, we've just begun that this morning with our second night of doing dedicated collaborative efforts there and we're going to see a very good results with that. I'm very convinced of that. We had - eight o'clock this morning, we had a conference call with Commissioner Jenkins and other members of that team and we're working very closely to accomplishing that as well.

So, I mean, obviously subway safety is paramount to the success of New York City and critical to our efforts, 2,400 uniformed members of the Transit



1  
2 Bureau. We are focused on this. We are dedicated to  
3 this and we are determined to accomplish this.

4 CHAIRPERSON HANKS: Thank you. Thank you very  
5 much. I appreciate that. We're going to transfer  
6 over to and talk a little bit about the school safety  
7 as it relates to the budget. So, school safety has  
8 been transferred in the budget to the Department of  
9 Education. It is now being transferred back to NYPD.  
10 We want to understand how this division and it's \$304  
11 million budget will be handled. The Department of  
12 Education was planning on reforming the division to  
13 serve in a more restorative justice manner and  
14 improve students experience in schools.

15 The budget for school safety is \$304 million but  
16 the headcount is approximately 5,000. This makes it  
17 ten percent of all NYPD personnel but only 5.5  
18 percent of the budget. Why is there a smaller  
19 investment into the school safety division and do you  
20 support reallocating resources to the division to  
21 better support it and reduce school incident of crime  
22 in a more restorative manner?

23 KRISTINE RYAN: So, with the restoration of the  
24 funding, the prior budget had been \$304 million. The  
25 restoration actually \$283. There was a reduction

1  
2 taken to the school safety headcount in reflection of  
3 the number of vacancies that we had. We've had  
4 communications with the Office of Management and  
5 Budget. They have indicated that as we hire up, they  
6 will look to provide us with the additional resources  
7 that we need, so that we are better aligned with the  
8 needs of the division.

9 CHAIRPERSON HANKS: But what makes it any  
10 different? Like, what is -- are there any reforms and  
11 how you're planning to provide training to school  
12 safety officers to ensure that this works out better  
13 for our students and it's done a more restorative  
14 manner? And what kind of you know, training would  
15 they be receiving and what would be the cost  
16 implication to that in the budget? You're on mute.

17 KEECHANT SEWELL: Chief Larin? Why don't we do  
18 the budgetary component and we'll come back to Chief  
19 Larin.

20 MARLON LARIN: Good morning Commissioner. Chief  
21 Larin is here. I was unable to unmute myself, thank  
22 you. Good morning Chair Hanks. I would like to  
23 mention that when we look at enforcement towards our  
24 young people in the schools, when we compare this  
25 school year to the last school year that we had full

in-person students, which would be 2019 to 2020, we had full classroom settings this period through February 13<sup>th</sup> before the COVID outbreak occurred.

Our arrests are down 217 versus 324. Summonses towards young people are down significantly 21 versus 119 and also our juvenile reports are down significantly 451 versus 963. I would also like to add that we have encounters with young people that could have ended up recorded as a juvenile report or an arrest even and we classify these as mitigated incidents. For this school year we have 4,401 and for school year 2019 to 2020, it was 3,402. So, that's an increase of 999 total incidents where our young people are not being processed by the criminal justice system because we are working with the administration and with the Department of Education as a whole to implement these restorative practices. Unfortunately there are situations where we do not have discretion. An example of that would be a felony arrest or a misdemeanor where a parent of the child who has been victimized wants to press charges. But we do make every effort to not process a young person, not bring them to the station house and the DOE has provided training, it's called, Restorative

1 Practices Measures. Unfortunately, the numbers are  
2 not that high, so that's something that we would like  
3 to see to be delivered across the board to all of our  
4 agents.

5 But the message is there to our administrators,  
6 our bureau CO's our bureau XO's, so that we all  
7 streamline this process and ensure that our young  
8 people are given that opportunity to start over.

9 CHAIRPERSON HANKS: Thank you so much Deputy  
10 Chief. At this time, I'm going to pass it back to  
11 Josh to see if my colleagues have - I see that many  
12 of my colleagues have questions and I would like to  
13 give them an opportunity to do so.

14 COMMITTEE COUNSEL: Thank you Chair Hanks.  
15 Council Members, please use the Zoom raise hand  
16 function if you'd like to ask questions. Each  
17 Council Member will be given five minutes for  
18 questions and answers to the administration.

19 Our current order of questions is CM Stevens  
20 followed by Barron followed by De La Rosa. Council  
21 Member Stevens, are you online and available to ask  
22 questions? If not, we could come back to you.

23 COUNCIL MEMBER STEVENS: No, I'm here.

24 COMMITTEE COUNSEL: Okay, hello. Go ahead.  
25

1  
2 COUNCIL MEMBER STEVENS: Hello, good morning  
3 everybody. Thank you Chair for hosting this and  
4 thank you everyone for being here today and I don't  
5 want to use up too much of my time but one of my  
6 questions is specifically around the YO's and my  
7 concern around it. Because I truly believe that  
8 anytime you put things under NYPD, it criminalizes it  
9 and whether we like to say it's just to help them,  
10 I'm not really understanding why that's the case.  
11 Why didn't we just have - maybe have partnerships  
12 with like social workers or CBO's that's already in  
13 the community that already does this work, instead of  
14 having cops do this and have them focusing on things  
15 that we need them? Because I'm having a lot of CO's  
16 complaining that they don't have enough man power to  
17 actually adequately get to situations in time because  
18 they are stretched so thin.

19 So, what is the need for this YO position?  
20 Because it literally sounds like a social worker and  
21 we already have that in our community and why - like,  
22 I have some huge concerns about it. Could you talk a  
23 little bit about that please?

24 KEECHANT SEWELL: Certainly, as I'm sure you know  
25 that the police certainly try to interact with the

1  
2 community and our YCO's are part of that. To answer  
3 though, the more in-depth about exactly what they do  
4 and what initiative they're working on, I'm going to  
5 turn it over to Commissioner O'Connor.

6 KEVIN O'CONNOR: Good morning Council Member  
7 Stevens. The YCO position was a recreation of what  
8 we used to call a Youth Officer. And what we did was  
9 basically make them the NCO's for youth. So, they  
10 handle -- their responsibility is not geographic.  
11 It's age based. So, they're responsible for  
12 everything and anything under the age 18.

13 And to you point, there is a role for them but  
14 the main function that we deal with the YCO's because  
15 we are the first contact in many incidents with these  
16 young people, is to pass the baton to a community-  
17 based organization or to someone that's more fit to  
18 deal with issues that the family or the child is  
19 dealing with. We have training being set up for  
20 April. We've done these every six months with the  
21 YCO's. We bring in outside speakers. We had an in-  
22 depth training by ROCA, Molly Baldwin's people came  
23 down and they helped train our officers in getting  
24 work done with the Aces program in East Harlem and  
25 the South Bronx. We've had Atlas come in other

1  
2 organizations, so that when they get notified that a  
3 youth in their precinct or in their housing  
4 development has been either arrested, reported  
5 missing or in many cases, a victim of crime, we do a  
6 follow up and make sure that we're making  
7 partnerships with the family and that youth and see  
8 what services can be provided.

9       Unfortunately, we've gotten to the point where we  
10 have recidivism skyrocketing with young people under  
11 18 and in many of these cases, we are the only ones  
12 that are following up with these young people. And  
13 that's where we try to look at the missing's as a  
14 separate category because when we've done the  
15 research on these kids, there are always the early  
16 flags. And that's where we're trying to make our  
17 interventions and build those relationships. We've  
18 had success stories that I can go on and on about  
19 saving young people.

20       COUNCIL MEMBER STEVENS: Yeah and I don't want to  
21 cut you off because I have very limited time and my  
22 time is running out. And so, I just wanted to move  
23 on because I mean, me and you O'Connor, we've had  
24 many conversations around this and I still feel  
25 strongly that you being a Youth Developer is a real

1  
2 profession, is a real job and we have people who were  
3 out here last week fighting to get a pay increase and  
4 we have officers doing this work, as if it's not  
5 something that takes dedication. So, I think that we  
6 should really be thinking about how are we getting  
7 this — how we were using this as a collaboration.  
8 Because even the things you're describing is  
9 literally, should be done by community-based  
10 organizations.

11 But I do have another question. And so, within  
12 the report, it mentions the reduction in the amount  
13 of overtime. Is there a plan to reduce the amount of  
14 overtime that's being given out? And this is not  
15 just for the YO's, this is in general.

16 KRISTINE RYAN: Yeah, so I can speak to that.  
17 So, we have several overtime management strategies,  
18 which include shifting resources, modifying work  
19 schedules and continuously monitor and evaluate all  
20 categories of overtime to determine where there are  
21 opportunities for saving. And so, that proactive  
22 management is something we take very seriously and in  
23 fact, since the New York with the change in the  
24 administration, we have seen our uniform overtime  
25 hours trending down when compared to the first half



1  
2 of the fiscal year. It's important though to look at  
3 this in the context of the reductions that were taken  
4 to the overtime budget under the prior  
5 administration. Because unfortunately the reality  
6 we're facing and the budgetary level we have, they're  
7 not consistent.

8       So, to give you a little context, the cuts that  
9 were taken to our overtime budget, not just in the  
10 current year but also in the future years of the  
11 financial plan, were looked at and based by the prior  
12 administration on the spending level in fiscal year  
13 2021. And in fact, it was a reduction from that  
14 spending level is the budgetary level that was what  
15 we were reduced to. And Fiscal Year 2021 was an  
16 anomalous year for many reasons. Obviously we had  
17 significantly scaled back events as a result of  
18 COVID.

19       We curtailed our prime reduction overtime which  
20 is a very critical tool particularly now given what  
21 we're facing in the city. We had limited courts  
22 overtime. We had reduced Vision Zero overtime and a  
23 reduction of certain dedicated housing deployments.  
24 With City Hall, the Office of Management and Budget  
25 and us working with them, they have recognized that

1  
2 those reductions are not consistent with what we're  
3 experiencing today. That's reflected in the \$76  
4 million addition that was added to the overtime  
5 budget.

6 And so, we're going to continue to work with City  
7 Hall. We're going to continue to work internally and  
8 we're going to continue to work with OMB to determine  
9 the appropriate level of overtime that we need and we  
10 are extremely committed to being as efficient as  
11 possible but we do need these resources. They are a  
12 very important tool particularly given what we're  
13 doing now. And just the base was -

14 COUNCIL MEMBER STEVENS: I know, my time is  
15 running out but I just want to just add I think it's  
16 all connected in the sense of how we are having  
17 officers do things that they shouldn't which is why  
18 the overtime consistently is being - with  
19 consistently having overtime because like [INAUDIBLE  
20 1:03:39] isn't something I wish to have and if  
21 there's an incident, we have officers doing things  
22 that they shouldn't be doing.

23 But I'll come back with another round of  
24 questions because a lot of my time was ate up in the  
25 answers.

COMMITTEE COUNSEL: Thank you Council Member.

Next, we will go to Council Member Barron followed by Council Member De La Rosa followed by Council Member Holden followed by Council Member Cabán. Council Member Barron, you may go ahead.

SERGEANT AT ARMS: Time.

COUNCIL MEMBER BARRON: Thank you very much. I want to say that I've heard this rhetoric for over two decades from Commissioners, from Mayor's on how we're going to police our way out of crime. It is not going to happen.

Just looking at your budget, it's not \$5.6 billion, it's \$11 billion when you include overtime, pension, fringe benefits. The headcount of 50,000 police officers and you just said crime has gone up with \$11 billion and 50,000 police officers. In 2018, you said shootings went up. We still had the police crime unit then, shootings went up.

When it was disbanded in many of our precincts from 20 to 21 if you look at your own stats, some of the crime went down. When we went other ways. You have a \$1.1 billion capital budget. We tried to transfer \$500 million out of that instead of building more police precincts, build more youth centers. You

1  
2 said you have about \$30 million less and \$204 million  
3 less in your budget but the fact of the matter is you  
4 had an added \$304 million from the school safety and  
5 \$76 million to overtime and the total overtime is  
6 \$513 million. It's abusive, has nothing to do with  
7 safety. They want to make more money and they arrest  
8 us more and have to do the paperwork. It creates  
9 overtime. There was over \$212 million paid out in  
10 settlement claims against NYPD and we do have the  
11 right to report and the right to record and that has  
12 been done safely, Commissioner. And the police still  
13 attack people who do it safely without interfering  
14 with them. Our Power Act that we proposed and we'll  
15 have an Elected Civilian Police Review Board with an  
16 Independent Prosecutor because the special prosecutor  
17 in the AGs office especially does not prosecute  
18 police.

19 So, let's look at this for what it is. The  
20 causes of crime is not a lack of policing. The  
21 causes of crime is poverty, unemployment, mental  
22 health illnesses, drug addiction, homelessness and  
23 miseducation or lack thereof. The answer to crime is  
24 not more policing. Street unit Giuliani's We Own the  
25 Town, racist street crime unit. I don't care if you

1  
2 do put a vest on them so they can be identified. It  
3 is not the answer. The answer to crime is to bring  
4 in more of the cure violence programs in my area, Man  
5 Up has done a wonderful job in their small catchment  
6 area. We have high crime but in their small  
7 catchment area where we created jobs and stuff like  
8 that, it actually went down and according to the 75  
9 stats in that high crime area, some of the highest in  
10 the city, crime went down in every area from 2001 to  
11 '21 when Man Up was around and we were getting more  
12 jobs and things of that nature.

13 So, I think that we need to really look at how we  
14 do policing and yes, people need to transfer money  
15 from the police departments bloated budget and put it  
16 into social services. Because what you're doing now,  
17 you're going to manipulate emotionally to public  
18 because of the killings of police officers, the  
19 killing of innocent children and babies. You  
20 manipulate the emotions of the public and then say  
21 policing is the answer when all of these things  
22 happened when we had 50,000 police officers.

23 It is not the answer. We need to really look at  
24 the root causes of crime. Why people do this. We  
25 need economic development, job creation; it had

nothing to do with you. Youth entrepreneurship programs in City Council should do, increase mental health services, build more community centers, not police precincts.

We cannot solve crime through policing and the police department in New York City has been notorious in terms of getting away with murder; Amadu Diablo, Sean Bell and this list is endless. And they get away with brutality and every Police Commissioner says they are going to curb it. It does not happen.

Police Commissioner, we don't need a change in the complexion or gender of the Police Commissioner. We need a change in the direction of police policies. And I say that this is the wrong direction we're going in and we need to reverse our gear.

KEECHANT SEWELL: I'm not sure what the question was at the end of that but I will say that we do agree that there are some things that the police department is probably better at working with other agencies to facilitate their response. But in no way are we manipulating the emotions of people because our officers were murdered or on the deaths of children.

SERGEANT AT ARMS: Time expired.

1  
2 KEECHANT SEWELL: We certainly believe we need a  
3 holistic approach to handling crime in this city but  
4 in no way are we attempting to manipulate anything  
5 when no arrests are being made for overtime. We're  
6 arresting for criminal activity in an effort to make  
7 the city safe.

8 COUNCIL MEMBER BARRON: I beg to differ and I  
9 know for a fact that that's not true. That is simply  
10 not true. There are a lot of arrests that are made  
11 that should not be made and it has happened from  
12 loitering, standing in front of their building. From  
13 just — and stop and frisk still happens, they just  
14 don't record it. So, they say the numbers are down.

15 They are abusing our community and it needs to  
16 stop with you.

17 KEECHANT SEWELL: In no way are we supporting  
18 abusing anyone.

19 COUNCIL MEMBER BARRON: It's happening. It's  
20 happening.

21 KEECHANT SEWELL: The teams that we have on now  
22 are actually policing constitutionally, which they  
23 were doing before. Where they have more training to  
24 do that now and they are responsive to the community.  
25

COUNCIL MEMBER BARRON: It's not training. It's not training. They need to be punished. No, we don't need more training.

KEECHANT SEWELL: And we are asking the community to give us feedback on how these teams are working as they are out there.

COUNCIL MEMBER BARRON: I know but and all due respect Police Commissioner, every time they abuse us, you say they need more training, cultural sensitivity. Send them to jail and I'll give them a Black history book to read in jail if they want to learn about us. They need to be punished and they are not punished by the police internal investigating unit. Not punished by Commissioners and definitely not going to be punished by this Mayor who is a cop himself. So, I'm saying it's punishment, not training. The punishment doesn't happen.

COMMITTEE COUNSEL: Thank you Council Member. We will now turn to Council Member De La Rosa followed by Council Member Holden followed by Council Member Cabán followed by Council Member Bottcher. Thank you.

SERGEANT AT ARMS: Starting time.



1  
2 COUNCIL MEMBER DE LA ROSA: Thank you for being  
3 here. I have a few questions and if it's okay, I'd  
4 like to ask my questions first and then receive the  
5 response.

6 My first question is about mental health. We  
7 know that there is the Be Heard teams that are  
8 responding to 911 calls and one of the questions that  
9 we had in the Committee is what is the NYPD's  
10 coordination interaction with these teams. I am also  
11 concerned about the way in which in our subway  
12 system, folks who are experiencing mental health  
13 crisis are being swept out and I want to know what is  
14 the actual protocol for someone who is experiencing  
15 mental health if a police officer runs into this  
16 person in the subway stations.

17 As far as the claims against the NYPD the city  
18 paid out \$212 million, as we heard Council Member  
19 Barron say. In 2021, for payouts, we'd like more  
20 information on those payouts and what happens in the  
21 process of getting these settlements? If you could  
22 enlighten us on that process as well.

23 And then I had a question about the Gun Violence  
24 Suppression Division. There are 60 uniformed staff  
25 in this division, if you could tell us some more

1  
2 about that. And then finally, I just want to just  
3 say about the Neighborhood Safety Teams that there is  
4 concern in the communities. Many of us, I represent  
5 the communities in Washington Heights, Inwood, Upper  
6 Manhattan. There have been traumatic experiences. I  
7 can tell you on the block where I grew up, there was  
8 a man who was murdered by an unmarked police officer  
9 from the previous division, his name was John  
10 Collado. It devastated my community and that is not  
11 the only person that has died at the hands of an  
12 undercover police officer.

13 So, we need to know more about the Neighborhood  
14 Safety Teams and I am imploring you to have  
15 conversations with community, with community leaders  
16 about the rollout of these teams because there is a  
17 lot of concerns in our community that I've already  
18 heard from member of my own community.

19 So, those are my questions. Thank you for your  
20 time.

21 KEECHANT SEWELL: So, I certainly understand the  
22 concerns about the Neighborhood Safety Teams. We  
23 have gone out and addressed the communities and this  
24 Council about the rollout of the Neighborhood Safety  
25 Teams. They are not in plain clothes. They are in a

1  
2 modified uniform and we learn from the mistakes of  
3 the past when we reimplemented these teams and we  
4 understand there are some concerns. That's why we  
5 had the community involvement.

6 COUNCIL MEMBER DE LA ROSA: Can I ask about the  
7 community involvement because I am the Council Member  
8 and the previous Assembly Member and I had no idea  
9 about the community conversations around Neighborhood  
10 Safety Teams. So, when y'all came to my community,  
11 where did y'all go? Because I had no interaction.  
12 No, no notice. I had no idea that this was even  
13 happening in my community.

14 KEECHANT SEWELL: We'll start with that. I'm  
15 going to ask Chief Abbassi to address the community  
16 aspect for that, for the Neighborhood Safety Teams.  
17 Chief Abbassi.

18 ISA ABBASSI: So, good morning Council Member.  
19 Thanks for that question. So, has the Neighborhood  
20 Safety Team concept was being built up, we did have  
21 borough-based meetings, of course a virtual platform  
22 with many community members. We engage hundreds of  
23 community members across the city but more  
24 specifically and focused to your point, as every  
25 Neighborhood Safety Team rolls out in every precinct

1  
2 or PSA in the city, including yours, there's a three-  
3 step community notification protocol that's happening  
4 in every single one of those commands. And those  
5 three steps are these: The day that the Neighborhood  
6 Safety Team becomes activated, the precinct command  
7 will make notifications to key enroll the community  
8 stakeholders and community residents that the teams  
9 have gone active.

10 Within seven days of day one of Neighborhood  
11 Safety going live in that precinct or PSA, the PSA  
12 stands for Police Service Area in housing. Within  
13 seven days, they will be holding community round  
14 table discussions where members of the community are  
15 coming in, speaking to the Neighborhood Safety Team  
16 officers, explaining what their hesitations or  
17 concerns or requests are and having thoughtful  
18 discussions about it.

19 And then finally, stage three of the community  
20 process is in every one of the precinct and PSA's.  
21 The very next, after activation, precinct or PSA  
22 council meeting that occurs, the Neighborhood Safety  
23 Teams will be present and presented to the community  
24 at that meeting and be available to answer questions  
25 and have discussions.

COUNCIL MEMBER DE LA ROSA: Let me just say —

ISA ABBASSI: We were very thoughtful and we tried to be very comprehensive about making sure that people that wanted information or wanted to give input to us or have a dialogue with the Neighborhood Safety Team members are afforded the opportunity to do so.

COUNCIL MEMBER DE LA ROSA: Thank you for your answer. Let me just say that it was done backwards. You should have come to our communities and had these conversations and presented this team before the teams rolled out into our community. They rolled out earlier this week and we still have not met them.

So, seven days after they've rolled is seven days too late number one. And number two, let me just say that having a boroughwide conversation when —

SERGEANT AT ARMS: Time expired.

COUNCIL MEMBER DE LA ROSA: In Manhattan the community that I represent has been at the crosshairs of the war on drugs for decades is wholly unacceptable. The problems of lower Manhattan and midtown Manhattan are not the problems of Harlem and upper Manhattan and so, there should be dedicated community conversations about these teams that are

1  
2 dedicated to our own communities and also in person  
3 because not everyone in poor communities has access  
4 to a virtual platform. We have to remember the  
5 privileges that we have as people who have access.  
6 And so, I welcome the opportunity to have this  
7 conversation in my community. I will say for the  
8 record that it is seven days too late.

9       So, I had other questions about mental health  
10 services and the subways and the Gun Violence  
11 Suppression Division.

12       KEECHANT SEWELL: Okay, I'm going to ask Chief  
13 Tobin to talk to you about the mental health aspect  
14 of your question.

15       THERESA TOBIN: Good morning Council Member.

16       COUNCIL MEMBER DE LA ROSA: Good morning.

17       THERESA TOBIN: Good morning. You mentioned Be  
18 Heard, so I'm going to address that first. So, as  
19 you know the pilot area began on June 6<sup>th</sup> of last  
20 year in zone seven and eight, which covered East  
21 Harlem and parts of central and North Harlem and it  
22 expanded November 3<sup>rd</sup> of 2021 to West Harlem and the  
23 Upper West Side. And this afternoon I will be  
24 attending the graduation for the expansion, which  
25 will occur on Sunday and they are expanding to

Washington Heights and Inwood and in the Bronx to Morrisania, which is the southwest portion covering the 42 and the 44 precincts.

Since the beginning of the pilot, through March 13<sup>th</sup>, according to the FDNY's dashboard, there have been 6,173 emotionally disturbed persons call in the Be Heard Pilot area with 22.7 percent being assigned to be heard. The NYPD still responds in EDP calls in the pilot zones without Be Heard. 17 percent of the time EMS responds solo, without Be Heard as well.

Almost half of the calls that Be Heard responds to, the PD is on the scene and that can be due to the Be Heard request for the PD for the Police Department requesting Be Heard to the scene or Be Heard self-dispatching to the EDP calls that fit the eligibility criteria. 11850

COUNCIL MEMBER DE LA ROSA: And do these teams go into the subway stations?

THERESA TOBIN: Not currently.

COUNCIL MEMBER DE LA ROSA: Why not?

THERESA TOBIN: That was a decision by the Mayor's Office of Community Mental Health and I believe it's also the request for them to respond was not originally put forth but I believe starting next

1  
2 week, they will respond in their pilot area in the  
3 subways.

4 COUNCIL MEMBER DE LA ROSA: Thank you.

5 THERESA TOBIN: You're welcome.

6 COUNCIL MEMBER DE LA ROSA: Thank you Council  
7 Member. We're going to move on. We could do a  
8 second round of questions if individuals have  
9 additional questions, so please raise your hand  
10 again. Next, we're going to move onto Council Member  
11 Holden followed by Council Member Cabán followed by  
12 Council Member Bottcher. Council Member Holden, you  
13 may go ahead.

14 SERGEANT AT ARMS: Starting time.

15 COUNCIL MEMBER HOLDEN: Thank you Commissioner  
16 and thank you for your excellent testimony. Just a  
17 few questions. I see tens of millions of dollars  
18 have been allocated to upgrade One Police Plaza.  
19 Does the NYPD know how many precincts need new  
20 buildings? Because some of them were built you know  
21 way in the early part of the 20<sup>th</sup> Century but is  
22 there a plan or a timeframe for upgrading all police  
23 precincts?

24 And then, the second part of the questions, this  
25 is regarding towing, tow or violation tow. You



1  
2 know we constantly hear at least in the precincts  
3 that cover my district that there's not enough tow  
4 space for cars parking illegally, especially in front  
5 of fire hydrants. And so, I have certain precincts  
6 that are outside of my district that can tow 500 cars  
7 a year when I have three precincts in my district  
8 that tow barely 100 a year.

9       So, I can't get cars towed away from precincts.  
10 They could be parked there for several days. So,  
11 what are we doing to upgrade that? And then, my  
12 final question, is there a plan to increase the  
13 detective squad or squads or detective count? And to  
14 give more grade promotions because morale you know,  
15 the detectives that I speak to, it seems that morale  
16 is at an all-time low. Thanks, thanks Commissioner.

17       KEECHANT SEWELL: Thank you Council Member for  
18 your question. I too agree that some of our station  
19 houses, our precincts are in need of repair. I'm  
20 going to ask Commissioner Ryan to speak to the cost  
21 factor.

22       KRISTINE RYAN: So, you're absolutely right.  
23 Most of our precincts were built more than 50-years-  
24 ago, many more than a century ago. We would very  
25 much like to build a significant number of new

precincts. It is very costly, so unfortunately with budgetary constraints, it's not something we can do right now but in terms of taking a holistic look at what the needs are, particularly identifying precincts that are too small, past their useful life or at least situated. We've in the past request and we're going to resubmit a request to the Capital Pre-Scope Development Study to do a study of the precincts overall.

In the interim, we do have both capital and expense resources dedicated to maintaining our exiting precincts. For example, just over the course of this Fiscal Year and next Fiscal Year, we have \$77 million for boiler replacements, HVAC upgrades, façade and roof work, \$35 million for other renovations and rehabilitation in our precincts. We've recently completed 17 locker room upgrades and over a dozen more are in progress and we also completed \$36 million worth of work to upgrade bathrooms in 75 precincts.

And to give you an example of what we do in a particular precinct and for the 104 for example, we have several projects in progress and several that are planned. We recently completed three bathroom

1  
2 renovations. In progress is a redesign of the front  
3 desk and a reconstruction of that area, build out of  
4 a new lounge on the third floor. And then we're  
5 looking to do additional work in the locker room and  
6 plan to do new central AC and the last thing I just  
7 want to mention is that we've recently initiated a  
8 new program which we call borough blast, which is  
9 focusing on concentrating a large number of our  
10 facilities personnel to focus on the cleanliness of  
11 precincts. To go in and identify repairs that were  
12 potentially not previously reported and to work on  
13 addressing those issues within the precincts and  
14 removing from borough to borough to undertake that,  
15 so that we can address these buildings which we agree  
16 are old while in parallel looking at holistically if  
17 there are things we can do to replace precincts going  
18 forward.

19 KEECHANT SEWELL: And to address your question as  
20 it related to promotions and grade. I know you  
21 mentioned about morale. I certainly hope it's  
22 getting better. As you have seen, there have been a  
23 number of arrests both high profile and ones that  
24 really aren't put in the media. Detective Bureau is  
25 doing a phenomenal job, so we certainly hope the

1  
2 morale is increasing but to talk about the career  
3 path for grade, I'm going to turn it over to Chief  
4 Detective James Essig.

5 JAMES ESSIG: Hi, again, good afternoon. As far  
6 as the personnel in the squads. Particularly the  
7 numbered squads have the precinct detective squads.  
8 That probably is the highest attrition we have within  
9 the Detective Bureau and we're always looking to up  
10 staff to keep that at minimum level in every command.

11 As to grade level bills, with mass promotions,  
12 the last administration; I'm sure this administration  
13 going forward, the Detective Bureau gets more than  
14 their fair share in grade promotions but  
15 unfortunately, we're a big bureau. We have over  
16 5,000 members in the Detective Bureau and there's  
17 just not that many promotions to go around.

18 SERGEANT AT ARMS: Time expired.

19 JAMES ESSIG: So, it's a merit based system who  
20 invited their local boss up to the Investigative  
21 Chief comes up to my office. The next thing the list  
22 up to the First Deputy Commissioner and then through  
23 the Police Commissioner. So, it's a rigorous review  
24 panel to get promoted in that but when promotions  
25 come the Detective Bureau does get their fair share.

1  
2 COUNCIL MEMBER HOLDEN: And just finally  
3 Commissioner on the towing because I can't get cars -  
4 there's cars parked in crosswalks constantly in the  
5 precincts that I cover, in many precincts around the  
6 city they are blocking bus stops, bike lanes and we  
7 can't get them towed because there's not enough you  
8 know yard space or pound space.

9 But essentially we can even get NYPD tow trucks,  
10 especially for violation tow. Is there something in  
11 the budget to increase that?

12 KEECHANT SEWELL: I'm going to turn it over to  
13 Chief Royster, she is going to address that for you,  
14 Chief of Transportation.

15 COUNCIL MEMBER HOLDEN: Thank you.

16 KIM ROYSTER: Good morning and thank you Council  
17 Member for that question. I am responsible for all  
18 two operations as it relates to violation tows within  
19 the city and I'm hearing that in your particular  
20 district, there are vehicles that are parked in  
21 hazardous locations. So, I just want to walk you  
22 through the process in which we tow vehicles all  
23 around the city. And vehicles that are in violation  
24 in a bus stop or in a bike lane or in a crosswalk are  
25 towed by my Traffic Enforcement District. And those

1  
2 vehicles aren't towed to our respective tow pounds  
3 which are in the city.

4 Now, in your district, that would be Brooklyn. I  
5 just want to let you know that we work with the  
6 precincts to make sure these vehicles are towed and  
7 we have towed last year, I would say on an average of  
8 115 vehicles per year. So, what I'd like to do if  
9 you don't mind after this meeting is to have a  
10 conversation with you to find out where the areas are  
11 where you're having these problems and make sure we  
12 address it, not just with my agents but also with the  
13 precincts to get this corrected.

14 COUNCIL MEMBER HOLDEN: Thank you Chief. Thank  
15 you Chair.

16 COMMITTEE COUNSEL: Thank you Council Member.  
17 I'd like to acknowledge that Council Member Nurse has  
18 joined us. Next, we will go to Council Member Cabán  
19 followed by Council Member Bottcher and Council  
20 Member Avilés. Council Member Cabán, you may go  
21 ahead.

22 SERGEANT AT ARMS: Starting time.

23 COUNCIL MEMBER CABÁN: Hi, thank you Chair. I  
24 just want to quickly shout out the many orgs rallying  
25 at City Hall Park right now who are holding a peoples

1  
2 public safety hearing. I'm also going to  
3 respectfully ask for direct assisting answers to my  
4 questions to maximize the amount of questions I get  
5 to ask and therefore the amount of information we get  
6 to give to our communities.

7 My first questions are pretty you know cut and  
8 dry numbers questions. How many NYPD officers are  
9 tasked with removing homeless New Yorkers from the  
10 subways? And what's the budget for these operations?

11 KEECHANT SEWELL: Chief Wilcox, will you please  
12 answer her for me please?

13 JASON WILCOX: Good morning Council Member.

14 COUNCIL MEMBER CABÁN: Good morning.

15 JASON WILCOX: So, with the homeless operations,  
16 right now with the joint response teams. So, we have  
17 — our main task, we escort two officers per joint  
18 response team that goes out.

19 So, when you're looking —

20 COUNCIL MEMBER CABÁN: Sir, I just want the total  
21 number. Total number, how many officers are tasked  
22 with removing homeless New Yorkers from the subways?

23 JASON WILCOX: So, that's a task that really is  
24 the responsibility of all transit officers as they  
25 encounter them. So, beyond the joint response teams,

1  
2 you know I took a look at when we encounter our  
3 homeless and in whatever crisis, a medical condition  
4 or an aided condition and we've had you know many of  
5 those situations -

6 COUNCIL MEMBER CABÁN: Okay, so it's every  
7 officer. Again, I want to make sure I get as many  
8 questions in as possible. What's the budget for  
9 these operations?

10 JASON WILCOX: The budget is you know monetary as  
11 what you know the officers that we put into that. I  
12 don't have a dollar value to it but you know some of  
13 it, which we do a lot of it on straight time and we  
14 do some of it on overtime if needed but we're doing  
15 this seven days a week.

16 COUNCIL MEMBER CABÁN: Okay, I would love a  
17 follow-up on the numbers. Can you tell me what the  
18 NYPD spends on public relations work, including but  
19 not limited to staff and managed social media?  
20 What's the number on that?

21 KRISTINE RYAN: So, on the - just to answer your  
22 transit questions. So, there isn't a dedicated -

23 COUNCIL MEMBER CABÁN: No I want to move; I would  
24 like to move to my next question.  
25



1  
2 KRISTINE RYAN: The \$247 million, with regard to  
3 the public information piece, I will have to get back  
4 to you. I believe it's about \$3 million but I'll get  
5 that back to you.

6 KEECHANT SEWELL: I want to address the fact;  
7 we're not removing people from the subway. We are  
8 endeavoring to provide services to them to get them  
9 out of the subway in a condition that they probably  
10 don't want to be in. We're not just removing them  
11 from the subway.

12 COUNCIL MEMBER CABÁN: So, to be clear  
13 Commissioner, if somebody in the subway says that  
14 they want to stay in the subway, you will leave —  
15 your officers are directed to leave them there?

16 KEECHANT SEWELL: I'm sorry.

17 COUNCIL MEMBER CABÁN: Yes?

18 KEECHANT SEWELL: If someone is not breaking the  
19 law in the subway system and they are not removed  
20 from the subway system, we're offering services to  
21 people in the subway system.

22 COUNCIL MEMBER CABÁN: Okay, so I mean that  
23 sounds in direct contrast to some of what the Mayor  
24 has said and what the directive is. I want to move  
25 on to my next question. What are the active city

1  
2 contracts with private companies to provide  
3 surveillance technology systems and data to the  
4 department? Like surveillance cameras, CCTV, facial  
5 recognition technology, and programs like  
6 ShotSpotter, what are the active city contracts?

7 KRISTINE RYAN: Yeah, so online there is a  
8 listing of all of the different items we have under  
9 the post act. We can get you the number of contracts  
10 associated with that. I don't have the number of  
11 contracts.

12 COUNCIL MEMBER CABÁN: And can you get that back  
13 to us by the end of the — before the end of the  
14 month?

15 KRISTINE RYAN: Yes.

16 COUNCIL MEMBER CABÁN: Thank you. So, the  
17 Commissioner testified that the department will  
18 "fight crime with tried and true policing  
19 techniques." So, I want to focus on public safety  
20 outcomes. I want to talk about empirical evidence.  
21 We know from many studies that ethnic diversity in  
22 police forces does nothing to achieve desirable  
23 public safety outcomes. We know from many studies  
24 that offering police force does de-escalation  
25 sensitivity training does nothing to achieve

desirable public safety outcomes. We know from many studies that police body camera programs do nothing to achieve desirable public safety outcomes.

So, I want to ask, what evidence is there that plain clothes or modified clothes policing is an effective way of reducing gun violence? What evidence is there that transit policing is an effective way of guaranteeing safe subways? What evidence is there that deploying police officers to schools is an effective way of achieving school safety? What evidence is there that facial recognition technology is an effective way of achieving desirable public safety outcomes? Can you please point us to the evidence that exists for those particular strategies?

KEECHANT SEWELL: Certainly, I'm going to ask my Chief of Crime Control Strategies Lipetri to answer.

SERGEANT AT ARMS: Time expired.

MICHAEL LIPETRI: Good morning. As far as the answer to the data when it comes to the specialized units that are tasked with removing illegal firearms, about half of all our gun arrest fall within those specialized units. So, I think the data was pretty clear. The officers that are tasked with you know

1  
2 local street crimes, namely illegal firearm  
3 possession, almost half of all arrests made are  
4 within those specialized units.

5 COUNCIL MEMBER CABÁN: And whats the proportion  
6 between stops, police interactions and arrests? Back  
7 in years prior, they were something like one out of I  
8 don't know what was it, over 100 or so, maybe even  
9 more than that.

10 MICHAEL LIPETRI: Well, surely you know as been  
11 reported, we are at our highest level of gun arrests  
12 that we've seen in 25 years. With the lowest number  
13 of stop, question and frisk reports that have been  
14 done by the offices in many, many years.

15 COUNCIL MEMBER CABÁN: But my question is, is the  
16 empirical evidence on reducing gun violence. We're  
17 looking at increases right? Can you provide us with  
18 empirical evidence for overall reduction? And again,  
19 I know that we've run out of time here, so I would  
20 also like to see if you cite the evidence around  
21 transit policing, around police in schools and around  
22 the facial recognition technology.

23 KEECHANT SEWELL: I'm not sure what her  
24 question is. I'm sorry. Council Member, what was  
25 your question? You were cutting in and out.

1  
2 COUNCIL MEMBER CABÁN: My question is, can you  
3 please provide us with the evidence, the empirical  
4 data to show that deploying police officers in the  
5 schools is an effective way of achieving school  
6 safety? That investing in facial recognition  
7 technology is an effective way of achieving these  
8 better public safety outcomes? On the present  
9 transit policing? Can you provide us with the  
10 empirical evidence, the studies, the data, that show  
11 that this is the best strategy to achieving the best  
12 public safety outcomes?

13 JAMES ESSIG: Yeah and how you doing? In terms  
14 of our facial recognition strategies, we just the  
15 data on this, just the numbers, we submitted 10,000,  
16 approximately 10,000 submissions to the facial  
17 recognition. Of that, 2,400 or 23 percent come back  
18 as a positive match. Now, that's a lead. It doesn't  
19 mean an arrest will be made; it means it's a very  
20 good lead in terms of the investigation. So, facial  
21 recognition is 25 percent.

22 COUNCIL MEMBER CABÁN: Now, I mean, specific to  
23 your facial recognition, Chicago Police Departments  
24 Office of the Inspector General found that  
25 ShotSpotter for example, was ineffective. Resulted

in numerous false reports of gun shots. What data has the city collected on the inaccuracy of ShotSpotter?

COMMITTEE COUNSEL: Council Member, in respect to the other Council Member who are waiting for questions [INAUDIBLE 1:36:11].

COUNCIL MEMBER CABÁN: Sure, absolutely, I look forward to a second round of questioning and would just like to note that though these tactics have all been tried, in fact, they have not been found to be true and to the contrary a lot of them have been proven to be abject failures and if we're serious about public safety, we should be abandoning them in favor of evidence-based solutions. Thank you.

COMMITTEE COUNSEL: Thank you Council Member. We will now turn to Council Member Bottcher followed by Council Member Avilés followed by Council Member Nurse.

SERGEANT AT ARMS: Starting time.

COUNCIL MEMBER BOTTCHEER: Hello Commissioner, it was a pleasure meeting you yesterday through my former classmate Chief Tobin.

KEECHANT SEWELL: You as well.

1  
2 COUNCIL MEMBER BOTTCHER: Commissioner, do you  
3 believe that every police precinct should have a  
4 clinical social worker on site.

5 KEECHANT SEWELL: Do I believe that? Well, I  
6 think we certainly use every resource that we can and  
7 try to cooperate with every partner. Actually Tobin  
8 has some information about that to follow-up with you  
9 on that but we enjoy working with our partners to  
10 engage every community member. Chief Tobin.

11 COUNCIL MEMBER BOTTCHER: Yes, Chief Tobin.  
12 Commissioner, do you believe it would be helpful to  
13 have a clinical social worker in a police precinct?  
14 That someone who's worked so long in law enforcement,  
15 would it be helpful in your view if a police precinct  
16 had a social worker with an office in the precinct?

17 KEECHANT SEWELL: Wherever they are located we  
18 certainly want to be able to have that partnership if  
19 we have the ability to partner with them in house,  
20 that is fine but we certainly will work with them  
21 wherever they are housed. I think having them as  
22 someone we can tap into is an invaluable resource.

23 COUNCIL MEMBER BOTTCHER: Do any of our police  
24 precincts currently have social workers on site?  
25

KEECHANT SEWELL: I can get that information. We have the number of social workers on site in the police precincts. I can get that number for you.

COUNCIL MEMBER BOTTCHER: So, there are some police precincts that have a social worker with an office in the precinct.

KEECHANT SEWELL: Chief Tobin are you on so you can give that information please? I don't want to give you a bad number.

COUNCIL MEMBER BOTTCHER: She's unable to unmute.

THERESA TOBIN: I'm sorry. Yeah, I couldn't unmute because I had to wait for the host to allow me to unmute. So, good morning Council Member.

COUNCIL MEMBER BOTTCHER: Good morning.

THERESA TOBIN: So, we do, we do not have social workers in the commands. We have crime victims assistance personnel who help people navigate the criminal justice system, one is a specialist and one is a domestic violence specialist in which they help victims of crime navigate the criminal justice system and provide assistance. But we do work with other agencies. We are actively engaged with the Department of Health and Office of Mental Health on the state level and we are actively in joint programs



1  
2 with the Department of Mental Health and Hygiene. We  
3 have several social workers and other clinicians who  
4 deploy with officers to individuals who have a  
5 history of violence and have a history of mental  
6 illness.

7 COUNCIL MEMBER BOTTCHE: Do you believe Chief  
8 Tobin that it would be helpful in individual  
9 precincts if there were a social worker on site. The  
10 victim services is very, very important but would it  
11 be helpful to you if we had an office with a social  
12 worker who could help with people who are coming in  
13 with all of these complex issues that need to be  
14 addressed.

15 THERESA TOBIN: I think we do a very good job  
16 without having them on site. We refer people to New  
17 York City Well. We ask for a crisis response where  
18 there are crisis mobilization teams. So, I'm not  
19 sure that physically having a social worker housed  
20 within the precinct because space is extremely tight.  
21 But I do think that we are able to connect people  
22 through services and the resources they need through  
23 Safe Horizon and by engaging with other city agencies  
24 which provide the necessary resources.

1  
2 COUNCIL MEMBER BOTTCHER: Because we have social  
3 workers located in the hospitals. We have social  
4 workers located in schools, not enough schools and  
5 it's commonly understood that that's preferable than  
6 having to send someone elsewhere and make an  
7 appointment. Doesn't it make sense, especially when  
8 folks are coming in for a limited amount of time, to  
9 have a social worker there rather than have to  
10 arrange for an appointment at a later date with  
11 someone who may not make that appointment?

12 THERESA TOBIN: Well, it's certainly worth  
13 exploring.

14 COUNCIL MEMBER BOTTCHER: I think so. I'd love  
15 to have those conversations and I can tell you  
16 anecdotally working with our local precincts that  
17 that would be helpful because it's the cycle of  
18 incarceration. People who have been arrested 40, 50,  
19 60, 70 times, what are we doing differently than  
20 before? What can we do to interrupt that cycle and  
21 it involves getting them mental health treatment,  
22 other kinds of treatment and the current system is  
23 really failing in that regard.

24 SERGEANT AT ARMS: Time expired.  
25

1  
2 THERESA TOBIN: Happy to speak to you offline  
3 about that. Thank you.

4 COUNCIL MEMBER BOTTCHE: Thank you.

5 COMMITTEE COUNSEL: Thank you Council Member.  
6 Next, we will hear from Council Member Avilés  
7 followed by Council Member Nurse.

8 SERGEANT AT ARMS: Starting time.

9 COUNCIL MEMBER AVILÉS: Hello, good morning. Can  
10 you hear me okay?

11 SERGEANT AT ARMS: Yes, we can hear you.

12 COUNCIL MEMBER AVILÉS: Oh, okay great, thank you  
13 so much. I'd like to ask some questions around  
14 ShotSpotter's and forgive me if I did not hear the  
15 response to Council Members Cabán's question around  
16 what data the city has collected in terms of the  
17 inaccuracy of ShotSpotter's?

18 KEECHANT SEWELL: I'm going to ask Chief Abbassi  
19 to answer some of those questions for ShotSpotter for  
20 you.

21 ISA ABBASSI: Good morning Council Member.  
22 Thanks for the question. I'll just give you; you  
23 know right now I believe we're a little over 90  
24 square miles of ShotSpotter coverage in 50 of our  
25 precincts. The specifics on the data that you asked

1  
2 for, I'm going to kick it over to my colleague Chief  
3 Lipetri.

4       MICHAEL LIPETRI: When we look at ShotSpotter  
5 technology, just to add a little bit to what Chief  
6 Abbassi said, 87 percent of our shooting incidents  
7 last year were covered by ShotSpotter technology. We  
8 responded to approximately 14,000 ShotSpotter alerts  
9 last year. When we look at the confirmed incidents,  
10 about 40 percent of the confirmed incidents did not  
11 accompany for 911 calls. So, those are incidents  
12 that we might have you know not responded to, which  
13 means we can't investigate it. Which means,  
14 obviously we can't deploy to the areas that we think  
15 will then prevent further violence. When we look at  
16 the confirmed, the accuracy about 20 percent of the  
17 ShotSpotter calls are confirmed with either  
18 ballistics recovered or a report from a witness or an  
19 arrest or actually a shooting incident.

20       COUNCIL MEMBER AVILÉS: So, I'm hearing 20  
21 percent is accurate.

22       MICHAEL LIPETRI: That is accurate, yes.  
23 Approximately 20 percent of the ShotSpotter alerts  
24 are then confirmed with some type of evidence.  
25

1  
2 COUNCIL MEMBER AVILËS: So, that leaves 80  
3 percent of them confirmed. That doesn't seem to be  
4 the right ratio that we're looking for. In terms of  
5 the ShotSpotter locations, we know they are mostly  
6 located in low-income and public housing areas. Do  
7 you have confirmed locations of all the  
8 ShotSpotter's?

9 ISA ABBASSI: We do. We have a coverage map that  
10 we could share offline and like I said earlier, 50 of  
11 our precincts are currently covered by ShotSpotter  
12 but we could certainly share that coverage map with  
13 you.

14 COUNCIL MEMBER AVILËS: Thank you. In terms of  
15 the technology, we know that the technology, the  
16 microphones operates just like Siri. It is on 24  
17 hours a day and has been known to record  
18 conversations and intrude on peoples civil liberties.  
19 Can you tell me a little bit about this? About the  
20 fact that microphones are activated 24 hours a day  
21 and how we can protect people's civil liberties.

22 KEECHANT SEWELL: What microphones, I'm sorry,  
23 what microphones are you referring to?

24 COUNCIL MEMBER AVILËS: The ShotSpotter  
25 microphones. The technology itself.

1  
2 ISA ABBASSI: So, I don't believe that our  
3 department is monitoring the ShotSpotter centers in  
4 that way and we would have to follow-up with you  
5 offline to get you details on what you're asking.

6 COUNCIL MEMBER AVILÉS: Great, we would like  
7 definitely the details. We know that there have been  
8 allegations in Rochester that ShotSpotter is - I'm  
9 sorry, can you hear me? I'm getting a little  
10 feedback, I don't, okay.

11 Yes, we just wanted to know if NYPD has  
12 independently evaluated allegations from Rochester  
13 that ShotSpotter has falsified evidence in a criminal  
14 case. Have you looked into those allegations?

15 KEECHANT SEWELL: We have no information to  
16 support that.

17 COUNCIL MEMBER AVILÉS: Great, we'd like to  
18 definitely follow-up to see. We should be looking  
19 into these technologies and certainly just like we've  
20 seen in terms of face surveillance, where we get tons  
21 of positive ID's and we've seen the disproportionate  
22 impact on our communities. So, we'd like to look  
23 into more of this technology and ensure that our  
24 communities are protected. I yield my time.  
25

COMMITTEE COUNSEL: Thank you Council Member.  
We'll now turn to Council Member Nurse followed by  
Council Member Hanif followed by Council Member  
Brewer.

SERGEANT AT ARMS: Starting time.

COMMITTEE COUNSEL: Go ahead.

COUNCIL MEMBER NURSE: Good afternoon. Thank you  
Chair. Good afternoon everyone. So, in recent  
years, the NYPD has doubled the size of the gang  
unit, which places mostly young Black and Brown New  
Yorkers, the criminal group database. And the  
criteria for ending up on this database is very  
vague. It's not really clear what the protocol is  
and it seems as if a police officer can simply get  
someone on this list by labeling them based on their  
color of their clothing.

It seems the database has continued to  
drastically expand the number of people impacted by  
this system and it's not really clear how this is  
directly to keeping our community safe or even how  
folks can get off of this if they think they are  
wrongly on it. So, I just had two questions. The  
previous Commissioner has said the gang database is  
necessary for public safety but what is the concrete

1  
2 evidence that shows that this database reduces  
3 violence? Has the database been operational during  
4 recent increases in violence and if it has, what is  
5 that saying about the need for such a database?

6 And then the second question because I'll just  
7 get them out and then you all can answer. The  
8 Departments gang units operate far from the public  
9 eye and the department has said they will build  
10 trust.

11 And so, what is the transparency that is being  
12 provided to work towards building that trust in terms  
13 of concrete specific deliverables and is the  
14 department willing to voluntarily release misconduct  
15 histories from the members of those units, including  
16 CCRB complaints and lawsuits filed against them?  
17 Thank you.

18 KEECHANT SEWELL: The department is extremely  
19 transparent when it comes to the results of  
20 discipline for the officers. They are online but as  
21 far as the gang database, the gang database is a tool  
22 we use in suppression of gang violence. As it stands  
23 to how someone gets on or is removed from that list,  
24 I'll turn to Chief Detective James Essig.



1  
2 JAMES ESSIG: Yeah, the gang database, we have  
3 strict guidelines and a very rigorous review process  
4 just for entering and exiting. So, just for example,  
5 this year we added 164 members. We removed 94. Last  
6 year, we added 441 members but we removed 867  
7 members. So, we do have a complete review process.  
8 There's as soon as you hit 17-years-old, if you are  
9 in it and then every two years thereafter and every  
10 three years once you're in, there's a review process  
11 and people are removed from or added or based on how  
12 - what their actions were. And also, to get in the  
13 database, it's not just, you have to make voluntary  
14 statements, you have to have social media. There's a  
15 very rigorous criteria to get in to the database and  
16 there's supervisory oversight at every level.

17 As far as the gang units, the NYPD doesn't have  
18 perse a gang unit anymore. That was the Gun Violence  
19 Suppression Unit that we talked about before  
20 basically handles gang investigations now. They're  
21 not a suppression unit on the street. They have two  
22 folds; they assist the local detective squads in  
23 solving violent crimes through rigorous canvases.  
24 Helping them with witnesses and other evidence and  
25 second, building cases with the local DA's to take

1  
2 off the most violent shooters and homicide  
3 perpetrators. That's their mission. They don't do  
4 suppression on the street, it's more of an  
5 investigation.

6 COUNCIL MEMBER NURSE: And when you get on it,  
7 how are folks notified that they are on it? How  
8 would an individual know that they are on the gang  
9 database?

10 OLEG CHERNYAVSKY: Thank you Council Member. So,  
11 just like any other investigative lead, individuals  
12 are not notified that they're on it because it is an  
13 investigative lead ultimately. But at the same time,  
14 being an investigative lead does not equate to  
15 probable cause for your arrest. So, if we have  
16 information that you are part of a criminal group,  
17 that information is leveraged either a, as part of an  
18 investigation to solve crime or b, in order as  
19 information to prevent crime.

20 So, for example, if we have two different gangs  
21 that are feuding with one another, it actually stands  
22 to reason that we should know what is the membership  
23 of these groups, so we could potentially prevent  
24 retribution from one group to another. So, it's  
25

1  
2 actually, it serves as a defensive mechanism as well  
3 as a crime fighting tool.

4 COUNCIL MEMBER NURSE: So, at what point to  
5 people ever get told that they're on this? And then  
6 told that they're able to contest it?

7 OLEG CHERNYAVSKY: As I said again, if you take a  
8 look in California for example, being there was a law  
9 that says if you're in a criminal group, if you're in  
10 a gang, that is a violation of law in and of itself.  
11 New York doesn't have such a law. That's why this is  
12 an investigative lead.

13 So, much like any other investigative lead, when  
14 we're doing an investigation, individuals that are  
15 suspects cannot dispute the evidence that we're  
16 collecting as part of the investigation. This is  
17 merely evidence as a - part of an investigation or a  
18 potential defensive tool to save people's lives.

19 COUNCIL MEMBER NURSE: Okay, so when do they get  
20 notified that they were ever on it or off it?

21 OLEG CHERNYAVSKY: What we do actually as the  
22 Chief of Detectives mentioned, we have regular  
23 reviews and those are the numbers that he outlined  
24 for you. On the 17<sup>th</sup> birthday, I believe the 23<sup>rd</sup> and  
25 28<sup>th</sup> birthday as well and then you can self-initiate

1  
2 reviews. So, if we have information other than those  
3 automatic reviews, if we develop information that  
4 somebody has left the gang life and is no longer  
5 taking part, we can self-initiate a removal of the  
6 individual. And that's why based on the Chief's  
7 numbers that he provided to you; we're actually  
8 removing a significant amount of individuals on a  
9 regular basis every year.

10 I mean, it doesn't benefit -

11 COUNCIL MEMBER NURSE: It sounds like there's no  
12 ability to know. You're on it to contest it, to  
13 fight to get off of it. You, as the department will  
14 self-initiate when you think someone is determined to  
15 not be worthy to be on it.

16 OLEG CHERNYAVSKY: I think it's a couple of  
17 things. So, part of transparency was one, that we  
18 posted the criteria of what enables an individual to  
19 get put into the database and that's available online  
20 on our website.

21 Two, again and as I said before, this is not  
22 something that is going to result in an arrest. So,  
23 being in a criminal group, one requires a laundry  
24 list of criteria that needs to be met. A significant  
25 amount of supervision, an agreement among multiple

1  
2 individuals to place somebody into the database but  
3 ultimately, it's an investigative lead that in and of  
4 itself will not result in your arrest.

5 So, I think as a general matter if you take a  
6 look at investigations, and you look at evidence  
7 collected in those investigations, individuals do not  
8 have a right to dispute evidence until they are  
9 ultimately in court and if an arrest is made than  
10 Defense Council would dispute the evidence that's  
11 collected in establishing guilt or innocence.

12 COUNCIL MEMBER NURSE: Thank you.

13 COMMITTEE COUNSEL: Thank you Council Member.  
14 We're going to actually now turn to Council Member  
15 Mealy who was logged off earlier. Who got kicked off  
16 of the session earlier and then we're going to turn  
17 to Council Member Hanif after that. So, Council  
18 Member Mealy followed by Council Hanif followed by  
19 Council Member Brewer and then I think we'll go back  
20 to the Chair for a second round of questions there.  
21 So, Council Member Mealy, Hanif, Brewer. Thank you.

22 SERGEANT AT ARMS: Starting time.

23 COUNCIL MEMBER MEALY: Thank you so much  
24 Commissioner and thank you Madam Chair Hanks. I only  
25 have two questions and there's so many interesting

questions need to be addressed in regards to the Shot Spotter but at a later date.

Have you thought about the addition, the police officers being on their phone as they serve the community? Can you give me an answer to that?

KEECHANT SEWELL: I'm glad you asked that. We have been interacting with the community and they expressed some concerns about the officers being on their phones but I want to make sure that you understand that we have so much information that's disseminated to those officers on those phones.

We have wanted flyers that go out. We have an incident that just went out they need to be on the lookout for. An individual who may be fleeing into their area. These are minicomputers that they have in their pockets that are giving them real time information on crimes that have just occurred and ways to make the city safe. And while we will address the fact that some officers are on their phones more than that or outside of those parameters and we were dealing that. I do want to make sure that we let people know that these officers receive a tremendous amount of criminal information in real time in addition to things they need to do for the

1  
2 community where they are. So, while we will address  
3 abuses of that or abuses beyond those parameters, for  
4 the most part, they are using those phones and  
5 further into the safety of the city.

6 COUNCIL MEMBER MEALY: Thank you and my second  
7 question. You say — one of your executives said that  
8 they have a three step plan in regards to the  
9 officers coming out. I'm the only elected official  
10 in the five boroughs with five precincts and three  
11 PSA's and not only I was never invited to the rollout  
12 and I concur with Council Member De La Rosa, I just  
13 happened to be walking out of my office and somebody  
14 said that they were having a meeting. And I went  
15 there and I said, I was not invited but as Shirley  
16 Chism said, they don't invite you to the table, you  
17 pull up your own chair.

18 And I can say I only met two of your deputy  
19 inspectors for all five precincts and something is  
20 wrong with that. I think it's a breakdown between  
21 the Deputy Inspectors and the community or  
22 information relaying back to the community.

23 I had the Chase Bank, 100 feet away from my  
24 office, district office got robbed and not one person  
25 from the precinct called me. Don't you feel that's a

1  
2 problem? My office 100 feet away. So, where is the  
3 breakdown or where is the three step plan that every  
4 precinct is doing to connect with elected officials  
5 or the community activists to let them know what is  
6 going on in their neighborhood and what is not. Or  
7 even with meetings, please explain. Something is  
8 wrong. When I go to these precincts and I can't meet  
9 some of them. It's like, they telling me when to  
10 come back. I come back and they still not there, so  
11 shouldn't it be a one fit all, every a new  
12 administration? That every precinct leadership meet  
13 the elected officials?

14 KEECHANT SEWELL: I don't disagree with you. I  
15 certainly want to schedule a meeting maybe offline  
16 with you with the CO.

17 COUNCIL MEMBER MEALY: Oh, yes.

18 KEECHANT SEWELL: And address your concerns,  
19 because I do believe what's going on in your area.

20 COUNCIL MEMBER MEALY: It's a lot. I'm in the  
21 heart of Brownsville. My office is in the heart of  
22 Brownsville and things are happening that the  
23 community should be aware of and if you - like,  
24 recently Vandyke is having a meeting soon and one of  
25



the officers said that the elected officials are not invited. Is that correct or not?

KEECHANT SEWELL: I cannot say that that's correct. I know there is a meeting I believe on Monday night in the Vandyke House.

COUNCIL MEMBER MEALY: I didn't want to say all that but they said elected officials were not invited. Thank you.

COMMITTEE COUNSEL: Thank you Council Member.

COUNCIL MEMBER MEALY: Thank you Chair Hanks for this important meeting.

COMMITTEE COUNSEL: Thank you Council Member. We'll move on to Council Member Hanif followed by Council Member Brewer.

SERGEANT AT ARMS: Starting time.

COUNCIL MEMBER HANIF: Thank you. Good afternoon and thank you Chair Hanks. As a Muslim New Yorker who grew up in Kensington which is a part of my district and the post 911 era, I know firsthand the harms that unwarranted NYPD surveillance can create for communities of color. During my formative years, the NYPD integrated undercover plain clothes over long periods of time into mosques and other community hubs including the CUNY system, targeting Muslim

1  
2 students under the pretense of antiterrorist work.  
3 Naturally these efforts found absolutely no wrong  
4 doing from any community members. Not only was this  
5 a blatant violation of privacy and first amendment  
6 rights, it showed a very rational sense of distrust  
7 of police in our community.

8 Can the NYPD commit to fully disclosing the  
9 extent of its Muslim surveillance program to this  
10 Committee and the public at large through a  
11 comprehensive report? And my second question  
12 relating to this topic, can the NYPD issue a formal  
13 apology or a public acknowledgement to Muslim New  
14 Yorkers for this discriminatory, fruitless and  
15 damaging program?

16 KEECHANT SEWELL: Question I'm going to ask  
17 Deputy Commissioner of Intel and Counter Terrorism  
18 Commissioner Miller to respond to your question.

19 JOHN MILLER: Thank you for the question Council  
20 Member. This is a subject near and dear to my heart.  
21 So, we have looked at this several ways. First of  
22 all, there were three lawsuits against the NYPD which  
23 involved extensive discovery processes and at the end  
24 of the plaintiffs and their attorney's reviewing the  
25 discovery process, those lawsuits were settled with

1  
2 no admission of wrong doing, no damages and it was  
3 actually an extraordinarily useful discussion between  
4 the Intelligence Bureau of the NYPD, community  
5 members who came to be heard and their attorney's,  
6 kind of getting the facts out.

7 So, that's one milestone for us which is once  
8 this was examined by the plaintiff's and the courts,  
9 those cases did not go forward with either damages  
10 towards missions of wrong doing.

11 COUNCIL MEMBER HANIF: Wrong doing by the NYPD?

12 JOHN MILLER: Because there was an independent  
13 review by the Department of Investigation, they  
14 examined ten years of Intelligence Bureau  
15 investigations, where they got access to files and  
16 were able to go through cases at random. Where they  
17 determined that 100 percent of those investigations  
18 over that ten years were properly predicated. Now, I  
19 think that the most useful thing that came out of  
20 both the lawsuits and the independent reviewed by the  
21 Office of the Inspector General and DOI was the  
22 institution by agreement of the independent civilian  
23 monitor.

24 So, for the last several years, Judge Robinson, a  
25 retired federal judge, who has no connection to the

1  
2 NYPD, has sat in on every Handschu Committee Meeting  
3 where we review investigations that are coming up to  
4 be launched or investigations that are coming up to  
5 be renewed or investigations that are coming up to be  
6 closed and his independent report for the last years  
7 that he has been doing this during his term, have  
8 also all found 100 percent compliance with the  
9 Handschu Agreement, the consent decree with the court  
10 and what it requires. Beyond his particular job.

11 We've also given him access that goes beyond  
12 what's required to sit in on other briefings, other  
13 meetings, other processes, just so Judge Robinson has  
14 gotten that 360 degree view. He has also met with  
15 advocates and community leaders to bring as much  
16 transparency as you reasonably can to the process of  
17 intelligence collection.

18 Our focus today in the post rise of Al Qaeda, the  
19 post rise of ISIS, the four terrorist attacks that  
20 occurred in New York City since 911, our focus today  
21 has largely shifted to where the activity is, which  
22 involves White Supremacists, neo Nazi groups,  
23 accelerationists and other groups that are  
24 responsible for a disproportionate amount of the advocacy  
25 for violence and the actual carrying out of violence

and property damage. We use the same rule book, the same set of tools, the same federal consent decree and the same guardrails in investigating those groups that we did in internationally inspired terrorists.

SERGEANT AT ARMS: Time expired.

COUNCIL MEMBER HANIF: I guess that doesn't sufficiently respond to my question but I will wait for the second round to dig a little deeper into this.

COMMITTEE COUNSEL: Thank you Council Member. We'll go to Council Member Brewer followed by Council Member Ariola followed by Council Member Ayala.

COUNCIL MEMBER BREWER: Thank you very much Madam Chair and Commissioner. I have let's see two questions. First of all, I do want to thank you Commissioner for with Gay Officers Action League, disclosing sexual orientation, big deal. The only one in the country. Congratulations, it's a big, huge step and I also want to thank the two old Manhattan North and we're really excited that Midtown Court is opening and I'm a fan of Chief of Patrol O'Reilly, just for the record.

So, my questions are, number one, I think you mentioned security cameras but I didn't know if there

1  
2 was a budget for it because I'm asked as I was the  
3 Borough President and certainly now, for security  
4 cameras. So, I didn't know if there is a capital  
5 budget allocation number one.

6 Number two, I didn't see it in the budget but I'm  
7 not reading everything. I know that the Mayor has  
8 said, last uniform doing civilian work. Now, with  
9 all due respect just cause I've been around for a  
10 long time, Mark Green said the same thing in the  
11 1980's and has a report to that effect. There's lots  
12 that we need to do. So, I wanted to know if there  
13 was a budget allocation for that and how that's going  
14 to proceed.

15 I also want to know in terms of the PSA's and  
16 NYCHA, maybe it's there but I wanted to know what is  
17 the allocation for NYCHA, PSA's is it up, is it down?  
18 Goodness knows the NYCHA residents need all the  
19 support they can get and they really do appreciate  
20 good policing.

21 And then for me, the biggest issue of course is  
22 quality of life. This is hard. It's not you know,  
23 God knows shooting but between the bicycles, the  
24 noise, the mental health, the traffic, the summonses.  
25 And according to the MMR in the report that I have,

1  
2 there are fewer quality of life summonses and fewer  
3 moving violations being given out. So, what's the  
4 status of that? It's not an easy, you know in some  
5 precincts, it's hard to deal with these individuals.  
6 I know them very well. And then finally, the grants,  
7 I know I was at the National League of Cities.  
8 There's a lot of money coming from Washington. Who's  
9 in charge and literally applying for every single  
10 federal dollar? I know you got some with the plans  
11 that have come out in terms of infrastructure and  
12 others but what is the status of trying to get more  
13 federal money? Thank you very much.

14 KEECHANT SEWELL: I'm going to try to dig into  
15 each one of your questions. I'll start with the  
16 budgetary questions first.

17 KRISTINE RYAN: Yeah, so with regard to the  
18 cameras. Right now, we have approximately \$12  
19 million in the capital budget for our Argus cameras  
20 and facility cameras and as I mentioned earlier, the  
21 current maintenance cost for that is approximately  
22 \$2.9 million annually.

23 In regard to grants and funding coming from the  
24 federal and state government, this is something we  
25 are actively reviewing. The responsibility for

1  
2 applying for those grants is my office within the  
3 NYPD and we work with the various bureaus and  
4 commands to put together our applications to put our  
5 best foot forward to receive as many resources as we  
6 can. And so, what we're doing now is, we are  
7 monitoring all of the appropriations. We're  
8 monitoring all the notice of funding opportunities  
9 from the federal government, opportunities from the  
10 state government so that we make sure that we have  
11 every opportunity to avail ourselves of additional  
12 resources from our federal and state partners.

13 KEECHANT SEWELL: I believe we are talking about  
14 quality of life issue.

15 COUNCIL MEMBER BREWER: Yeah, quality of life and  
16 then civilian versus uniformed.

17 KRISTINE RYAN: I'm sorry, the NYCHA budget for  
18 what specifically —

19 COUNCIL MEMBER BREWER: Yeah, it is up? Is it  
20 down for the NYCHA? For the PSA, that's a whole  
21 division obviously. What is the budget for that, for  
22 NYCHA? Is it up? Is it down? What are your plans?  
23 You know the PSA.

24

25



1  
2 KRISTINE RYAN: Just give me a minute. I can get  
3 you the value we have for that while we respond to  
4 the other questions.

5 COUNCIL MEMBER BREWER: Okay.

6 KEECHANT SEWELL: We'll respond to your quality  
7 of life concerns while we get you the information for  
8 the NYCHA budget. Chief Abbassi.

9 ISA ABBASSI: So, good morning Council Member and  
10 you know understanding how involved you are in the  
11 Borough of Manhattan and we're well aware of a lot of  
12 the concerns surrounding quality of life citywide.  
13 You know part of that is 311 response agencywide  
14 which currently is you know in excess of 1.3 million  
15 calls annually. We work to address this in a variety  
16 of ways. You know and as we get our offices  
17 messaging, we see our Oath enforcement is going up as  
18 a preferred way when we do have to take enforcement.  
19 However, you know part of what we do and part of this  
20 expansion of neighborhood policing is the concept  
21 that you know public safety and quality of life is a  
22 shared responsibility.

23 So, what we're really looking to do is engage our  
24 partners at the ground level at the precinct level,  
25 at the PSA level. Identify the right stakeholders in

1  
2 the community, collaborate with them but more  
3 importantly identify a plan of action that's going to  
4 address these quality of life issues.

5 SERGEANT AT ARMS: Time expired.

6 ISA ABBASSI: That are accountable to those  
7 [INAUDIBLE 2:11:03] so that we could address these  
8 issues most importantly to the satisfaction of the  
9 community residents that are being effected by those  
10 quality of life issues.

11 So, enforcement and we are certainly responding  
12 to a lot of calls for service related quality of life  
13 but the big push for us as we expand neighborhood  
14 policing, is to take it beyond the NCO, beyond the  
15 YCO and collaborate with our community members on how  
16 they want to see issues resolved and doing it  
17 together.

18 COUNCIL MEMBER BREWER: Okay, I'm not going to  
19 belabor the point now but that I think the Police  
20 Department needs help on because the 311 is going to  
21 four, five, going to get an increase in terms of the  
22 311 calls. We do need a different approach. Because  
23 it's hard to collaborate. It's not easy to  
24 collaborate. And to figure out who is going to deal  
25 with the noise. Where is the noise meter at three

1  
2 o'clock in the morning. DEP Is not going to show up.  
3 The construction noise you know it's endless, the  
4 bicycles.

5 And so, I think it needs to have a different  
6 strategy. Not to be discussed out. It's the same  
7 problem when you get off the subway, when I've  
8 discussed this previously with NYPD, you get off the  
9 subway with the individual, he's off, she's off but  
10 where does she go? Answer from NYPD understandably  
11 is, not my problem.

12 So, we got this whole silo thing, it's not your  
13 fault but it is the problem. I know human services.  
14 You know the Police Department but they're not  
15 working together as much as we talked about. So, I'm  
16 not saying it's your fault, I'm just saying that's  
17 what the Deputy Mayor and the Mayor and the City  
18 Council have to work on. Same thing with quality of  
19 life. If you got a gazillion bicycles, we got to  
20 work with the restaurants, we got to work with  
21 Doordash, I don't know but we got to figure out  
22 something that is bigger than you. So, I just  
23 through that out. Thank you. And then I'll wait for  
24 the PSA number.

1  
2 KRISTINE RYAN: We can respond to that Council  
3 Member. So, the budget for Housing Bureau is \$205  
4 million, that's essentially flat from last year when  
5 it was \$203. Where we have seen some additional  
6 dedicated resources as I mentioned earlier last year,  
7 when overtime was significantly curtailed, we had a  
8 significant reduction in enhanced – in overtime,  
9 trying to enhance housing deployments and we are back  
10 to ensuring that we utilize overtime effectively in  
11 housing. So, we are putting some more overtime  
12 resources into housing deployments this year.

13 COUNCIL MEMBER BREWER: Okay, thank you Madam  
14 Chair.

15 COMMITTEE COUNSEL: Thank you Council Member. We  
16 will turn to Council Member Ariola followed by  
17 Council Member Ayala. Thank you.

18 SERGEANT AT ARMS: Starting time.

19 COUNCIL MEMBER ARIOLA: Hi, thank you Chair.  
20 Thank you staff. Thank you Commissioner. Thank you  
21 to my esteemed colleagues and the entire team from  
22 the NYPD. I'm going to stick to the topic of quality  
23 of life.

24 In many of our communities, mine included, we are  
25 terrorized by four wheelers and motorized bikes on

1  
2 our streets, on our sidewalks. We're also, our  
3 quality of life is effected by very loud music, pop  
4 up parties, you know large speakers that are found  
5 you know you've only seen them in disco. Well,  
6 disco, that dates me but in clubs or such and these  
7 things really create a safety hazard and a quality of  
8 life hazard within our communities.

9 In the past, confiscation of both these vehicles  
10 and these speakers were only when they were in you  
11 know when they were not in use. Whether at a gas  
12 station or a garage or if they took the speakers from  
13 their cars and places them on the ground outside  
14 their cars and then they would confiscate it. How is  
15 the administration going to deal with this moving  
16 into the summer when it is a citywide issue? And it  
17 really effects I believe every community throughout  
18 the five boroughs. And why were these particular  
19 crimes given so much leeway?

20 KEECHANT SEWELL: So, we recognize that's an  
21 issues, especially as the weather is warming up. I'm  
22 going to ask Chief Abbassi to go into the details of  
23 that as well please.

24 ISA ABBASSI: So, Council Member good morning.

25 COUNCIL MEMBER ARIOLA: Hi Chief.

1  
2       ISA ABBASSI: You know the issues that you're  
3 illustrating citywide have been you know tremendously  
4 troublesome and we see it Manhattan, we see it in  
5 Queens, we see it in the Bronx. What we've done is  
6 quite a comprehensive plan, tried to control some of  
7 these white outs, the ATV's, the motorcycles and the  
8 noise that sometimes they generate but again, back to  
9 this concept of shared responsibility in neighborhood  
10 policing. You know we look forward to working with  
11 you but just as importantly, we look forward to  
12 working with our partner agencies. DOT, sanitation,  
13 DEP on sound measurement, on engineering  
14 recommendations, on installing you know camera  
15 systems and technology. These are things that again  
16 and I think to Council Member Brewer's point, are  
17 larger than this agency but we are more than willing  
18 to take these on and lead the conversations and I  
19 look forward to doing that with you. And I know that  
20 the Transportation Bureau under the leadership of the  
21 esteemed Chief Royster is also doing this work as  
22 well.

23       COUNCIL MEMBER ARIOLA: Thank you Chief but with  
24 respect to the reckless driving of the four wheelers  
25 and the bikes that are motorized on and often times

1  
2 unregistered and on our streets and causing accidents  
3 and on sidewalks, you know calling liabilities for  
4 pedestrians, that's something that is absolutely  
5 comes under the purview I believe of the NYPD and I  
6 commend the precincts that are dealing with this,  
7 especially in my own district. The 100, the 106 and  
8 the 102 are doing their absolute best to combat that  
9 behavior. But and if you need something from us as a  
10 body to help you combat that since we all have it you  
11 know throughout our community, throughout the five  
12 boroughs, please let us know because summer is  
13 approaching. I live in — part of my district is a  
14 beach side community and it really makes it unlivable  
15 between the music. And I understand that DEP — and  
16 we do work across the borders with the 7-5 you know  
17 precinct in Brooklyn on these issues but it continues  
18 and I know, I just want to know why they're getting  
19 such leeway? And if there's anything we can do as a  
20 body to help you confiscate these vehicles,  
21 confiscate these speakers and thereby address the  
22 quality of life issue that's happening?

23 ISA ABBASSI: You know I'm going to throw it to  
24 Chief Royster but I just want to address something  
25 you know that you bring up. It's a very important

1  
2 point that goes into our decision making and officers  
3 in the field make split second decisions and  
4 sometimes it's very dangerous and what factors into  
5 some of that decision making is the risk of flight.  
6 Danger to the public, danger of mounting a sidewalk,  
7 danger of causing an accident and causing serious,  
8 physical injuries or death, even into the motorcycles  
9 themselves.

10 So, what we're doing is innovative strategies,  
11 choke point, trying to get them in areas where  
12 they're not going to pose a danger to themselves or  
13 others, taking enforcement action. I will let you  
14 know that we've confiscated hundreds of ATV's and  
15 motorcycles. We've crushed many of them. We've  
16 written thousands of summonses but there's a lot more  
17 work to be done and I could have Chief Royster  
18 discuss a little bit more on strategy.

19 KIM ROYSTER: Yes, thank you. Council Member,  
20 thank you very much. We've seen this issue kind of  
21 created pre-COVID. Once COVID came in, we saw that  
22 these devices were being used on our streets. ATV's  
23 and dirt bikes are illegal, they are not street ready  
24 and we've taken a couple of measures to actually  
25 address the issue.



SERGEANT AT ARMS: Time expired.

KIM ROYSTER: One thing that Chief Abbassi had mentioned is the concern of safety. But we are working with the 77<sup>th</sup> Precincts in the Transportation Bureau to find out where these vehicles are stored. I know you asked the question of how you can help us. That's one of the ways that we would like for the public to engage with us is tell us where they're stored. We have a mechanism in which we can actually get information from you and basically go to those locations and seize these devices.

As Chief Abbassi said, there are hundreds of these vehicles that were seized last year and we have destroyed them. We will continue our efforts but I am willing to reach out with you to work with the 77<sup>th</sup> Precincts with Chief O'Reilly and to make sure that we put forth an initiative and you're absolutely correct before the warm months come. This is something that's a concern. Not only a concern of ours but a concern for the people that are riding. Young people that are purchasing these devices are not aware that they're illegal and we want to make sure that we address the people that are selling them to young people.

1  
2 COUNCIL MEMBER ARIOLA: I certainly appreciate  
3 that. I thank you for all the work that you do as a  
4 department Commissioner for your leadership and for  
5 always being accessible each and every time our  
6 district office has reached out. Thank you.

7 COMMITTEE COUNSEL: Thank you Council Member.  
8 Finally, we'll turn to Council Member Ayala and we  
9 will return back to the Chair for a second round of  
10 questions. Council Members, if you want to ask a  
11 second round of questions, we're going to have a two  
12 minute round followed after the Chair asks her  
13 questions. I see we have a couple of you who have  
14 their hands up, so we're going to head to you after  
15 the Chair. Council Member Ayala, go ahead.

16 COUNCIL MEMBER AYALA: Thank you. Good afternoon  
17 Commissioner. My question is related to a bill that  
18 I sponsored. I'm the prime sponsor of a bill that  
19 would prohibit the NYPD from collecting DNA from  
20 minors without the consent of a parent or legal  
21 authority. And the NYPD has expressed concerned with  
22 this bill, citing that it would make it more  
23 difficult to solve gun related cases without it.

24 I'm really curious to know how many individuals  
25 under the age of 18 are in the database? How long

1  
2 their profile is stored? How many cases have been  
3 solved as a result of this practice and what prevents  
4 the NYPD from simply asking for a subpoena to request  
5 the same access to the same DNA?

6 I know there's a lot of questions in one but I  
7 want to get my time in.

8 OLEG CHERNYAVSKY: Thank you for your question  
9 Council Member. I'm familiar with the bill. So,  
10 when it comes to individuals under 18 to start with  
11 just the numbers. You're talking about less than two  
12 percent of the current database is comprised of  
13 individuals under the age of 18. When you take a  
14 look at juveniles and what are revised policy is and  
15 I think that's important to mention, that you know  
16 through one, we post our policy online as part of the  
17 Post Act. Two, that policy was posted before it was  
18 finalized to get community input on the finalized  
19 policy. Three, we amended and updated our policies  
20 with respect to collection of DNA from juveniles and  
21 those policies now reflect a practice of following  
22 the same protocols that we follow for Miranda  
23 warnings for juveniles, which actually that includes  
24 the parents.

1  
2       Three, we created a process where we now purge  
3 the database you know on a regular basis. So, what  
4 used to be and this was I think we all agree this was  
5 the problem I guess with the old way the database was  
6 maintained was once the profile went in, the only way  
7 to get out was if you got a court order ordering you  
8 to come out of it.

9       What we started doing now is routinely reviewing  
10 the profiles and recommending removal to the OCME,  
11 who's actually the owner of the database. So, we've  
12 completed an audit of the entire database and 5,000  
13 over 5,000 exemplars were removed as a result of that  
14 audit and now, it's routinely audited on an ongoing  
15 basis to ensure that those -- that profiles that no  
16 longer have investigatory value, that are put in  
17 there. And the individual is not a convicted  
18 misdemeanor inter felon and there is no open  
19 investigation, that there's a pathway out without  
20 getting a court order.

21       COUNCIL MEMBER AYALA: Okay, could you explain  
22 what two percent totals to and when you say that the  
23 database is cleaned on a regular basis, what does  
24 that mean? Periodically, very six months, yearly?

1  
2 OLEG CHERNYAVSKY: I believe the profiles are  
3 examined at their — well, the initial audit was  
4 examined, every profile that was two years old or  
5 older. On an ongoing basis, we review profiles that  
6 are two years old on their two year anniversary and  
7 if the case is no longer ongoing, we can pull it off  
8 and that doesn't stop us from doing self-initiated  
9 audits with respect to particular cases that we can  
10 bypass the two year review. But we wanted to set up  
11 some level of systemic review.

12 In terms of numbers, I mean, I know the last  
13 audit is posted on our website. I would have to get  
14 back to you and give you the current numbers but the  
15 under 18 component, which is generally comprised of  
16 16 and 17-year-old's and keep in mind that we swab  
17 every gun that we recover for DNA. So, it's under  
18 two percent, I'll get you the hard number on a  
19 follow-up after the hearing.

20 COUNCIL MEMBER AYALA: Yeah, I mean, I'll remind  
21 you though, we've had — I mean, I know in my  
22 district, we had a 12-year-old who was in the DNA  
23 database and you know that's kind of what you know  
24 preempted the drafting of this bill.  
25

1  
2       So, is NY's position still that this bill would  
3 make it more difficult for the NYPD to solve these  
4 cases?

5       OLEG CHERNYAVSKY: It absolutely would and the  
6 case that you're referring to was a very unique case.  
7 I think it was the only one but you know, just to  
8 give you some level of context, when you talk about  
9 the age group that you're talking about, the only way  
10 that we would collect DNA from an individual that age  
11 would be if it's a homicide or a rape essentially.

12       SERGEANT AT ARMS: Time expired.

13       COUNCIL MEMBER AYALA: I mean I get it. I think  
14 my issue with the resistance has always been that  
15 legally, there's nothing that prevents the NYPD from  
16 acquiring the information to begin with. You know,  
17 like the intent of the bill is not to make life more  
18 difficult for the NYPD but to prevent digital  
19 profiling. Like, we can't you know have kids on a  
20 database just because of you know because they are  
21 associated and I am not pretending to you know to say  
22 that you know all kids are you know innocent because  
23 they are you know they are minors. I get it. I know  
24 that a lot of our young people are you know  
25 unfortunately gang involved and have been involved in

1  
2 some pretty heavy criminal activity, which is you  
3 know, we're working on that. We need to do better on  
4 that end.

5 But it really is apparent of you know Black and  
6 Brown you know boys, minor boys specifically. It  
7 bothers me a parent to know that you know my son  
8 could be associated with someone and brought into the  
9 precinct you know for questioning on something that  
10 you know he may not have even done and you know, is  
11 offered a soda and then leaves and it becomes  
12 abandoned property and now his DNA is stored without  
13 my knowledge, his knowledge or consent.

14 So, again, it's the -- we plan to reintroduce the  
15 bill this year but the intent is not to make it so  
16 that the NYPD cannot access the information but  
17 rather to kind of force the NYPD to access the  
18 information and legally through our court system. We  
19 have a process for that.

20 So, you know we can continue to talk about this  
21 for years. I know that you and I have had several  
22 conversations about it. But for me, it's a matter of  
23 equity and fairness. And so, I want to make sure  
24 that our you know, I don't like databases to begin  
25 with but I want to make sure that specifically, when

1  
2 we're talking about young people that you know we are  
3 informed as possible. Thank you for that Madam  
4 Chair.

5 OLEG CHERNYAVSKY: And just to kind of close the  
6 loop on that. We, our current collection practices  
7 are definitely legal. They comport with the law.  
8 The evidence we collect is introduced in court, so if  
9 there was anything illegal about the collection  
10 method, the evidence would really be — we wouldn't be  
11 able to introduce it, so there would be no point in  
12 collecting it. I think what the floor was, was in  
13 the process that wouldn't allow individuals. It was  
14 a fairness aspect of not allowing individuals to get  
15 out of the database. We believe that's been  
16 addressed through a very public process but we  
17 certainly and I'm always going to be available to  
18 speak with you about this piece of legislation or our  
19 policies.

20 COMMITTEE COUNSEL: Thank you Council Member.  
21 We're going to move back to Chair Hanks for a second  
22 round of questions. After Chair Hanks asks a number  
23 of questions, we will then turn back to the four  
24 remaining Council Members who have second round of  
25 questions who have their hands raised. And that's



Council Members Stevens, Cabán, Hanif, Bottcher. So, Chair Hanks, you may go ahead. Thank you.

CHAIRPERSON HANKS: Thank you so much Josh. I just wanted to thank all of my colleagues who are signed on to this important hearing and the questions that you had are extremely important. If you feel that they haven't been answered to you know your satisfaction, please email me and let's try and get those questions, so when we meet on March 30<sup>th</sup>, you have a more in depth understanding of the questions that you feel need to be – you need further discussion.

So, I have about three more questions. First, hate crimes are increasing with 524 incidents but only 207 arrests in 2021. Can you give us an update on the Hate Crimes Taskforce and what's the current headcount? Are the resources that you have now sufficient?

KEECHANT SEWELL: Thank you. For that I'm going to turn it over Chief Essig, that's a very important topic, I'm glad you asked that.

CHAIRPERSON HANKS: Thank you Commissioner.

JAMES ESSIG: Yeah, hate crimes this year continue to increase this year 150 trade report hate

1  
2 crimes. Last year at this time 52 for increases 194.  
3 We have 56 arrests in those 150 incidents. So,  
4 roughly we're making arrests in 50 percent of cases  
5 plus or minus.

6 In the Hate Crimes Taskforce, they investigated  
7 the detectives. We have 19 investigators total in  
8 that squad and then there's also a Hate Crimes  
9 Taskforce. That consists of 25 members of the AP  
10 community. They're in uniform. They are throughout  
11 the department; they act as translators for language  
12 barriers for us. They enhance our investigations  
13 with outreach to the community and they basically  
14 assist the Hate Crimes Taskforce in investigating  
15 these crimes when needed.

16 CHAIRPERSON HANKS: Okay, thank you. So, my next  
17 question is CCRB had found 250 cases in 2020 in which  
18 an officer failed to comply with NYPD's body worn  
19 cameras policy. This is an important oversight tool  
20 that we want to make sure that all cameras are on.  
21 They are clear and work as intended. In what ways  
22 can the Body Worn Camera program be improved? Do you  
23 see a need for a higher quality body cameras in the  
24 future? Do you take action on officers who do not  
25

1  
2 operate or comply with the cameras as per NYPD  
3 policy?

4 KEECHANT SEWELL: This is certainly an issue that  
5 we agree with you. That we want to make sure that  
6 cameras are being used properly. I'm going to ask  
7 Risk Management; I believe that Chief Pontillo is on  
8 the line to address that directly. It's his camera  
9 on his phone. I'm sure his mic-

10 MATTHEW PONTILLO: Op, there we are. Good  
11 afternoon Council Member. Yeah, thank you for the  
12 question. It's a great question. So, since we began  
13 the rollout of body worn cameras in 2017, it's been a  
14 very, very high priority for us to have mechanisms  
15 and review processes in place.

16 So, you know some of those CCRB cases are a  
17 little bit dated in terms of where we are now. So,  
18 we conducted a comprehensive training when we first  
19 deployed body cameras. As recently as last fall, we  
20 updated the body worn camera policy because of some  
21 of the deficiencies that we observed with recording  
22 practices.

23 So, when cameras are being activated, when they  
24 were being turned off. We also greatly expanded the  
25 scope of incidents that must be recorded. Early on

1  
2 we found that there was some confusion because we had  
3 limited the must record situations to those  
4 encounters that were likely to result in some type of  
5 escalation or enforcement but we've now included a  
6 much wider array of events that police officers  
7 respond to and take part in. Essentially, we're now  
8 recording or requiring members to record every police  
9 action, every activity they engage in except for  
10 routine collisions cases, missing persons and reports  
11 of past crimes, where they're just going to  
12 somebody's residence to take a report. So, we're  
13 requiring them to record everything else.

14 We have concentric layers of auditing that we do  
15 from my office here where we review body worn camera  
16 usage. We compare it to events to look for and make  
17 sure that the officers have recorded those events as  
18 required. We also do sampling where we'll look at a  
19 precinct and look at an entire tour to make sure that  
20 everybody recorded everything as they were supposed  
21 to. And you know these auditing mechanics are  
22 incorporated into several review processes that the  
23 Department has.

24 So, for example every week, we do an analysis as  
25 part of CompStat in terms of the precincts that are

1  
2 coming in for CompStat and looking at their body worn  
3 camera compliance and usage. We also take a citywide  
4 view and we have other review or compliance forums  
5 where we bring in precinct commanders and we go  
6 through their body camera usage and their compliance.  
7 Violations of the body camera policy are in the NYPD  
8 Disciplinary Penalty Guidelines. So, there are  
9 guidelines for imposing discipline when there is a  
10 violation of policy.

11 We also look at the command when we find a  
12 deficiency. We will review the audit trail of that  
13 body camera, look to see if any supervisors from that  
14 command, also look at that video and then look to see  
15 what follow-up action was taken. And that's one of  
16 the things that we will ask commanders about and hold  
17 them accountable for. Not only making sure their  
18 supervisors are in fact reviewing body camera video  
19 on a periodic basis but also having meaning follow-up  
20 to address any concerns. And it may not just be  
21 disciplinary. There could be tactical concerns or  
22 training issues, but we do have that mechanism in  
23 place that we address through a number of different  
24 forums like I said, including CompStat as well as  
25 other forums that are similar that we hold here.

CHAIRPERSON HANKS: Thank you. Staying on the topic of discipline. The Disciplinary Matrix enacted by the previous City Council in 2020 was a change in how penalties are imposed. What effects are you seeing from the use of the matrix? Any specific positive or negative that you want to share now that the system has been implemented?

KEECHANT SEWELL: So, we believe the Disciplinary Matrix needs some tweaking. We've had quite a few meetings where we were able to discuss things that may have been aggravating factors or extenuating circumstances that may have fallen outside of the parameters of the Matrix. I'm going to ask Commissioner Litwin to weigh in for me.

She too may need permission to unmute her microphone.

AMY LITWIN: So, thank you so much. You know the department has been incredibly committed to utilizing these disciplinary guidelines and further evaluating them when looking at discipline. I would say some of the benefits that we're seeing is that you know, it helps us to really more formalize our process in terms of looking at where we are seeing areas of

misconduct that we think that we can find more creative ways of rectifying.

So, for example, as we look at the penalties for failure to take police action. That encompasses so many different things and that's something that we actually made some adjustments to more recently when we addressed some enhancements to our Disciplinary Matrix. But we're looking at ways in which we are not only penalizing members of service for misconduct but we are also now looking at ways that we can enhance our work around discipline.

So, what I mean by that is when we're identifying trends, we are looking to create new trainings, new strategies to address problems so that we don't see them over and over again. And we do believe that by — I call it sort of internal transparency and prevention. Where now that we have these guidelines, we can share the information that is included in these pages that helps to explain not just what the penalties are but with the disciplinary process is intended to do. How it looks, demystify what discipline looks like for members of the department internally. And as we talk more and more about what types of penalties will be imposed for misconduct, I

1  
2 would like to think that it will result in prevention  
3 around future misconduct.

4       So, I think solidifying these guidelines and  
5 making something very clear and more transparent  
6 internally from member of the department, I'm hoping  
7 that we can do good work around I guess reducing the  
8 misconduct that we're seeing.

9       CHAIRPERSON HANKS: Okay, what kind of misconduct  
10 are you seeing?

11       AMY LITWIN: Yeah, so we see a variety of  
12 misconduct. As you know from the penalty guidelines,  
13 there are many categories of misconduct that we  
14 address. So, obviously we have misconduct that we  
15 receive referrals from the CCRB around force, of use  
16 of authority, discourtesy. You know obviously those  
17 cases come in through the department. But then of  
18 course we have various categories of both on duty and  
19 off duty misconduct. Obviously use of force is  
20 something that we evaluate very closely and we're  
21 looking at right now in terms of strategies that we  
22 can utilize but also, you know we see officers that  
23 maybe aren't as skilled at working with victims in  
24 the community. So, that's an area that we think  
25 really needs some addressing.



1  
2 As you know, there will be more training for  
3 officers in the department surrounding domestic  
4 violence, human trafficking victims, sex assault  
5 victims, to ensure trauma informed practices are  
6 imposed. As a former domestic violence prosecutor  
7 for 20-years in the Bronx, it's something that I take  
8 very seriously in my role in the advocates office and  
9 when we see cases that come to us, where we think  
10 officers could do better at how they interact with  
11 victims or know more for example about the dynamics  
12 of domestic violence. So that they can better  
13 understand why a victim may react a certain way when  
14 police ask questions or maybe resistant to  
15 cooperating. We think that we will be able to give  
16 officers the tools to better aid and assist victims.

17 CHAIRPERSON HANKS: Thank you very much. I mean,  
18 I just want to add, we know many of the commentary by  
19 my colleagues has been along the lines of  
20 transparency and the fact that you know, what is that  
21 interaction between the Council Member understanding  
22 when these meetings are? When they can add in and  
23 so, we definitely want to do a deeper dive into that  
24 but I would imagine that these having these closer  
25 community contacts with the Council Members, letting

1  
2 them know when things are happening, are probably  
3 going to answer a lot of those questions because we  
4 are a resource. And I think that it's been echoed  
5 with many of the Council Members that have said today  
6 that we should do a better job in utilizing that, so  
7 the process is a little bit more streamlined.

8 And to that end, my last question is, in Fiscal  
9 Year 2021 and to end response times for all crimes in  
10 progress was 11 minutes 48 seconds. An almost 20  
11 percent increase from Fiscal 2019. What is the  
12 reason for the slowing of response times and how do  
13 we plan on improving the response time and getting  
14 them back down to less than ten minutes. It was a  
15 couple years ago. Are there resources that need to  
16 be allocated to make this happen?

17 KEECHANT SEWELL: Chief Lipetri is going to step  
18 in to answer that question.

19 MICHAEL LIPETRI: Yes, Councilwoman. We have  
20 seen an increase in some of the response times. What  
21 we've also seen is a sharp increase in the volume of  
22 calls that we responded to.

23 You know I'm sure you're well aware with the  
24 pandemic and thousands and thousands and thousands of  
25 officers out sick, you know that had something to do

1  
2 with — it's clearly something that we look at very  
3 closely. It's part of our CompStat, a big part of  
4 our CompStat on Thursday, along at the local level.  
5 The Bureau Commanders, the Precinct Commanders are  
6 also looking at ways to always improve our response  
7 times. We are laser focused on the response overall  
8 but obviously the response time.

9 CHAIRPERSON HANKS: Thank you. I'm not going to  
10 speak for my colleagues but even in my district,  
11 we've gotten several complaints of you know police  
12 officers. NYPD may not be responding even if they  
13 are in the vicinity. So, we need to definitely do a  
14 deeper dive and look into that and so possibly by the  
15 30<sup>th</sup>, we'll have better questions answered on those  
16 things.

17 Josh, you can you know ask the remaining  
18 questions. Take the remaining questions from the  
19 Council Members on the call.

20 COMMITTEE COUNSEL: Yes, absolutely. I want to  
21 recognize Council Member Joseph who joined us as  
22 well. We're going to go to her if she has a  
23 question. I believe her hand is raised. She didn't  
24 have an opportunity to ask a question the first  
25 round. Council Member Joseph, are you there.

COUNCIL MEMBER JOSEPH: Yes, I'm here. Good morning.

COMMITTEE COUNSEL: Good morning. So, yeah, you may go ahead and then we'll loop back around to the second round to the rest of the members. Thank you so much.

COUNCIL MEMBER JOSEPH: Good morning Chair and good morning Commissioner. Good morning everyone. My question is how does the city determine what street safety tools design that you allow for crossing guards? How do you place them outside each school? And how does that impact the Vision Zero data, especially in priority areas? And how do you ensure that they are equitably distributed across the city?

KEECHANT SEWELL: Thank you. Good to see you again Council Member Joseph. I'm going to ask Chief O'Reilly to give you some data.

COUNCIL MEMBER JOSEPH: Okay, thank you.

KATHLEEN O'REILLY: So, the Department recruits crossing guards with postings on the city's website. The post is distributed to precincts and informing the public of the position and local recruitment efforts.

COUNCIL MEMBER JOSEPH: I can't hear you. I cannot hear you. Excuse me, I cannot hear you.

KATHLEEN O'REILLY: Council and Local 372 to assist us in this effort. School crossing guards are considered part-time workers and work only while schools are in session. The application process includes an interview and medical investigation and background investigation. Only candidates who pass each step can be hired to fill these vacancies.

Candidates can apply online with the New York City Automated Personnel system, Nightcaps E-hire system or at the resident precinct. Applications for each precinct are then submitted to the civilian hiring unit for further processing based on the vacancies in their command. The Civilian hiring unit will review the applications and conduct initial interviews.

COUNCIL MEMBER JOSEPH: Thank you for your answer. I just wanted to know how do you determine where do you place crossing guards? Because we've been seeing a high level of fatalities around the schools. So far we've lost six young people this year, so I just wanted to find out how do you determine it? How is it equitable?

1  
2 ISA ABBASSI: So, Council Member, very important  
3 question you ask. So, school crossing guard posts  
4 are prioritized citywide based on accident data  
5 confirmed with school principals and community  
6 groups. We are currently down. Our school crossing  
7 guard headcount I think it down about 500 school  
8 crossing guards. But only 397 of our posts are  
9 vacant.

10 So, what that means is, you know typically we  
11 would like to have reserves and backfill personnel  
12 available but what we do is we prioritize our posts  
13 from the most likely to need a crossing guard for  
14 pedestrian safety, for student safety down to the  
15 least likely and we fill them in that order. To the  
16 point Chief O'Reilly made before, there's a process  
17 in place to recruit and hire more school crossing  
18 guards but it's something that we really, you know we  
19 really need community support, help spreading the  
20 word on getting the right candidates to fill these  
21 spots but I think the short answer to your question  
22 is, accident data conferrals with DOE employees,  
23 community groups, parent groups and then a citywide  
24 prioritization post.  
25

1  
2 COUNCIL MEMBER JOSEPH: Because I have a precinct  
3 in my district where if the crossing guard is absent,  
4 there is no one to cross the children. And that's  
5 one of the dangerous crossing intersections in my  
6 district. So, how do we solve that? Are we paying  
7 these crossing guards living wages that people want  
8 to apply for these jobs?

9 ISA ABBASSI: Yeah, you know I agree that that is  
10 a very important issue. I mean, the pay is something  
11 that we could certainly explore. It's something  
12 that's larger than us right now but it's something we  
13 can explore but to the point, we have supervisors,  
14 crossing guard supervisors in every precinct that are  
15 supposed to make these replacements. These post  
16 coverage replacements when a vacancy occurs. In  
17 order to accomplish that though, they have to stay  
18 within the scope of the prioritization that they  
19 have.

20 So, understanding that you're probably  
21 referencing a high priority post. We can certainly  
22 circle back offline with you about what that post is  
23 and figure out some sort of coverage plan for you.

24 COUNCIL MEMBER JOSEPH: I would love that. I  
25 would love that. So, thank you so much.

1  
2 COMMITTEE COUNSEL: Thank you Council Member. We  
3 are going to now turn back to the additional members  
4 who have a second round of questions. For this  
5 round, we're going to give members two minutes and in  
6 the interest of time, we have CCRB who is testifying  
7 next, followed by the DA's.

8 I think as Chair Hanks mentioned earlier, Council  
9 Members, if there are any additional questions that  
10 you do not have time to ask today, please forward it  
11 on to myself and Chair Hanks and we will direct those  
12 to the Administration to get further responses.

13 So, for the second round, we'll start with  
14 Council Member Stevens followed by Cabán. Council  
15 Member Stevens go ahead.

16 COUNCIL MEMBER STEVENS: Good afternoon. I have  
17 learned my lesson, so I will ask my questions first  
18 and you guys can respond after. So, thank you  
19 Council Member Sandy Nurse. Sandy Nurse was on  
20 earlier who started some of the questions about the  
21 gang database because that was the next round of  
22 questions I was going to ask.

23 Because I'm a little concerned that it is saying  
24 that it's used as an investigating tool, when it was  
25 foiled in I believe 2018 or 2019. It was found that



1  
2 99 percent of the people on the database were Black  
3 and Brown. So, it's really hard for me to believe  
4 that only Black and Brown young people or Black and  
5 Brown people are in gangs.

6 So, I would love for you guys to talk a little  
7 bit about that because there is clearly some racial  
8 disparities in this database and we should really be  
9 getting into that especially if this is used for  
10 investigations.

11 And then my other question, I'll just keep it  
12 very general and I'll follow-up both questions to  
13 Chair Hanks, so that she can it to you but I'll just  
14 ask this question. What is NYPD doing to really  
15 build a relationship with Black and Brown communities  
16 for years of trauma, other than playing basketball  
17 and having block parties. What is really being done  
18 to really fix and foster these relationships to  
19 really have community building because I don't really  
20 see that happening. So, I would love to get a  
21 response to both those questions.

22 KEECHANT SEWELL: Sure and thank you for asking  
23 that. I'm going to ask our Deputy Commissioner of  
24 Legal Matters to talk about the database.

1  
2 OLEG CHERNYAVSKY: So, thank you Council Member.  
3 In terms of the database, it's really as I mentioned  
4 before in response to the other Council Members  
5 questions, it's based on strict criteria that's  
6 outlined.

7 COUNCIL MEMBER JOSEPH: Could you outline the  
8 criteria's?

9 OLEG CHERNYAVSKY: Individuals that would fit  
10 that criteria, whether they're self-admitted, whether  
11 they have social media posts consistent with a gang  
12 tattoos. It's either one, which is a self-admission  
13 or a combination of multiple criteria that are  
14 present and then the layers -

15 SERGEANT AT ARMS: Time expired.

16 OLEG CHERNYAVSKY: You know approval by  
17 supervisors in order to enter somebody in. But in  
18 terms of the racial makeup. I mean it's -

19 COUNCIL MEMBER JOSEPH: Just real quickly.

20 OLEG CHERNYAVSKY: Really a consequence of the  
21 intelligence that we're getting. The admissions that  
22 are coming in. I mean, there are certainly members  
23 of criminal groups that are not in the database  
24 because they - for that in particular individual, the  
25

1  
2 criteria wasn't met but later, ultimately we find out  
3 that they were in a particular criminal group.

4 But I mean this, you know in terms of  
5 demographics of individuals that are in the groups, I  
6 mean, the demographics of traditional organized  
7 crime, was a particular demographic and we didn't  
8 control that either.

9 So, when we tracked the makeup of a particular  
10 crime families and so on and so forth, those  
11 individuals tracked a particular demographic as well.  
12 So, we're ultimately collecting the leads that we  
13 collect. The criteria that we set is pretty  
14 stringent. It has significant oversight but  
15 ultimately the product of who goes into the database  
16 is a consequence of the makeup of that particular  
17 criminal group, which we don't control who joins that  
18 group.

19 COUNCIL MEMBER JOSEPH: Just a couple of things  
20 because you said the criteria is self- uhm, they do  
21 it themselves. A lot of - I say, I'm the Queen of  
22 Egypt. That doesn't necessarily mean that I am. So,  
23 I think that there's some flaw there, where we're  
24 saying the people are self-identifying and even with  
25 colors and tattoos, all of those things get very

1  
2 murky. And so, I think we should definitely be  
3 revisiting that because I'm just uncomfortable with  
4 that. And even saying that the makeup of gangs are  
5 typically — these are specific groups, there is gangs  
6 that have all types of people throughout the  
7 community. It's who we are looking at and who we are  
8 targeting.

9       So, then I think we need to be clear about that.  
10 So, that's means we're targeting these specific  
11 people. But it is a limited time but I do want to  
12 have my other question, which was asked around, how  
13 are we really creating community and building  
14 relationships between Black and Brown communities  
15 after years of traumatizing and you know distrust  
16 that's been created? What are we doing to really do  
17 that other than basketball games and block parties?

18       KEECHANT SEWELL: Council Member I agree with  
19 you. As I stated in my testimony, we absolutely  
20 acknowledge the root cause of police distrust. We're  
21 committing to ensuring our officers understand this  
22 as well.

23       This must be part of how we continue the healing  
24 process and we are mindful of that. It's a long  
25 journey to undo many decades of history but we're

1  
2 taking every step we can to improve the  
3 relationships. Our neighborhood policing philosophy  
4 helps establish this trust and we have created  
5 numerous programs in order to be able to address  
6 that. I'm going to ask Chief Abbassi to follow-up  
7 please.

8 ISA ABBASSI: Council Member, good morning again.  
9 So, once again, you bring about a point that's a  
10 priority for the agency. This concept of engaging  
11 youth in our communities and I agree with you, we  
12 have to be very careful about buying the next  
13 backpack or the next basketball to what end? Why are  
14 we doing this?

15 The idea here is you know we're engaging the next  
16 generation of New Yorkers. We're engaging the next  
17 generation of NYPD leadership and we're engaging  
18 communities that have been underserved by government  
19 for many, many years. Part of this is this expansion  
20 made on policing, right? This awareness that every  
21 officer, every detective, every supervisor regardless  
22 of assignment, is our advocate to go out into the  
23 community and conduct outreach and to make friends  
24 that we didn't have before.  
25

1  
2 But to that point, when we engage kids beyond  
3 sports, introducing them to opportunities like stem,  
4 education, employment opportunities, engaging in  
5 parents and empowering parents to refer their kids to  
6 outlets that we have available to us. And part of  
7 that is deactivation of spaces, which Chauncey Parker  
8 in Community Partnerships does so well.

9 Spaces that are available to city government that  
10 are typically closed off to the community, getting  
11 them open, getting these types of interactions and  
12 engagements done. A Saturday night lights program,  
13 law enforcement explorers, blue chips. I could  
14 probably spend 90-minutes telling you how many things  
15 we're trying to do to get to those kids that  
16 typically were neglected by our efforts before or  
17 didn't fit into it. And one of the biggest parts of  
18 that is young girls and women. How are we not  
19 excluding them from these conversations and exposing  
20 them to the opportunities that other people are  
21 getting?

22 COUNCIL MEMBER JOSEPH: Uhm, I definitely would  
23 love some more follow-up because I didn't really hear  
24 what actually, like what are the actual things that  
25 are being done and not just young people, because you

1  
2 know I think this is a community effort. It needs to  
3 be thought about how are we doing this communitywide  
4 and holistically and I didn't really hear that. So,  
5 I'd love to have follow-up offline more about ways  
6 that can happen. Because that didn't really answer  
7 the question but thank you.

8 COMMITTEE COUNSEL: Thank you Council Member.  
9 We'll now turn to Council Member Cabán followed by  
10 Council Member Hanif followed by Council Member  
11 Bottcher followed by Council Member Holden. Council  
12 Member Cabán, you may go.

13 SERGEANT AT ARMS: Starting time.

14 COUNCIL MEMBER CABÁN: Yes, two questions. So,  
15 Commissioner, you testified "you will not wait for a  
16 bad incident to occur to take corrective action that  
17 will make policing better and fairer." Last week, a  
18 Bronx judge found an NYPD officer lied, fabricated  
19 evidence and probably the gun present to go off and  
20 this rare.

21 My experience as a public defender, judges almost  
22 never make this legal finding. I once did a trial  
23 pre-pandemic where a cop testified that the 4-5 train  
24 wasn't crowded at mid-week morning rush hour and that  
25 cop wasn't even found to be not credible. So, what

1  
2 steps did the NYPD take to prevent officers from  
3 lying in official proceedings and how are officers  
4 who do lie held accountable?

5 And my second question is that you testified  
6 "that you're embracing the challenge of doing more  
7 with less. Your budget is bigger than that of the  
8 Ukrainian military. It's bigger than that of many  
9 countries militaries in fact and for every dollar,  
10 the NYPD and DOC receives, homeless services gets  
11 \$0.29. Permanent health gets \$0.25, Housing  
12 Preservation and Development gets \$0.19, Youth and  
13 Community Development gets \$0.12, Workforce  
14 Investment gets \$0.01.

15 It sounds to me like these agencies are facing  
16 the challenge of actually doing more with less  
17 because of the billions per year your department  
18 demands. Do you believe this is the proper ratio of  
19 investments to achieve the best safety outcomes in  
20 our city?

21 KEECHANT SEWELL: To answer your first question  
22 regarding the case the judge mentioned, we are  
23 actually looking at that case. I believe that we see  
24 it a little bit differently but I understand your  
25 point and I understand the judges point but this is



not about a disrespect or for the judge but we do see that case differently.

To your point about whether we believe the other people are not doing more with less, I'm not really sure if I'm going to answer your question. You're asking me if I believe that they should be funded more or we should be funded less?

KRISTINE RYAN: So, I can just speak to sort of both elements of that. So, the Department does participate in the savings program. We participated in the PEG program here. We've done it historically in the past. As you are aware, we've had our headcount resources reduced. We've had other including our overtime and other resources reduced.

SERGEANT AT ARMS: Time expired.

KRISTINE RYAN: We do understand and support needs that other agencies have. But I think public safety is also a core element of what the city needs in terms of just quality of life, maintaining safety, economic survival for the city and the two are not mutually exclusive in terms of resources for the police department and resources for other agencies.

So, you know as we've said prior to this, in the testimony, we work with our other agencies, we

1 support our other agencies but there are resources  
2 that we all need and we have been making every effort  
3 to be as efficient and effective as possible with the  
4 resources we have. If there are a lot of questions  
5 about how we are moving forward with the elements of  
6 the blueprint to end gun violence and the  
7 neighborhood safety teams and we are primarily  
8 implementing that through redeployments and through  
9 evaluating our exiting resources.  
10

11 COUNCIL MEMBER CABÁN: Thank you. I wanted to  
12 interject but I was muted during my questioning. I  
13 just want to point out that the PEG's, NYPD has the  
14 fourth lowest of the PEG's. So, they are  
15 experiencing the PEG at a lower rate than all of  
16 those other agencies. And so, I do want to point  
17 that out but thank you.

18 COMMITTEE COUNSEL: Thank you Council Member.  
19 We'll turn to Council Member Hanif followed by  
20 Council Member Bottcher, followed by Council Member  
21 Holden.

22 SERGEANT AT ARMS: Starting time.

23 COUNCIL MEMBER HANIF: Thank you. Two questions  
24 and then of course I'll follow-up if responses aren't  
25 sufficient. Commissioner Miller, I just want to

1  
2 articulate that the Muslim community will never  
3 forget cases like Asad Dandia or Asad Noel from  
4 Brooklyn College, Queens College, respectively, at  
5 the time in their late teens, early 20's, these  
6 Muslims were racially profiled as students and I know  
7 you mentioned right now that surveillance tools are  
8 being used to profile white supremacists, neo Nazi  
9 accelerationist groups but these groups are not  
10 comparable to the ways in which Muslim's were  
11 treated.

12 Post 911, these young people did not belong to  
13 any equivalent Muslim groups and settlements from  
14 past law suits recognize that Muslim's were  
15 improperly targeted. All I need to know yes or no,  
16 is will the PD acknowledge, publicly acknowledge and  
17 report the extent of conducting an unjust Islamic  
18 phobic surveillance program targeting innocent,  
19 vulnerable Muslims.

20 My second question is, can you share the  
21 precincts protocols, training partnerships with anti-  
22 domestic violence groups as it pertains to domestic  
23 violence calls, and especially in response to  
24 immigrant domestic violence survivors? In my  
25 district several years ago when officers were called

1  
2 to a scene in response to South Asian Muslim  
3 survivor, the officers were keen on getting the  
4 survivor to return to her abusive home because what  
5 was happening in their words was a cultural issue.  
6 Thank you.

7 JOHN MILLER: So, Council Member, thanks for the  
8 question again because it touches on something very  
9 important. You know we talked about lawsuits that  
10 didn't result in going to court because we agreed on  
11 a really interesting standard. You know what they  
12 asked for in terms of response of a lawsuit was after  
13 we demonstrated that we were actually adhering to the  
14 rules of the Handschu Agreement in excess of what was  
15 required. The negotiated settlement was well, can we  
16 write into the Handschu Agreement how you're  
17 exceeding the requirements.

18 SERGEANT AT ARMS: Time expired.

19 JOHN MILLER: I do know that a department  
20 investigation found that we haven't broken any of the  
21 rules after a ten year look back in terms of how we  
22 predicated cases. I do know that we came to positive  
23 settlements but I also understand this. There is  
24 perception and perception allowed to linger long  
25 enough becomes reality.

1  
2 I know from my own conversation with Muslim  
3 members of the community and Muslim community leaders  
4 that there are people who have believed and will  
5 believe forever that there were spy's in their  
6 mosques who were trying to entrap people and that  
7 when they kneel down to pray today before their God  
8 when they get up, they are still suspicious that that  
9 person who engages them in a conversation as a new  
10 friend or a stranger, may be that undercover officer.

11 COUNCIL MEMBER HANIF: Right, because it's true.  
12 That's what happened.

13 JOHN MILLER: I know that there is no evidence  
14 that that occurred based on every objective study  
15 that's been done on this or that if it occurred, it  
16 occurred outside the rules of what a legitimate  
17 investigation is. But I know we can't erase that.

18 So, what we've done in turn is, tried to build  
19 continuous relationships with those community  
20 leaders, with those communities themselves, to visit  
21 mosque's to talk about what we do and how we do it  
22 and to build that trust. And that is something that  
23 is not going to happen overnight, nor it is something  
24 we started yesterday. That's going to be a work in  
25 progress.

1  
2 COUNCIL MEMBER HANIF: Well, I'll be following  
3 and you know again, I just have to say like your  
4 point of view really does not resonate with what  
5 we're experiencing or have experienced with the  
6 Muslim community as the only Muslim Council Member in  
7 the Council right now, I'll be sure to continue this  
8 line of follow-up and I know my time is up here but  
9 would love a response to the domestic violence and  
10 question. I would really love to bring in some more  
11 gender justice work into today's hearing.

12 ISA ABBASSI: So, Council Member, good morning  
13 again. Speaking to the very important issue you  
14 raised, we have a very sophisticated domestic  
15 violence program here at NYPD where you know I think  
16 you know, we run both a criminal investigation  
17 through the detective borough but also a victim  
18 services case through our domestic violence  
19 prevention officers.

20 Now the cultural diversity of New York City you  
21 know as you mentioned, really makes us have to think  
22 about how we're providing victim services and part of  
23 what we do is a- try to inform our first responding  
24 officers as best we can and keep a trauma informed  
25 approach to everything we do but on top of that,

1  
2 understanding you know cultural diversity as we  
3 analyze domestic incidence through you know looking  
4 at our domestic incident reports or domestic violence  
5 follow-ups, we're able to provide translation  
6 services, foreign language services but also, we try  
7 to leverage the family justice centers in every  
8 borough for intimate partner violence. When we see  
9 intimate partner violence, especially where there are  
10 indicators, potentially fatality indicators or  
11 revictimization indicators, we try to make referrals  
12 through the Family Justice Center to get the right  
13 partners in place depending on the culture of the  
14 victim. Depending on any specific needs of the  
15 family or the household. To get the right people  
16 plugged into that case as soon as we can and  
17 developing this cultural awareness and developing  
18 these relationships and continuing these  
19 relationships beyond the FJC's with partners in every  
20 precinct, dependent on the cultural demographics of  
21 the command. Making the right connections is  
22 something our domestic violence prevention officers  
23 and their supervisors do well but that we oversee  
24 here from One Police Plaza also.  
25

1  
2 COUNCIL MEMBER HANIF: Thank you. I'll also  
3 continue to follow-up on this because this is one  
4 that's really important for my community but thank  
5 you Chair Hanks for the opportunity again.

6 COMMITTEE COUNSEL: Thank you Council Member. We  
7 will turn to Council Member Bottcher followed by  
8 Council Member Holden.

9 SERGEANT AT ARMS: Starting time.

10 COUNCIL MEMBER BOTTCHEER: My question is about  
11 mental health but I have to say I was surprised by  
12 the answer we heard just now where the individual  
13 denied that the NYPD had surveilled the Muslim  
14 community. Everyone knows that the NYPD spied on the  
15 Muslim community after 911 for many years. So, I was  
16 surprised to hear that. But my question is about  
17 mental health. Commissioner, can you - I've been  
18 confused about what the procedure is for police  
19 precincts who need to request mental health  
20 assistance for an individual for a chronic condition,  
21 not in an emergency mental health crisis but someone  
22 who needs sustained outreach. Could you outline for  
23 us what that procedure is?

24 KEECHANT SEWELL: Talking about above ground I  
25 assume is that correct Council Member?



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COUNCIL MEMBER BOTTCHER: That's correct.

KEECHANT SEWELL: Tobin, would you assist this  
please?

COUNCIL MEMBER BOTTCHER: You're on mute Captain  
Tobin.

THERESA TOBIN: Thanks so much. So, the process  
is if it is someone who needs to be connected to  
services, the precinct commanders call New York City  
Well and they act as the air traffic controller  
because they know all of the city's resources and the  
appropriate agency to respond. Once it comes into  
New York City Wells, they believe that it would be  
important to have a police presence in addressing the  
concern. It goes to our co-response team and if it  
does not require a co-response team with police  
officers, it is referred to DOHMH's heat teams for a  
response.

They also have mobile crisis units that can  
respond within two hours.

COUNCIL MEMBER BOTTCHER: So, 888 NYC Well,  
that's a general phone number.

THERESA TOBIN: That's correct.

1  
2 COUNCIL MEMBER BOTTCHER: Yeah, shouldn't the  
3 precincts have a sustained contact? An individual  
4 with whom they work on these issues?

5 SERGEANT AT ARMS: Time expired.

6 THERESA TOBIN: The New York City Well, they do  
7 not take the cases, they just state that they are  
8 going to refer. We could certainly ask them to get  
9 back to the precinct with the person that its been  
10 assigned to follow-up

11 COUNCIL MEMBER BOTTCHER: I'd love to discuss  
12 that further because my police captains would like a  
13 person that they know who they can reach out to  
14 rather than having to call the general number.

15 THERESA TOBIN: Right, they have the number for  
16 our triage desk and we will help when we can make  
17 sure that we have the resources internally in the PD  
18 to respond to but they can certainly call co-  
19 responses, a triage desk and we will make sure that  
20 we follow-up with other city agencies.

21 COUNCIL MEMBER BOTTCHER: Thanks, we have a  
22 meeting coming up with the Department of Health and  
23 Police Internal Affairs, I'd love to include you in  
24 that.

25 THERESA TOBIN: Absolutely.

1

COUNCIL MEMBER BOTTCHE: Thank you very much.

2

THERESA TOBIN: Sure.

3

COMMITTEE COUNSEL: Thank you Council Member.

4

We'll turn to Council Member Holden and then close up with back to the Chair. So, Council Member Holden, go ahead.

5

6

7

SERGEANT AT ARMS: Starting time.

8

COUNCIL MEMBER HOLDEN: Thank you Chair for a second round and thank you Commissioner again for an excellent testimony by you and your staff.

9

10

11

12

To echo the quality of life concerns of my colleagues Council Members Brewer and Ariola, all New Yorkers I think you'll agree Commissioner have the right to a quite enjoyment of their homes and a good night sleep and I just want to give you stats from last year in my local precinct and it's really kind of citywide. Out of 8,671 noise complaints, my precinct, the 104 precinct in 2021, a mere 68 enforcement actions were taken out of those 8,500. 68 enforcement actions and none Commissioner for a residential home.

13

14

15

16

17

18

19

20

21

22

So, you know we're talking about .0078 percent

23

enforcement and it means that thousands of noise

24

complaints were essentially ignored. So, you know as

25

1  
2 a Council Member, you know or as Council Members,  
3 what can we do to help the NYPD better address these  
4 quality of life noise complaints? Do we need better  
5 technology and do we put that in the budget? Or do  
6 we need better legislation?

7 KEECHANT SEWELL: I certainly share your concern  
8 about the quality of life concerns that are not being  
9 addressed that we are trying to address. I'm going  
10 to ask Chief Abbassi; he spoke about it earlier; I'm  
11 going to ask him to follow-up as well.

12 ISA ABBASSI: Council Member, good morning again  
13 and good to see you again and we've spoken about this  
14 offline several times. You know, I'll first say that  
15 there are some needs and I'll answer that part last  
16 maybe but I will also say that enforcement action  
17 doesn't necessarily mean that we didn't address the  
18 balance of the issues. You know sometimes we try to  
19 gain voluntary compliance. Sometimes enforcement is  
20 warranted. We are seeing an increase in our  
21 utilization of Oath and criminal court summonses.

22 In response to quality of life complaints,  
23 significant increases, however there is still more  
24 work to do. I think I don't know if you're aware but  
25 there have been changes in legislation and to our

hours at the seating of noise complaints emanating from a residential premise.

SERGEANT AT ARMS: Time expired.

ISA ABBASSI: If you could alert us to abate the nuisance, we'd be able to confiscate property and make entry and some other interventions that we no longer can do. But then also, you know back to point of shared responsibility. I think there are other agencies in city government that can certainly assist us with this effort and as we continue to create these partnerships, develop there partnerships and enhance the partnerships we already have in place, we look forward to your leadership and your brining people to the table that are resistant to coming because I know you've done it before and I look forward to working with you on doing it going forward.

But to your earlier point, we are looking very, very closely at the amount and types of enforcement that we're doing and in a lot of cases, we're seeing deficiencies and asking the officers to correct that.

COUNCIL MEMBER HOLDEN: Thank you Chief. Thank you.

COMMITTEE COUNSEL: Thank you Council Member.

1

CHAIRPERSON HANKS: Thank you.

2

3

COMMITTEE COUNSEL: Yes, we'll go back to Chair

4

Hanks to close this section of the hearing off

5

followed by welcoming folks from CCRB. Go ahead

6

Chair.

7

CHAIRPERSON HANKS: Thank you very much Josh. I

8

wanted to thank my fellow committee members on the

9

Public Safety Committee, my colleagues and I

10

definitely want to thank NYPD and the Police

11

Commissioner for a robust Budgetary Public Safety

12

Committee meeting. Thank you very much and I

13

appreciate the answers and questions. Anybody who

14

has any additional questions that are my colleagues,

15

please submit them and let's try and get those

16

answered but we do have a Public Safety Oversight

17

meeting on March 30<sup>th</sup> and you can have you question

18

on the blueprint. You can have your questions

19

answered at that time as well. So, thank you so much

20

everyone.

21

KEECHANT SEWELL: Thank you very much Madam

22

Chair.

23

CHAIRPERSON HANKS: Thank you. So, next up is

24

the Civilian Complaint Review Board. Thank you CCRB

25

Chair Arva Rice and Executive Director Jonathan

1  
2 Darche for being here today. The CCRB receives and  
3 investigates complaints by the public against  
4 employees of the New York City Police Department.  
5 It's Fiscal Year 2023 Preliminary Budget is \$23.5  
6 million. The top priority for the CCRB is to ensure  
7 that it has enough resources to effectively  
8 investigate complaints.

9       Currently the CCRB has over 70 staff vacancies,  
10 which is over one quarter of the total budget  
11 positions. These staffing vacancies put the CCRB at  
12 a disadvantage in terms of being able to investigate  
13 complaints that are currently in the pipeline. It  
14 also makes the organization out of compliance with  
15 the City Charter. By law the headcount must be 0.65  
16 percent of NYPD uniformed headcount which puts the  
17 minimum staffing level at 228 people. We must work  
18 together with OMB to ensure the agency meets the  
19 Charter requirement and fulfills its mission of  
20 serving the public.

21       I look forward to reviewing your budget and  
22 staffing needs so Josh, let's begin.

23       COMMITTEE COUNSEL: Okay, thank you Chair. For  
24 CCRB, we will have testimony from I believe the Chair  
25 mentioned but we'll have testimony from the Interim

Chair Arva Rice and the Executive Director Jonathan Darche. I see both of you are here.

I am going to swear you in, so please just raise your right hand and affirm the following oath. Do you affirm to tell the truth, the whole truth and nothing but the truth in your testimony before this Committee and to answer honestly to Council Member questions?

ARVA RICE: I do.

JONATHAN DARCHE: I affirm.

COMMITTEE COUNSEL: Great, thank you so much. You may go ahead.

ARVA RICE: Chairperson Hanks, members of the Public Safety Committee, thank you for the opportunity to appear before you today. I am Arva Rice and I am the Interim Chair of the Civilian Complaint Review Board, CCRB. I am joined by Jonathan Darche, our Executive Director. I would like to begin by thanking the City Council for your continued support and trust in the Agency over the years.

The City Council has been instrumental in strengthening and expanding the Agency in size and power. Last year, the City Council passed a bill to



1  
2 grant the CCRB the power to investigate bias-based  
3 policing and racial profiling, a key measure to  
4 ensure some of the most complicated cases of  
5 misconduct have a form of recourse. The City Council  
6 also passed a bill allowing the CCRB to self-initiate  
7 complaints. This means the Agency will no longer put  
8 the onus on victims and witnesses but can bear the  
9 brunt of responsibility themselves.

10 Misconduct will not be ignored because a victim  
11 does not have the bandwidth to serve as a  
12 complainant, and the CCRB will do its part to ensure  
13 all misconduct is addressed. Finally, I would like  
14 to thank the City Council for the funding you  
15 provided for public education last year. With that  
16 budget, the Agency was able to place advertisements  
17 on a variety of outlets to reach communities  
18 throughout the City.

19 As the new Interim Chair of the board, I look  
20 forward to working with the City Council to ensure  
21 the CCRB is upholding its duty to the City of New  
22 York. I joined the CCRB as a board member last year  
23 and am very proud to now serve as Interim Chair. I  
24 have spent most of my career serving New Yorkers. As  
25 the current President and CEO of the New York Urban

1  
2 League, I work to enable underserved communities to  
3 secure a first-class education, economic self-  
4 reliance and equal respect of their civil rights  
5 through programs, services and advocacy.

6 Before joining the NYUL, I served as Executive  
7 Director of Project Enterprise, an organization that  
8 provides business loans, technical assistance and  
9 peer support to New York City entrepreneurs who lack  
10 adequate access to business financing. Under the  
11 last administration, I served as a commissioner for  
12 the NYC's Equal Employment Practices Commission and  
13 Mayor DeBlasio's Commission for Gender Equity.

14 Before joining the CCRB, I worked with the former  
15 Police Commissioner Shea and Mayor de Blasio on a  
16 department-wide initiative to reform the NYPD. In  
17 March of last year, the City Council passed a  
18 Resolution adopting our final Police Reform and  
19 Reinvention Collaborative Plan. After decades  
20 working to make New York City a fairer, more  
21 equitable, and safer city, I am pleased to use my  
22 expertise to lead the CCRB into its next chapter.

23 The CCRB is a uniquely important Agency that is  
24 key to fulfilling this great city's mission to  
25 protect New Yorkers. The Agency is empowered to

1  
2 receive, investigate, mediate, hear, make findings,  
3 prosecute and recommend action on complaints against  
4 New York City police officers alleging the use of  
5 excessive or unnecessary force, abuse of authority,  
6 discourtesy, or the use of offensive language.

7       The Board's investigative staff is made up of  
8 over 150 civilian employees who conduct diligent and  
9 impartial investigations. The Board forwards its  
10 findings to the Police Commissioner who can concur  
11 with our recommendation, deviate from our  
12 recommendation and impose a lesser penalty, or retain  
13 the case completely and refrain from any discipline.  
14 As it grows in numbers and powers, the Agency  
15 continues to expand its services to those in need.

16       At the end of calendar year 2021, the CCRB's  
17 projected budget for FY23 was \$24,323,000. In an  
18 effort to comply with the new administration's  
19 request to cut three percent from our budget, the  
20 Agency submitted a PEG to the OMB which reduced our  
21 budget to \$23,547,977. We reached this target by  
22 reallocating certain positions within the agency, and  
23 I'm pleased to be able to tell you that we recently  
24 got approval from OMB to hire 15 additional positions  
25 for the CCRB.

1  
2       The updated fiscal plan the Agency submitted to  
3 OMB would allow us to accomplish all the work set  
4 forth for us by the Charter and the City Council, and  
5 we expect to be able to onboard the new hires before  
6 the end of April.

7       Over the last few years, the Board made great  
8 strides expanding the CCRB's powers. Just in the  
9 last year, the board has expanded its powers to  
10 investigate sexual misconduct and untruthful  
11 statements. Thanks to the City Council, we have been  
12 granted the power to investigate bias-based policing  
13 and the ability to self-initiate complaints. This  
14 brings us one step closer to addressing all  
15 misconduct without placing the burden on victims.  
16 While these have been important steps forward, the  
17 CCRB needs the city's support for these new teams and  
18 powers to be viable.

19       This year, we hope to fully build out the new  
20 unit investigating bias-based policing and racial  
21 profiling in order to fulfill our task to investigate  
22 these incidents of alleged misconduct dating back to  
23 2016.

24       Last year, we hired Darius Charney, a leading  
25 expert in racial profiling, to be the director of

1  
2 this unit. This new investigative branch is  
3 particularly pressing given the new administration's  
4 intent to reform anti-crime units and expand stop and  
5 frisk. While these are legal tactics when used  
6 properly, they have been abused in the past, and the  
7 people of New York need to know that there is  
8 sufficient oversight in place to address any  
9 incidents of misconduct.

10 Another obstacle standing in the way of the  
11 racial profiling unit is the city's current sealing  
12 statutes. These statutes block CCRB access to sealed  
13 arrest records, which often times are sealed due to  
14 police misconduct. The CCRB must be granted access  
15 to sealed arrest records in order to identify cases  
16 of bias-based policing and racial profiling.

17 We will also use this year to continue to improve  
18 our investigative process. Every year, we improve  
19 our training and make our operations more efficient,  
20 and through the pandemic we have gathered many  
21 learnings on how to optimize our investigations.  
22 Part of this relies on collaboration with the NYPD on  
23 getting Body Worn Camera footage and other records  
24 more quickly and cooperation in scheduling interviews  
25 with officers.

1  
2 We also continue to seek increased budget for  
3 highly specialized investigative skills. One of the  
4 largest influx of cases the Agency has seen, stemmed  
5 from allegations of officer misconduct during the  
6 2020 Black Lives Matter protests. These protests  
7 resulted in 319 cases, 269 of which are closed. Thus  
8 far, we have found 104 officers guilty of misconduct,  
9 61 of whom have been recommended the highest level of  
10 discipline.

11 When we finish the pending cases, the CCRB will  
12 release a report with recommendations for the NYPD of  
13 how to improve training and tactics when responding  
14 to protests. The CCRB and NYPD must work together to  
15 hold police misconduct accountable which in turn will  
16 help rebuild police community relations. We look  
17 forward to working with the new administration and  
18 the new Police Commissioner to improve the  
19 disciplinary process.

20 The concurrence rate is an important metric for  
21 the Agency. The concurrence rate measures how often  
22 the NYPD abides by CCRB recommendations. In January  
23 2021, the NYPD introduced its new discipline matrix.  
24 In February 2021, the Agency signed an MOU with the  
25 NYPD agreeing that we would both follow the new

1  
2 matrix when recommending and imposing discipline with  
3 the hopes that we could increase concurrence.

4       Unfortunately, results were not what the Agency  
5 hoped for. Concurrence in non-APU cases dropped from  
6 73 percent in 2020 to 68 percent in 2021 and  
7 concurrence in APU cases was only 27 percent in 2021.  
8 These low concurrence rates for cases where  
9 misconduct has been substantiated is an argument for  
10 why final disciplinary authority should not be left  
11 with the NYPD. Commissioner Sewell has a reputation  
12 from her time in Nassau County as a strong advocate  
13 for discipline.

14       I am hopeful that I can build a relationship with  
15 her to reverse this trend and increase the power and  
16 effectiveness of civilian oversight of law  
17 enforcement in New York City. With the  
18 implementation of the Matrix, more cases will be sent  
19 to the Administrative Prosecution Unit or APU.

20       The APU is responsible for trying the most  
21 serious instances of misconduct that have been  
22 substantiated by the Board. They hold administrative  
23 trials to prove allegations of NYPD misconduct which  
24 can result in a loss of vacation days, suspension, or  
25 even termination. The APU is currently short staffed

1  
2 and without a sufficient number of prosecutors, the  
3 most egregious instances of misconduct go  
4 unaddressed. Yet, all the additional services will  
5 be redundant if civilians do not know that the CCRB  
6 is an available resource.

7 The CCRB's outreach team has grown over the last  
8 few years and implemented outstanding programs to  
9 reach New Yorkers in all five boroughs. Since the  
10 pandemic hit, the outreach team conducted over 1,090  
11 presentations to help raise awareness of the agency  
12 and inform New Yorkers of the resources available to  
13 them and their rights when interacting with police  
14 officers.

15 The Outreach team is currently working with a  
16 scant budget to raise awareness. In order to  
17 properly inform civilians of their rights and  
18 resources, the CCRB needs greater support from other  
19 agencies and an expanded budget for more events and  
20 promotions.

21 Another new resource the CCRB now offers is the  
22 Civilian Assistance Unit or the CAU. The CAU is  
23 staffed by victims' advocates, licensed social  
24 workers, and trauma services professionals who  
25 provide free and confidential assistance. They work



1  
2 diligently to connect our most vulnerable civilians  
3 with desperately needed city resources, such as  
4 social and psychological support services. Since  
5 June, the CAU has helped 152 victims seeking support,  
6 an ever-increasing number, and need more staff to  
7 serve all New Yorkers in need.

8 Finally, with the exciting new bill that grants  
9 the CCRB the power to self-initiate complaints, the  
10 Agency will now have the power to address any  
11 instance of misconduct that arises. This will  
12 dramatically increase our caseload and will require  
13 many more investigators on staff to address this  
14 influx of cases. We hope for the support of this  
15 administration and the Council to better serve New  
16 Yorkers and adequately fulfill our duty to hold NYPD  
17 misconduct accountable.

18 Much of the public has lost faith in the Police  
19 Department and in the city to hold officers  
20 accountable. With your support and proper funding  
21 for staffing, training and public education, the CCRB  
22 will be instrumental in rebuilding that trust and  
23 help lead the national conversation around police  
24 oversight. Thank you for your time and  
25 consideration.

COMMITTEE COUNSEL: Thank you so much. We'll now go to Chair Hanks for questions.

CHAIRPERSON HANKS: Thank you so much. I appreciate that testimony. As I mentioned in my opening statement, your budgeted headcount for the next fiscal year is 259 positions but you have over 70 vacancies currently. The Charter requires you to have at least 228 positions. So, technically with respect to your active positions, this is not in compliance with the City Charter of .65 percent of NYPD headcount. Can you talk about the issues you're having with respect to hiring limitations from the administration and does OMB have you on a plan to hire for your vacancies? And how can we help you fix this?

ARVA RICE: Hmm-hmm, thank you so much Chairperson Hanks for that question. It is of concern to us and we do have an action plan in place, which I will leave to our Executive Director to respond.

CHAIRPERSON HANKS: Okay, so bias-based policing, can you tell us about your new unit that handles bias-based cases? I understand you're having issues

investigating these cases because of the state sealing statute.

What's the staffing level of this unit? How many of these new bias based policy policing cases are you seeing that have been in the outcomes and can you provide a status update of self-initiated investigations? Is this a separate unit as well? How many of you are initiating and what have been the outcomes to date?

ARVA RICE: Sure, if could call upon my Executive Director Jonathan to respond to the particulars to the first question that was asked, as well as the second. Thank you Jonathan.

JONATHAN DARCHE: Thank you Madam Chair and both Chairs. My name is Jon Darche, I'm the Executive Director of the CCRB and I use he, him pronouns.

With regard to the budgeted headcount question, it's extremely important to the agency to make sure that we have the people here to do the investigations and prosecutions and the mediations, the work that we've been charged to do by the City Council and by the people of this city and we have a plan to fill those openings.

1  
2 We are currently — there is a plan to get 29  
3 people on board by the end of April. In regard to  
4 the new racial profiling and bias-based policing  
5 unit, we intend to hire five investigating attorneys  
6 and five investigators as well as a Chief Data  
7 Scientist and an administrative assistant before the  
8 end of April.

9 We also intend to hire seven prosecutors and then  
10 ten more investigators. The prosecutors we hope to  
11 onboard as soon as possible and the investigators, we  
12 just had a new class start this past Monday and to  
13 have another class of investigators start in July.

14 So, with regard to staffing levels, we understand  
15 how important it is to get the quality people onboard  
16 that we need to do the work that you've charges us  
17 with doing as well as keep the people who are here  
18 doing the work now and we've invested and trained in  
19 who have being good work to make sure to make sure  
20 that they stay and don't leave.

21 With regard to the 22-12 unit specifically, we  
22 spent a lot of time when we're building this unit to  
23 try and do it the right way. The racial profiling  
24 investigations have been extremely difficult and time  
25 consuming for the other city agencies that were

1  
2 investigating them and we were determined to set  
3 ourselves up in a position to be successful.

4       So, we spoke to the stakeholders who are invested  
5 in this work. We've spoken to PD. We've spoken to  
6 the groups such as Communities United for Police  
7 Reform to the New York Civil Liberties Union and to  
8 many other groups that are involved on the ground in  
9 how policing is experienced in the city. Because  
10 it's not enough for the CCRB to think it's doing the  
11 good job, the people in the community who have  
12 demanded an end to profiling, you could feel that  
13 we're doing a good job.

14       And so, we've been trying to move carefully when  
15 we build the unit and come up with practices to make  
16 sure that the concerns and needs of the community are  
17 what we are engaged with. And the unit is going to  
18 have a mix of attorney's, investigators and also data  
19 analysts and statisticians because a lot of the work  
20 that we're going to do involves data analysis and  
21 seeing if certain behavior that was alleged to have  
22 been profiling is in fact profiling.

23       ARVA RICE: Madam Chairwoman, I believe you're  
24 still on mute.

CHAIRPERSON HANKS: Thank you. Sorry about that. Just a follow-up to the sealing statute. How would the CCRB use the information if it was given access to sealed arrest records and how would that aid in investigations?

JONATHAN DARCHE: So, the vast majority of contacts between civilians and the NYPD do not result in convictions. And so, the vast majority of paperwork and body worn camera footage is considered sealed by the NYPD. And when we receive a complaint from a civilian, we are able to get waivers from them that allow us to get access to the paperwork and body worn camera footage.

And when we are investigating profiling cases, we are not just looking at the incident of the person who has filed a complaint, we're going to be looking at incidents that happen in that location or that happen in that location over a period of time and so, we need access to paperwork and body worn camera footage to far more than just the case that we're receiving a complaint about.

In addition, now that the CCRB has the power to self-initiate complaints, we're going to be starting investigations without having the civilian who was

involved in the interaction, talking to us in the beginning and agreeing to waive waivers that give us access to the police paperwork and to the body worn camera footage.

CHAIRPERSON HANKS: Thank you. As I mentioned also with the testimony and the questioning with NYPD, can you give us – can you tell us how the Disciplinary Matrix has effected your investigations and what are the positive and negatives you've seen since the policy was enacted and do you have any recommendations?

ARVA RICE: I'll ask our Executive Director to chime in on that as well but we have certainly started using the Discipline Matrix and it has provided us with aid and support in doing our process as you all know. The CCRB is comprised of individuals who are appointed by the Mayor's Office as well as City Council and the Police Department, with the Chair who is appointed by a joint commission. And so, it is panels that come together in order to do that review and using the Discipline Matrix, assist those panels and making those decisions. There are some points that we would like to review at the one year mark and our Executive

Director can talk a little bit more about the specifics.

JONATHAN DARCHE: So, the Matrix was introduced in January of 2021 and the CCRB entered into the agreement to begin using the Matrix when making its discipline recommendations in February of 2021. We then had to stop. We had to retool how we conducted our board review of cases to make sure that the discipline recommendations were following the Matrix. It is too soon to know how the Matrix has affected concurrence and affected discipline overall because of the time lag in disciplinary decisions.

So, a lot of the discipline decisions on cases that we've received since the Matrix was implemented, is over cases that where the misconduct occurred and was investigated and the board deliberated prior to the implementation of the Matrix. And so, that led to inconsistencies into how the initial recommendation was made or even sometimes a plea was entered into prior to the implementation of a Matrix and then the APU case was closed after the implementation of the Matrix.

And so, we're at a point now where we're trying to analyze, how disciplined changed for cases that



1  
2 were fully investigated and then the discipline  
3 closed on the Matrix as compared to cases where there  
4 was no Matrix at all and where the board has been  
5 extremely persistent in urging staff to come up with  
6 that analysis and we're hopeful to have something in  
7 April. May at the latest because the board wants to  
8 know how this is effecting the same way that the  
9 Council wants to know and I can assure you staff is  
10 working hard to make sure that that information is  
11 available to the board, to the Council and to the  
12 public, so that you know the efficacy of the Matrix.

13 We have, the one thing I can tell you, is it has  
14 led to a dramatic increase in the number of members  
15 of service who have charges and specifications  
16 recommended by the board after substantiated  
17 misconduct because the Matrix, when you look at the -  
18 when using the Matrix, it requires that.

19 And so, that is the one definite result of the  
20 Matrix that I can tell you.

21 CHAIRPERSON HANKS: Thank you. Before my next  
22 question, I just want recognize Council Member  
23 Sanchez is now at the hearing. It's good to see you.

24 So, talk a little bit about you know at the  
25 beginning of investigating sexual misconduct

1  
2 complaints against NYPD members. Can you talk about  
3 your unit that investigate these and if it's separate  
4 from others and how many cases you generally see?

5 ARVA RICE: Jonathan, if you can take that  
6 please.

7 JONATHAN DARCHE: It's a very important question  
8 and thank you so much for asking it. We do not have  
9 a specific unit that investigates allegations of  
10 sexual misconduct. The only investigators who we  
11 permit to investigate those cases are ones who have  
12 undergone FETI training. So, that they have been  
13 trained in how to conduct trauma informed interviews  
14 of the victims of sexual misconduct. And the  
15 supervisors who are working on those cases as well  
16 have received that training. In addition, we make  
17 sure to connect the civilians in those cases with our  
18 civilian assistance unit to make sure that people who  
19 have been the victims of sexual misconduct can have  
20 access to the right services to help them heal.

21 Give me one moment; I'll have the numbers on  
22 cases. So, in 2021, we received 17 complaints  
23 regarding sexual misconduct. In 2020 we received 17  
24 complaints with 24 allegations. In 2021, there were  
25 122 complaints with 179 allegations and so far we

1  
2 have only closed — you know, I don't want to give you  
3 incorrect information, so I'll get you the old file  
4 back up.

5 CHAIRPERSON HANKS: I'd definitely like to  
6 follow-up with that. Thank you. So, my next  
7 question in general, have you seen a different level  
8 of engaging with the new Police Commissioner on your  
9 work with you personally or in cooperation with you  
10 in the CCRB?

11 ARVA RICE: Uh, I have not had an opportunity yet  
12 to sit down with the new Police Commissioner but as  
13 you can imagine, I'm thrilled for her to take on this  
14 role as another African American woman in leadership.  
15 She is uniquely positioned and qualified for the role  
16 and I've been really proud to see the way that she  
17 had responded to the number of challenges that she's  
18 faced already in leadership, including the loss of  
19 Police Officer Jason Rivera and PO Wilbert Mora. So,  
20 I look forward to sitting down with her and with her  
21 team and developing an even more positive  
22 relationship between NYPD and the CCRB.

23 CHAIRPERSON HANKS: Thank you for that.

24 JONATHAN DARCHE: I would say with regard to the  
25 departments relationship with CCRB, the one major

1  
2 change that the Police Commissioner has implemented  
3 has been concentrating the responsibility for  
4 providing the CCRB with documentation in body worn  
5 camera footage.

6 CHAIRPERSON HANKS: That was my next question.

7 JONATHAN DARCHE: Into the NYPD Legal Bureau for  
8 Legal Matters.

9 CHAIRPERSON HANKS: Hmm, hmm.

10 JONATHAN DARCHE: The CCRB has worked very well  
11 with NYPD legal for several year now on the body worn  
12 camera footage issue, Judge Hart and Inspector Kane  
13 Ganus(SP?) have really worked hard to develop a  
14 relationship with the agency and to make sure that we  
15 get the resources we need to conduct our  
16 investigations.

17 The body worn camera footage was a real problem  
18 for this agency for a long time. We're now receiving  
19 footage, unredacted footage in the vast majority of  
20 our cases, the average time it takes the department  
21 to get us footage for a request is eight business  
22 days.

23 CHAIRPERSON HANKS: Okay.

24 JONATHAN DARCHE: And so, it has been a real,  
25 real improvement. We are hoping to match what the

1  
2 department has done by consolidating responsibility  
3 for providing us with information by kind of creating  
4 a unit that is responsible for consolidated requests  
5 to the department for information, and hopefully by  
6 having two groups of people whose job it is to  
7 adjust, coordinate the flow of information, that  
8 we're able to develop relationships with one another  
9 and make that more efficient, more effective.

10 But the department is ahead of us from where we  
11 are right now but I think it was either two weeks ago  
12 or three weeks ago that it occurred. But it's been a  
13 very positive experience so far.

14 CHAIRPERSON HANKS: Thank you so much. That was  
15 going to lead up to my next question. You actually  
16 answered it, so I very much appreciate that because  
17 the you know, the footage of body worn cameras is  
18 definitely a big topic of clarification. I  
19 appreciate your answer.

20 So, before I take it back to Josh to have  
21 questions from my colleagues. I just want to thank  
22 Chair, Interim Chair Rice and Jonathan for coming on  
23 today, for your testimony and we'll just uhm, you can  
24 take over Josh. Thank you very much everyone.

COMMITTEE COUNSEL: Thank you Chair Hanks.  
Council Members, if you have any questions, please  
use the Zoom raise hand function. Council Member  
Barron, you may go ahead.

SERGEANT AT ARMS: Starting time.

COUNCIL MEMBER BARRON: Thank you very much and  
to our Chair, you're doing a wonderful job and I know  
it's tough being on as long as you have to be on.  
People come and go but you're doing an excellent job.

I want to say to the CCRB, you know the Police  
Department, NYPD came into existence in 1845 and they  
are the longest and largest police precinct in the  
country. In 1845 was right after slavery was  
abolished in New York City in 1827 and they continued  
even after the abolishment up to the 1840's.

So, they really brought the precinct in and they  
established it to do some slave catching. To go  
around to neighborhoods, our neighborhoods and try to  
re enslave us and because we live in a colonial  
capitalist society and capitalism creates to poverty.  
So, there's always going to be an issue around  
policing those agencies, the policing agencies that  
are really to protect the capitalists system more

1  
2 than they are to protect us from brutal police  
3 officers.

4 NYPD has been one of the most brutal police  
5 departments in the country and not only discourtesy  
6 but brutality and the abusive use of deadly force.  
7 And for us to put them in check is going to have to  
8 take something more than a CCRB that – only the  
9 Police Commissioner can have the authority to impose  
10 discipline. So no matter how much money you get, how  
11 much staff you get and no matter how many different  
12 ways we talk about things, scientific this and data  
13 this and data this and data that, when it's all said  
14 and done, the Police Commissioner is the only one  
15 with the authority to determine the punishment,  
16 that's absurd.

17 We know the police cannot police the police and  
18 the records, when I looked at some of them, 90 some  
19 odd – only three percent of the complaints, the  
20 Commissioner said that they're going to impose some  
21 discipline. Like beat me up and you only have to  
22 lose a vacation day.

23 I mean, slap on the wrist. This is why we're  
24 proposing a community power act. Power standing for  
25 police oversight with elected review and an

1  
2 independent agency to prosecute police. And this  
3 power act would have 17 members representing all the  
4 community boards and they would have the power to  
5 discipline police and then if the crime is even  
6 stronger, than the independent police agency would be  
7 able to do it because we know that within the system,  
8 the Attorney General, Latisha James will not  
9 prosecute police. And even though you all came up  
10 with 100 complaints around the Black Lives Matter  
11 demonstration, no police officer was disciplined by  
12 the special prosecutor in the Attorney Generals  
13 Office. And only two, three percent, five percent,  
14 ten percent of the police officers are disciplined  
15 with a slap on the wrist with this process.

16 So, we say we need to go to an elected civilian  
17 review board, elected and not selected by the Mayor,  
18 who's usually - this time the Mayor is a cop. So, we  
19 got the Mayor as a cop and we got the - he gets five  
20 and then three from the Police Commissioner herself,  
21 that's eight. Come on now. We are dying out here.  
22 We don't have time to play these games and have these  
23 kinds of structures in place that are ineffective.  
24 The DA's are not prosecuting police. They U.S.  
25 Justice Department even under Barack Obama didn't



1  
2 prosecute police. The only thing he did with the  
3 police was when his bourgeois friends skipped gates,  
4 got roughed up. They had beer and wine at the White  
5 House. But him and his U.S. Attorney Eric Holder did  
6 not prosecute a single police officer. No matter  
7 what we had. Trayvon Martin, Tamir Rice, no matter  
8 what Brown and Ferguson. So, we got to put something  
9 in place to hold these people in check. This is not  
10 it. Because you have no authority to determine the  
11 penalty. We have to go to an independent prosecutor  
12 and an elected police community civilian community  
13 complaint review board. It has to be elected with  
14 power.

15 SERGEANT AT ARMS: Time expired.

16 ARVA RICE: Thank you City Council Member Barron.  
17 I cannot disagree with your assessment in the history  
18 of policing in this country. It is something that as  
19 you know drives me very much in my personal role as  
20 the CEO of the New York Urban League. It is one of  
21 the reasons why I was both honored and privileged to  
22 be able to step into this role and to be able to help  
23 the CCRB to realize some of the additional powers  
24 that your body, the City Council has helped us to put  
25 into place.

1  
2 We are not as far apart in our thoughts as you  
3 maybe have presented. We also believe that the  
4 ultimate for discipline should reside outside of the  
5 Police Commissioner and that the CCRB recommendation  
6 should be those that are withheld. And so, we look  
7 forward to partnering with you all in order to help  
8 to move that forward.

9 I understand the recommendation and the thoughts,  
10 the idea of having an elected board for the CCRB. We  
11 believe that it makes sense for us to have the  
12 current structure that we have and that structure  
13 being as you alluded to with the 15 members. Five  
14 who are recommended by the Mayor, five by the City  
15 Council itself that represents each of the boroughs  
16 and then three that come from the Police  
17 Commissioner.

18 One that comes from the Public Advocate and the  
19 last that has that joint appointment. And so, we  
20 believe that by having those appointments, we're able  
21 to provide the balance that we're talking about but  
22 we do believe that there's additional power that  
23 needs to be put into place and we look forward to  
24 working with you all in order to help make that  
25 happen.

1  
2 But as I mentioned, I really don't think we are  
3 as far apart as it may appear in making sure that  
4 NYPD is held accountable for bad officers who engage  
5 in issues and things that hurt our communities.

6 COUNCIL MEMBER BARRON: Just one more point. We  
7 are far apart. If you are going to sit here and tell  
8 me that that structure is what's going to make it  
9 happen, five appointments from the Mayor and three  
10 from the Police Commissioner, we are far apart.  
11 Because that structure is not going to get it. The  
12 Mayor, this mayor and the Police Commissioner are  
13 tight. They are the same mindset. So, it is not, we  
14 are far apart and I think as an Urban League Leader,  
15 you should support an independent prosecutor and a  
16 civilian elected review board. This is the way to  
17 go. We can't have the police policing the police and  
18 the Mayor's a cop and the Police Commissioner's a cop  
19 and they got eight appointments. We are far apart.

20 ARVA RICE: Sure, sure and I wanted to  
21 respectfully say that in terms of the discipline and  
22 who has ultimate responsibility for discipline,  
23 that's a place where I feel that we're that far  
24 apart.

COUNCIL MEMBER BARRON: There you go. And by the way, I appreciate your work that you've done over the years but on this one, we're far apart.

ARVA RICE: Okay.

COUNCIL MEMBER BARRON: This board is not the answer. Has not been historically and isn't as it's presently shaped and I think the elected review board would be something that you would appreciate when we can get it rolling.

ARVA RICE: Hmm-hmm.

COMMITTEE COUNSEL: Thank you Council Member. Next, we'll hear from Council Member Holden followed by Council Member Stevens.

SERGEANT AT ARMS: Starting time.

COUNCIL MEMBER HOLDEN: Thank you Chair Rice and now for something completely different. In a March 2021 Council hearing with the CCRB, the former CCRB Chair Davie's claimed that the CCRB was not anti-NYPD and the CCRB promised the public that the CCRB would be impartial in probing police actions, which I think we all want. Yet, in October 2021, there's an article in the Daily News that showed the CCRB interviewing detectives and officers with offensive anti-police press clippings in the backdrop.

1  
2 Eventually CCRB committed to removing the  
3 offensive press clippings. Were they removed and how  
4 could the CCRB claim that they are not anti-police  
5 and are impartial in probing police actions with this  
6 kind of activity showing the exact opposite?

7 ARVA RICE: Thank you for bringing that question  
8 to our attention. I am going to turn that over to  
9 our Executive Director because I was not in place at  
10 the time that we're talking about. But in terms of  
11 the CCRB is absolutely committed to being an  
12 impartial abitur of the information that's given to  
13 us. That's why we have investigators who do that  
14 investigative work and bring the facts to us and our  
15 panels as I mentioned, are comprised of people that  
16 represent the Mayor, represent City Council and also  
17 represent the Police Department and those are the  
18 panels that come together in order to make those  
19 decisions that are based on the facts at hand.

20 COUNCIL MEMBER HOLDEN: Right, right.

21 ARVA RICE: Jonathan.

22 JONATHAN DARCHE: So, the CCRB had during the  
23 pandemic, moved the interviews of police officers out  
24 of the normal interview rooms into larger rooms that  
25 were either conference rooms or larger group offices

1  
2 and used them for – so that officers and their  
3 representatives could socially distance and yet be in  
4 the same room when they were conducting the  
5 interview.

6 One of those rooms was the former communications  
7 office and it had old press clippings and articles  
8 either on furniture or had been put on the walls. We  
9 – when it was brought to our attention by the  
10 newspaper article, we immediately removed the  
11 articles. I think they were just like daily news  
12 articles and not anti-police propaganda but  
13 regardless, we have to appear impartial as well as  
14 being impartial.

15 And so, we took the steps so that the officers  
16 and their representatives would feel comfortable in  
17 the room where they were being interviewed in.

18 COUNCIL MEMBER HOLDEN: Also on hearings though,  
19 I did see these kind of press clippings behind some  
20 of the testimony from the CCRB. So, I just wanted to  
21 attest that I thought they were inappropriate but  
22 aside from that, I hope they were removed and we  
23 don't have that. Because you have to have an  
24 impartial body there certainly but there was also a  
25 report in the Daily News about Police Officers being

1  
2 forced to come in to the CCRB you know in person but  
3 the CCRB investigators were you know doing it from  
4 their own homes over Zoom. Has that policy changed  
5 or is that true?

6 JONATHAN DARCHE: That is in fact never the  
7 policy. The CCRB worked to make sure that the  
8 interviews would be conducted in a safe manner for  
9 investigators, civilians and members of services.  
10 The unions were concerned that their members not be  
11 separate from their representatives when being  
12 interviewed but there were difficulties in providing  
13 alternative space from the CCRB. The unions weren't  
14 happy with the space they were provided with at One  
15 Police Plaza. There were difficulties in arranging  
16 for spaces at the different unions and at their law  
17 firms. And so, we allowed the unions to come to 100  
18 Church Street in our office and have their interviews  
19 conducted here but that was not because we were  
20 requiring them to come to CCRB while allowing our  
21 officers - our investigators not to come. We were  
22 trying to accommodate the safety issues of all  
23 involved.

24 COUNCIL MEMBER HOLDEN: So, as this been sorted  
25 out? Everybody is together now again? Because uh-

JONATHAN DARCHE: On April 4<sup>th</sup>, we're scheduled to conduct all -

COUNCIL MEMBER HOLDEN: Okay. So, everything will be in person?

JONATHAN DARCHE: In person.

COUNCIL MEMBER HOLDEN: Okay, thank you. Thank you Chair.

CHAIRPERSON HANKS: Give him a second Council Member Stevens and he'll take your question.

COUNCIL MEMBER STEVENS: Thank you so much Chair. Good afternoon. So, I just have a couple of questions. So, the first one is, what is causing the vacancies at CCRB? Is this due to a delay in hiring? What is being done to clarify this and reassuring the requirements for the Charter are being met?

And then, I guess you could answer that but I have a couple more. If not, I'll jump in in between.

ARVA RICE: Hmm-hmm. I'll have our Executive Director take the first question about the vacancies at CCRB.

JONATHAN DARCHE: The CCRB is first of all grateful that the Council has budgeted the staff and resources that it has. It is committed to working at



the Office of Management and Budget to move forward to hire up those positions so that the -

COUNCIL MEMBER STEVENS: Can you talk a little bit about what is being done to get those positions filled? Because yes, we know we're grateful but I have very limited time, please. Thank you.

JONATHAN DARCHE: So, 15 were approved yesterday.

COUNCIL MEMBER STEVENS: Okay.

JONATHAN DARCHE: Then I'm expecting another ten to get approved today and that will let us move forward with the hiring process. Specifically on the front with APU prosecutors, I know that we've scheduled interviews with a half dozen people for next week. I'd like to make offers and get those people in the door before the end of the month.

COUNCIL MEMBER STEVENS: Okay, I think hiring is very important, essential to make sure that we're getting things done adequately and not having people overstretched.

So, with a 2021 statistic, it reports that CCRB received 1,749 complaints. However, it's only provided the results of 194. What was the results of the other 155 cases, 55,000 cases, I mean 5,500 cases?

1  
2 JONATHAN DARCHE: So, many of those cases are  
3 still – sorry Madam Chair, do you want to answer or  
4 can I take that one.

5 ARVA RICE: Oh please, take it hmm-hmm, please  
6 respond.

7 JONATHAN DARCHE: Many of those cases are still  
8 open and we're hoping to close them quite soon. But  
9 they are in the process of being investigated right  
10 now.

11 COUNCIL MEMBER STEVENS: I mean, that seems like  
12 it's pretty long, so you know I think you lose some  
13 esteem with people if they're waiting that long to  
14 get responses back. I've had a case where I had a  
15 young person who had an incident and it was hard  
16 enough to get him to report at the CCRB but it's been  
17 two years and he still hasn't heard anything back and  
18 I want to say that that continues the perpetual cycle  
19 of people not feeling like their complaints are being  
20 heard.

21 So, if it's taking one and two years for  
22 investigations to be closed, that's very concerning  
23 and very alarming and we need to evaluate the system  
24 in which it's operating in. My next question is, why  
25

1  
2 are NYPD officers not to require to participate in  
3 virtual interviews for CCRB cases?

4 ARVA RICE: First of all, I wanted to acknowledge  
5 your concern Council Member Stevens in regards to the  
6 timeline for cases and thank you for that question  
7 and I'm going ask our Executive Director to respond  
8 to the virtual interview question.

9 JONATHAN DARCHE: Uh, the - so I think as to why  
10 the officers were not required to participate in the  
11 virtual interviews is a question that you'd have to  
12 speak to the NYPD about because we don't employ the  
13 members of service and when they are ordered to  
14 cooperate is actually by the NYPD, not by CCRB.

15 And so, we at the CCRB worked with the department  
16 and with the unions to come up with a method for  
17 conducting the interviews that work for CCRB but also  
18 work for the unions and the police department.

19 COUNCIL MEMBER STEVENS: Okay and then my last  
20 question just is, why does the use of body cam  
21 footage increase the length of time for  
22 investigation? I would think that it would cut it  
23 down when you have the actual visuals to be there.

24 ARVA RICE: Hmm-hmm, thank you for that question.  
25 Jonathan.

1  
2 JONATHAN DARCHE: So, uh, first there's a matter  
3 of you have to review all the footage. So, sometimes  
4 when your — it takes time to review footage. It's  
5 not just you watch a video once and move on and make  
6 a conclusion. You have to watch the video again and  
7 again and stop it and stop it and our investigators  
8 are quite diligent when they are going through the  
9 footage and sometimes it needs reviewing hours of  
10 footage that actually aren't relevant to your  
11 investigation.

12 And so, body worn camera footage has been a huge  
13 tool for the CCRB in conducting these investigations  
14 and I think that you can see that the ability of the  
15 agency to make determinations on the merits of a  
16 case, rather than just on substantiating allegations.  
17 It is far higher when we have body worn camera  
18 footage that will let us —

19 SERGEANT AT ARMS: Time expired.

20 JONATHAN DARCHE: Can I finish?

21 COUNCIL MEMBER STEVENS: Yes, please.

22 JONATHAN DARCHE: So, when we have the body worn  
23 camera footage, it doesn't necessarily make things go  
24 faster but it makes them more effective.  
25

1  
2 COUNCIL MEMBER STEVENS: So, thank you for your  
3 responses. I just want to just reiterate that I  
4 think that it's important that we are hiring up and  
5 that we're staffing up because I think that that is  
6 all connected on why it's taking investigations so  
7 long. Why body worn cameras is making it longer  
8 because you don't have adequate staff. So, I think  
9 that those things definitely should be addressed as  
10 soon as possible and we look forward to working with  
11 you because CCRB is very important to this process of  
12 public safety and making sure that everyone is  
13 feeling safe and heard. So, thank you.

14 COMMITTEE COUNSEL: Thank you Council Member. If  
15 any other Council Members have a question please use  
16 the Zoom raise hand function, otherwise we're going  
17 to turn it back to Chair Hanks to close off this  
18 section and then we'll turn to the District  
19 Attorneys. I see no other questions, go ahead Chair  
20 Hanks.

21 CHAIRPERSON HANKS: No, I don't. Uhm, the  
22 questions I had asked. Thank you Council Member  
23 Stevens, Council Member Holden and Council Member  
24 Barron for those great questions. I would also like  
25 to thank the Interim Chair Ms. Rice, thank you very

1  
2 much and the Executive Director of CCRB Jonathan,  
3 thank you very much for coming in and giving your  
4 testimony. And we look forward to hearing more and  
5 getting more in depth in some of the budgetary issues  
6 and some of the things that we've asked and I thank  
7 you very much for being here today.

8 ARVA RICE: Thank you.

9 CHAIRPERSON HANKS: Thank you. So, now we will  
10 hear from the City's District Attorney's and Special  
11 Narcotics Prosecutor. Thank you all for taking the  
12 time to appear today and providing testimony. Each  
13 district attorney's office and the Office of Special  
14 Narcotics Prosecutor will have five minutes of  
15 testimony in the following order: DA Clark, DA  
16 McMahan, DA Gonzales, DA Katz, DA Bragg and Special  
17 Narcotics Prosecutor Brennan.

18 After the Attorney's and the Special Narcotics  
19 Prosecutor offer their testimonies, we will have a  
20 round of questions. Thank you very much. The Fiscal  
21 2023 Preliminary Budget Plan did not include major  
22 changes for our five district attorney offices and  
23 the Office of the Special Narcotics Prosecutor.

24 Today's prosecutors play a greater role in our  
25 communities and the Council has long been a partner

1  
2 in your efforts to promote, reform, divert people  
3 from incarceration and involvement in the justice  
4 system. Expand your offices of various bureaus and  
5 develop innovative strategies to bolster public  
6 safety around the city.

7 While the Fiscal Year 2022 Budget increased as a  
8 result of recognizing federal and state funding, the  
9 Fiscal Year 2023 Preliminary plan includes just one  
10 new need for your offices and minor adjustments in  
11 the outyears. The current administration has made  
12 public safety a priority and has placed a particular  
13 emphasis on the role of the city prosecutors, yet it  
14 is unclear how the preliminary budget plan reflects  
15 that prioritization and the Committee is interested  
16 in hearing about the resources you need going forward  
17 into next fiscal year.

18 In addition and a particular concern to the  
19 Committee is the marks difference between the budgets  
20 of the city's prosecutor in the preliminary budget.  
21 We look forward to hearing from all of your offices  
22 on how this may impact your communities in which you  
23 all work and how the plan will support or hinder that  
24 work.

1  
2       The Committee also looks forward to hearing your  
3 budget requests and working with you to advocate for  
4 all the resources you need. Thank you so much.  
5 Josh, you can it over.

6       COMMITTEE COUNSEL: Thank you Chair. So, we'll  
7 now hear from the District Attorney's Offices. We  
8 will hear from all five District Attorney's Offices.  
9 I will be begin with Bronx DA's Office Darcel Clark  
10 from the Richmond District Attorney's Office we have  
11 Michael McMahan. From the Queens District Attorney's  
12 Office, we have District Attorney Melinda Katz as  
13 well as Kristen Kane who is the Director of  
14 Intergovernmental Affairs and Policy. Jay Bond, who  
15 is the Deputy Director of Intergovernmental Affairs  
16 and Policy. Jennifer Naiburg who is the Chief  
17 Assistant District Attorney, Camille Chin-Kee-Fatt  
18 who is the Chief of Staff for the District Attorney  
19 in Queens, Jacqueline Duckfield who is the  
20 Administrative and Finance Director at the District  
21 Attorney's Office and Eugene Wang who is the Director  
22 of Fiscal Services and Budget.

23       We also have representatives from the - Alvin  
24 Bragg from the Manhattan DA's Office and on behalf of  
25 the District Attorney in Brooklyn, we have Nancy



1  
2 Hoppock who is the DA's Chief Assistant District  
3 Attorney. Jill Harris who's the DA's Chief Policy  
4 and Strategy or the DA Chief of Policy and Strategy.  
5 And then followed by Malik Branch(SP?), who is the  
6 Chief Fiscal Officer.

7 I'm being told that we don't currently have DA  
8 Clark on the line, so I will pass it to DA McMahan  
9 and we will return to the Bronx at that time. So, DA  
10 McMahan, you could begin with an opening. We'll have  
11 each DA's Office speak and then we'll direct  
12 questions to you after that. Thank you.

13 MICHAEL MCMAHAN: Sure. I just want to check my  
14 sound. Can you hear me okay Council Kingsley? It's  
15 good, okay.

16 Good afternoon Chairwoman Hanks, my Councilwoman.  
17 To the members of the Council, I see some of my uh,  
18 classmates from the class of 2002. Of course they  
19 all -- of course my colleague in Queens now, District  
20 Attorney Katz and Charles Barron and I saw Gale  
21 Brewer and Darlene Mealy. What I don't understand is  
22 that you all look so young and I've got this grey  
23 hair thing working now, so I guess age hasn't  
24 affected you guys as much as it has me. But it's to  
25 see you and for the other Council Members who are

1  
2 here this afternoon, thank you so much to you and to  
3 your staffs for your interest in the work that we do  
4 here in the District Attorney's Offices across the  
5 city and for us in particular here in Staten Island.

6 You know with New York City slowly but surely  
7 recovering from the ongoing public health crisis  
8 brought on more than two years of COVID-19, I remain  
9 cautiously optimistic, like I'm sure so many of you  
10 that we are finally beginning to see the light at the  
11 end of an incredibly long tunnel. And clearly, COVID  
12 has had a dramatic impact on how we deliver justice  
13 in the DA's offices to the people in the City of New  
14 York. And as our city is bouncing back; New Yorkers  
15 are out every day enjoying all the five boroughs have  
16 to offer, tourists are returning to take advantage of  
17 the greatest city in the world and across the  
18 greatest ferry in the world. The Staten Island Ferry  
19 and here on Staten Island, where I proudly serve as  
20 DA, I am extremely proud of all the work we have done  
21 in my office, working with our partners in the NYPD  
22 and across many other city agencies and members of  
23 our community, to get our borough through these very  
24 challenging times.

1  
2 And it's because of this commitment that I know  
3 we can rise to meet any adversity if we all work  
4 together. I also want to give a special shoutout to  
5 the men and women of my staff here at RCDA who have  
6 gone to great lengths to make sure that we kept the  
7 lights on if you will and we kept the essential  
8 workings of the criminal justice system in place so  
9 that people could get as much justice as possible  
10 during COVID.

11 And as we continue to navigate these new public  
12 health challenges, many New Yorkers are also now  
13 seriously concerned about the growing threat we have  
14 seen to public safety in our city. A series of  
15 troubling and outrageous crimes in different parts of  
16 our city have resulted in both tragic loss of life  
17 and victims who will carry the mental and physical  
18 scars from their harrowing experiences with them for  
19 the rest of their lives. And of course when I say  
20 victims, I include the family members of the victims  
21 as well.

22 And rightfully so, New Yorkers throughout the  
23 five boroughs have had to grapple with the fear and  
24 uncertainty these incidents have brought to their  
25 communities, their blocks, and even their commutes to

1  
2 work. Recognizing early on the seriousness these  
3 threats posed to public safety, my office developed a  
4 plan to address gun violence and other serious crimes  
5 through both targeted precision prosecution, which  
6 allowed us to hold the serious offenders accountable,  
7 as well as intense community outreach to help solve  
8 the root causes of violent crime.

9 I am proud to say that last year most major crime  
10 categories were down on Staten Island, including  
11 murder, rape, robbery, felony assault, and burglary.  
12 The number of shooting incidents were also down by  
13 nearly ten percent on Staten Island in 2021. While  
14 the City as a whole saw an increase of two percent.  
15 This is a steep decline from 2020, however, when  
16 shooting incidents and victims were up more than 97  
17 and 103 percent respectively from the previous year,  
18 we still have much to be concerned about. I can  
19 confidently say we have made tremendous progress as a  
20 city in addressing gun violence and we still remain  
21 seriously concerned by the incidents of gun violence  
22 we are seeing on Staten Island and elsewhere,  
23 especially among teenagers and young people, who can  
24 often be difficult to hold accountable due to their  
25 age and criminal reform laws which prevent DAs'

1  
2 offices from prosecuting many of these cases. Not  
3 only in terms of holding them accountable but also in  
4 terms of being able to connect them to positive  
5 services that may help break the cycle of violence  
6 they find themselves in.

7 We are doing all we can to address gun violence  
8 among young people, including increased community  
9 outreach and focused youth-oriented programing, but  
10 the fact remains that in 2021, 20 percent of people  
11 who were arrested with gun possession on Staten  
12 Island were between the age of 14 and 17, and over 30  
13 percent of shooting victims were under the age of 20.

14 I just want to repeat that statistic if I may.

15 SERGEANT AT ARMS: Time.

16 MICHAEL MCMAHAN: 20 percent of people who were  
17 arrested with gun possession on Staten Island were  
18 between the age of 14 and 17, and over 30 percent of  
19 shooting victims were under the age of 20. In short,  
20 we must do something together to keep our children  
21 safe. As my office continues to work tirelessly to  
22 combat these challenges and many other drivers of  
23 crime, including substance abuse, mental illness, and  
24 domestic violence, and disparities in the criminal  
25 justice system, our success depends on us working

1 together to make our city as safe as possible.

2 Despite the ongoing public health and public safety  
3 challenges that continue to face our borough, city,  
4 state, and nation, I am proud to say that my office,  
5 RCDA, has adapted and persevered. We have remained  
6 vigilant and consistent in our dedication to the rule  
7 of law, the protection of victims of crime, and the  
8 overall improvement of public safety and the equal  
9 distribution to all people on Staten Island. A  
10 distribution of justice and with that said, I want to  
11 focus just a minute or two on detailing our greatest  
12 challenges as well as our priority budget needs for  
13 Fiscal Year 2023.

14 We're working with Staten Island Communities to  
15 End Gun Violence Neighborhood and what we've  
16 developed is a series of neighborhood action plans,  
17 focusing on the neighborhoods that are suffering from  
18 the biggest, the largest increase in gun violence for  
19 the COVID years and trying to drill down into  
20 conditions into those communities to see how we can  
21 bring services and support to those victims and also  
22 those who are engaging in neighborhood gun violence.

23 And part of this plan has resulted in gun buy  
24 backs to prevent fire arms from falling into the  
25

1  
2 wrong hands, graffiti removal and vacant lot  
3 reclamation to create a spirit of proprietorship in  
4 the neighborhoods, developing youth oriented programs  
5 and educational programs. And together, we are  
6 already seeing a greater connection between law  
7 enforcement, the community and members of the  
8 community at large.

9 I just want to touch briefly if I can on the  
10 opioid epidemic which you've seen was certainly  
11 exacerbated and overshadowed by COVID-19. While  
12 overdose deaths were beginning to show decreasing  
13 trends in 2019, the coronavirus pandemic very much  
14 overshadowed and exacerbated the substance use and  
15 not only on Staten Island but throughout the rest of  
16 our city and on our country as well.

17 According to CDC, more than 100,000 Americans  
18 tragically died of overdoses in the 12-month period  
19 ending in April 2021. This increase of almost 30  
20 percent from the year prior confirms our worst fears,  
21 but now that the alarm has been sounded, we must  
22 deploy an all-hands on deck response to battle this  
23 raging five-alarm fire. We know that the pandemic  
24 caused many people suffering from addiction illness  
25 to lose access to treatment services. This combined

1  
2 with rising mental health challenges and the  
3 widespread availability of fentanyl-laced drugs, has  
4 caused a perfect storm, which we are seeing ripple  
5 across Staten Island and I'm sure you all seen in  
6 your own districts as well.

7 RCDA remains committed to working with our  
8 partners in law enforcement and those across the  
9 health community to raise awareness and offer more  
10 treatment and diversion options for those in need on  
11 Staten Island. Just one use of these toxic  
12 substances can be deadly. As we saw recently with  
13 the cadet or cadets from West Point who were down in  
14 Florida, what happened to them. And we encourage  
15 anyone suffering from addiction illness to seek help  
16 through our HOPE team or one of the many other  
17 community-based resources available on Staten Island.  
18 But just to put in context, the death rate from  
19 opioid overdoses on Staten Island went, 2016 it was  
20 119 people. 2017 went down to 100, 2018 leveled off  
21 at 114, 2019, 105 and then 2020 it shot up to 132.  
22 That's a dramatic increase of over 20 percent since  
23 2016 and that's something that needs to be addressed.

24 In 2021 the numbers we've seen are as alarming as  
25 well, 250 overdoses with 107 deaths and 142 saves



1  
2 with Narcan but we expect those numbers to go up by  
3 20 percent when the final numbers come in from DOHMH.

4 Fentanyl and fentanyl analogues were present in  
5 over 70 percent of the overdose fatalities in 2020 on  
6 Staten Island. My colleagues, we have to do more to  
7 deal with this crisis in our city.

8 I just want to take a minute now and I know that  
9 we'll partner to do that but I want to take a minute  
10 just to talk about our budget needs and I'll go  
11 through them very quickly because I know my time is  
12 expiring.

13 These show ADA Salary Parity and I know that all  
14 of my colleagues, fellow DA's and the Special  
15 Narcotics Prosecutor will take about this as well.  
16 Basically we've seen a dramatic increase in attrition  
17 in our staffs because the young ADA's have received  
18 greater work loads with the new discovery laws, as  
19 well as seeing others in the legal profession coming  
20 out of law school making \$215,000, I read today in  
21 the Law Journal at the big law firms and we are  
22 losing people to other city and government agencies  
23 as well.

24 And I think you know those who know this system  
25 even longer than I or know the workforce even longer

1  
2 than I will tell you that recruitment and retention  
3 of staff has reached a crisis level. Public service  
4 lawyers are generally underpaid, we know that but for  
5 some reason historically, ADA's are at the bottom of  
6 the rump.

7 I said that the top law firms are paying \$215,000  
8 now. A young ADA coming to our office receives  
9 \$73,000 to start and once they're admitted to the bar  
10 \$76,000. And when you take the cost of living in the  
11 city, cost of student loans, the fact that they have  
12 to live in the city, means that they have an  
13 incredible burden to shoulder. Our recruitment has  
14 become much more difficult and retention has been  
15 more difficult as well. Our attrition rate for ADA's  
16 in the last period alone was over 20 percent and the  
17 vast majority have left. Have gone not only to  
18 private law but also to the courts for instance,  
19 where they immediately see an increase in pay of 20  
20 percent and quite honestly, not to be disparaging, a  
21 much more manageable workload and therefore a much  
22 more meanable lifestyle. And so, we are urging the  
23 Council to address this issue.

24 I also want to point out that we raised this with  
25 the prior administration and the prior Council.

1  
2 Quite frankly, we got a bunch of lip service, went  
3 through a lot of exercises with them to give them our  
4 pay scales, our histories, our facts and figures and  
5 we ended up on a dead end. And so, we are urging  
6 this Council to take this issue up immediately  
7 because we are not going to be able to do the job  
8 that we are required to do and staff our court parts  
9 and provide for victims and do the diversion and the  
10 alternatives to incarceration, unless we have the  
11 staff to do it.

12 I also just want to mention briefly, our  
13 Community Justice Center. I hope my City Council  
14 woman smiles when I say that. We have a request for  
15 \$250,000, which is the next step in doing the study,  
16 so that Staten Island finally gets a Community  
17 Justice Center like the other boroughs have. That  
18 we've never had and that's something that we will  
19 make very good use of here.

20 And then we also have some sort of not so  
21 exciting needs in terms of IT requests and for our  
22 networking system for our storage. And last point  
23 I'd like to make is that we believe that the Criminal  
24 Justice System, amongst other systems could do more  
25 to deal with the mental health crisis in our city.

1  
2 But in order to do that, as we do with narcotics  
3 cases in Staten Island, we do an immediate assessment  
4 and if someone suffers from addiction illness, we  
5 quickly divert them out of the Criminal Justice  
6 System and connect them to services.

7 With mental health, it's harder to do that  
8 because it's not so readily apparent when someone is  
9 arrested what the underlying history and factors are.  
10 And so, we would like to see an assessment done  
11 either in the precinct at arrest or at arraignment in  
12 the courts if it can't be arranged otherwise.

13 And so, we're asking for a \$500,000 allotment, so  
14 that we can undertake a pilot here in Staten Island  
15 to do that like we did with our HOPE program, which  
16 the other DA's are now doing. We think we can start  
17 something in Staten Island that would get a lot of  
18 the misdemeanor recidivists who have a lot of  
19 underlying mental health problems. Early assessment,  
20 connection to services, get them out of the Criminal  
21 Justice System, prevent harms to community, prevent  
22 harm to those individuals and so, we ask your support  
23 for that.

24 And then lastly on Staten Island, we only have  
25 one Sexual Assault Forensic Examiner. That

1 individual is located in one of our private hospitals  
2 because we don't have any. GHC Hospital in Staten  
3 Island, we need \$85,000 to keep that. If we don't,  
4 that means sexual assault victims on Staten Island  
5 will not have access to a forensic examiner and last  
6 year, the Women's Caucus of the City Council provided  
7 us funding, led by Council Member Rosenthal and we  
8 request that again.

9 Again, I thank you for your attention, allowing  
10 me to go a little bit over time. I hope that's not a  
11 home court advantage that you extended to me  
12 Chairwoman Hanks and I'm sure I will be glad,  
13 together with my colleagues once they testify to  
14 answer any of your questions. Again, I thank you for  
15 your service to our city and of course to the people  
16 of Staten Island who benefit from that wealth.  
17 Everyone at the Council, the members and the staff as  
18 well, thank you very much.

19 CHAIRPERSON HANKS: Thank you very much.

20 COMMITTEE COUNSEL: Thank you. Uhm, we'll now  
21 turn to District Attorney Clark. Before we do so, I  
22 was remiss to mention the Special Narcotics  
23 Prosecutor is also joining us as well. So, she will  
24 follow that. So, DA Clark, you may go ahead.

SERGEANT AT ARMS: Starting time.

DARCEL CLARK: Good afternoon Chair Hanks and Members of the Public Safety Committee. Good afternoon to Chair Brannan and the Members of the Finance Committee. We are very proud in the Bronx of what we have accomplished in our community during this past year.

With your help and the help of our criminal justice partners, we will continue to improve the services that we provide. Our goal is to address the most pressing public safety concerns while taking a more person-focused, holistic, and empathetic approach to prosecution. We want justice and accountability with a real pathway to success and not excessive punishments. We want to improve our ability to be transparent and responsive to our community.

Under my vision, public safety and fairness are in perfect harmony. Accordingly, we are requesting the funding for a total of 21 additional positions, and \$3.8 million in Fiscal Year 2023. Our main priority includes new funding for salary parity as well as various IT and data analytics upgrades in order to comply with legal mandates.

1  
2 Last year, we began with the COVID-19 surge and  
3 ended with omicron variant. In between, the Bronx  
4 DA's offices tackled a considerable caseload and  
5 managed the enormous discovery requirements, all  
6 against the backdrop of shootings and other violent  
7 crimes.

8 In 2021, there were 148 homicides, that's 148  
9 lives taken as compared to 111 in 2020. The Bronx  
10 has suffered 23 homicides so far this year and there  
11 were 602 people shot in the Bronx last year, up from  
12 467. So, far this year, 82 people have been shot.  
13 With every bullet fired, the fabric of safety in the  
14 community unravels thread by thread. A particularly  
15 shocking case involved a 13-year-old boy, who  
16 participated in the shooting of a teenager and only  
17 days later he was shot and killed. We're seeing more  
18 16 and 17-year old's arrested with loaded guns and  
19 involved in shootings. And at the very start of  
20 2021, the world saw the Bronx bleeding in a viral  
21 video of a brother and sister caught in the hail of  
22 gun fire. They were going to a store to buy candy in  
23 the afternoon and when the alleged gang member fired  
24 a dozen shots at a man, wounding him three times.

1  
2 The brave 13-year-old girl, shielded her five-year-  
3 old brother with her body.

4 They and other innocent bystanders who have  
5 witnessed gun fire, as well victims and their  
6 families suffer lifelong trauma. My staff works  
7 tirelessly to solve and prosecute these crimes.

8 Last summer I implemented a violence reduction  
9 plan called P.E.A.C.E., Precision Enforcement And  
10 Community Engagement. My homicide Violent Criminal  
11 Enterprise, Organized Criminal Activity, and the  
12 Crime Strategies Bureaus use data to pinpoint focus  
13 on the trigger pullers who drive violent crime. In  
14 addition ADA's respond to nonfatal shootings in  
15 hotspots and investigate them from the inception,  
16 just as they would in a homicide. We continue to  
17 pursue evidence-based prosecution and cases where the  
18 victims is uncooperative. Many of these shootings  
19 are retaliatory. Advocates from my Crime Victims  
20 Assistant Unit reach out to victims soon after their  
21 violent encounters to assess if they need services,  
22 regardless of whether the case moves forward. Gun  
23 violence is a blight on the Bronx, that highlights a  
24 need for resources. The rise in felony cases coupled  
25 with the stringent discover requirements result in a



work load that is leading to a market increase in attrition and as a result, retention is a top priority for the office.

In Fiscal Year 2021, 96 attorneys and 51 staff left the office. Unfortunately, at the end of February 2022, we have already lost 104 attorney's and 90 professional staff. We raised the legal salaries in Fiscal Year 2022 to match other city agencies and they closely match the cooperation council's one to five year attorney salary structure. My office then targeted attorney's who have reached critical seniority levels from six year to 30 years with yearly and biyearly increase. And we shared this plan with the other city district attorney's offices. We believe this new salary structure will encourage our lawyers to stay and continue to build a career in our office. Going forward, the Bronx will require additional funding to maintain these salary levels, especially if we are successful in retaining more senior staff.

My office is also reviewing the professional staff salaries in an effort to make changes where we can but it's difficult to retain our talent in this area when 45 percent of our professional staff's

1  
2 annual salaries are \$45,000 a year. That is woefully  
3 low.

4 SERGEANT AT ARMS: Time.

5 DARCEL CLARK: Our professional staff are crucial  
6 to the work that we do every day. They are the  
7 unsung heroes and we cannot pursue justice with  
8 integrity without them.

9 And a prime example is the Grand jury  
10 Stenographers. They stepped up when the grand juries  
11 returned and backlogged cases need to be presented.  
12 This of course was under the shadow of COVID  
13 restrictions and protocol. About two-thirds of them  
14 are capped at or have reached their maximum salary  
15 and there is no other option for them now. The  
16 problem that we face is that the state courts will be  
17 hiring new court reporters in April and we will lose  
18 much of our staff to the courts because based on  
19 their experience, they will make approximately  
20 \$12,000 more on their first day on the job. We  
21 should not lose staff that we have trained and  
22 developed to another city or state agency because we  
23 cannot offer competitive salary. It's time we paid  
24 our lawyers and our criminal justice professionals a  
25 competitive wage. Former staff has cited the

responsibilities of discovery, managing the backlog of case and increase night and weekend shifts among the reasons why they leave.

People are in tears when they leave because they love the work they do for the Bronx community but now their job is overwhelming. Here's a perfect example of the discovery requirements in a recent assault case. A man entered a store and assaulted the owner, a total of 28 police officers responded to the scene. Eight officers entered the store, eight stayed outside on the scene. The other 12 were sent back on patrol. That means 20 of these officers didn't enter the store, didn't talk to the store owner or the suspect. Nor were they involved in the investigation or the arrest.

Yet, we are required to obtain the all 28 officers Body Worn Camera footage and memo books. We also must review, redact, and share the footage with the defense within 20 days because the defendant is incarcerated. The inability to meet these expansive requirements has caused delays and even dismissals. We need a tool to enable us to create sharing capabilities between law enforcement partners, provide seamless review and redactions of written and

1  
2 digital evidence, and allow us to efficiently  
3 transfer of discovery to defense and the court. Our  
4 Office has found a cloud-based solution that gathers  
5 necessary documents, digital evidence and police body  
6 worn camera footage in a single interface. It is our  
7 hope that the Mayor's Office and all the District  
8 Attorney's Office will engage in a citywide  
9 technology solution.

10 I have come here every year to ask for funding to  
11 improve our case management and our data management.  
12 I ask again for funding to improve our data analytics  
13 gathering capability, so that our office can provide  
14 critical data on caseloads, dispositions, and  
15 alternatives to incarceration in order to increase  
16 transparency and to comply with Local Law 161.  
17 Although the capital funding had been earmarked, we  
18 need your help now to fast track the approval process  
19 so we can get the help we need.

20 I'm also requesting funding for more mobile  
21 phones for our staff. Our main concern is the  
22 possibility of security breaches and mixing both  
23 personal and work related information on personal  
24 mobile devices. Although we implemented the use of  
25

Google phone numbers and secondary phonelines, we believe the best practice is to assign office phones.

With this all said, my focus still is the rise in gun violence, crime victims, prosecuting those who endanger the community, prevention and identifying opportunities for alternatives to incarceration.

Right now we have 1,270 pending cases where gun possession and other related crimes are charged.

1,100 of those are indicted. Another case in December, we indicted a young man for trafficking 73 guns into the Bronx from the South where he was going to school and he sold those guns to an undercover officer here in the Bronx. I've been lobbying the state legislature to adjust the raise the age law. It requires a defendant to display a firearm, not nearly possess it in order to retain the case in the youth part.

And then as a result, we are seeing 16 and 17-year-olds with multiple gun cases in family court where they are released without proper supervision. Some graduate to fatal shootings or they are killed by another youth themselves with a gun.

On the other front, to hold people who are not trigger pullers accountable for gun possession, our

1  
2 office partnered with the Oswald Association last  
3 fall to launch a pilot program called Bronx Osborne Gun  
4 Accountability and Prevention Program. It focuses on  
5 individuals arrested gun possession who don't have  
6 prior felony convictions and fit the criteria for  
7 having to getting a second chance. These 25  
8 participants are in a comprehensive program where  
9 they get counseling, mental health services,  
10 substance use disorder, addressing unemployment and  
11 education needs. As well as it's designed to prevent  
12 them from ever picking up a gun again.

13 We continue to do our community outreach meeting  
14 with youth and cure violence groups. With the  
15 increase in crime victims, I'm asking for funding for  
16 13 more advocates, therapists and specialists for my  
17 Crime Victims Assistance Unit.

18 Last year, the Mayor's Office granted us \$1.7  
19 million to address sex abuses on Rikers Island. In  
20 2016, I placed a bureau, an office on Rikers Island.  
21 So, now to further enhance our investigations and  
22 combat sexual offenses against inmates or staff  
23 there, I created the Rikers Island Sex Crimes  
24 Prosecution Initiative.  
25

1  
2       The ADA directing initiative will ensure that all  
3 victims of sexual offenses experience a trauma-  
4 informed approach from our staff. The Director will  
5 work with the Bronx DA Special Victims Division and  
6 Investigations Division along with Department of  
7 Correction to ensure prompt and thorough  
8 investigations.

9       We are at a pivotal moment. You can help us  
10 protect the people of the Bronx from violent crime by  
11 providing the funding for the technology to ease our  
12 discovery burdens, which will help us to retain  
13 dedicated experienced staff. We need funding for  
14 salary parity, for legal and professional staff and  
15 to attract new hires. You will find all the details  
16 in my written submission. We will continue to  
17 address gun violence with a full spectrum of  
18 resources at our disposal.

19       We must and I have to say this again, we must  
20 save a generation of boys and young men,  
21 predominantly of color from death and prison. And we  
22 have to save the Bronx community from the untold  
23 damage brought by every shooting. This is my plea to  
24 you. This is my hope for the Bronx. Thank you so  
25 much for your time and your consideration.

COMMITTEE COUNSEL: Thank you so much DA Clark. We'll now move onto DA Katz followed by DA Brannan followed by DA Bragg. Brennan, apologies. DA Katz go ahead.

SERGEANT AT ARMS: Starting time.

MELINDA KATZ: Thank you. Thank you very much Counsel, thank you very much to Chief Hanks and to all my former colleagues as Councilman McMahan said hello to Councilman Barron and I see some of my old colleagues, Councilwoman Brewer. Thank you for this hearing and thank you for the opportunity to speak with you today regarding my offices Fiscal Year 2023 Preliminary Budget.

My goal is keeping the residents of Queens County safe while creating a more fair and equitable criminal justice system. As some of my colleagues said today, we can have both and since day one, just over two years ago, we are implementing new policies here in Queens County and initiatives that work to achieve both safety and fairness.

2021 brought an increase in crime in Queens in several serious key areas. We had an increase in murders, sex crimes, grand larcenies, hate crime incidents and shootings. In fact, the increase in



1  
2 homicides year to date is 50 percent alone. We had a  
3 66 percent increase in processing of cases involving  
4 criminal possession of a weapon and second and third  
5 degrees. The meeting age of those defendants are 26  
6 and over. 43 percent of them are between 18 and 25.  
7 We processed nearly 32,000 arrests and conducted  
8 nearly 28,000 arraignments. And that breakout is  
9 approximately 23 percent felony cases and 75 percent  
10 misdemeanors and less than two percent violations.

11 All of this while maintaining the second lowest  
12 complaint sworn and arrest to arraignment times in  
13 the city. Although it was a tough year, I'd like to  
14 highlight some of what we were able to accomplish  
15 with the funding that we received last year and we  
16 thank you for that. First and foremost, we are  
17 actively addressing the ongoing gun violence epidemic  
18 from several angles, because you can't prosecute your  
19 way out of the gun violence. Initially, we  
20 restructured the office and we created the Violent  
21 Criminal Enterprises Bureau, that works to dismantle  
22 criminal organizations, prosecute members of street  
23 gangs, firearms dealers and other drivers of crime  
24 and violence.  
25

1  
2 In 2021, VCEB developed several significant  
3 cases, including one case charging warring gang  
4 members within Queens' Bridges public housing with  
5 murder and possession of illegal firearms. For 60  
6 days immediately following those arrests, the NYPD  
7 did not record a single incident of gun shots fired  
8 in that area.

9 In 2021, we created a Crime Strategies and  
10 Intelligence Unit, and it's the first year this unit  
11 aided in dismantling and charging those gun  
12 manufacturers and traffickers. We recovered ghost  
13 guns in connections with other arrests including in  
14 domestic violence arrests, in shootings, in  
15 robberies, car stops. The prevalence of those guns;  
16 those guns by the way, in case someone's not familiar  
17 with it, those guns that you can build in your  
18 basement and in the apartment next door and in any  
19 house throughout the country has grown exponentially  
20 by 300 percent from 2020.

21 Just this month, we have added, we have two  
22 additional large scale ghost gun takedowns, including  
23 the largest ever seizure of illegal ghost gun kits in  
24 New York State. They were coming from down South and  
25 we arrested them here in Queens County. Under the

1  
2 court's Gun Violence Fast Track Initiative, we were  
3 able to reduce our unindicted gun possession case  
4 backlog by over 50 percent. And because like I  
5 said, we can't prosecute our way out of violence.  
6 We're focusing on a rehabilitation and programing to  
7 end the cycle of crime and the cycle of violence.

8 Our Community Partnerships Division focused on  
9 at-risk youth connected to our communities and they  
10 attended over 1,000 public events. And since I took  
11 office, our gun buybacks have taken 325 operable guns  
12 off the streets of Queens County. In addition, I  
13 also hired an Immigration Lawyer whose sole job is  
14 immigration and whose responsibility is to figure out  
15 unintended consequences for defendants and how it  
16 affects our witnesses and our victims and reviews  
17 previous convictions that have deportation  
18 consequences. He is full-time on staff right now.

19 FY 2022 funding also helps to support our  
20 Conviction Integrity Unit. So far, the Conviction  
21 Integrity Unit has received 162 cases for review,  
22 seven cases have been dismissed based on innocence or  
23 other newly discovered evidence. Four additional  
24 cases were reversed based on unlawful systematic  
25 discrimination in jury selection. And in addition,

60 cases were dismissed. They were based on police work of three former NYPD Detectives, later convicted of various crimes.

SERGEANT AT ARMS: Time expired.

MELINDA KATZ: FY 2022 funding also helps to address the growing number of hate crimes we are seeing. And just for funding quickly, in 2021, my first year in office, we didn't receive any new needs funding. Last year, we are grateful for the money that we did receive. We are making a request to ensure that we are able to continue to make the progress that we are making.

It's also important to point out that several new programs have been implemented. Alternatives to incarceration in diversion programs, expanded community partnership division programs, focuses on vehicular crime prosecutions. We added a Cyber crime unit and an initiative to address the opioid crisis and narcotics trafficking, which we find fentanyl, like has been said by my colleagues is a huge factor in that.

All these initiatives require adequate staffing. The Queens ADA's currently manage the highest caseloads of the city. We have the lowest amount of

1  
2 funding per arrest and the lowest amount of funding  
3 per resident based on population. Discovery reform  
4 has been said by my colleagues, it is causing  
5 overwhelming numbers to our ADA's while crime is  
6 rising.

7 So, I thank you today for having us. We try to  
8 effectively address the emergent crimes areas. We  
9 have innovative programs and I thank the Council for  
10 all their past partnership and we look forward to  
11 working with the new Public Safety Committee and we  
12 look forward to working with you Chair Hanks and  
13 thank you for your time.

14 COMMITTEE COUNSEL: Thank you so much DA Katz.

15 MELINDA KATZ: Thank you. We'll go to the  
16 Special Narcotics Prosecutor Brennan followed by DA  
17 Bragg and then we'll follow that with representative  
18 from the Kings District Attorney. Go ahead Special  
19 Narcotics Prosecutor.

20 SERGEANT AT ARMS: Starting time.

21 BRIDGET BRENNAN: Thank you very much and good  
22 afternoon. I believe Speaker Adams is still on the  
23 call, Chair Hanks, Public Safety Committee Members  
24 and other Council Members whom I've worked with  
25 through the years. I appreciate the strong support

1  
2 our office has always received from the Council and  
3 particularly from the Public Safety Committee. This  
4 Committee's work is absolutely vital to making New  
5 York safer for all residents and visitors and to  
6 ensuring that our justice system is fair equitable  
7 for all. I encourage you to review our written  
8 testimony which is much more comprehensive than I  
9 will be able to deliver orally and the description of  
10 our investigations throughout the city including in  
11 many neighborhoods represented by the people on this  
12 Public Safety Committee.

13 This hearing reflects what decades of experience  
14 have taught us. That we can all best serve New York  
15 when we work together. The Office of the Special  
16 Narcotics Prosecutor was established on that  
17 principle 50 years ago. We collaborate with the  
18 city's elected District Attorneys, the NYPD, federal  
19 state and local agencies to investigate and prosecute  
20 felony narcotics cases across all boroughs. Our  
21 jurisdiction allows us to prosecute crimes involving  
22 fentanyl, heroin, cocaine, addictive pills, and  
23 related prosecutions involving guns and violence.  
24 And as we are all too well aware, drugs and guns go  
25 hand and hand.

1  
2 We work under the direction and the support of  
3 the city's elected Districts Attorney's in everything  
4 we do regardless of the borough we work in, reflects  
5 their collaboration and without it, the hundreds of  
6 pounds of fentanyl and dozens of guns seized in our  
7 cases last year, would likely have reached the  
8 streets. The District Attorneys appoint the Special  
9 Narcotics Prosecutor, assign Assistant District  
10 Attorneys to serve in our office. They set the  
11 salaries for the Assistant District Attorney's,  
12 oversee wiretap investigations, and provide guidance  
13 and directions. They deserve recognition for every  
14 successful Special Narcotics case and for their  
15 wisdom and commitment.

16 New York City has a misfortune of being a  
17 national hub for narcotics smuggled across the  
18 southwest border or shipped from foreign countries.  
19 Those drugs are destined for sale, not only in New  
20 York City but for distribution throughout the  
21 northeast. And because illegal drugs flow across  
22 jurisdictional boundaries, SNP was created to make  
23 sure that is no impediment to prosecution. And to  
24 bring focus and expertise to investigation of the  
25 highest level, well-funded narcotics distributors.

The office mission is to save lives through targeted prosecutions aimed at cutting off the supply of lethal narcotics, preventing drug-related violence, and providing support and treatment to substance users and other individuals as appropriate. Because of the highly specialized nature of SNP, we have been able to pivot quickly and respond in each new wave of the deadly opioid epidemic. Tragically, this crisis was exacerbated as DA McMahan so articulately explained by the COVID-19 pandemic. During this period according to the CDC, overdose deaths claimed more life in New York City than ever before. More than 2,500 people fatally overdosed between September of 2020 and September of 2021 in this city. Some of the same communities hardest hit by the opioid epidemic, have also suffered the brunt of the pandemic and escalated violence. Black New Yorkers are disproportionately impacted, as are high poverty neighborhoods in the Bronx, Upper Manhattan and Brooklyn. We have limited resources of course and to help SNP appropriately focus and use effective strategies, we use analytics identifying areas in the city where narcotics trafficking, overdose deaths, and gun crimes converge. You can see an example of



1  
2 this in our written testimony of the 8<sup>th</sup> Avenue  
3 corridor in Midtown in Council Member Bottcher's  
4 District

5 As we look at overdose deaths and the flood of  
6 drugs coming into the city, it becomes clear that  
7 this opioid crisis originally caused by addictive  
8 pills exacerbated by heroin, has become a fentanyl  
9 crisis. Fifty times more potent than heroin,  
10 fentanyl is saturating the drug market. On the Black  
11 Market, it's mixed with heroin, cocaine, other  
12 synthetic drugs pressed into counterfeit pills and  
13 sold to customers who often have no idea what they  
14 are buying. All this is why the overdose death rate  
15 has so escalated.

16 The explosion of illicit fentanyl arriving in  
17 bulk from Mexico, is fueling a multi-billion dollar  
18 international industry and it demands the kind of  
19 laser-focused response that we can offer along with  
20 our partners in federal taskforces.

21 SERGEANT AT ARMS: Time expired.

22 BRIDGET BRENNAN: We have recovered more than a  
23 ton of narcotics and by far the greatest portion was  
24 fentanyl. Our 2021 investigations led to the seizure  
25 of more than 850 pounds of fentanyl, both pure and in

1  
2 mixtures with other drugs. This is a significant  
3 increase over prior years and it closely corresponds  
4 to the Medical Examiners finding that a staggering 77  
5 percent of overdose deaths in New York City are  
6 linked to fentanyl. We are losing far too many  
7 precious lives to this terrible drug.

8 To have maximum impact, we dismantle large scale  
9 drug packaging mills that pump out millions of  
10 dollars' worth of heroin and fentanyl in tiny ready  
11 for sale packets. Many are located in the Bronx.  
12 The borough be sieged by the city's highest rates of  
13 overdose death. We work closely with Bronx DA on  
14 these cases, as we work closely with every DA on the  
15 cases in their borough.

16 These packaging mills do not serve New York City  
17 alone. Because of the many major thoroughfares that  
18 cross through the Bronx, it has become a convenient  
19 location for drug traffickers sending narcotics to  
20 city's across the northeast. These mills are found  
21 in other boroughs as well. As you will see in the  
22 written testimony, it includes some mills that have  
23 been found in Council Member Stevens, Holden's and  
24 Ariola's Districts. And as violent crimes surges,  
25 just like the District Attorney's, we have seen a

dramatic increase in our seizures of semiautomatic weapons and other firearms.

While high-level drug traffickers in New York City generally seek to avoid the violent tactics of street gangs, they are hyper-vigilant when it comes to protecting the valuable loads of narcotics. Recently in contrast with years past, guns have been found routinely at packaging mills, drug stash locations, and in vehicles transporting drug shipments. With that background, I will now turn to Fiscal considerations because so many members of the Public Safety Committee are new, I thought it was important to familiarize you with Special Narcotics, because we are unique. We are the only office of our kind in the country.

For Fiscal 2023, the city's Preliminary Plan has no funding changes for us. We also expect that our grant funds will remain the same level as in the current Fiscal Year. And that's fine for now but as you heard from the DA's, we all will have needs for increased salaries.

Increased salaries for the DA's staff, Special Narcotics will be directly affected by what is done in the other offices. So, at this point, I can't

1 submit a specific request until I see how the  
2 salaries will be increasing in the DA's offices. I  
3 will need commensurate increases to the DA's. We will  
4 also need the same type of technical support for  
5 discovery production. And again, we are awaiting our  
6 — the estimate we're going to be getting from a  
7 potential provider and we will have to submit those  
8 needs requests at a later date.

10 We have one anticipated need or one anticipated  
11 need that is unique to us and it does reflect the  
12 shift from the focus on incarceration as the only way  
13 to handle our criminal cases to looking at outcomes  
14 that will result in better long-term consequences for  
15 our defendants and for our city.

16 As you will see when you look at our testimony,  
17 it's reflected in chart on page ten. The number of  
18 individuals that our office sent to prison in 2021  
19 was 113. That compares to well over 2,000 a couple  
20 of decades ago. Just like all the other offices, our  
21 office has been taking a very different approach. We  
22 are involved in strategic targeting, looking at those  
23 who are bringing the greatest amount of drugs in.  
24 Where our resources can be used most effectively and  
25 to the best benefit of the city.

1  
2 But that means that the type of defendants we are  
3 arresting are often far different from those whom we  
4 arrested in the past and whom we developed programs  
5 for in the past. Most of those program were focused  
6 on people who had substance use issues. Now, we see  
7 far fewer people who have those issues but we haven't  
8 had the programs to work with those who have  
9 different issues. But my benefit from outcomes that  
10 do not involve incarceration.

11 Starting in 2020, we initiated the alternative to  
12 Incarceration Court program and we did this with the  
13 partnership at the Manhattan DA's office and the  
14 courts in Manhattan. Because we are trying to access  
15 an array of services and array of programs that was  
16 not what we had offered in the past because we simply  
17 didn't have the defendants who had those same kinds  
18 of needs.

19 This program offers an array of services  
20 including substance abuse treatment, mental health  
21 services, education and vocational training and other  
22 social services to the individuals who may not have  
23 been eligible for a preexisting program. We are  
24 currently self-funding that program. We did request  
25 in the past \$276,000 for ATI court and we are hoping

1  
2 that the participation we have seen will expand and  
3 the Council can be expecting to hear from me that we  
4 will be looking for more funds for this program.

5 As the arrests have contracted, we have seen an  
6 expansion. We're very excited about this program and  
7 I will be coming back to Council to ask for more  
8 funds for this program. But in closing, let me say  
9 that the public challenges, the public safety  
10 challenges that we face together are daunting. But I  
11 have great confidence in this city's new leadership  
12 and in New Yorkers ability to rise above  
13 difficulties.

14 Despite all the differences we see across the  
15 city, in perspective, an approach, most of us share  
16 this same public safety goals. We want to reduce  
17 violence, take guns off the street and reduce the  
18 record high number of overdose deaths. We've seen  
19 time and time again that when we New Yorkers work  
20 together, we succeed. I am looking forward to  
21 working together with you and I am ready and willing  
22 and able to take any call, so please feel free to  
23 reach out to me at any time. Thank you very much for  
24 your attention. Thank you.

25

COMMITTEE COUNSEL: Thank you so much. Next, we'll move into DA Bragg followed by Nancy Hoppock who will be testifying on behalf of Brooklyn DA. So, DA Bragg, you may begin.

ALVIN BRAGG: Thank you so much. Good afternoon Chair Hanks and good afternoon to members of the Committee on Public Safety. Thank you for the opportunity to present on our Fiscal Year 2023 Preliminary Budget Plan. Thank you also for your past support and I want to thank my colleagues for their collaboration and joint effort.

You have my written testimony and I know you've been on for awhile since the morning, so I will give some highlights. I wanted to start with a couple of new initiatives that we've started during the first couple and a half months that I've been in the office and then move to a few new needs. And again, we'll vest on the written submission.

I wanted to start as I always do with gun violence because I believe that's our most urgent need in Manhattan. The data show and this is nationwide but particularly also so in Manhattan, the tremendous amount of harm that is being done, the serious violent acts are being driven by a really

1  
2 small number of people and that's where my office is  
3 focusing a long with our law enforcement partners.

4 In Manhattan last year, shooting incidents rose  
5 about 26 percent. And so, that's why we're laser  
6 focused on this issue. Shortly after I took office,  
7 I appointed an Executive Assistant Attorney for Gun  
8 Violence Prevention. A Senior Executive in my office  
9 to coordinate the many functions that we're doing on  
10 gun violence. So, looking at our cases, looking at  
11 gun tracing and tracking, also helping us coordinate  
12 our community intervention to cure violence and we're  
13 also looking at gun buybacks having had one in  
14 Washington Heights and having had others planned for  
15 other neighborhoods in Manhattan.

16 So taking a coordinated approach so that we can  
17 focus as I said, on the relatively small number of  
18 people who are driving the violence. Focus our  
19 scarce resources there and I believe that will impact  
20 as we move forward. So, that new initiative underway  
21 already begun to see significant measures on a gun  
22 buyback a couple of weeks ago. 50 guns taken off the  
23 streets. Our Ghost Gun initiative, we had a very  
24 significant matter closed a few weeks ago. A very  
25 significant ghost gun prosecution. And so,



1  
2 coordinating all of this work and really leveraging  
3 all of the resources of not just our office but our  
4 local state federal partners and importantly also our  
5 community-based partners as well and I believe that  
6 we will see those numbers come down and that's a top  
7 priority for me in my office. Another number that is  
8 unfortunately on the rise is retail theft. From 2020  
9 to 2021, there was a 35 percent increase in  
10 Manhattan. Again, we see those numbers being driven  
11 by a relatively small group. The data bears that  
12 out. In order to respond to this, I formed a Small  
13 Business Alliance, partnering both with the NYPD and  
14 importantly also, with service providers and we  
15 started to dig into the data which cooperates our  
16 initial hypothesis, which is that yes, this is being  
17 driven by a small number of people and focusing their  
18 resources.

19 So, that includes looking at fencing operations.  
20 People taking goods and then reselling them and try  
21 to disrupt those systems, we think will be very  
22 impactful. I also stood up a brand-new division  
23 packed to public safety. A very significant  
24 restructuring of the Manhattan DA's office. We will  
25 be investing our resources and restructuring the

1  
2 offices around diversion and an early stage in cases.  
3 We know the efficacy has increased and we're able to  
4 provide services very early on.

5 So, we're in the process of doing that and the  
6 data's beginning to -- based on the data that's  
7 showing the efficacy of that and we're encouraged by  
8 the conversations we're having again with the NYPD,  
9 with important service providers in Manhattan and  
10 most importantly, with the community.

11 So, as I said, all of this is detailed in greater  
12 specificity in our written submission. So, I'll now  
13 turn to our new needs which are significant in the  
14 moment we're in. I want to start with an issue that  
15 work I did previously at the New York State Attorney  
16 General's Office and really, I think it's fully  
17 consistent with leadership that the Council's shown  
18 in the issue of housing insecurity. We know we're at  
19 a time with great economic hardship with the  
20 addiction moratorium recently expired, I'm seeking to  
21 create a housing and real estate fraud unit in the  
22 Manhattan District Attorney's Office. It builds on  
23 work that previously tenant harassment cases. It's  
24 the type of work that we do, we'll go to underlying  
25

1  
2 issues. We'll stabilize neighborhoods and move to  
3 long-term public safety.

4 So, we're asking the Council to help us get that  
5 initiative off the ground. I think it's profoundly  
6 important work.

7 Another initiative that we are rebooting, is our  
8 hate crimes unit. Hate crimes in Manhattan have  
9 increased.

10 SERGEANT AT ARMS: Time expired.

11 ALVIN BRAGG: 160 percent last year. We have  
12 since our Hate Crime unit was created in 2010, we  
13 have more active cases than we have had any other.  
14 We have great leadership in the unit but we need more  
15 resources. We need more investigators. We in  
16 particular want to deepen our language competencies  
17 and we need more lawyers. This new need is also laid  
18 out fully in our written submission and I think it's  
19 profoundly important at this moment as we see those  
20 numbers, not just in Manhattan but around the city  
21 and indeed the country.

22 Another new need, another new initiative that  
23 we're looking to launch is our post-conviction  
24 justice unit. We're in the process of building a new  
25 unit with new leadership and we do not have the

1  
2 resources for this unit compared to locally and  
3 nationally and we are significantly under resourced  
4 and there's really no more important work than the  
5 post-conviction justice. It's work that it's bedrock  
6 principles of our system. Much with hate crimes, the  
7 request is similar. We need lawyers. We need  
8 investigators and again, this is outlined completely  
9 in our written submission.

10 I will in the interest of time, kind of just hit  
11 upon a few other issues that my colleagues have  
12 already noted, that as I said, are fully set forth in  
13 the written submission. Discovery resources, we've  
14 seen our content that we take in increase 900  
15 percent. Three two-terabytes of storage in 2020, now  
16 320 terabytes and so, we need resources to help  
17 process that. I think two of my other colleagues  
18 already talked about pay parity. The starting salary  
19 in Manhattan is \$72,000. That is lower than the New  
20 York City Council is certainly having an effect on  
21 attrition and morale. And two other initiatives  
22 again, which I'll just mention and they are more  
23 fully set forth in our written submission, is  
24 expansion of our mental health court. It has a  
25 contractual cap there of 50, capacity of 50 matters

1  
2 at once and giving the pressing mental health needs  
3 in our city and in Manhattan, we want help expanding  
4 that. We're looking to increase that significantly  
5 to 200.

6 And then lastly and I'll kind of start in where I  
7 started with protecting tenants. We want to expand  
8 our work for workers. It's the kind of work that  
9 ends with the tenants. If we're doing wage an hour,  
10 worker safety work, that kind of long-term commitment  
11 and enforcement in that area is going to stabilize  
12 communities and lead to long-term public safety.

13 So, thank you so much Chair and thank you much to  
14 the Committee for your support in the past. I look  
15 forward to working to ensure safety and fairness for  
16 Manhattan in the years to come. Thanks so much.

17 CHAIRPERSON HANKS: Thank you.

18 COMMITTEE COUNSEL: Thank you DA Bragg. We'll  
19 now turn to Nancy Hoppock from the Brooklyn DA.

20 SERGEANT AT ARMS: Starting time.

21 NANCY HOPPOCK: Thank you Chair Hanks and members  
22 of the Public Safety Committee. My name is Nancy  
23 Hoppock and serve as Eric Gonzales's Chief Assistant.  
24 I oversee our legal practice and the 505 ADA's who  
25 serve our office in the Borough of Brooklyn. It's an

1 honor to appear before you. You have the DA's full  
2 written remarks, I'm going to try to highlight some  
3 of the important areas. Before I jump into it, the  
4 DA really wanted me to open with two points. One, is  
5 that he deeply regrets that he can't be here with you  
6 to discuss these important needs. He had a family  
7 commitment that he could not miss during these hours,  
8 so I humbly appear before you and I am grateful for  
9 the opportunity.  
10

11 Secondly, he wanted to stress that he remains  
12 deeply committed to the reforms of our criminal  
13 justice system. Reforms that will address the  
14 inequities that particularly were laid so bear during  
15 the pandemic and he knows that we can do this and  
16 enhance the fundamental fairness of our system while  
17 we achieve greater public safety.

18 These are not choices. Those would be false  
19 choices. We can achieve all of them and we believe  
20 we are doing it here in Brooklyn and we also believe  
21 that our requests match the DA's vision and our  
22 mission.

23 So, I'll turn right to it. I won't spend any  
24 time on the crisis that is attrition in all of our  
25 offices because the other DA's have covered it. We

1  
2 have a higher rate of attrition in our office than –  
3 since we've been keeping track of attrition. We are  
4 attriting lawyers at 107 percent. It is a crisis. I  
5 would say that – we would say that the two most  
6 severe crisis's we face internally in our office are  
7 attrition. It is difficult for the ADA's who remain.  
8 They bear heavier caseloads. It's difficult for our  
9 victims to adapt to new prosecutors. The other is  
10 discovery compliance. So, we join in the request of  
11 other offices to achieve pay parity in our office.

12 So, turning to gun violence. DA Gonzales is very  
13 aware and through his justice 2020 initiative, he's  
14 made it crystal clear that he knows that we cannot  
15 arrest and prosecute our way to public safety. We  
16 focus on the drivers of crime in Brooklyn. The small  
17 percentage of people who are shooting or who are  
18 shooters, we use traditional methods, take downs,  
19 prosecutions to address the drivers of crime and we  
20 think we're successful in Brooklyn.

21 Last year, it was only Brooklyn and Staten Island  
22 that were down. In Brooklyn down 15 percent in  
23 homicides and 20 percent in shootings. Yet, in 2021,  
24 1,700 guns, to be exact 1,775 guns were recovered  
25 from the street of Brooklyn. Brooklyn is big, you

1  
2 know that. That is 40 percent of the guns for the  
3 city. It is double, triple or even more, the gun  
4 caseload that other counties face.

5 As a result of the crushing backlog of gun cases  
6 citywide, OCA has an initiative. In Brooklyn, I  
7 think we had the most parts. They have set up seven  
8 gun parts to deal with our gun prosecutions and our  
9 crushing backlog. For this, we need to staff these  
10 parts. To staff them effectively, to have qualified  
11 prosecutors making important decisions on the  
12 handling of our cases, we need seven lawyers, seven  
13 dedicated clerks and seven power legal's. This human  
14 resource need amounts to \$1.2 million.

15 Again, sticking with the topic of gun violence, I  
16 just spoke about a resource for judicial  
17 prosecutions. Those prosecutors who are making the  
18 same important decisions in the wells of our  
19 courtroom are also evaluating, making a critical  
20 decision. They and our assigned assistants about  
21 what cases can be safely diverted. Our office has  
22 its own gun diversion program. DA Gonzales believes  
23 that with careful evaluation we can identify young  
24 people who can be pulled away from gun violence and  
25 gang violence.



1  
2 Our own gun diversion programs are robust and  
3 intense. They are 18-24 months. The candidates are  
4 carefully vetted. They begin the program on  
5 electronic monitoring with strict curfews. The  
6 participants are required to either have a job or be  
7 in school. They are closely monitored. They form  
8 very close connections with their social workers.  
9 They receive counseling to address what is very deep  
10 and sad trauma that they've already accumulated in  
11 their young lives. And we have track record of  
12 success. We have participants who've gone on to go  
13 to college and get good jobs and we've tracked our  
14 graduates. There's a much lower recidivism rate than  
15 defendants who go to state prison for possessing a  
16 gun.

17 SERGEANT AT ARMS: Time expired.

18 NANCY HOPPOCK: We cannot accept new applicants  
19 in our gun program at this time because we are short  
20 social workers. We ask that we receive funding for  
21 \$250,000 to fund four social worker lines.

22 Sticking on the topic of gun violence, relatedly,  
23 the delay in DNA processing for gun cases is up to  
24 four to five months. To the extent that the OCME is  
25 asking you for support to expedite their processing

1  
2 time, we support the request. We also have formed a  
3 digital evidence lab in our office. The NYPD  
4 Computers Crimes Unit, despite their best efforts  
5 cannot meet the ballooning demand for forensic review  
6 of digital devices.

7 Cases no longer are just about eye witnesses and  
8 even video surveillance or even DNA, devices contain  
9 extraordinary evidence in an overwhelming number of  
10 our cases. We built with our own, with federal  
11 forfeiture funds, we established our own digital  
12 forensic lab. We have a bench of very talented  
13 forensic analysts. We have state of the art tools  
14 and they are producing in a timely manner, evidence  
15 that has been critical to the prosecutions,  
16 successful prosecutions in murder cases and sex  
17 trafficking cases and it also yielded really critical  
18 evidence and exonerations. We want to keep this unit  
19 going. We want to keep it state of the art and for  
20 that, we need your support. We're asking for  
21 \$160,000 for two analyst's and \$80,000 for software  
22 for Y23.

23 E-discovery; I know some of the other DA's have  
24 mentioned on this; have discussed this just very  
25 briefly. The city, all of our offices new that the

1  
2 workload for ADA's was going to increase because of  
3 discovery reform. A much bigger workload of  
4 discovery production is happening much earlier in all  
5 of our cases. The need for technological assistance  
6 for our lawyers and our paralegals was anticipated.  
7 We were funded to acquire some technology. Thanks to  
8 a really productive collaboration among the five  
9 offices, we're honing in what we think will be the  
10 right tool for prosecutors. It is much more  
11 expensive than we thought it was going to be and  
12 accordingly we are asking for \$600,000 for Fiscal  
13 Year 2023 and \$1 million in capital funds.

14 And lastly, mostly notes of gratitude. The  
15 Family Justice Center in Brooklyn. We had the first  
16 and the largest. The year before the pandemic, we  
17 served 16,000 clients. I think our papers they say  
18 an average that's lower but it's lower because of the  
19 pandemic. It is a Hayden for our survivors of  
20 domestic violence. It co-locates all the services  
21 they need for safety and to heal. Before they only  
22 had a half of a floor in our building. Now they  
23 have, we've been funded for a full floor state of the  
24 art premises technology. The expansion is starting  
25

1  
2 this summer and we are so grateful to OMB for the  
3 \$2.8 million that funded this expansion.

4 We thank you City Council also for the one time  
5 funding for young adult court, for our brave program.  
6 We ask you to continue to support these programs. We  
7 thank you for the funding that you gave to our DOVE  
8 program and the \$50,000 you gave to our Hate Crimes  
9 Initiative.

10 We also ask again on behalf of another agency;  
11 reset is a critical misdemeanor pre-arraignment  
12 diversion program. We ask that you fund CCI to  
13 provide those services in Brooklyn. I think that  
14 highlights the critical needs that the DA laid out in  
15 his more fulsome remarks and I am very grateful to  
16 have the opportunity to have addressed you. Thank  
17 you.

18 COMMITTEE COUNSEL: Thank you so much. Chair  
19 Hanks, you may ask questions followed by Council  
20 Member questions. Council Members, if you have a  
21 question, please use the Zoom raise hand function.  
22 For Council Member questions we're going to be  
23 limiting those to three minutes in the interest of  
24 time. Again, we could do follow-ups as well if  
25

1  
2 that's needed. Follow-up's via email after the  
3 hearing. Thank you so much. Chair Hanks, go ahead.

4 CHAIRPERSON HANKS: Thank you so much Josh. I  
5 really just wanted to thank all the DA's that come  
6 out and very much highlighted, illustrated the  
7 challenges that you are each having in each of the  
8 boroughs with pay parity and all the things that you  
9 spoke about today.

10 In interest of time, I really want to hear from  
11 my colleagues. And so, I thought your presentations  
12 were very thoughtful and thorough, so we don't want -  
13 you answered many of the questions that I had but I  
14 will ask just a few questions.

15 So, in the issue for salaries for legal and  
16 professional staff, what conversations have you all  
17 had with the Mayor's Administration about additional  
18 funding? And you can just you know, yes, no.

19 MELINDA KATZ: I know we've had these discussions  
20 with the Mayor's office. I'm going to let Darcel if  
21 she can, to take the lead on that. She really  
22 originally was, I have to tell you, noticed and  
23 really came through with a lot of the advocacy for  
24 the salaries of our ADA's.

25 CHAIRPERSON HANKS: Yeah, she sure did.

1  
2       DARCEL CLARK: You know, it's just that this is  
3 something that I worked on from the moment I got into  
4 the DA's office and it's just clear that the city is  
5 not treating our lawyers in the same way as other  
6 lawyers of being treated in the city. And not to say  
7 that their work is not important but when you're  
8 talking about public safety and the things that are  
9 really driving the issue for this city, the lawyers  
10 that we have, the Assistant DA's and the Public  
11 Defenders as well because I will add them in as well.  
12 We are crucial to making the city safe and getting  
13 the work done. So, no offense to the lawyers that  
14 are you know working on the money and all of that but  
15 we're talking about people's liberty. We're talking  
16 about victims. We're talking about safety and I  
17 think that we have to continue to have the dialogue  
18 with the Mayor and the Mayor's Office needs to  
19 understand that we have to pay a competitive level  
20 for our lawyers so that they can stay and do this  
21 work.

22       They are not doing it for the money but they  
23 can't go broke trying to do it. And with the  
24 increased needs with the Criminal Justice Reform,  
25 it's even more important that we pay them what they

1  
2 deserve. So, we've had those conversations and will  
3 continue to have them.

4 CHAIRPERSON HANKS: Okay, so that will lead me to  
5 my next question for the purpose of the public and  
6 everyone listening. I'm sorry, go ahead DA McMahan.

7 MICHAEL MCMAHAN: I just want to add so  
8 specifically that we had through multiple budgets  
9 with the prior administrations, discussions about  
10 this. In two whole cycles, we gave all the data, all  
11 the information and everything and with OMB, with  
12 MOCJ and we made a little bit of headway. Just one  
13 small step is that they did provide some funding for  
14 the parity for ADA's in years one through five and  
15 the next step was supposed to be to deal with those  
16 mid-level, which for us is the most difficult right  
17 but I won't speak for my colleagues.

18 And that just sort of got dropped and my concern  
19 is now the new administration [INAUDIBLE 5:19:49]  
20 give us all the information again. We're going to go  
21 through this whole scholastic exercise again and  
22 we're going to -- the situation is just going to get  
23 worse.

24 So, we had a little bit of progress even though  
25 it was not reflective of all the effort we put into

1  
2 it and the advocacy that we did and the pace that  
3 made in my opinion and then they shut the door us on  
4 and said, okay, we do need — it wasn't a lot of  
5 money. For Staten Island, you're talking I think it  
6 was between \$120,000, so it wasn't that great but  
7 it's the whole group they have to look at. And just  
8 to emphasize the point I mean, in the last year, we  
9 lost three lawyers, ADA's to the Police Department.

10 We lost four or five to OCA, to the Courts  
11 Administration. So, people where parity is in play  
12 and their still making more money and it really,  
13 really is as my colleagues say, we're at crisis  
14 level.

15 CHAIRPERSON HANKS: Right.

16 MICHAEL MCMAHAN: At this point.

17 CHAIRPERSON HANKS: Okay, so I wont belabor the  
18 point but uhm, before I let my colleagues you know  
19 talk about it, just highlight for us what it means to  
20 have an unfunded mandate and what that means to  
21 actually getting the actual mandate — what they're  
22 asking for accomplished. Go ahead. You're muted DA  
23 Clark or DA Katz.

24 MELINDA KATZ: Hi, I am not muted is that  
25 correct?



1

CHAIRPERSON HANKS: Yes, you can go ahead.

2

3

MELINDA KATZ: Good, so I can get rid of my hand raised. Uh, so I think there has to be an understanding. I think everybody on this Zoom understands because we're all in the same business when it comes to allocation of funds, right.

4

5

6

7

8

So, there's a certain amount of funds that one has in order to create their priorities. So, we have a budget and that budget needs to be spent on certain things in the DA's office and as Darcel said, we need to make sure that we keep our community safe and it's not only about prosecution, it's also about a lot of the policies that many of us have instituted for a more fair and equitable system.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

But at the same time, we have discovery obligations that are new from the State Legislature that over the last two years you know everyone has created a system and the best policies and programs that they have in order to be able to fulfill the mandate that's required by the legislature. We have arraignments that are done within 24 hours of arrests.

24

25

We have indictments that are done within you know 122, 144 hours. We have all of the mandates that

1  
2 we're responsible for. At the same time though, if  
3 we use the budget that was allocated in order to do  
4 our mandated function, then there is a deprived of  
5 funds for community partnerships for criminal justice  
6 reform for our Conviction Integrity Unit, for our  
7 cold case unit. For the initiatives for diversion of  
8 programs. For our youth initiatives. For all of the  
9 programs that all of us want to do to create a more  
10 fair and equitable system, we only have a certain  
11 amount of funds for that.

12 And I just wanted to if I can, you know I wanted  
13 DA Clark to talk a little bit about the Mayor's  
14 discussions but I want to highlight what my  
15 colleagues have highlighted. In the year 2021, we  
16 had an attrition rate of 29 ADA's. I have 360 ADA's  
17 here. We lost 29. In the year 2022, 46 left and  
18 that means that there are 46 less ADA's. We have  
19 others coming in but much of that was because of the  
20 pay parity or lack of pay parity and the pay increase  
21 that they can get other places.

22 So, I just wanted to make sure that that didn't  
23 get lost. But as far as where there's a vacuum  
24 created, the vacuum is created because we have an  
25 obligation to do a lot of things and a lot of you

1  
2 know legal analysis and legal prosecutions but we  
3 also want to and from our perspective have a moral  
4 initiative to be able to create all these other  
5 programs because the safest boroughs that we have are  
6 one's that people don't end up in the criminal  
7 justice system. And the Council has been  
8 unbelievably helpful in that in the past and we thank  
9 you for that.

10 CHAIRPERSON HANKS: Very nice, thank you very  
11 much. One more question, so, I'm looking at the  
12 Preliminary Budget, the Operating Budget. I know  
13 that the Manhattan was at 146 and Josh, you can kind  
14 of give those numbers to me if possible so everybody  
15 understands my next question with the disparity  
16 between offices. The budget and my question and how  
17 that will impact equitable provision for programming  
18 community engagement and services across the city.

19 So, the Manhattan DA's, it's \$146 million. We  
20 have the Bronx is at \$90 million but Staten Island is  
21 \$21 million. So, that's a very huge difference and  
22 you know, none of them are the same. Can you talk to  
23 us about why those differences are so stark? When it  
24 seems like everyone is actually saying the exact same  
25 thing.

1  
2       DARCEL CLARK: I think uh, I'm sorry. One of the  
3 things that I would like to mention because each of  
4 us have different -- our offices have different size,  
5 so the number of people that work for us will  
6 determine how much our you know annual budgets are or  
7 whatever.

8       But what you know, what happens is that when you  
9 talk -- and I'm not clear on your question as to are  
10 you talking about our overall office budget or what  
11 is allocated for us to do certain things?

12       CHAIRPERSON HANKS: Yes, it's the overall, it's a  
13 stark difference between let's say a borough like  
14 Staten Island at \$21 million as opposed to Manhattan  
15 who maybe at \$146 million and we understand that but  
16 all of you are saying the same thing. So, we just  
17 want to understand.

18       DARCEL CLARK: I think a lot of it is personnel.  
19 So, it's how many people that work for us in order  
20 for us to be able to pay them a living wage or  
21 competitive wage. So, depending on how many people  
22 you work for will depend on how much you have pay  
23 them. So, that goes into the budget.

24       The Bronx has an office. Well, at full capacity  
25 I'm supposed to have you know 500 lawyers and some

1  
2 500 professional staff. So, that's 1,000 people.  
3 When you look at another office that has less people,  
4 sometimes their budget may be smaller because of the  
5 number of personnel. But it doesn't change the fact  
6 that we all have to still do the same work. So, as  
7 long as they're all being paid the same -

8 CHAIRPERSON HANKS: This is my point.

9 DARCEL CLARK: You'll have the level that you  
10 need. So, I get it. I don't know why it's at  
11 disparity but that's why I'm saying we need the  
12 parity at least as far as the salary was. If we had  
13 the parity, if it was a uniformed formula for all the  
14 city lawyers or for all the DA's, then we wouldn't  
15 necessarily have that disparity in that particular  
16 area but we do because we have to shuffle and do what  
17 we can in order to retain the people that we need.

18 So, with the attrition rate, you know I could  
19 just take the money for people that left and increase  
20 everybody's salary but then I won't be able to  
21 maintain it or I could backfill. So, there's a  
22 number of ways that we manipulate our budgets in  
23 order to get what we need. But what we really need  
24 from the city is for the city to set it, so that we  
25

1  
2 all have the same. You know one to five years as a  
3 step plan, six to ten, etc., etc..

4 That's what I turned around and did with my  
5 office finally. I mean it could be at a risk but I  
6 have to keep the people. I have to be able to  
7 maintain and get the work done and I can't do it  
8 without paying them the salary that they deserve.  
9 That's why I've been fighting this parity thing for  
10 the longest time.

11 CHAIRPERSON HANKS: And I appreciate your answer.  
12 Ms. Katz, you're on mute. You're still on mute.  
13 There you go.

14 MELINDA KATZ: Uh, we all -

15 CHAIRPERSON HANKS: It's been that kind of day.

16 MELINDA KATZ: I think part of it and I got to be  
17 upfront here. I think part of it also is that we all  
18 inherited these offices over the last few years too.  
19 So, I do think that in government in general, there's  
20 a certain sense of what was it last year? Let's see  
21 what we do this year. And you know how accurate that  
22 is, I'd have to look back at the last ten years.

23 I can tell you that Queens has the lowest amount  
24 of money and I don't want to take anything away from  
25 my colleagues. Trust me when I tell you that.

1  
2 Because we all work together for the benefit of each  
3 other and we do it quite often. Queens has the  
4 lowest amount of money per resident in this DA's  
5 office and the lowest amount of money per arrest in  
6 this office.

7 So, our office ADA's 365 ADAs, 80 Detective  
8 Investigators, and the rest support staff who help us  
9 run this office. Per ADA and per resident, we get  
10 the lowest amount of money per resident and for the  
11 rest. Now that's not to say that issues in the Bronx  
12 are not different than issues here. And that they  
13 don't need exactly what they have. I think that you  
14 know a lot of this is dictated somewhat and I hate to  
15 say it, which is why I agree with DA Clark 100  
16 percent, that we need to look at parity throughout  
17 the City of New York, not just the parity within our  
18 five offices.

19 CHAIRPERSON HANKS: 100 percent.

20 MELINDA KATZ: Because we're losing people, not  
21 through each other as much, we're losing people to  
22 the private sector and to court counsel and to law  
23 clerks. They're taking jobs as law clerks and so, I  
24 think that's important but I would you know gander  
25 that perhaps there's a lot of history as well.

1  
2 CHAIRPERSON HANKS: Thank you very much. DA  
3 McMahan.

4 MICHAEL MCMAHAN: Yeah, thanks. I'll just real  
5 quickly agree with my colleagues. You know, when we  
6 came into office, one of things I ran on was that  
7 that disparity that you described was much worse.  
8 So, we were at like half of the budget that we have  
9 now and so, it was at — you know the disparity was  
10 100 percent greater. We ran on — we lobbied to get  
11 to where, you know and then, I would say to this, and  
12 really said that it's not exactly fair and it should  
13 be looked at from time to time but it's done to  
14 scale. So, if you look at my office, there are 240  
15 or so employees in Manhattan. I there are 1,600, not  
16 to speak for my colleague DA Bragg but so, you see  
17 that difference in employee numbers. We see that  
18 difference in arrests. You see that difference in  
19 cases and population and all those things.

20 So, it's scaled pretty much the way it should.  
21 It's too low but it's scaled the way it should be.  
22 But what you find is in a community our size, with  
23 the amount of personnel and I have that, the amount  
24 of cases that we have. We have the same exact issues  
25 that they have in the other counties. We have



1  
2 problems with attrition, we have problems with having  
3 caseloads that are way too high because they are  
4 picking up the slack of people who leave and a  
5 typical homicide could have 60,000 to 70,000 pages of  
6 documents that have to be reviewed, redacted and  
7 turned over and you know in much more condensed times  
8 than they used to be, so we're all facing those  
9 issues uh, according to scale.

10 CHAIRPERSON HANKS: Thank you. So, with that, my  
11 questions are done and so I'd love to hear from my  
12 colleagues.

13 COMMITTEE COUNSEL: Chair, DA Bragg had his hand  
14 raised as well.

15 CHAIRPERSON HANKS: Oh, I apologize, I didn't see  
16 that. Sorry DA Bragg.

17 COMMITTEE COUNSEL: Let's go to him and then  
18 we'll go to Council Member questions. Go ahead.

19 ALVIN BRAGG: No, thank you Chair. I just wanted  
20 to respond you know specifically as to Manhattan.  
21 You know a driver in our office is our White Collar  
22 practice, our Investigation Division, which you know  
23 it can't be captured in some of the same statistics  
24 because of arrests and other metrics like that  
25 because often times these are investigations that are

1  
2 complex, take you know years and lots of you know  
3 people resources.

4 We have you know what I think is a phenomenal  
5 cyber lab, which is helping not just us but you know  
6 really providing support around the country. You  
7 know we're doing a tremendous amount of the financial  
8 fraud space. We also have an active terrorism  
9 practice which again is not just local but  
10 international. So, a lot of that practice, which I  
11 want to invest in, I think it's a benefit to the  
12 city, to the entire state and to the entire country.  
13 Uh, and so I want to continue to invest in that and  
14 of course we bring those cases you know on their  
15 merits and not for you know the financial monies  
16 involved but I would be remiss if I didn't note that  
17 you know arising from those cases has been you know  
18 to the city \$1.2 billion since 2010.

19 So, of course, we're doing those for the public  
20 safety benefits and for purposes of justice and  
21 fairness but when we're looking at the budget, I  
22 think you know when you look at the Manhattan DA  
23 budget, it's against the backdrop of the \$1.2 billion  
24 that came to the city across a wide range of outlays  
25 you know some of the grassroots community work. Some

1  
2 of that money going to help fund pretrial services.  
3 Something to go into the NYPD. So, I just wanted to  
4 note that Chair. Thank you so much.

5 CHAIRPERSON HANKS: Thank you so much for all of  
6 your answers to my questions and uhm, Josh you can  
7 take — you can open it up to my colleagues.

8 COMMITTEE COUNSEL: Cool, thank you so much  
9 Chair. We're going to go now to Council Member  
10 questions. Council Members use the Zoom raise hand  
11 function if you have a question. We're going to  
12 limit it to three minutes for questions from members  
13 and I think similar to the PD, if there's additional  
14 questions, please direct them to myself and I'll  
15 share them with the agencies accordingly.

16 We're going to start with Council Member Cabán  
17 followed by Council Member Stevens followed by  
18 Council Member Barron.

19 COUNCIL MEMBER CABÁN: Thank you. I'd be remiss.

20 SERGEANT AT ARMS: Starting time.

21 COUNCIL MEMBER CABÁN: If I didn't mention that  
22 today's the 59<sup>th</sup> Anniversary of Gideon V. Wainwright,  
23 which established the right to public defenders and  
24 public defense works should be funded as robustly as  
25 our district attorney's offices are I'm a proud

1  
2 former public defender. I have a four questions for  
3 the folks here. The first being, how many people did  
4 each office hire in Fiscal Year 2022? How many do  
5 you plan to hire in Fiscal Year 2023? How much do  
6 you each have sitting in your civil asset forfeiture  
7 funds and what are you using that money for? Uhm,  
8 and also additionally, uhm two days ago, the Federal  
9 Monitor reported record shattering levels of violence  
10 and chaos on Rikers Island. A recent study also  
11 showed that imprisonment has a criminogenic affect,  
12 meaning that incarceration increases recidivism.

13 So, especially under these current circumstances  
14 in our city jails, where there in a state of  
15 humanitarian crisis, what are your office doing to  
16 divert people from jails and prisons. Each of you  
17 know as well as I do that you as the District  
18 Attorney have the most power and control over the  
19 census on Rikers Island. It's not the police, it's  
20 not the Mayor, it's not the judges, it's the District  
21 Attorney's and piggybacking off of that, two  
22 questions for two specific district attorney's on the  
23 call, DA Katz and DA Bragg.

24 DA Katz, you testified a commitment to focusing  
25 on alternatives. Will you both commit to welcoming

1  
2 and partnering with restorative justice programs like  
3 Common justice that specifically work with and deal  
4 with and address violent offenses and I get  
5 incredibly positive results.

6 And then finally on bail, you know we saw that  
7 George Pagan died on Rikers Island after not being  
8 able to afford two bails, right? Charged with two  
9 misdemeanors, each had \$500 bail. Now, for folks who  
10 are sitting in on bail that they cannot afford, which  
11 in my opinion is tantamount to remand. We know they  
12 can't afford it and then when you follow that line of  
13 reasoning in lots of these cases, especially  
14 misdemeanors, remand can and should be considered  
15 excessive bail under our statutes. How are you all  
16 thinking about the amount of bail that you're asking  
17 for and are you consenting to bail reductions when it  
18 is very clear someone can't afford the bail that has  
19 been set, especially when we know that in theory,  
20 bail is supposed to be set simply and only to ensure  
21 the persons ability to return to court. Thank you.

22 COMMITTEE COUNSEL: So, Districts Attorney's do  
23 any one want to volunteer to take these? Raise hand  
24 and I'll unmute or -

25 NANCY HOPPOCK: I can go if you'd like.

COMMITTEE COUNSEL: Go ahead.

NANCY HOPPOCK: Okay, we hired, you asked how many did we hire in 2021? 215, that's a combination of support staff and paralegals, all staff. How much do we hope to hire in 2022? Probably I'd say approximately 300 maybe plus —

SERGEANT AT ARMS: Time expired.

NANCY HOPPOCK: Just keeping up with attrition. We have \$35,000 in state forfeiture and \$3.9 million in federal forfeiture and in Brooklyn, we're doing I think an incredible amount to divert from pre-arrest diversion all the way to violent felonies common justice.

I don't know if, I could probably talk for a half an hour about it and I don't know if you want me to.

COMMITTEE COUNSEL: Let's move onto the other officers and we can follow up if there's additional information that you all could provide the Council Member. So, Council Member Bragg and then Council Member — sorry, DA Bragg followed by DA Katz. Please go ahead.

ALVIN BRAGG: Yeah, I'm sorry. On the hiring about, I think we are down lawyers because of attrition but we hired approximately 70 in 2022. I'm

1  
2 sorry, in 2021. Uhm, and are you know planning to  
3 have a class come in and basically backfill that  
4 number either through our normal class in the fall  
5 but also probably prior to that were some lawyers  
6 before then.

7 The asset forfeiture numbers, I don't have them  
8 at my fingertips, so I'll have to get back to you if  
9 that's okay Council Member Cabán. And then in terms  
10 of you know diversion, this is something that you  
11 know I spent a lot of time over the last 76 days you  
12 know trying to scale up. So, we created a new  
13 division called Pathways for Public Safety. Have a  
14 head of it whose alum from CCI and the model we're  
15 using is to embed into the trial, division boroughs,  
16 you know someone from Pathway so that diversion is  
17 something that is considered as early as Keith Ekab.

18 As I said in my opening remarks, the drawing on  
19 the literature that shows that efficacy increases if  
20 we can do earlier diversion. We're also looking at  
21 people who are currently in Rikers, to your question  
22 about the conditions there, which I hear your  
23 concerns. About talking to services providers about  
24 trying to get people connected in that way. So, it's  
25 a work in progress in the office. It's something

1  
2 that is a significant priority and that we're trying  
3 to drive forward.

4 You also asked a question about common justice,  
5 which I wasn't sure if it was directed to whom but  
6 I'll say, that is something we're actively  
7 considering and talking to common justice about the  
8 version in that manner as well.

9 COMMITTEE COUNSEL: Thank you DA Bragg. We're  
10 going to go now to DA Katz, DA McMahan, DA Clark.

11 CHAIRPERSON HANKS: Excuse me, I just want to  
12 publicly say apologies to Council Member Cabán if we  
13 are being muted prematurely. We hope that that  
14 doesn't happen again. I apologize.

15 COUNCIL MEMBER CABÁN: Thank you.

16 MELINDA KATZ: So, those were a lot of questions,  
17 we're trying to answer as many as we can. If we  
18 can't at the moment, I'm happy to send follow-up.  
19 But from what I can tell from you question, we have  
20 about 50 people in a new class of 2022. I will tell  
21 you when you said how many do you intend on hiring?  
22 I intend on hiring as many as I possibly can at the  
23 moment. When some of our ADA's have 100 cases in  
24 their caseload that they are doing and have to have  
25 discovery on and everything that goes with it. We



1  
2 are hiring a 2022 class of 50 right now. Hopefully  
3 it will be more. We are hiring laterals as fast as  
4 we can in order to make up for the numbers of  
5 attrition and now that was have a little more salary  
6 parity that we are discussing at least, we are hoping  
7 that it makes more folks come in that are interested  
8 in criminal justice. We have about 15 people working  
9 on our forfeiture funds. I think you asked about  
10 that if I'm not mistaken.

11 COUNCIL MEMBER CABÁN: Yeah, like the amount of  
12 money in the forfeiture fund and what it's being used  
13 for.

14 MELINDA KATZ: Oh, we'll get back to you on that.  
15 I will tell you that we have a forfeiture fund, I  
16 would assume at this point it's about 90 to 100  
17 million. You cannot and I want to make this very,  
18 very clear to all the Council Members that are on  
19 this Zoom.

20 One cannot use the forfeiture funds for salary  
21 without permission and you can't use it without  
22 permission to a large extent for a large part of it  
23 without permission from the feds. So, that money  
24 cannot be used in order to create less of a disparity  
25

1  
2 amongst the funding and I just want to make that  
3 crystal clear. I will tell you that -

4 COUNCIL MEMBER CABÁN: You can -

5 MELINDA KATZ: Excuse me one second, if I could  
6 just finish, that would be great. So, we have \$2.5  
7 million that we just did a youth wrap around service  
8 contract on. We are disseminating that money into  
9 the community for youth wrap around services at  
10 \$50,000 a piece and we've also done an RFP for  
11 intervention groups; violent criminal intervention  
12 groups and we're spending I think it's Camille  
13 \$500,000 on that as well. I'm sorry Councilwoman  
14 Cabán.

15 COUNCIL MEMBER CABÁN: So, you can use it for -  
16 you can use all of that money? Those millions and  
17 millions and millions of dollars just to clarify on  
18 alternative to incarceration programming?

19 MELINDA KATZ: No, we cannot and if we did, we'd  
20 also have to get permission from the feds for a very  
21 large portion of it and perhaps my Chief of Staff can  
22 get into it in a little more detail if you'd like.

23 Camille? Can you unmute if you don't mind Chair  
24 Hanks in order to answer the Councilwoman's question.

25 CAMILLE CHIN-KEE-FATT: Yes, hi, can you hear me?

1  
2 MELINDA KATZ: Yes.

3 CAMILLE CHIN-KEE-FATT: So far in as the DA said,  
4 we used three million fifty thousand in our RFP's,  
5 two million seven hundred and fifty thousand for the  
6 wrap around services for a number of youths, based  
7 CBO's in Queens and three hundred thousand for Cure  
8 Violence programs in Queens. A lot of the work that  
9 the DA wants to use the funds for in this universe in  
10 restorative justice under our new unit. I see Eisha  
11 Green is also on, who's the head of that unit. You  
12 know really got waylaid because of COVID. That is  
13 what we've used a good portion of the funds for as of  
14 now and we are looking at other ways to use it in  
15 community service and community justice programs.

16 MELINDA KATZ: Right and we can't just say, we  
17 want to give five hundred millions dollars to a not-  
18 for-profit. It has to go through a very intricate  
19 process to make sure that the forfeiture money,  
20 individuals monies, companies monies that we have  
21 forfeited and taken are used in proper circumstances  
22 but it has been our desire to use it for alternatives  
23 to incarceration and programs dealing with our  
24 treatment courts.  
25

1  
2 CAMILLE CHIN-KEE-FATT: And we will continue to  
3 do so.

4 COUNCIL MEMBER CABÁN: Great, thank you.

5 MELINDA KATZ: Hmm-hmm.

6 COUNCIL MEMBER CABÁN: And just my remaining  
7 questions that weren't answered with whether the  
8 specifically DA Katz and DA Bragg would commit to  
9 partnering with alternative, restorative justice  
10 alternatives like Common Justice and then finally  
11 that last question on bail.

12 MELINDA KATZ: Sure, we already commit with many,  
13 many not-for-profits and CBO's throughout the borough  
14 of Queens. In fact, we increased it and Eisha Green,  
15 if you can go through some of that if you'd like. I  
16 know we're working with some to take on some of the  
17 violent offenses as well.

18 UNKNOWN: She's on Jay Bond. She is listed as  
19 Jay Bond, so if you can unmute Jay Bond.

20 MELINDA KATZ: Anyway, the answer is yes. We've  
21 already been trying to work different gun diversion  
22 programs and different violent offense programs right  
23 now. We're in the midst of working on all of that  
24 now that everything is up and running again. It is  
25 my hope that a lot of the diversion programs which in

1  
2 history here at Queens County, and I can't speak for  
3 the other boroughs, has been mostly nonviolent  
4 crimes. I do think the only way to make diversion  
5 successful and to make sure that we don't have  
6 recidivists on the street and to make sure that we  
7 actually make things the safest we can possibly make  
8 it, the only way to do that is not only prosecuting  
9 drivers of crime but also making sure that the next  
10 generation is better off. You can't do that without  
11 violence uh, diversion programs as well.

12 CAMILLE CHIN-KEE-FATT: Eisha is unmuted.

13 MELINDA KATZ: Oh, Eisha, did I do okay?

14 EISHA GREEN: Yes, you did. Good afternoon  
15 everyone and thank you for the opportunity to speak  
16 here. Council Member, to your question, restorative  
17 programs are very important. I have the distinct  
18 pleasure of presiding over programming here in the  
19 Queens County over felony cases, misdemeanor cases,  
20 and also the Crime Victims Advocates Program. So, we  
21 have outreach to local community-based organizations  
22 that work specifically with restorative justice.  
23 Also, under District Attorney Clark, I had the  
24 pleasure to work with Common Justice and have  
25

1  
2 experience with working with them for a number of  
3 years.

4 And so, we are exploring opportunities to make  
5 sure that we can bring those types of programs to  
6 this office, so that we can address the needs of the  
7 victims that we have here who are looking for  
8 different alternatives to make sure that folks are  
9 held accountable but that they also have different  
10 ways to speak to those that have committed crimes.

11 We've also reached out to other community-based  
12 organizations that are not specifically funded to do  
13 this work. So, to your point, we are exploring all  
14 of those things to make sure that we adequately serve  
15 those that come to us in the criminal legal system.

16 COMMITTEE COUNSEL: Thank you so much Council  
17 Member Cabán, in the interest of time and letting  
18 other members have questions, we're going to ask that  
19 we kind of move on to other member questions. We  
20 could follow-up each with the other offices who have  
21 not answered this question. We apologize for not  
22 getting to you as well but we will follow-up directly  
23 as well. So, thank you so much.

24 Next, we'll have Council Member Stevens followed  
25 by Council Member Barron.

1

SERGEANT AT ARMS: Starting time.

2

3

COUNCIL MEMBER STEVENS: Hi, good afternoon.

4

One, I would like – hello, can you hear me? Hello?

5

SERGEANT AT ARMS: Yes, we can hear you.

6

COUNCIL MEMBER STEVENS: Alright, just making

7

sure. One, I would just like to say thank you so

8

much for having me here. Thank you Chair. I think

9

the Chair already started to ask some of my questions

10

just around the disparities and funding and the

11

offices and specially in the Bronx. I always want to

12

give a special shoutout to my DA in the Bronx, Darcel

13

Clark, who works very hard and whose always on the

14

ground with all of our community members and

15

community folks and really leading with love and

16

compassion. So, I just want to say thank you to her.

17

But just looking at the reports and I just want

18

to make sure I'm correct. Is it true that Bronx DA

19

didn't get, did not get DOVE initiative funding and

20

if so, why? Why wouldn't we get that?

21

COMMITTEE COUNSEL: DA Clark, you're unmuted, go

22

ahead.

23

DARCEL CLARK: Oh, yeah, we did not get – you

24

mean the recent, yeah, we did not receive that

25

funding and I can't tell you why Council Member

1  
2 Stevens. But we're doing as much as we can and you  
3 know that and thank you for your partnership of  
4 course because you stand shoulder to shoulder with me  
5 in all these things that we're doing in our community  
6 for prevention as well as prosecution, as well as the  
7 reentry, as well as you know anything we can do to  
8 give people a way out of the criminal justice system,  
9 so I thank you.

10 You know we're doing a number of, we have a  
11 Community Justice Bureau, formerly the Alternatives  
12 to Incarceration Bureau, which Eisha Green talked  
13 about and I thank her for being the architect of what  
14 we started and now she's there in Queens but we've  
15 worked with Common Justice and many of the community-  
16 based organizations, the Cure Violence. We're doing  
17 everything that we can. We're leaving no stone  
18 unturned and using every tool that we can to fight  
19 the violence.

20  
21 So, funding for you, for those kind of groups in  
22 order for us to continue to do our work to train the  
23 crisis management teams and the Cure Violence groups  
24 in order to really be impactful in this work would  
25 definitely be a help in the Bronx and I would love to



1  
2 have your support and the City Council's support to  
3 make sure that we also get the funding that we need  
4 in the Bronx for that.

5 COUNCIL MEMBER STEVENS: No, I a thousand percent  
6 agree and I think it's inappropriate that we wouldn't  
7 get it right. Like, we have needs as well and right  
8 now the Bronx has been on fire and all of our Council  
9 Members and you and other electives have been working  
10 together and so funding is always the adequate part.  
11 So, I stand with you to advocate and to say that we  
12 need it and whatever we need to do to make sure that  
13 we get it let me know. You know you have partners in  
14 me and whoever else you need but we definitely, I  
15 want to make sure that that was highlighted that we  
16 did not get that funding and it's not appropriate and  
17 we need to make sure we get that moving forward.

18 DARCEL CLARK: Thank you.

19 SERGEANT AT ARMS: Time expired.

20 COMMITTEE COUNSEL: Thank you Council Member.  
21 Next, we'll have Council Member Barron followed by  
22 Council Member Holden followed by Council Member  
23 Bottcher. Council Member Barron, go ahead.

24 SERGEANT AT ARMS: Starting time.  
25

1  
2 COUNCIL MEMBER BARRON: Thank you very much. You  
3 know one of the roles of the DA Office, the DA is  
4 supposed to be the peoples lawyer and they're  
5 supposed to protect the people from community crime  
6 and police crime. I think the DA's do well in  
7 incarcerating civilians but poorly in incarcerating  
8 police when they engage in misconduct.

9 So, I'd like to see from the offices you know,  
10 how many police that engaged in misconduct, how many  
11 of them were actually prosecuted? You know in the  
12 last like last rally, hundreds of complaints, people  
13 beating, very few if nobody incarcerated.

14 It's good to hear that we do have in some of the  
15 offices alternatives to incarceration because many of  
16 our people need the alternatives to incarceration is  
17 not the answer and then, we need to reduce the  
18 pretrial incarceration and those who are arrested and  
19 no cash bail bill needs to be read and understood by  
20 more people. And those of you who read the bill and  
21 know that over 90 percent of those with no cash bail  
22 from when I was in the assembly that we passed that  
23 and I'll take ownership of that anytime and we  
24 shouldn't back away from it when the capitalist  
25 propaganda machine attacks. The law and order

1  
2 capitalist propaganda machine will attack you on that  
3 but no cash bail was for nonviolent crimes and well  
4 over 90 percent did not get reincarcerated. And I  
5 also support strongly the Raise the Age bill that the  
6 Mayor want's to change that. He wants to change No  
7 Cash Bail. He want's to bring back solitary  
8 confinement in the prison system, which does not stop  
9 crime and violence in prisons because we been had  
10 that and it was not stopped.

11 So, I'm hoping that we can come up with more  
12 creative ways to dealing with this. Let the youth go  
13 to family court for these nonviolent crimes and the  
14 No Cash Bail works and so does Raise the Age and we  
15 need speedy trials. Part of the problem with speedy  
16 trials and some of the reform during discovery needs  
17 to take place as well, so that we can have a fair  
18 process in that.

19 And I support the publicizing grand jury  
20 proceedings. They say a DA can get an indictment on  
21 a ham sandwich but not on police and even when we get  
22 an indictment and a conviction, as DA Thompson; may  
23 he rest in peace, did in Brooklyn for a Kia Gurly  
24 case, officer Lee Yang(SP?). He then recommended  
25 after indicting and convicting him of man slaughter,

recommended no jail time. And he and the Asian judge, it led to no jail time.

So, we live in a very capitalist system that creates the poverty and creates the unemployment and then you are part of this system that either has to —

SERGEANT AT ARMS: Time expired.

COUNCIL MEMBER BARRON: Do it right or at least be on the side of the people. DA Bragg, I want to give you credit for your stance and I don't think you should have pushed back. You didn't push back much but when they come at us, we got to stand strong if we're right. And even if it ain't due to public opinion because what happens often, they use emotional cases around police killings or even children being killed and then come in with solutions that don't do nothing but have been failing us in the past. So, I think we need to stand strong on these restorative justice issues and we need to stand strong when we're right.

So, I just wanted to share that with you. Keep up the work that you're doing and I hope everybody gets better.

1

2

COMMITTEE COUNSEL: Thank you Council Member.

3

We'll move on next to Council Member Bottcher

4

followed by Council Member Brewer.

5

SERGEANT AT ARMS: Starting time.

6

COUNCIL MEMBER BOTTCHE: Hi, my question is for

7

District Attorney Bragg. District Attorney, in your

8

testimony, it said that you're seeking \$1.6 million

9

in additional fundings for in fear hate crimes unit

10

and you said that you need that this unit needs a

11

full-time Chief and two full-time Deputy Chiefs

12

investigative analysts etc. and to me, that should be

13

a top priority given what's going on now with hate

14

crimes particularly against the AAPI community.

15

Am I correct in understanding that you requested

16

an increase in the Hate Crimes unit and this budget

17

isn't providing you with the increase that you

18

requested.

19

ALVIN BRAGG: Thank you Council Member Bottcher

20

for your leadership. It's always good to be out with

21

you in your district. I guess virtually out with you

22

these days. This is a top priority for Manhattan.

23

We've seen the uptick; I've mentioned it in my

24

opening remarks. We have a phenomenal team working

25

on hate crimes now in Manhattan DA's Office but they

1  
2 are stretched thin. As I mentioned in my opening  
3 remarks, the docket, the active number of case is  
4 tragically at its highest since the unit was formed.  
5 And the way the staffing works currently in the DA's  
6 Office is everyone in the office, in the unit  
7 including the leadership is working on other matters.  
8 They're not specifically focused on hate crimes.

9 And so, we want to have dedicated staff working  
10 on an urgent public safety issue, so you're  
11 understanding is correct and that's why we made the  
12 request and I think it's urgently important. Right  
13 now we're seeing the increase and I think it's  
14 important when it's noted. It affects us all right?  
15 We see the increase specifically in the AAI community  
16 now but as the preamble the Hate Crime Statute says  
17 that kind of crime tears at the fabric of society.  
18 It affects all of us, and so, I thank you for the  
19 question and I think the funding on this crucial so  
20 we can move forward.

21 COUNCIL MEMBER BOTTCHE: I want to support you  
22 strongly on getting that increase. I'm surprised  
23 that that request wasn't granted because it's just  
24 hard what's happening now. So, you'll let us know  
25 how we can be helpful in pushing for that.

1  
2 ALVIN BRAGG: I appreciate it and one thing I  
3 want to underscore is a big component of this is also  
4 the outreach, so you know obviously I'm relatively  
5 new here so learning the office and wanting to deepen  
6 the language capabilities right, because in order to  
7 have people feel comfortable coming forward to the  
8 office, having you know the cultural understanding  
9 and the language capabilities to interact with  
10 people, is very significant.

11 So, to the traditional lawyering a big component  
12 of this is the outreach and having those capabilities  
13 in the office. Thank you Council Member.

14 SERGEANT AT ARMS: Expired.

15 COMMITTEE COUNSEL: Thank you Council Member.  
16 We're going to finish up here with Council Member  
17 Brewer followed by Council Member Holden.

18 SERGEANT AT ARMS: Starting time.

19 COUNCIL MEMBER BREWER: Thank you very much. A  
20 couple questions for DA Bragg. First of all, I saw  
21 in the material that we were given that the -- I call  
22 the Brooklyn Youth Court but I assume it's the same  
23 as the Youth Court Midtown in Manhattan.

24 So, I think they're open finally, so my question  
25 is, if it should get more money, is that something

1  
2 that would be helpful in terms of alternatives to  
3 incarceration for you or what would be helpful in  
4 terms of funding for alternatives to incarceration?

5 ALVIN BRAGG: Yes and I think today is the day  
6 that it's opening particularly my understanding for  
7 mental health services, which are so desperately  
8 needed. I know a number of us work very hard in  
9 coordination with OCA and others to get it back open.  
10 It's a resource. It is a significant part of our  
11 diversion strategy going forward but it's not the  
12 only part. I mentioned the kind of pathways the  
13 public safety division and having people with you  
14 know diversion expertise embedded within each trial  
15 bureau, so that we can do the interventions at the  
16 earliest moment, is a significant part.

17 But also, to unquestionably Midtown Community  
18 Court is, so I am happy that it's back and I think  
19 it's - hoping it's part of the phase plan to be fully  
20 back sometime very soon.

21 COUNCIL MEMBER BREWER: The other question is,  
22 there's a mental health court in Manhattan? So, how  
23 does that help? It's only open certain days, not  
24 every day. How does that help, if at all?



1  
2 ALVIN BRAGG: Yeah, so thank you so much and  
3 thank you for always elevating on these issues  
4 Council Member. You know right now and I learned  
5 this as I was you know getting oriented and it was  
6 shocking to me, the mental health court in Manhattan  
7 is you know 50 slots by contract.

8 So, 50 matters can be you know handled at one  
9 time and as part of the request, we're seeking  
10 funding to coordination with service providers and  
11 obviously the court to expand that number  
12 significantly for fold to 200. We know we're in the  
13 middle of a mental health crisis. We know the  
14 importance of the mental health court. It's not the  
15 only solution but certainly it's part of the puzzle  
16 and to have a captain of the court I think you know,  
17 does what it can to increase beyond 50 but we need to  
18 have it set in place contractually so that we can  
19 well above that and start to address the many you  
20 know significant mental health concerns we have.

21 COUNCIL MEMBER BREWER: Do you have a number in  
22 mind or maybe you have a budget that would accompany  
23 that or is this still being worked out?

24 ALVIN BRAGG: No, we have it Council Member uhm,  
25 in order to go from 50 to 200, we think the \$3.3

1  
2 million. So, it's attached as is of Appendix A to  
3 our written submission.

4 COUNCIL MEMBER BREWER: Okay, alright.

5 ALVIN BRAGG: And with that then could give you  
6 more detail.

7 COUNCIL MEMBER BREWER: Thank you and I know I  
8 have no time left but at some point more discussion  
9 on domestic violence, the people, Safe Horizon I  
10 think is in the precincts. Is that enough? They're  
11 not 24 hour etc., etc.. So, the DV issue I think is  
12 pretty numerous on the numbers of cases.

13 ALVIN BRAGG: Yes, it is by number, the biggest  
14 part of our docket. It's something I've been  
15 extraordinarily impressed by my short time here is  
16 our witness aid function. The support for survivors  
17 and so, that's a group. We didn't put that in our  
18 request but it's a group I'm hoping to expand to  
19 support survivors. I was in our Washington Heights  
20 office earlier this week. I was there last week.

21 COUNCIL MEMBER BREWER: [INAUDIBLE 6:02:49], go  
22 ahead.

23 ALVIN BRAGG: Right, that's right so glad to have  
24 her. Something that I'm encouraging our ADA's to do  
25 with greater frequency is to get to our Washington

Heights Office, our Harlem office across a range of cases but specifically for domestic violence.

To tie it back to the parity issue, it is hard because of the attrition and because of COVID and the dockets that they're carrying for them to get to those offices. But it's so crucial and Joslyn who you mentioned for those who don't know who heads our Washington Heights office has told me how impactful it is when people come and sit in the Washington Heights office, how the comments she gets from survivors in particular of domestic violence. So, thank you Council Member.

COUNCIL MEMBER BREWER: Thank you.

COMMITTEE COUNSEL: Thank you Council Member. We'll turn to Council Member Holden and then we'll return to —

CHAIRPERSON HANKS: And apologies Council Member Holden.

COUNCIL MEMBER HOLDEN: That's fine, that's alright. It's a long day.

CHAIRPERSON HANKS: I know.

COUNCIL MEMBER HOLDEN: Thank you. Thank you Chair. You know I agree with all the DA's, we need to pay our hard working ADA's a living and

1 competitive wage and certainly give the DA's offices  
2 the tools they need, catch up to the 21<sup>st</sup> Century  
3 here.

4 I guess this question is and I'd like to address  
5 it maybe to SNP because uhm, I don't think anybody  
6 asked any questions in that area. You mentioned Ms.  
7 Brennan that there were 2,500 overdose cases. Do we  
8 have any idea out of those 2,500 cases how many drug  
9 dealers were charged with homicide for dealing this  
10 poisonous drug fentanyl? And if you had a larger  
11 budget, could we charge more with that?

12 Because that would actually send the message to  
13 the drug dealers, if they do this, they could be put  
14 away for a long time.

15 BRIDGET BRENNAN: Yeah, it's a great question and  
16 thank you for asking me. Charging someone with a  
17 homicide after an individual overdoses is very  
18 difficult because often we don't have the information  
19 that we need. The medical examiners office generally  
20 doesn't get the report back too quickly and often in  
21 an overdose situation, you may not have collection of  
22 evidence right at the site of the overdose. So, you  
23 may not know exactly who made the sale. Usually you  
24 would have to get the overdose victims phone, maybe  
25

1  
2 if they obtained it that way. If it was a hand to  
3 hand transaction on the street, it's very difficult  
4 but it's worth while if you can do it and we have  
5 explored it in different cases and other offices have  
6 explored it.

7 Our statutes in New York aren't great for that.

8 Uh, there has been from time to time discussion of a  
9 homicide by overdose statute but right now, in the  
10 event one case like that is charged generally, you  
11 charge them with a manslaughter. The only case that  
12 we have ever been able to bring was actually against  
13 a doctor in Queens who had numerous patients who  
14 overdosed and died. I believe a total of 18 patients  
15 and because he was a doctor, we had some records. We  
16 had obvious reckless behavior and he was unnoticed  
17 that people have overdosed and he continued to give  
18 them large prescriptions for large amounts of  
19 medication. So, it's much more clear cut than usual  
20 in this kind of case but I think all the DA's offices  
21 look at it. I think Staten Island actually brought a  
22 manslaughter case, manslaughter by overdose by  
23 selling deadly drugs. And I think they had success  
24 with that.

1  
2 COUNCIL MEMBER HOLDEN: Yeah, I did mention this  
3 to DA Katz and she said the same think you're saying  
4 but if we had the necessary funding –

5 SERGEANT AT ARMS: Time expired.

6 COUNCIL MEMBER HOLDEN: And could we actually do  
7 more of these cases or if we had the legislation; I  
8 like that idea too because I think some message has  
9 to be sent and I just want to mention that you know I  
10 also mentioned to DA Katz about the alternate  
11 sentencing programs that were really discontinued  
12 during the COVID. That's where you have nonviolent  
13 offenders, they were in parks or they work for  
14 Sanitation rather than going to you know being  
15 incarcerated.

16 And I'm just wondering if all the DA's are in  
17 favor of bringing that back our at least you know  
18 pushing for it because it's so important. They are  
19 asking me and also Sanitation but thank you Chair.

20 MELINDA KATZ: Council Member Holden, just so you  
21 know, we intend on starting I believe it's April with  
22 the not-for-profit that you and I spoke about at some  
23 point. We are in conversations at this point with  
24 Sanitation. They have an interest in continuing. We  
25 have an interest in bringing it back. And you know

1  
2 as the city comes alive I think that more of these  
3 programs including a lot the CBO's and nonprofits  
4 that we want to use for other diversion programs,  
5 we'll start seeing you know the light of day and  
6 being used in the way that we want to use them for  
7 ATI's.

8 And just to like add upon what DA Brennan talked  
9 about, you do need a causal connection and that's you  
10 and I spoke about. Between the drug dealer and the  
11 one who is dealing the fentanyl or the heroin laced  
12 with fentanyl or cocaine laced with fentanyl, to show  
13 that there was an intent.

14 Most crimes require some intent when you're  
15 charging them as an element of the crime and that's  
16 always where you hit the rub on the those dealer  
17 homicide types of cases but I'm going to say no  
18 matter what, anytime you have more funding for  
19 certain things and so investigate certain crimes, you  
20 have more for other areas of the office. But thank  
21 you for asking the question.

22 COUNCIL MEMBER HOLDEN: Thank you. Thank you  
23 Chair.

24 COMMITTEE COUNSEL: Thank you Council Member.

25 MELINDA KATZ: Thank you Chair.

1  
2 COMMITTEE COUNSEL: Thank you very one. We'll go  
3 back to Chair Hanks to close off this portion off  
4 this portion of the hearing and then we'll move onto  
5 the public testimony. Go ahead Chair Hanks.

6 CHAIRPERSON HANKS: Well, thank you so much Josh  
7 and the staff for the Public Safety Committee. All  
8 of my colleagues that are part of the Public Safety  
9 Committee and the NYPD and CCRB and now finishing off  
10 with the District Attorney's who really were able to  
11 aluminate and articulate some of like really the  
12 underpinning of what public safety needs to look like  
13 and how that needs to be reflected in our budget.

14 So, I really wanted to thank everyone. It's been  
15 a long day but you can stay on if you'd like but  
16 we're going to be entering into our public testimony  
17 and I really appreciate all of you stopping in and  
18 telling us where you are, what's on your mind and  
19 hopefully we can make an impact on the FY23 budget  
20 talks. Thank you.

21 COMMITTEE COUNSEL: Thank you Chair. Thank you  
22 everyone. We're now moving on to the public  
23 testimony section. Uhm, I will be calling on  
24 individuals sequentially to testify, so please wait  
25 for your name to be called. We will unmute you at



1  
2 that time. For the public hearing testimony section,  
3 we will be giving two minutes of testimony for  
4 individuals. Please use the Zoom raise hand function  
5 if I'm missing you but we'll get to everyone.

6 To start with, we're going to hear from - I'm  
7 going to name a couple folks and so you can be  
8 prepared for when you're coming up next. We're going  
9 to start with Donald Nesbit followed by Jim McLeod  
10 followed by Olivia Duong followed by Lisa  
11 Schreibersdorf. So, Donald Nesbit, are you present?

12 DONALD NESBIT: Yes, I am.

13 COMMITTEE COUNSEL: Oh you are, go ahead.

14 SERGEANT AT ARMS: Starting time.

15 DONALD NESBIT: Thank you for this opportunity to  
16 present testimony before you as members of the  
17 Council. Thank you to Chair Hanks and the  
18 distinguished members of the Committee, I am Donald  
19 Nesbit, Executive Vice President for Local 372, the  
20 New York City Board of Education Employees, District  
21 Council 37, AFSCME. It is the honor to provide  
22 testimony on behalf of the 2,600 Level-I and 80  
23 Level-II School Crossing Guards who we represent  
24 under the leadership of Shaun D. Francois I as  
25 President.

1  
2 School Crossing Guards are often the first line  
3 of defense to improve the safety for students who  
4 walk, bicycle or take transit to schools. Student-  
5 pedestrians often face major safety traffic hazards  
6 everyday caused by double and triple parked cars at  
7 bus stops, in front and near to school building. As  
8 essential workers, School Crossing Guards remained  
9 vigilant through the pandemic, even when the schools  
10 were shutdown, to ensure that children, pedestrians,  
11 adults and everyone who was getting around during the  
12 pandemic made it to and from healthy and safe to  
13 their homes.

14 Approximately 90 percent of School Crossing  
15 Guards are females, they work on a 25-hour cap, a  
16 part-time schedule, mainly Black and Latino and a lot  
17 of our membership is over the age of 55. However,  
18 despite their roles on the frontlines, School  
19 Crossing Guards are not always treated like those  
20 essential workers. At the height of the pandemic  
21 they were mandated to return to work when there are  
22 school closings, they do not get paid for those days  
23 and we just want their paychecks to be reflective of  
24 the work that they do. On top of this immediate -

25 SERGEANT AT ARMS: Time expired.

1  
2 DONALD NESIBIT: May I? Over loss of wages that  
3 represents an issue of equity for our members.  
4 Additionally, the role as first line of defense for  
5 our students and pedestrians often place School  
6 Crossing Guards in vulnerable positions with no  
7 immediate assistance in mind. School Crossing Guards  
8 are often at risk not only from cars too close or  
9 from exposure to COVID-19 but face physical attacks  
10 and harassment from people on the street. A number  
11 of School Crossing Guards have been the victims of  
12 on-duty assaults, which currently is a felony but we  
13 need to do more. There are bills in the Assembly and  
14 the Senate which are pushing for making crimes  
15 against a School Crossing Guard an aggravated  
16 assaults. And again, I thank you for the opportunity  
17 to provide this testimony on behalf of the School  
18 Crossing Guards and the Public Safety functions that  
19 they perform in service in 1.2 million children in  
20 New York City. Thank you Chair and members.

21 CHAIRPERSON HANKS: Thank you.

22 COMMITTEE COUNSEL: Thank you for your  
23 testimony. Council Member Barron, do you have a  
24 question for Donald or do you want to ask — okay, you  
25 may ask a question of him. Go ahead.

1  
2 COUNCIL MEMBER BARRON: Donald, I just wanted to  
3 say that I couldn't support you more. The School  
4 Crossing Guards in my beloved East New York are  
5 tremendous. They are a great asset to our community.  
6 As a matter of fact, they cross me too because they  
7 say hold on Mr. Barron, don't cross yet and they  
8 don't just cross people, they take these youngsters  
9 when they're crossing the street, they're telling  
10 them, "you better get yourself together in school.  
11 You better start acting right." They're like one of  
12 the most valuable assets in our community that is  
13 underpaid, not respected. And so, Donald, you can  
14 tell all of your members that I love them because  
15 they are just some of the nicest people you want to  
16 meet you know when they talk to you and even the  
17 elderly, they help the elderly get across the street  
18 but there's far more than just getting us safely  
19 across the street.

20 The kind of work that they do and the kind of  
21 counseling that they provide for our youth and they  
22 don't play. You know some of those sisters, they  
23 don't play. You know some of these youngsters they  
24 look like they're dressing wrong or walking wrong or  
25 using the wrong language, they have to deal with that

1  
2 crossing guard and by the time they get into school,  
3 they have been dealt with. So, I want to thank you  
4 for that presentation and say that you have my 1,000  
5 percent support and then then Council, we should  
6 really prioritize the School Crossing Guards because  
7 they are the best.

8 COMMITTEE COUNSEL: Thank you Council Member  
9 Barron and thank you Donald for your testimony.  
10 Next, we'll go to Jim McLeod.

11 SERGEANT AT ARMS: Starting time.

12 JIM MCLEOD: Good afternoon Madam Chair Hanks and  
13 Committee Council Members. My name is Jim McLeod, I  
14 am the Second Vice President for Local 1549 under the  
15 leadership of Eddie Rodriguez. Local 1549 Clerical  
16 Administrative employees represent 13,000 employees  
17 of the city of New York. Some of these members are  
18 Police Administrative Aides, Senior Police  
19 Administrative Aides, Clerical Associates,  
20 Secretaries, Cashiers and paralegals. They worked  
21 during the pandemic, winter storms, transit shutdowns  
22 and during any catastrophic incidents in the city.  
23 They are truly essential workers. The PAA's and  
24 SPAA's feel less then appreciated for all their  
25

1  
2 commitment and sacrifice to the city, NYPD, and New  
3 York City citizens.

4       These members make less than many of their  
5 counterparts. Their clerical job functions is being  
6 taken over by Uniforms who make triple their  
7 salaries. NYPD overtime budget is annually over  
8 budget and none of it allocated to the PAA's or  
9 SPAA's. If they ask to perform overtime to complete  
10 these tasks they are told they can only take it in  
11 comp. time. Cash overtime for PAA's or SPAA's is  
12 forbidden however, Uniform Officers are performing  
13 clerical duties, many work overtime as often as they  
14 want and take it in cash.

15       How does an agency tell one of the lowest paid  
16 members they can't do overtime or not for cash? They  
17 also are being told that they can't work the holiday  
18 in a 24 agency. PAA's and SPAA's are forced to take  
19 off on a holidays even though it's not their regular  
20 day off. They don't allow them to accumulate time  
21 for the future or get the holiday premium pay that  
22 they deserve and the union fought for.

23       NYPD needs to spend money in multiple facilities  
24 as members occupy. Some locations have deplorable  
25 conditions. These commands have holes in the walls,

1  
2 ceilings, broken HVAC systems, overcrowded rooms and  
3 lots of other issues. A member should feel  
4 appreciative and comfortable in their work space.

5 We know that crime has risen in our streets,  
6 transit systems and along with the gun violence. We  
7 need more policing to protect our families, streets  
8 and home. We also know that the unemployment rate in  
9 the city is significantly higher than the national  
10 average. Inflation rate is at its all-time high. We  
11 as a community need to address these issues -

12 SERGEANT AT ARMS: Time expired.

13 JIM MCLEOD: With a common-sense approach. And  
14 if can get a second more Madam? A couple seconds  
15 more?

16 Inflation is at an all-time high. We as a  
17 community need to address these issues in a common  
18 sense approach. Put all able Uniform bodies in the  
19 field to protect and serve as they were hired to do.  
20 This will free up some 800 or more positions where  
21 they are doing clerical duties. Hire more entry  
22 level positions such as PAA's, SPAA's, clerical  
23 associates, secretaires, cashiers and paralegals to  
24 do the clerical function at each and every command.  
25

1  
2       These hires will help the unemployment rate go  
3 down and build a better economy in New York City like  
4 it was before the pandemic hit. The agency does not  
5 give cash overtime to uniform employees for clerical  
6 duties, they should be assigned to a PAA's or SPAA's.  
7 Comptroller Brad Lander just released a report on  
8 January 19<sup>th</sup> of this year on NYPD Civilianization  
9 efforts. Like his predecessors and before him, they  
10 have reached the same conclusion. NYPD has failed to  
11 truly make civilization efforts in its agency as a  
12 reality as requested time and time again.

13       Instead, they have come before this Council to  
14 report more Uniform personnel is needed each and  
15 every year. Local 1549 contends that PAA's, SPAA's  
16 need the support of the city and the agency with pay  
17 inequities, staffing and decent facilities to work  
18 in. The citizens of New York City needs the agency  
19 to use its billion dollar budget in a ways to help  
20 reduce crime and allocate money in appropriate ways  
21 to save tax payers in areas it can. Thank you for  
22 your time.

23       COMMITTEE COUNSEL: Thank you so much for your  
24 testimony. Next, we'll hear from Olivia Duong  
25 followed by Lisa Schreibersdorf.



SERGEANT AT ARMS: Starting time.

COMMITTEE COUNSEL: Olivia, you may begin.

OLIVIA DUONG: Hi, good afternoon everyone.

Good afternoon Chair Hanks and fellow Council Members. My name is Olivia Duong and I am President of Local 3778, DC 37 AFSCME representing 300 members of service who are typically not heard of. We are civilian NYPD professional titles such as criminalists or forensic scientists, city research scientists, architects and engineers. I am here to highlight the hard work of NYPD civilians and to voice our support to further civilianize the department. The criminalists of police laboratory are part of the NYPD Detective Bureau. We are forensic scientists who analyze different types of evidence involved in alleged crimes such as controlled substances, fingerprints and firearms. Our job is to remain objective and partial and unbiased while conducting analysis using scientific methods.

We provide the results to the Assistant District Attorney's across all five boroughs as well as the federal government. Criminalists also testify in court as expert witnesses to the results of our

1  
2 analysis. Our testimony educates juries to make  
3 informed verdicts. Throughout the pandemic,  
4 criminalists were deemed essential workers for a  
5 critical role in public safety and we answered the  
6 call.

7 The scrutiny of the NYPD's budget, we are in  
8 agreement with the Committee that more oversight is  
9 needed and exactly where and how money is spent  
10 within the department. Civilians can play a larger  
11 part in support rules for policing. I'd like to  
12 point out a few examples where there would be some  
13 cost savings in the NYPD.

14 One place be the firearms analysis section of the  
15 police laboratory, which is where a hybrid uniform  
16 civilian section exists. There's a discrepancy here  
17 where for the same work product. The analysis of  
18 firearms or operability, restoration, etc.. The  
19 uniformed members being paid much, much more.

20 Having civilians in this unit would be an added  
21 advantage to the city within compromising the quality  
22 of work.

23 SERGEANT AT ARMS: Time expired.

24 OLIVIA DUONG: Chairwoman if I may continue just  
25 for a little bit more? Thank you. Another area

1  
2 we're looking into is the evidence control section of  
3 the police laboratory, which is responsible for 24/7  
4 intake security and storage of forensic evidence.  
5 The second is traditionally staffed by 100 percent  
6 uniformed members. When there was a massive  
7 retirements by the police officers during the  
8 pandemic, criminalists stepped up to the plate and  
9 filled in those positions during the height of the  
10 pandemic. It's evident that these roles do not  
11 require some of the extensive police training to be  
12 filled up to do this type of work.

13       There are more areas where we can further  
14 civilianize the NYPD and the union applauds City  
15 Council for pushing the initiative. I do not believe  
16 that the public wants a reduction in forensic science  
17 or less internal oversight of the NYPD. And similar  
18 to the attrition issues that the District Attorney's  
19 brought up, criminalists are leaving employment with  
20 the city by large numbers and moving to other state  
21 and municipal forensic laboratories. We are losing  
22 talent and people who have dedicated many years of  
23 service to the city due to pay parity and lagging  
24 promotion timelines for our members. All of our  
25 members joined the department at the lowest end of

1  
2 the salary range and rarely, if ever, have the  
3 opportunity to receive salary adjustments within  
4 their range.

5 This has been a long standing issue with the  
6 police laboratory and further exasperated with the  
7 pandemic. Chair Hanks, I submit my written testimony  
8 for the record and I thank you for the opportunity to  
9 speak today. Thank you so much.

10 COMMITTEE COUNSEL: Thank you for your testimony.  
11 Next, we'll hear from Lisa Schreibersdorf followed by  
12 Alice Fontier followed by Tina Luongo followed by  
13 Justine Olderman.

14 SERGEANT AT ARMS: Starting time.

15 LISA SCHREIBERSDORF: Hi everybody. My name is  
16 Lisa Schreibersdorf and I am the Executive Director  
17 of Brooklyn Defender Services. I want to thank the  
18 Committee for providing the New York City's Public  
19 Defenders some time and opportunity to talk about our  
20 work and our budgets. Today's National Public  
21 Defense Day, which I hope you can see on my  
22 background. Most people never have to use our  
23 services but if you or a loved one find themselves in  
24 the very unfortunate position of being behind bars,  
25 our dedicated and skilled criminal defense attorney's

1  
2 are God sent. Not only will they explore all legal  
3 issues and investigate the facts of your case and  
4 litigate your case on trial, but they will stand  
5 beside you as you are dragged through a horrific  
6 process, especially if the judge sets bail and you  
7 are on Rikers Island while you wait for a trial.

8 We have heard a lot today about public safety but  
9 there is something fundamentally wrong about the  
10 notion that we can arrest and prosecute our way to  
11 solving the problems that give rise to drug use, the  
12 mental health crisis or the challenges our youth have  
13 in the city. And we certainly cannot and should not  
14 delegate to prosecutors no matter how well  
15 intentioned the solutions that will actually solve  
16 some of the overwhelming problem we are seeing.

17 We as public defenders provide a different type  
18 of safety for the public, protection from the  
19 overreach that law enforcement has in this city.  
20 Protection from harsh laws that destroy lives often  
21 because of one mistake or one moment in a persons  
22 life. We provide a safety net for people we  
23 represent as well. We are their individual advocate  
24 and in that role, we are able to truly assist when  
25 our low income clients are dealing with issues,

1  
2 problems, concerns that relate to poverty and racism.  
3 We provide assistance with housing and benefits. We  
4 represent people who are being suspended from school,  
5 are facing immigration consequences and many other  
6 issues. Social workers and other staff in our  
7 offices stand by our clients and their families and  
8 communities assisting them in the most fundamental  
9 needs.

10 You will hear more from my colleagues about our  
11 budgets for our criminal contracts. But I wanted to  
12 take a moment to talk about another –

13 SERGEANT AT ARMS: Time.

14 LISA SCHREIBERSDORF: Public function that we  
15 provide, which is representing parents whose children  
16 are being removed to foster care by ACS. I wanted to  
17 highlight this program because MOCJ is the agency  
18 that oversees this legal service and MOCJ is under  
19 the jurisdiction of this Committee. Although they  
20 did not testify today, which is a disappointment to  
21 us who need to hear their vision for the coming  
22 budget. Parents, I only be one more minute. Parents  
23 facing the loss of their children, deal with one of  
24 the most devastating circumstances imaginable.  
25

1  
2 Unlike the image of an abusive uncaring parent,  
3 in fact, the vast majority of families targeted by  
4 ACS are families of color living in very low income  
5 communities. Often the allegations that bring the  
6 family into court have to do with parents who are  
7 struggling with mental illness, drug or alcohol use.  
8 Have a developmental or physical disability or have  
9 children who need services that the parent is unable  
10 to access.

11 As of last year, statewide standards, promulgated  
12 by the Office of Indigent Legal Services establishes  
13 that our funding needs to double or more just to meet  
14 those standards. We are asking that the City Council  
15 demand that the Mayor add an additional \$40 million  
16 to the city budget specifically for these legal  
17 services to be designated across our offices as  
18 deemed appropriate.

19 I want to wish everyone a very happy Public  
20 Defense Day. Please call someone who does this  
21 important work today and thank them for what they do.  
22 I will pass it to Alice Fontier of Neighborhood  
23 Defense Service of Harlem.

24 COMMITTEE COUNSEL: Thank you. Alice, you may go  
25 ahead.

1  
2 ALICE FONTIER: Thank you and as Lisa said, I'm  
3 Alice Fontier, the Managing Director of the  
4 Neighborhood Defender Service of Harlem. As Lisa was  
5 beginning to describe, contact with a criminal child  
6 welfare immigration, housing and broader systems  
7 threatens immediate and long lasting destabilization  
8 for individuals and families who are already most  
9 vulnerable.

10 The destabilization that results from systems  
11 involvement extends beyond individuals and their  
12 families, touching entire communities. By addressing  
13 the underlying problems that trigger legal issues,  
14 our offices help reduce recidivism and increase  
15 public safety, while maintaining the fabric of some  
16 of New York's most vibrant neighborhoods through  
17 preserving housing, preventing deportation, and  
18 reducing barriers to opportunity.

19 Our offices are the primary providers of indigent  
20 and mandated legal representation in this city. The  
21 work that we do serves not only our individual  
22 clients but also stabilizes families and thereby the  
23 entire community. When our offices are properly  
24 funded and we are able to provide the full array of  
25



holistic services, we create a very real and measurable tangible financial benefit to the city.

In the criminal courts, a study that was recently conducted by RAND, demonstrated that over a ten year period, holistic defense in this study alone helped clients avoid 1.1 million days of incarceration. Reduced incarceration rates by 16 percent, cut pretrial detention by nine percent and shortened the sentence link by 24 percent.

At the time of this study, this work resulted in a savings of \$165 million in housing costs alone. Given that the cost of pretrial incarceration in this city has skyrocketed to over half a million dollars per year, per person, it is simple math to demonstrate the value in reducing the number of people and the amount of time they spend on Rikers Island. And that is what we do.

SERGEANT AT ARMS: Time expired.

ALICE FONTIER: I need another minute. In the last few years, the city awarded our offices both of conflict criminal cases and homicide cases. Because it has been conclusively demonstrated that our offices obtain excellent results for our clients and we do it efficiently.

1  
2       The average length of time that a case pends,  
3 impacts every facet of the case from the likely  
4 outcome to the cost of the case. The homicide  
5 contracts were awarded in 2018 and have not been  
6 revisited, while the homicide rate has unfortunately  
7 increased significantly. Our offices continue to  
8 intake new cases despite being well over the  
9 anticipated intake numbers with no additional  
10 financial support from the city. The end result is  
11 that our homicide staff are overburdened and will be  
12 forced to delay trials. The exact opposite impact  
13 that the city saw in creating these contracts.

14       Our offices are also the primary providers of  
15 mandated legal representation to indigent parents in  
16 Article 10 cases filed in New York City Family  
17 Courts. Together, we have created nationally  
18 recognized model of interdisciplinary parent  
19 representation and together we have prevented  
20 thousands of children from needlessly entering the  
21 foster system and we have reduced the city's foster  
22 system census by almost 50 percent since 2007. An  
23 NYU School of Law study that examined over 28,000  
24 child welfare cases in New York City found that  
25 holistic, multidisciplinary representation is more

1  
2 effective than traditional legal representation at  
3 reunifying families and shortening the length of stay  
4 in foster care. This translates to nearly \$40  
5 million in annual savings for the city and the  
6 preservation of family bonds that are priceless to  
7 our clients, their children and society at large.

8 Uhm, our offices are now also providing mandated  
9 representation that the city has uhm, City Council  
10 has generously funded in immigration courts through  
11 the NIFUP program. Where a recent study demonstrated  
12 that the impact of having representation in  
13 deportation proceedings resulted in a 1,100 percent  
14 increase. In the ability to stay within this  
15 country. Those people who are protected from  
16 deportation contribute \$2.7 million in federal,  
17 state, and local taxes each year.

18 In housing court, in 2013, approximately one  
19 percent of tenants had a lawyer in housing court.  
20 Through the pilot project, 62 percent of tenants in  
21 those zip codes had lawyers from our offices. It is  
22 impossible to measure the value and economic impact  
23 of protecting people's homes and keeping them from  
24 becoming homeless. That destabilizing and  
25 catastrophic impact must be avoided at all costs.

1  
2 In sum, in every aspect of the legal system, our  
3 offices are providing top level legal services to the  
4 indigent and vulnerable. These services stabilize  
5 entire communities and have very tangible benefits to  
6 these families and the city as a whole. So, we are  
7 asking City Council to continue our funding and fund  
8 us to the extent that it is necessary to provide  
9 true, meaningful, holistic services in each of these  
10 practice areas. Thank you.

11 COMMITTEE COUNSEL: Thank you for your testimony.  
12 Next, we will hear from Tina Luongo followed by  
13 Justine Olderman followed by Kathy Kramer and Evelyn  
14 Graham-Nyassi.

15 SERGEANT AT ARMS: Starting time.

16 COMMITTEE COUNSEL: Tina, you may go ahead.

17 TINA LUONGO: Good afternoon. My name is Tina  
18 Luongo and I'm the Chief Defender at the Legal Aid  
19 Society. And you know, we just heard my colleagues  
20 and the other defender organizations talk about the  
21 critical role our holistic teams play. And when we  
22 talk about that, we talk about that we are a people  
23 driven service. Our staff are important in  
24 communities, lawyers, paralegals, investigators,  
25

1  
2 social workers, administrators and our operations  
3 staff.

4 We are there in our courts communities way beyond  
5 there's an arrest, way after a conviction, when  
6 people return home and to prevent people from ever  
7 going in. Now more than ever, with the crisis at  
8 Rikers and the unfortunate death after death that has  
9 happened even yesterday, OCA's push to move fun  
10 matters faster, in a political play and a backlog of  
11 matters delaying fairness and justice because of  
12 COVID. That keep people locked away and prevent them  
13 from coming home.

14 Now more than ever, it is us, the public  
15 defenders that protect those people. And I want to  
16 raise that there's a bit of an imbalance when we talk  
17 about public safety, that we're also not talking  
18 about the role of the public defender. We spent  
19 hours upon hours this morning in billions of dollar  
20 conversation with NYPD and speaking to six district  
21 attorney's about the money they need. And here we  
22 are the Public Defenders, needing the same exact  
23 thing but not having the Mayor's Office of Criminal  
24 Justice here to talk about their plan or to answer  
25 questions from Council Members about what they are

1  
2 going to do to provide the public defenders and the  
3 services providers that provide critical alternatives  
4 to incarceration, the funding they need. Because  
5 through MOCJ is where our funding happens.

6 The fact is we need more money and let me give  
7 you a reason why. Since Fiscal Year 2020, our  
8 contracts for trial level, a pellet level, family  
9 representation –

10 SERGEANT AT ARMS: Time expired.

11 TINA LUONGO: Have been held flat. I'm going to  
12 need more time. Have been held flat and we haven't  
13 received the COLA in many, many years. Now, as you  
14 know inflation is up seven plus percent. And as  
15 independent nonprofit agencies, the costs of our rent  
16 and healthcare and other fringe benefits fall on us  
17 to bear within our flat contracts. That is not the  
18 case for the DA's or Court Counsel that have the  
19 benefits that when the rent goes up or healthcare  
20 goes up, the city covers that. So, that every dollar  
21 that is given to the district attorney or cooperation  
22 counsel goes right to personnel costs or technology.

23 When we are held flat, we have to make choices.  
24 Ones that harm the people we represent. The  
25 communities of New York City most vulnerable.

Without additional funding from the city and on our MOCJ contracts, we are forced for instance to decide behind hiring more staff and covering healthcare increases without additional money. We cannot enter our contract negotiations with our two unions knowing that the increases we give them will be reimbursed.

As you heard the DA's hired hundreds of people in Fiscal Year 2022. I'm the Citywide Provider of Public Defense and in all five of my offices, I barely was able to hire a few laterals leaving my office for attrition, for the exact same reasons you heard the DA's all testify to. Cost of living, more pay parity needed, all of those things affect us as well except we have to also deal with the rent increases and the healthcare increases.

So, we are asking the Council and this Administration to make an effort to fund us appropriately. To take into consideration cost inflation and to take into consideration that when our rent goes up, we have to pay it, which means we need more people. And finally, I want to talk about technology because it was a big piece of the DA's testimony and I want to say I agree with them. More technology dollars are needed for us to be able to on

1  
2 the other side as we are representing the people who  
3 are at Rikers Island and in the community accused and  
4 awaiting trial, that we need those same dollars to go  
5 to the technology because we received the discovery.  
6 We receive the 28 body cam footage from the DA's who  
7 just told you that they need more money.

8 This has to be a system that is done fairly and  
9 I really appreciate hearing DA Clark today call out  
10 for pay parity for the public defenders. And we  
11 should be having pay parity with the DA's up against  
12 the salaries of court counsel, which during this time  
13 after pay parity one, which we also received, we  
14 understand that that same group of people that we  
15 were supposed to have pay parity with are zero to  
16 five staff. Actually during this pendency has gotten  
17 a three percent increase, which means that same group  
18 of people we were promised pay parity aren't actually  
19 in line now.

20 And while we are also talking about pay parity to  
21 for our more senior people, there have been no  
22 commitment by this Administration to put money in the  
23 dollars and so we call for that. I thank you for  
24 your time and I'm happy to answer questions. More of  
25 this will be in my written testimony.



COMMITTEE COUNSEL: Thank you so much Tina.

We're going to move onto Justine Olderman followed by Kathy Kramer followed by Evelyn Graham-Nyassi. What I would kind of ask is that if folks could please try to kind of stay within the time constraints that we're setting. I know that this is a short timeframe but please, we have a lot of individuals who are trying to testify as well, so we'd like to try to accommodate as many people as we can. And again, testimony could be submitted into writing as well. Justine, go ahead.

JUSTINE OLDERMAN: Thank you so much. As defenders, I can say we would love to spend all of our time, as limited as it is here making the case like the DA's did for greater investment in what we do but as organizations that are collectively owed close to \$50 million from the City of New York, we just simply don't have the luxury.

So, I'm going to spend my time talking about the multitude of ways the city has failed to live up to its contractual obligations, failed the nonprofits it claims to partner with, and more importantly, has turned its back on the tens of thousands of people who rely on our organizations each year. I know it

1  
2 is late. I know people are tired. I know that  
3 there's a lot to get to and I especially know that  
4 contract procurement is not exactly an exciting or  
5 sexy topic. But this is about more than contracts.  
6 It is about the commitment by the city to low-income  
7 people, to the people in your districts. It is about  
8 our values and as was referenced by Council Member  
9 Cabán on the anniversary of Gideon vs Wainwright,  
10 it's about the right to counsel.

11 I'm going to spend just a minute going through  
12 the problem. Collectively we contract with the City  
13 of New York for over \$350 million a year. Our  
14 contracts are cost reimbursement. We have to pay our  
15 expenses out of pocket before we can get paid through  
16 the invoicing and reimbursement process. This is not  
17 ideal but it can work. But it only works if our  
18 contracts are registered on time. When that happens  
19 at the beginning of every Fiscal Year, we will  
20 receive a quarter of the total contract amount. That  
21 in theory provides us with the cash we need to pay  
22 three months' worth of expenses.

23 We then invoice for the expenses and when we get  
24 reimbursed, we use that money to pay for the next  
25 three months' worth of expenses. However, when the

contracts aren't registered on time, we don't get the advance and we can't invoice for our expenses.

SERGEANT AT ARMS: Time expired.

JUSTINE OLDERMAN: We have to find another sources of funding to pay for our programs. The delays in our contracts at this point have ballooned to the point where they span years, requiring us to find years' worth of funding to operate our organizations.

Let me just give you a little sense of what this looks like in practical terms. The Bronx — I'm going to use Bronx Defenders as an example. We currently owe \$12 million by the city. We don't have an endowment. We don't have a reserve fund and we don't have a line of credit. Why? Because most funders don't understand why we would need any of those things given that we provide constitutionally and statutorily mandated services funded by the City of New York.

Because we don't have enough cash laying around, we have to prioritize our spending and that's going to be our staff, our payroll. Without being able to pay the dedicated defenders that staff our offices, we would leave the courts without lawyers to defend

1  
2 the people of New York and we would have to turn away  
3 thousands of low income people in need.

4       So, what happens? What goes left unpaid when  
5 we're cash strapped? Rent, utilities, software to do  
6 legal research, expert witnesses, court reporters and  
7 the list goes on. What else goes unpaid, you heard  
8 about this a little bit earlier, vacant staff lines.  
9 Right, because we don't have the cash to be able to  
10 fill them, so the lines stay open and when we're  
11 short staffed as was already talked about with the  
12 DA's, the workload goes up. Workload goes up, morale  
13 goes down and the people, you came to the Council to  
14 represent, they are the one's that get hurt. And  
15 when organizations like ours are struggling just to  
16 make payroll, what else happens is an inordinate amount  
17 of time is spent just trying to make sure that low  
18 income people ensnared in the various legal systems  
19 that my colleagues have highlighted, get the support  
20 they need and deserve.

21       All of this hurts the people that the city claims  
22 to care about. I was happy to see recently a report  
23 from the joint taskforce that is so named, the  
24 Taskforce to get nonprofits paid on time but we have  
25

1  
2 all seen our fair share of taskforce recommendations  
3 that go nowhere.

4 COMMITTEE COUNSEL: Excuse me Justine, could you  
5 please try to wrap up your testimony as soon as  
6 possible? Thank you.

7 JUSTINE OLDERMAN: Thank you Josh. I'm here to  
8 ring the alarm bell with my colleagues. This is a  
9 budget hearing. You are here to assess how much  
10 money should be allocated in the budget to various  
11 city agencies but a budget is about more than a list  
12 of numbers. It is a reflection of our commitments  
13 and our values but it's only a reflection of our  
14 commitments and our values if it translates into  
15 money and that money translates into services for low  
16 income people in need.

17 If you care about the people you came to the City  
18 Council to represent, more importantly, if you care  
19 about low income Black and Brown people who are  
20 overwhelmingly the people who need our services, you  
21 have to care about this issue. You have to care  
22 about the defenders that serve them and you have to  
23 care about the contracting problem that prevents us  
24 from delivering high quality services the city pays  
25 us for. There is no time to waste. Thank you.

COMMITTEE COUNSEL: Thank you. Thank you for your testimony. Moving on, we'll now receive testimony in this order from Evelyn Graham-Nyassi, Nancie Katz and then Shane Correia. Evelyn, you may begin.

SERGEANT AT ARMS: Starting time.

COMMITTEE COUNSEL: Evelyn are you present? If not, we're going to be moving on to the next person. Nancie Katz.

SERGEANT AT ARMS: Starting time.

NANCIE KATZ: Hi, I'm sorry, I'm sorry, it's my turn Nancie?

COMMITTEE COUNSEL: Yes, go ahead Nancie.

NANCIE KATZ: Okay, okay, hi. So, my name is Nancie Katz, I am the Director of Seeds in the Middle. My request is a little bit out of the box from what everybody else was talking about but when we're talking about public safety, we're also talking about things that we can do that can support the police or make areas more safe and so, we work in Brownsville. One of the churches we work is called the Charity Baptist Church on Walker Street between Belmont and Pitkin. We run school fund farm stands, we run a soccer program for underserved youths in

1  
2     Brownsville and Crown Heights and we've proposed an  
3     education program five days a week for ages K-5 in  
4     the church. The church is volunteering it's space  
5     for not only education but also arts education,  
6     healthy eating, cooking, and building community on  
7     that block.

8             The reason I'm mentioning that block is because  
9     it's one of the most dangerous in the city. The 73<sup>rd</sup>  
10    Precinct is dealing with you know drug gang killings,  
11    a lot of violence and the pastor and his wife, who I  
12    hope will get on here, can't even hold a service in  
13    their church because of all the vagrance around and  
14    the threat of violence. And so, there's a lot of  
15    hopelessness around there and entered a petition, the  
16    Department of Transportation to get more street lamps  
17    up. I don't know when that's going to happen but  
18    that was a direct request of the 73<sup>rd</sup> Precinct  
19    because they said if it was better lit over there  
20    than it would be easier for them.

21            So, I'm coming from the perspective of a not-for-  
22    profit that is trying to empower the community,  
23    create options that could help take back the street,  
24    so to speak. Soccer on the street, an education  
25    program, we also proposed Brownsville moms healthy

1  
2 food store right around the corner of the market and  
3 a wellness area. There's some nice entrepreneurs in  
4 that area. We work with youth. We work with other  
5 organizations. Fortunate Society and –

6 SERGEANT AT ARMS: Time expired.

7 NANCIE KATZ: To engage youth. So, I'm asking  
8 that you please support our asks to the City Council.  
9 We're small but we're very effective and we often are  
10 overlooked because we're so small. That's it, thank  
11 you.

12 COMMITTEE COUNSEL: Thank you for your testimony.  
13 Next, we will be going to Shane Correia. Go ahead  
14 Shane.

15 SERGEANT AT ARMS: Starting time.

16 SHANE CORREIA: Thank you so much and thank you  
17 Chair Hanks and members of a historic New York City  
18 Council for allowing me to testify today. My name is  
19 Shane Correia, I'm the Deputy Director of Government  
20 Partnerships at the Center for Court Innovation.

21 For members who may not know our organization, we  
22 are one that researches and implements justice  
23 reforms, that advanced fairness and effectiveness.  
24 While we use our reach to provide expert assistance  
25 across the nation and the world, the majority of our



1  
2 direct service sites are here in New York City, where  
3 we help improve civil, family, criminal and non-court  
4 based processes touching the justice system.

5 In fact, I have a personal connection to it where  
6 I'm a South Bronx Native and a participant in one of  
7 the programs after two of my siblings were arrested  
8 and deported for felony crimes back in 2002. Which  
9 brings me here to talk to you today about what the  
10 Center for Court Innovation is doing in justice  
11 system reform. Specifically, we're implementing new  
12 approaches for addressing intimate partners violence,  
13 anti-gun violence programming and reducing  
14 unnecessary incarceration through community  
15 supervision.

16 All of which the relevant renewal and expansion  
17 proposals are in our testimony and we'll reach out to  
18 you through our individual services sites to brief  
19 you on. I also want to thank the DA's for their  
20 support of these programs and several of their  
21 letters of support requesting Council's continuation,  
22 expansion and initial funding of our major proposals.

23 Regarding our budget asks, I just want to  
24 highlight a couple of items. One is our ask to  
25 expand our core center funding under the innovative

1  
2 criminal justice initiatives which we use to flexibly  
3 respond to the needs as they arise throughout all  
4 five boroughs. Over the last two years, that's been  
5 everything from pandemic responses to deploy  
6 technology to implementing new methods of gun  
7 responses in the following months during the summer  
8 protests. We ask that this funding be expanded to \$1  
9 million to further empower our direct service  
10 community sites.

11 Similarly, we're asking for the city to continue  
12 its support of the felony alternatives to  
13 incarceration in Brooklyn and expand it to support  
14 the funding in Manhattan where asset forfeiture funds  
15 are dwindling and it's expected to run out in March  
16 of 2023 which is -

17 SERGEANT AT ARMS: Time expired.

18 SHANE CORREIA: Part way through the Fiscal Year.  
19 Thank you and finally, I just want to highlight our  
20 other proposals which we have intersecting with the  
21 general welfare of mental health and substance abuse  
22 committees. Because of our unique position in  
23 prevention response and alternatives to  
24 incarceration, our proposals are driven by where we  
25 see practical opportunities that intersect between

1  
2 what we otherwise understand as sometimes silos and  
3 we hope to bridge those with the support of Council.  
4 Thank you for your time.

5 COMMITTEE COUNSEL: Thank you so much Shane.  
6 Next, we'll turn to Mateo Guerrero-Tabares and I  
7 believe Mateo will be given testimony and then we'll  
8 be translating for a number of individuals as well.

9 So, Mateo, you may give your testimony and then  
10 we'll move on to the other individuals who I believe  
11 are also prepared to testify. Mateo, are you  
12 present?

13 MATEO GUERRERO-TABARES: Yes, I'm right here.

14 COMMITTEE COUNSEL: Okay. Go ahead and then we  
15 could lead into the other folks after you, okay?

16 MATEO GUERRERO-TABARES: Sounds good.

17 SERGEANT AT ARMS: Starting time.

18 MATEO GUERRERO-TABARES: I'm so sorry, my  
19 computer just froze. Uhm, well good afternoon, my  
20 name is Mateo Guerrero-Tabares, and I am the TGNCIQ  
21 Lead Organizer at Make the Road New York. I'm here  
22 testifying on the importance of reallocating the  
23 funds from the Vice units into community programs and  
24 services for impacted communities.  
25

Police have also been following transgender community members around the neighborhoods with flashing lights and forcing them until they get to their homes, to their apartments, and they usually

1  
2 increase the level of harassment around four a.m.  
3 when the clubs are closing in the Jackson Heights  
4 area. This behavior from the Vice units, and in  
5 general from the NYPD is terrorizing and only  
6 continues to instigate fear in our community.

7 Nearly 93 percent of Vice's targets for  
8 purchasing sex are Black, Brown, or Asian, while 90  
9 percent of those targeted for selling sex are people  
10 of color. Almost all the people Vice officers prey  
11 upon are in low-income neighborhoods like Jackson  
12 Heights and 5<sup>th</sup> Avenue in Brooklyn. Under Mayor de  
13 Blasio, New York City has paid more than \$1 million –

14 SERGEANT AT ARMS: Expired.

15 MATEO GUERRERO-TABARES: To settle false arrest  
16 claims by people targeted for patronizing. As Make  
17 the Road New York we demand that the funds that have  
18 been historically allocated to the Vice units are  
19 redirected to community services and programs to  
20 prevent further harassment, assaults, violence, and  
21 criminalization of or trans, queer, nonbinary, and  
22 gender-expansive community members who are sex  
23 workers or perceived as sex workers. Investing in  
24 community safety means investing in health, access to  
25 affordable and permanent housing, legal services,

support for survivors of violence, and in general services that will nourish and protect Trans and queer communities across New York, particularly those that have been victims to the NYPD. Thank you.

COMMITTEE COUNSEL: Thank you Mateo. Do the other individuals who are logged in of your name want to kind of go after you and then you can use the translation for them?

MATEO GUERRERO-TABARES: Yes.

COMMITTEE COUNSEL: Yes, so just name who you want to testify and then go from there. Go ahead.

MATEO GUERRERO-TABARES: [SPEAKING IN OTHER LANGUAGE 6:54:56-6:55:01]

KATHERINE SAL: [SPEAKING IN OTHER LANGUAGE 6:55:02-6:57:50].

MATEO GUERRERO-TABARES: Gracias Katherine [SPEAKING IN OTHER LANGUAGE 6:57:53].

KATHERINE SAL: Yeah.

MATEO GUERRERO-TABARES: Uhm, so, good afternoon, Thank you all for hosting this public safety hearing. My name is Katherine Sal, I am a member of Make the Road New York and I am a trans woman from Guatemala, a resident of Queens, and a sex worker. -

SERGEANT AT ARMS: Time expired.

1  
2 MATEO GUERRERO-TABARES: Two weeks ago, around three  
3 a.m., while I was walking home, there were two White men who  
4 approached me in a black car and asked me "how much do you charge?".  
5 They showed me cash and I told them to stop bothering me because I  
6 knew beforehand that they were undercover officers. They told me to  
7 get in the car," and I decided to ignored them, so they continued on  
8 their own way. These is just one of the many tactics that the Vice  
9 Police squad uses to arrest and criminalize our community. This squad  
10 is not trying to help anyone who is surviving human trafficking, what  
11 this police squad is doing is raiding people they consider to be doing  
12 sex work, which is not under their jurisdiction. And that is why  
13 today, for the first time, I am raising my voice to demand that New  
14 York City transfers the money that has historically been allocated for  
15 the Vice squad and reinvest it in social programs for our community.

16 Many of our sisters who do sex work live in fear of going out to  
17 the streets to work because they might end up arrested, or they might  
18 end up sexually or physically assaulted by the Vice police and it has  
19 happened to many trans women already. New York City needs to invest  
20 in low-income TGNCIQ community and stop criminalizing and deporting us  
21 for being just and deporting us. They need to invest in our well-  
22 being and they need to continue to contribute to the New York economy.

23 It is time to close the gaps and improve on our health,  
24 employment, housing, and services for immigrant TGNCIQ New Yorkers. We  
25 need more resources, no more criminalization. Thank you all.

COMMITTEE COUNSEL: Thank you so much Mateo and please move onto  
the next individual who is going to need translation services as well.  
Go ahead.

MATEO GUERRERO-TABARES: Yup. [SPEAKING IN OTHER  
LANGUAGE 6:59:59-7:00:08].

SERGEANT AT ARMS: Starting time.

1  
2 MATEO GUERRERO-TABARES: [SPEAKING IN OTHER  
3 LANGUAGE 7:00:14-7:00:17].

4 DULCE: Okay. [SPEAKING IN OTHER LANGUAGE  
5 7:00:19-7:02:02].

6 MATEO GUERRERO-TABARES: [SPEAKING IN OTHER  
7 LANGUAGE 7:02:04-7:02:07]. Good afternoon everyone.  
8 Thank you for holding this public safety hearing. My  
9 name is Dulce. I am a member of Make the Road New  
10 York and I am a trans person from El Salvador, an  
11 immigrant, and a resident of Queens and also a sex  
12 worker.

13 The Vice unit has criminalized many of my  
14 community members for many years, especially my trans  
15 sex worker sisters, who have been deported for raids  
16 and wrongful arrests made by the Vice squad. I am  
17 here to raise my voice and make it clear that New  
18 York City needs to dismantle the Vice Police Units.  
19 I demand that New York City, and the new Mayor Eric  
20 Adams, stop providing more money to the Vice units  
21 and instead invest in our communities. The rate of  
22 discrimination in unemployment, food insecurity,  
23 trauma, unstable housing and police abuse are issues  
24 that are little heard of, but a reality that we face  
25 in my community very often.



1  
2 Many of our community members are at increased  
3 risk for anxiety, depression, suicide, low life  
4 satisfaction, self-harm, isolation, PTSD, HIV, and  
5 incarceration. And that is a reason why it is  
6 necessary to invest in programs for our communities  
7 and stop investing in —

8 SERGEANT AT ARMS: Time expired.

9 MATEO GUERRERO-TABARES: Police squads that  
10 constantly harass our community and use racist and  
11 sexist tactics to criminalize us and put barriers in  
12 our futures. These raids and arrests lead to  
13 barriers to obtaining a decent job, housing and being  
14 able to fix our immigration status.

15 So it's time for New York City to transfer the  
16 money that has been historically been allocated for  
17 the Vice squad and reinvest it in social programs for  
18 our communities. Thank you.

19 [SPEAKING IN OTHER LANGUAGE 7:03:49-7:04:03]

20 Uhm, if we can unmute Roselyn Martinez, the person  
21 who is raising her hand. She is the other person who  
22 I am interpreting for.

23 COMMITTEE COUNSEL: Yes, one second.

24 MATEO GUERRERO-TABARES: Thank you so much.

25 SERGEANT AT ARMS: Starting time.

COMMITTEE COUNSEL: Roselyn, I'm requesting to unmute you, can you please click unmute?

MATEO GUERRERO-TABARES: [SPEAKING IN OTHER LANGUAGE 7:04:35-7:05:09]

COMMITTEE COUNSEL: Hey, Mateo, are we okay moving onto the next person. We can come back to her once we figure out the muting situation?

MATEO GUERRERO-TABARES: I have her testimony and I will read her testimony in English.

COMMITTEE COUNSEL: Okay.

MATEO GUERRERO-TABARES: [SPEAKING IN OTHER LANGUAGE 7:05:35-7:05:37]. Okay, good afternoon, thanks to the City Council for creating this Public Safety Hearing. My name is Roselyn, I am a leader on the Trans Immigrant Project at Make the Road New York. I identify as a transgender woman and I am here today to share my testimony about my interactions with the police.

In 2019, I was arrested by the police, as they mistook me for another person they were looking for. When they saw the photo they had of the person and compared it to me, they realized that I was not the person they were looking for, but they still decided to arrest me and take me to jail. The police were

1  
2 targeting me only based on my gender identity, and as  
3 a result they charged with sex work.

4 I have no doubt that the police patrol that  
5 arrested me is one of Vice's squads. Vice is a  
6 police unit that has been responsible for harassing  
7 and raiding people who they believe are doing sex  
8 work. Vice hides under the guise of supposedly  
9 helping people who are surviving human trafficking,  
10 but in reality what they do is persecute and harass  
11 people who are sex workers or who are perceived as  
12 such.

13 So it's time for New York City to transfer the  
14 money that has historically been allocated for the  
15 Vice squad of the police and reinvest it in social  
16 programs for our community. Our communities don't  
17 need more arrests or police raids, we need access to  
18 affordable housing, health, job training programs and  
19 legal services. Thank you for your time. We demand  
20 more resources, not more raids.

21 COMMITTEE COUNSEL: Thank you so much Mateo.  
22 Next, we'll move onto Andy Bowen followed by Salma  
23 Andrews. I believe Salma is also going to be  
24 translating for some individuals on her end as well.  
25

1  
2 So, Andy, you may go ahead and then we will move on  
3 from there.

4 ANDY BOWEN: Thank you. Thank you Chair Hanks,  
5 Council Members and staff for making this hearing  
6 possible. My name is Andrea Bowen and I'm Associate  
7 Director of Government Affairs for the Sex Workers  
8 Project of the Urban Justice Center or SWP.

9 SWP in collaboration with and guided by impacted  
10 communities offers legal advocacy to survivors of  
11 human trafficking and people who engage in sex work  
12 regardless of whether they do so by choice,  
13 circumstance, coercion.

14 I want to focus on two budget issues today.  
15 First noting that the NYPD Vice division does not  
16 need to be funded at the \$18.2 million level but it  
17 has been funded at in the last previous several  
18 fiscal years. Vice arrests are down but Vice  
19 harassment of BIPOC and transgender communities has  
20 still occurred even since the expose of Vice in  
21 December 2020.

22 Following the Mayor's desire to eliminate pro-  
23 utilized government funds, we ask that Vice not  
24 continue to be funded at its level of \$18.2 million.  
25 What would be helpful to sex workers in the

1  
2 communities they have worked in is using funding,  
3 ideally by repurposing \$10 million from the Vice  
4 budget to better serve the actual needs of sex worker  
5 communities.

6 It is critical for the city to establish a  
7 physical center which would aid an accessibility to  
8 services and community building for sex workers,  
9 message workers and trafficking survivors. There are  
10 many organizations that are trusted by the impacted  
11 communities and we aim to work with these communities  
12 and let the city know where to put the funding.

13 Friends of mine will be providing more details  
14 about their experiences with Vice through the years  
15 and also the need for community services for sex  
16 workers, former sex workers and trafficking  
17 survivors. Some of my friends have already  
18 testified.

19 Thank you so much Chair Hanks and Council Members  
20 and staff very much for your attention to these  
21 issues, holding these hearings, making the  
22 translation possible and constantly being in  
23 conversation with marginalized communities to address  
24 longstanding and ongoing injustice.  
25

COMMITTEE COUNSEL: Thank you for your testimony. Salma Andrews, are you testifying on behalf of yourself or also translating?

SALMA ANDREWS: Just by myself. I'm going to help somebody else to translate.

COMMITTEE COUNSEL: Okay.

SALMA ANDREWS: Okay, uh, thank you. Thank you Chair Hanks and members of the Council and staff who help make this hearing happen. And I am testifying for the requests made by many others today to ensure that \$10 million Vice budget is appropriated and repurposed to better serve the real needs of sex worker communities. And I want to tell you about my experience with New York Police Department and people in need of community services, to show what is the needs.

My name is Salma Marmolejo, and I'm a Mexican trans woman living in New York City and I'm currently part of the Sex Worker Project, which I have discovered and realized the number of needs we have for not having employment opportunities, housing, legal services, medical services, mental health, and job opportunities, also opportunities to go to school and the help of these funds would be

1  
2 very useful to create spaces that train us and  
3 protect the vulnerable group of sex workers of New  
4 York.

5 We have many dangers outside, example angry,  
6 violent, dangerous customers and domestic violence.  
7 Having more resources and funds to ensure greater  
8 safety for sex workers will help them helping us have  
9 a better quality of life.

10 SERGEANT AT ARMS: Time expired.

11 SALMA ANDREWS: And thank you for listening to  
12 hear my story and thank you Chair Hanks, and I hope  
13 you will support the request to repurpose the \$10  
14 million from the New York Police Department to  
15 address the real needs in sex worker community.  
16 Thank you.

17 COMMITTEE COUNSEL: Thank you so much for your  
18 testimony. Salma, is there any other individuals who  
19 you are translating on behalf of after this?

20 SALMA ANDREWS: Uh, there's somebody else here.

21 COMMITTEE COUNSEL: If there's someone else who  
22 you want to translate on behalf of, you can do that  
23 now.

24 SALMA ANDREWS: Uh, sure, yeah, she's here.

25 COMMITTEE COUNSEL: Okay.

1

2

SALMA ANDREWS: But she don't want to be on —

3

COMMITTEE COUNSEL: That's fine. That's fine.

4

Just go ahead. Yes, that's fine.

5

SALMA ANDREWS: Thank you.

6

COMMITTEE COUNSEL: You may begin. Afterwards,

7

we're going to Ravi Reddi. So, just Ravi Reddi, I

8

see you.

9

[SPEAKING IN OTHER LANGUAGE 7:12:51-7:14:54]

10

SALMA ANDREWS: Thank you Chair Hanks. I'm going

11

to testify for the request made by many others today,

12

to ensure that \$10 million of the New York Police is

13

appropriated and repurposed to better serve the real

14

needs of sex worker communities. My name is Jennifer

15

and I am a sex worker and a trans woman working on

16

the streets in Queens. I have seen police pose as

17

clients so they can trick us into arresting us.

18

Sometimes when we are walking on the street the

19

police trick us into incriminating ourselves. For

20

example, once when I was walking on Roosevelt Avenue,

21

a police officer told me "where do you live?" and I

22

told him that I live in 108 Street. Then he told me

23

that I was charging \$108 for sex work. And he

24

arrested me. I know that the police in New York

25

continue to do those kinds of tricks on sex workers.



1

SERGEANT AT ARMS: Time.

2

3

SALMA ANDREWS: And I would like to see more resources for sex workers in our city, for example assistance finding employees, because many of us from the transgender community who suffer discrimination in employment and have to do the sex work. We need to help find better jobs and to be accepted. Thank you.

4

5

6

7

8

9

10

COMMITTEE COUNSEL: Thank you so much for your testimony and thank you for the translations as well. Next, we will hear testimony from Ravi Reddi followed by Mon Yuck Yu and Yafa Diaz. Ravi, you may begin when you are ready.

11

12

13

14

15

SERGEANT AT ARMS: Starting time.

16

17

18

19

20

21

22

23

24

25

RAVI REDDI: Thank you so much. I want to thank Chair Hanks and the Council Members of this Committee for holding this hearing. I'm sure it's been an endurance but we deeply value this time. My name is Ravi Reddi and I am the Associate Director of Advocacy and Policy at Asian American Federation.

The Stop AAPI Hate platform collected over 9,000 reports of anti-Asian hate incidents from March 2020 to June 2021 from all 50 states. In NYC, there were more than 2,170 incidents collected by AAF and our

1  
2 partners. Only a fraction of which were reported to  
3 the NYC. We're hearing that there is already an  
4 underreported of almost 70 percent, which can be  
5 easily explained by systemic factors impacting  
6 competence in reporting to government institutions.  
7 Recent murders in our community unfortunately across  
8 our city, assaults in all of your districts only  
9 highlight the trauma that our community is navigating  
10 in real time.

11 Our own Hope Against Hate Campaign is working  
12 toward immediate safety for Asian New Yorkers as  
13 you'll hear from our colleagues Mon Yuck Yu from  
14 AMPHS and Yappa Diaz from AAA NY. These programs are  
15 helping tens of Asian led, Asian serving nonprofits  
16 provide the safety services, our most vulnerable  
17 community members have been demanding. Like safety  
18 ambassador programs and Asian enclaves across the  
19 city and multilingual victim support services,  
20 including mental health support. From the creation  
21 of safety pamphlets and resources to providing  
22 culturally competent mental health care, our  
23 organizations, our member organizations are the  
24 experts on the ground and they deserve your  
25 attention. They deserve to be prioritized with

1  
2 funding. So, we're asking for City Council to invest  
3 in and prioritize Asian led, Asian serving community  
4 based organizations like AMPHS and AAA NY that are  
5 already doing the work in a linguistically and  
6 culturally competent manor. They are the experts on  
7 the ground and programs like Our Hope Against Hate  
8 Campaign deserve full support and funding.

9       Secondly, we are asking for you to invest in the  
10 creation of a well-coordinated network of mental  
11 health support for vulnerable Asian immigrants that  
12 prioritize this collaboration between formal systems  
13 and the Asian nonprofits who are the experts on the  
14 ground in delivering culturally competent services.

15       SERGEANT AT ARMS: Time expired.

16       RAVI REDDI: We have been working together with  
17 the City Council and members of the Committee to  
18 expand access to response to mental healthcare for  
19 the most vulnerable members of the Asian community.  
20 A response system and network that doesn't overly  
21 rely on NYPD and prioritizes our organizations as the  
22 experts they are. Thank you.

23       COMMITTEE COUNSEL: Ravi, thank you so much for  
24 your testimony. We're going to actually go back to  
25 Evelyn Graham-Nyassi, who we missed over earlier

1  
2 followed by Mon Yuck Yu and uhm Yaffa Diaz. I  
3 apologize for the little detour here but I wanted to  
4 accommodate that individual. Thank you Evelyn.

5 EVELYN GRAHAM-NYASSI: Thank you for allowing me  
6 to speak. I'd like to thank the City Council  
7 Committee on Public Safety for allowing me this  
8 opportunity to speak to you today. I will be talking  
9 about correct crisis intervention today, which is a  
10 broad coalition of peers that's individuals with  
11 lived mental health experience, service providers,  
12 advocacy organizations and other advocates committed  
13 to disability and racial justice.

14 We launched CCIT in 2012 with the aim to end  
15 trauma, abuse injuries and even violent deaths. Our  
16 goal is to remove police from mental health crisis  
17 responses and instead institute a peer driven health  
18 response.

19 Now, let's fast forward to 2017-2018. And 25  
20 years after my last hospitalization, I was sitting on  
21 my sofa where there was a knock at my door. When I  
22 opened the door, there were eight to nine police  
23 officers in the hallway. A police officer told me  
24 that someone from my home had called 911 and said I  
25 had a knife. He then said that I had to go with him

1  
2 and to bring my medication. I was afraid of cops and  
3 I knew what they would do to me, so I grabbed my coat  
4 and medication. I was escorted outside and the  
5 police officer asked me if I wanted to go in the  
6 police car or ambulance?

7 I chose the ambulance because I didn't want to go  
8 to jail. I was taken to Bellevue Hospital and  
9 dropped off. They put us in a locked room where  
10 people were screaming and yelling. We were locked up  
11 like animals. I asked for my high blood pressure  
12 medication, which is very important but I was ignored  
13 and sent back to my seat. It was after Martin Luther  
14 King Juniors birthday weekend so nothing would be  
15 done until Tuesday. I was angry that I was lied to.  
16 Angry that I was lied on. I was angry that I was  
17 taken to Bellevue Hospital and angry that I was stuck  
18 there until Tuesday.

19 And then when Tuesday finally arrived, I was  
20 taken upstairs to the ward and wasn't released until  
21 two weeks later. After being home for a year, I put  
22 in an application for Highway to Harm Advocacy Center  
23 to be trained as a PS Specialist.

24 SERGEANT AT ARMS: Time expired.  
25

1  
2       EVELYN GRAHAM-NYASSI: Oh, time? A person who  
3 has been successful in the recovery process and is  
4 able to work with others diagnosed with a mental  
5 illness, I learned motivational interviewing, active  
6 listening, interpersonal communication, cultural  
7 competence group facilitation and more.

8       The program lasts for 20 weeks and I had to do a  
9 12-week internship. I say that to say that peers can  
10 be trained and be used to help others who are  
11 experiencing a mental health crisis response. Yes,  
12 so we thank you for allowing me to speak. Thank you  
13 sir.

14       COMMITTEE COUNSEL: Thank you so much for your  
15 testimony. We'll now go back to Mon Yuck Yu.  
16 Apologies for the interruption there. You may begin.

17       SERGEANT AT ARMS: Starting time.

18       MON YUCK YU: Good Afternoon. My name is Mon  
19 Yuck Yu, Executive Vice President and Chief of Staff  
20 at the Academy of Medical and Public Health Services  
21 or AMPHS. Thank you, Chair Hanks, for the  
22 opportunity to testify.

23       AMPHS is a not-for-profit public health  
24 organization in Sunset Park, which is a primarily  
25 Chinese and Latino community and we work to bridge

the health equity gap among communities of color through individualized health education, social services, and preventative health services, free of cost and regardless of immigration status.

Over the past two years, much of our work has included addressing rising anti-Asian hate crimes against our community. Mei is a visually impaired, undocumented immigrants and lives alone. She is scared to leave her home after someone tried to push her on the streets. One of the few ways that she can find solace is calling AMPHS' Community Health Worker and speaking with her in Mandarin to resolve her challenges, from seeking public benefits to connecting her with safety accompaniment volunteers for her daily activities.

After having sought free bilingual mental health services for years and struggling with anxiety, she finally found assistance through us. She is also taking virtual self-defense classes with us, and has finally felt comfortable with going outside, despite her continued fears. Our Asian communities are feeling the stress of racism and harassment every day when they ride the subway going to work. There is a 339 percent spike in anti-Asian hate crimes

1  
2 nationwide since last year, with many more cases  
3 going unreported. Sunset Park, Brooklyn is the  
4 neighborhood with the highest reported rates of hate  
5 crimes in New York City.

6 Just this past week, we remembered the one-year  
7 anniversary of the fatal Atlanta shootings. The list  
8 of victims who were stabbed, pushed, assaulted, shot,  
9 and called racial slurs goes on. Every day, they  
10 live in fear that when they or their loved ones go to  
11 school or visit the doctor, they might not return.  
12 Seniors are afraid to leave their homes; instead,  
13 they live in solitude, sometimes even missing  
14 critical healthcare appointments. There is an  
15 unspoken fear that they will be next.

16 We would like to thank the City Council for its  
17 historical support of funding through the AAPI  
18 Community Support Initiative. The City Council must  
19 continue and enhance funding for the initiative to  
20 continue supporting this work, in addition –

21 SERGEANT AT ARMS: Time expired.

22 MON YUCK YU: To supporting more organizations  
23 through the Hate Crime Preventions Initiative. The  
24 Initiative has allowed us to support our Campaign  
25 Against Hate, where we offer free short to middle



1  
2 term bilingual mental health counseling, support  
3 groups, and self-defense classes and  
4 upstander/bystander intervention workshops for our  
5 most vulnerable community members, including women  
6 and children. There is also currently a three-month  
7 waiting list for mental health services, as community  
8 members continue to experience loss, isolation, and  
9 anxiety.

10 As a partner of Asian American Federation's Hope  
11 Against Hate campaign, we are providing community  
12 businesses with safe zones training so businesses  
13 that can serve as safe spaces to help targeted  
14 individuals with immediate resources and reporting.  
15 We are also providing safety accompaniment services,  
16 where volunteers trained in upstander intervention  
17 accompany vulnerable residents to conduct everyday  
18 activities.

19 Finally, we are offering solidarity-building to  
20 help our communities build mutual understanding and  
21 stand up for one another. AAPIs are now 18 percent of  
22 the city and growing and we can no longer be  
23 invisibilized. We appreciate your support to  
24 continue this critical work because we know that this  
25 public safety crisis will not end until we can come

1  
2 together as a community to proactively prevent and  
3 address the violence against our communities. Thank  
4 you.

5 COMMITTEE COUNSEL: Thank you so much for your  
6 testimony. Bear with me for a second while we kind  
7 of figure out who's the next panel. Uhm, okay, I  
8 believe the next panel will be kay, yes. The next  
9 panel will be Alex Mojica followed by Anthony Morales  
10 followed by Keyanna Bernard followed by Crystal Reyes  
11 followed by Solema Dominguez and Kevin Fore. So,  
12 Alex, are you on the Zoom and ready to testify?

13 ALEX MOJICA: Yes, I'm here.

14 COMMITTEE COUNSEL: You may begin.

15 SERGEANT AT ARMS: Starting time.

16 ALEX MOJICA: Good afternoon everyone. My name  
17 is Alex Mojica, I am a senior at Bronx Academy for  
18 Software Engineering. I live in Council District 15.  
19 I'm a Youth Leader with [INAUDIBLE 7:26:35] United  
20 and the Urban Youth Collaborative. I like many  
21 students in the Bronx attend a school with more  
22 police than guidance counselors, more police than  
23 social workers, more police than gender neutral  
24 bathrooms.

1  
2 Every morning as I get to school, I have to empty  
3 my pockets and hear the cops yell, belts, keys,  
4 change, watch, wallets. I have to walk through a  
5 metal detector, be stopped and be questioned about  
6 any bit of metal on my body.

7 As I go through these metal detectors and get  
8 intimidating looks from the police, I feel less than  
9 human. I feel angry, annoyed and hurt that I am not  
10 seen as a student but as a criminal as I walk through  
11 the front doors in my school. The 18-months of  
12 virtual classes had had a major impact on my mental  
13 health and I'm sure many of my peers can relate.

14 We as students have had to endure this pandemic.  
15 We suffered the loss of family members, friends, loss  
16 of incomes, stability and even loss of homes but why  
17 when schools opened up I was greeted by police at the  
18 front door. Why did my school not hire a new social  
19 worker or transfer a justice coordinator right away?

20 As young people, we need support. We cannot  
21 attend schools that are over policed and under  
22 resourced. The Bronx cannot continue to be our  
23 elected officials playground. We will not accept  
24 another pilot program that is not in the best  
25 interest of our people. So, we will not accept Mayor

1  
2 Adams new proposal to upgrade invasive surveillance  
3 equipment in our schools and communities. Our call  
4 for police free schools is a call for an investment  
5 in all of us, so we call on elected officials to  
6 listen to our vision and act on our behalf. Our  
7 priorities center BIPOC and LGBTQ folks. What do you  
8 think you are centering when you vote for a budget  
9 that criminalizes us in the streets and in our  
10 schools? Mayor Adams's budget continues to fund the  
11 school to prison pipeline and funds Black and Latinx  
12 youth arrests and continues negative interaction with  
13 police in our schools and communities.

14 This budget is not the budget we call for because  
15 we would never invest \$450 million on school police.  
16 We would never invest millions of —

17 SERGEANT AT ARMS: Time expired.

18 ALEX MOJICA: And we would never fund racism.  
19 Instead, our budget this year calls for \$75 million  
20 to hire 500 new social workers, \$75 million to hire  
21 500 new counselors, and \$5 million baseline funding  
22 for mental health continuum and many other things  
23 that we actually need.

24 Today, we call for a real investment in us.  
25 Thank you.

COMMITTEE COUNSEL: Alex, thank you for your testimony. Next, we will hear from Anthony Morales followed by Keyanna Bernard. Anthony, you may begin when you are ready.

SERGEANT AT ARMS: Starting time.

ANTHONY MORALES: My name is Anthony Morales; I live in Staten Island and I'm in 10<sup>th</sup> grade and I'm a Youth Leader at Make the Road New York and the Urban Youth Collaborative. I'm here today testifying because after years of us campaigning for police free schools, it is a slap in the face to return back to schools and still see school police and learn that the Mayor and Chancellor are already talking about hiring for these empty school positions.

This is all while the Mayor is allowing the years education budget to drop by \$1 billion instead of divesting money from policing to make up for it. I was excited to be in high school but my freshman year was not how I imagined it to be. When the pandemic hit, it make me realize that my school and all schools across New York City were not equipped to deal with the situation like this one.

Coming from middle school to my first day of high school was disorganized and stressful because I was

1  
2 not informed by any staff about my school schedule  
3 nor emotional support that was available to deal with  
4 my anxiety from the pandemic. I became aware that  
5 there was a lack of funding for social, emotional and  
6 mental health support for students.

7 To me and probably to many students, the lack of  
8 resources is a nightmare. We have to stop spending  
9 money on policing schools. Hiring new school police  
10 is not what young people like myself want. For  
11 years, we have been extremely vocal about removing  
12 police out of our schools. We have been demanding to  
13 relocate that funding from policing students to  
14 emotional, social and mental health supports.

15 There are more school police across New York City  
16 schools than social workers, guidance counselors and  
17 school nurses available for one million students.  
18 Every time students of color like myself walk into a  
19 school building, we have to go through metal  
20 detectors. We get treated as the problem but we  
21 aren't the problem. Racist policies are the problem.  
22 It is more infuriating that school police constantly  
23 watch us Black and Latinx students and are ready to  
24 punish us for any minor mistake we make. In mostly  
25 White schools, where there are fewer school police,

1  
2 students are constantly surveilled and any mistake  
3 that are seen are treated as opportunities to learn  
4 from, not reasons to be punished for.

5 Now, more than ever we need everyone to listen  
6 and stand by us. We need guidance counselors that  
7 can help us be on track. We need student success  
8 centers that can make the process easy, less  
9 stressful and less scary.

10 SERGEANT AT ARMS: Time expired.

11 ANTHONY MORALES: We need staff on our side that  
12 will make us feel safe and supported. I want to be  
13 welcomed at a school building that prioritizes  
14 students' needs and well-being, not criminalizes just  
15 because of their skin color. New York City must  
16 spend \$75 million to hire restorative justice  
17 coordinators in 500 high schools and \$45 million to  
18 implement restorative justice practices.

19 Unlike policing, restorative practices seek to  
20 address the root cause of the harm. It would look at  
21 youth like me as a person rather than potential  
22 problem. Thank you for your time.

23 CHAIRPERSON HANKS: Hi Anthony, what school, high  
24 school do you go to?

25 ANTHONY MORALES: I go to Wagner.

CHAIRPERSON HANKS: Okay, I'll be checking in on you. Thank you for your testimony.

ANTHONY MORALES: Thank you.

COMMITTEE COUNSEL: Thank you for your testimony Anthony. Next, we will receive testimony from Keyanna Bernard followed by Crystal Reyes followed by Zelema Dominguez and Kevin Fuller.

SERGEANT AT ARMS: Starting time.

KEYANNA BERNARD: Hello, my name is Keyanna. My pronouns are she, her and I'm a high school senior in Brooklyn. I'm one of the core member youth leaders at Make the Road New York and I am the Youth Leader at the Urban Youth Collaborative. This new school year after 18 months of being at home doing remote learning reminded me on my return how stressful it is to have to wait for an hour just to get into school.

On one of the coldest days of the year, I had an AP Biology test and one of the school metal detectors broke. 500 students had to go through one single metal detector and many of us were left out in the cold shivering, desperately waiting to go through the metal detectors and head to our classes.

Imagine how you would feel waiting outside in the midst of the winter season for more than an hour.



1  
2 Unfortunately for me, I didn't have an hour to take  
3 that test. I had one single hour and because of a  
4 broken metal detector and a broken sense of how  
5 schools treat their students, I missed the most  
6 important test in the single most difficult and  
7 unforgiving class I have ever taken.

8       It also doesn't help that there are 15 to 20  
9 school police on my campus. I've seen every single  
10 one of them but I don't know where to go to see a  
11 therapist, nurse or social worker in my school.  
12 There are so many better ways to spend the \$450  
13 million the city spends on school police. It's  
14 unjust that students of color have so many  
15 adversities they still have to overcome. School  
16 police are put in schools that have a majority of  
17 Black and Brown students. This over policing force  
18 more students of color to interact with police.  
19 Leading them into the school to prison/deportation  
20 pipeline.

21       This is not right. I am fighting for a future  
22 where my seven-year-old sister doesn't have police in  
23 her schools, as she does now and she is easily able  
24 to access any support she may need. We demand you  
25 treat students with the respect they deserve by



Darren Mack, and Kelly Grace Price. Crystal, you may go ahead.

SERGEANT AT ARMS: Starting time.

COMMITTEE COUNSEL: Crystal, I see you're logged in at two names, are you present currently? Okay, we will move on to the next panelist will be Zelima Dominguez followed by Kevin Fuller.

SERGEANT AT ARMS: Starting time.

COMMITTEE COUNSEL: Uhm, we'll move onto the next panelist. Kevin Fuller, are you present? Okay, we will loop back to you if you join and are available.

Next, we will hear from uh, Leo Ferguson followed by Darren Mack followed by Kelly Grace Price.

SERGEANT AT ARMS: Starting time.

LEO FERGUSON: Good afternoon Chair Hanks and Council Members. My name is Leo Ferguson and I am the Director of Strategic Projects at Jews for Racial Economic Justice. I am testifying on behalf of our organization and our partners in the NYC Against Hate Coalition. I'm here to talk about the tragic increase in hate violence plaguing our city.

In FY20, the City Council funded the Hate Crimes Prevention Initiative at approximately \$1.7 million. This initiative provides resources to community-based

1  
2 organizations to engage in culturally competent hate  
3 violence prevention and education.

4 In the years following, that already low level of  
5 funding has been cut repeatedly despite skyrocketing  
6 levels of violence – directed at Jewish, Asian, LGBTQ  
7 New Yorkers and others. Instead, the city has poured  
8 resources into the NYPD's Hate Crimes Taskforce and  
9 focused on prosecutions intervening after a crime has  
10 already occurred and sometimes arresting children as  
11 young as 13 or 14. This approach is neither just nor  
12 an effective way to prevent violence.

13 We already heard that the taskforce only made  
14 arrests in 50 percent of cases earlier today. But  
15 based on recent reporting by the city, only 15  
16 percent of that 50 percent even resulted in a hate  
17 crimes conviction, just 87 people over five years.

18 One of the nice things about long hearings is  
19 that I had time to do some rough math. Based on what  
20 we heard from the NYPD earlier in that same five year  
21 period, we would have spent approximately twenty  
22 million, four hundred and sixty thousand dollars on  
23 the hate crimes taskforce and that's probably a low  
24 number.

1  
2 Compare that to the embarrassingly tiny amount  
3 the city is spending on OPHC, the Hate Crimes  
4 Prevention Initiative and Hope Against Hate and  
5 you'll see that truly effective violence prevention  
6 at the community level has been wildly under  
7 resourced in our city and the Jewish community, the  
8 Asian community and all New Yorkers have been short  
9 changed. This is especially frustration since data  
10 shows that hate crimes laws do not in fact deter  
11 violence. Hate crimes enforcement displayed by the  
12 same racial disparities that define the rest of our  
13 criminal legal system and many of the communities  
14 most directly impacted by immigrants, undocumented  
15 New Yorkers, trans New Yorkers, Black New Yorkers,  
16 and others are also least likely to contact the NYPD  
17 for understandable reasons.

18 SERGEANT AT ARMS: Time expired.

19 LEO FERGUSON: The city's current budget  
20 priorities are not as serious response to the  
21 terrible problem we face. We are seeking an  
22 expansion of funding for programs like HCPI and Hope  
23 Against Hate that fund prevention at the community  
24 level and other non-carceral bridges. We urge the  
25 City Council to stop wasting precious resources so

the NYPD and DA's can play antisemitism whack a mole and instead make a transformative investment in preventing hate violence in communities at scale.

Thank you Chair Hanks and members for the opportunity to testify.

COMMITTEE COUNSEL: Thank you so much for your testimony Leo. Next, we will hear from Darren Mack followed by Kelly Grace Price. Darren, are you on the line? Kelly, are you on the line?

KELLY GRACE PRICE: I'm here, hi, can you hear me?

COMMITTEE COUNSEL: Yes, we can. Go ahead.

KELLY GRACE PRICE: I'm sorry to scream. I'm so sorry, it's been such a long day of hearings. I know you can relate.

Uhm, okay, I have my testimony right here if you don't mind, I'm just going to pull it up. This is Kelly Grace Price from Close Rosies. I just want to thank the Committee always for letting the public contribute to these budget hearings. I've already submitted my written testimony and I know that time is short, so if you don't mind, I'm just going to go over the five main points that I made in my written

1  
2 testimony. And I'd like to put extra emphasis on the  
3 fifth point.

4       The first thing that I really want to do is  
5 support the public defenders call for parity in  
6 budget. I cannot emphasize this enough. They need  
7 staff parity in their salary budgeting and also in  
8 the tech and the tools that they are able to gather  
9 and to work with. They're so far behind the DA's  
10 offices. I heard the Brooklyn DA's Office ask for  
11 two more forensic techs for their tech lab and let me  
12 tell you, the Legal Aid Society would give an -- I  
13 don't speak for them but I work with them and I feel  
14 like they would give an eye tooth to have two techs.  
15 They don't even have a tech.

16       So, I really want to emphasize that. I don't  
17 want to take up all my time but I cannot emphasize  
18 that enough.

19       I also, I'd like to kind of dress down the Bronx  
20 DA a little bit and I put extensive written testimony  
21 that I've already submitted. I've already added that  
22 my level of frustration with the Bronx DA over her  
23 dropping the case of the Rikers Physicians Assistant  
24 Dr. Hanzie is so egregious and her excuse that she  
25 couldn't meet the discovery mandates of Albany is

1 just so opaque. She brought that prosecution in 2017  
2 and the discovery laws did not kick in until 2020.  
3 I've included at nauseum emails between myself and  
4 her office from 2018 until 2021 about this case and  
5 you'll see that it was not a discover issue. There's  
6 a lot more going on with that and I would really  
7 appreciate this Committee trying to dive down to the  
8 bottom of what goes on with cases like that. That  
9 physicians assistant was indicted on 43 counts of  
10 rape.  
11

12 SERGEANT AT ARMS: Time expired.

13 KELLY GRACE PRICE: And he's still roaming  
14 around. The one thing, if you just give me 30  
15 seconds. I really want to emphasize is that it would  
16 be great if this Committee could really dig into what  
17 the DA's and NYPD are doing with their forensic tech  
18 labs. Cell Bright, how much are they spending? I  
19 put in my testimony uhm, my great desire to have a  
20 new Council Member take up former Council Member  
21 Dromm's Intro. 2266. We'd like to get to the bottom  
22 of the property that DA's and the NYPD specifically  
23 DA's are holding and what kind of data is being  
24 extracted from devices that the DA's are holding.  
25 How long they are keeping that data?



1  
2 I appreciate you giving me the extra time. I'm a  
3 little tired of the sound of my voice. I've already  
4 submitted my testimony. Please Council Member Cabán,  
5 Council Member Adams, I really need a sponsor for  
6 2266. I'd like to make this essential focus. Thank  
7 you so much for listening. Kelly Grace Price, Close  
8 Rosies.

9 COMMITTEE COUNSEL: Thank you so much for your  
10 testimony Kelly. Uhm, Darren Mack, I believe, have  
11 you returned?

12 DARREN MACK: Yes, yes, sorry about that.

13 COMMITTEE COUNSEL: No worries, go ahead.

14 DARREN MACK: Okay.

15 SERGEANT AT ARMS: Starting time.

16 DARREN MACK: Thank you Chair Hanks, members of  
17 the Public Safety Committee. My name is Darren Mack,  
18 I'm a Co-Director at Freedom Agenda, which is an  
19 organization dedicated to organizing directly  
20 impacted people in their communities to achieve  
21 decarceration, a system transformation. I'm also a  
22 member of the Commission or Reinvestment in the  
23 Closer of Rikers Island, established by Local Law  
24 193. And this Commission is charged with ensuring  
25 significant reinvestment recommendations made in

1  
2 vulnerable communities disparity and historically  
3 impacted by mass incarceration.

4       So, research and data have shown a significant  
5 percentage of individuals impacted by the criminal  
6 legal system reside in historically under resourced  
7 neighborhoods in New York City and we know that the  
8 most resourced communities are the safest  
9 communities. And one question that always arises you  
10 know around a budget is where will the city get the  
11 funding from? And I want to direct you know  
12 everyone's attention to the New York City Department  
13 of Corrections which has the highest DOC budget in  
14 the country. The proposed Fiscal Year 2023 DOC  
15 budget is \$2.679 billion.

16       We spend the most money in DOC and get the worst  
17 results. Yesterday another person passed away in  
18 DOC's custody, George Pagan, who had \$1,000 bail and  
19 only spent less than one month in DOC custody and  
20 lost his life.

21       So, to be clear, we want programs and services  
22 that people held at pretrial detention continue to be  
23 funded to meet their basic needs, however, we want to  
24 be strategic in right sizing DOC's bloated budget and  
25 keep areas and simultaneously be strategic in

reinvestments in the things that people are asking for today.

So, you know good jobs can and do exist outside of law enforcement. You know the choice to invest so much in New York City's budget and policing.

SERGEANT AT ARMS: Time expired.

DARREN MACK: Uhm, has meant that you know -- that has become a path to the middle class for many people of color but the city can make a choice you know to invest in human services.

And lastly, I want to say that you know I urge City Council to deflate DOC's bloated budget and we'll be able to reinvest those resources to fund all those things that the young people were asking for today and more and thank you for allowing me to read my testimony. Thank you.

COMMITTEE COUNSEL: Thank you so much for your testimony Darren. I'm going to read off a couple names here and you all can just bear with me as we kind of get folks on. Uhm, next up will be Adeyemise Oni followed by Amber Khan, followed by Divad Durant followed by Jonathan Salazar followed by Kercena Dozier and Peter Ronk.

1  
2 Uhm, if your name was just called, please – okay,  
3 I see, go ahead.

4 SERGEANT AT ARMS: Starting time.

5 ADEYEMISE ONI: Yes, good afternoon Chair Hanks  
6 and the members and staff of the Committee on Public  
7 Safety. My name is Adeyemise and I am a Youth  
8 Organizer and Program Participant at Growth for  
9 Gender Equity. We are offering testimony today to  
10 uplift our demands for police free schools.

11 Exposure to constant police presence outside and  
12 inside schools make students feel unsafe and  
13 intimidated walking into school buildings. Metal  
14 detectors and officers with guns and the authority to  
15 enforce harm won't help address the issues students  
16 are facing today.

17 Considering the fact that students spend the  
18 majority of their time in school, they deserve to  
19 feel wanted, welcomed and safe without tactics of  
20 control and intimidation. When students enter the  
21 school building, they should be greeted by teachers,  
22 counselors and other school aids that care about the  
23 social, physical and mental wellbeing of these  
24 students they are engaging and teaching with.  
25

1  
2 All the money gone into SSA's should be cut and  
3 invested back into the schools and communities that  
4 need them to advance a positive social climate.

5 Decision makers have the opportunity to work together  
6 to create the future leaders of today. That starts  
7 with more funding that goes towards hiring more  
8 social workers and therapists, along with having  
9 academic and social after school programs that  
10 support students and updated accessible technology.

11 As a former student in New York City public  
12 school, I had the opportunity to do assertive justice  
13 programming held by GGE school-based learning team  
14 and I know first hand how impactful these programs  
15 are and can speak on the importance of them being  
16 fully funding opposed to policing. It is important  
17 to remind you of it. You people have experienced a  
18 tremendous amount of loss during the pandemic.  
19 Personally and educationally and deserve trusted and  
20 well-equipped adults that they can turn to.

21 This is why we demand police free schools.  
22 Students should never feel like they are being  
23 surveilled and policed everywhere there go and learn  
24 every time they go to learn with their peers. They  
25 should never feel the possibility of a negative

1  
2 interaction with a police officer. This only  
3 exacerbates emotion and mental stress students are  
4 already under. Us young people are the future and  
5 you all should make decisions and invest in  
6 cultivating positive opportunities –

7 SERGEANT AT ARMS: Time expired.

8 ADEYEMISE ONI: For the them instead of heavy  
9 handed policing. I urge you elected officials to  
10 join the fight for police free schools. Use your  
11 position in decision making to restore that respect  
12 and dignity for every student, especially people of  
13 color. Furthermore, we stand in solidarity with the  
14 many organizers and education justice advocates  
15 across New York City who demand – [LOST AUDIO  
16 7:49:29].

17 COMMITTEE COUNSEL: I believe we've lost  
18 connection there. Uhm, I guess we're going to move  
19 on now. Next is Amber Khan or yeah, Amber Khan.

20 SERGEANT AT ARMS: Starting time.

21 AMBER KHAN: Hello, thank you. Good afternoon.  
22 My name is Amber Khan and I am the Director of the  
23 Health Justice Program at New York Lawyers for the  
24 Public Interest or NYLPI. Thank you for the  
25 opportunity to present testimony today regarding the

1  
2 Preliminary Budget and mental health crisis in New  
3 York City. New York City must ensure that  
4 individuals who experience a mental health crisis  
5 receive appropriate services which will deescalate  
6 the crisis and ensure their wellbeing and the  
7 wellbeing of all other New Yorkers.

8 Only those who are trained in de-escalation  
9 practices should respond to a mental health crisis  
10 and the most appropriate individuals to respond are  
11 trained peers. Those with lived mental health  
12 experience and healthcare providers.

13 Police who are trained to uphold law in order are  
14 not always suited to deal with individuals  
15 experiencing crisis and New York's history of its  
16 police killing 19 individuals who were experiencing  
17 crisis in the last six years alone is a sad testament  
18 to that.

19 Eliminating the police as mental health crisis  
20 responders has been shown to result in quicker  
21 recovery from crisis, greater connections with long  
22 term healthcare services, community resources, and  
23 diverting future crisis. Correct Crisis Intervention  
24 Today New York City or CCIT NYC, which has over 80  
25 organizational Members including NYLPI, has developed

1  
2 a needed antidote modeled on the CAHOOTS program,  
3 Crisis Assistance Helping Out On The Streets in  
4 Eugene Oregon, which successfully has operated for  
5 over 30 years without any major injuries to  
6 responders or respondents, let alone deaths.

7 The CCIT NYC proposal is positioned to make non-  
8 police responses available to those experiencing  
9 crises in New York City. This proposal also avoids  
10 the enormous pitfalls of the city's Be Heard Pilot.  
11 It includes trained peers and emergency medical  
12 technicians, has culturally competent community  
13 organizations running it. Response time would be  
14 comparable to those of other emergencies. It would  
15 be for 24/7 operating hours. Call would be routed to  
16 a number other than 911. It would have an oversight  
17 committee board of more than 51 percent of more peers  
18 including on the board.

19 SERGEANT AT ARMS: Time expired.

20 AMBER KHAN: The full text of this proposal can  
21 be found online. NYLPI therefore urges the City  
22 Council to ensure that that \$112 million it allocated  
23 in last years budget for a nonpolice mental health  
24 crisis response be utilized solely for a true  
25



nonpolice response such as the CCIT NYC model and not be utilized for the Be Heard program. Thank you.

COMMITTEE COUNSEL: Thank you so much for your testimony. Next, we'll hear from Divad Durant followed by Jonathan Salazar.

DIVAD DURANT: Thank you.

SERGEANT AT ARMS: Starting time.

DIVAD DURANT: Thank you. My name is Divad Durant, I'm a Representative of the Justice Committee. I grew up in the section of the Bronx in one of the precincts being targeted by Mayor Adams revamp of the anti-crime unit.

Growing up, I witnessed how a lack of access to quality education, jobs and housing drives community members into survival economies and how over policing cycles us through the criminal legal system. Further deteriorating our chances at employment. Our city needs a transformative shift in its approach to public safety. One that is based on principles of equity and ensuring all New Yorkers have the resources we need to thrive. Unfortunately, Mayor Adams preliminary budget followed New York City's failed pattern of investing in criminalization over people by cutting monies from schools, mental

healthcare and social services, while maintaining the NYPD's clear budget bloat.

When Mayor Adams released his gun violence blueprint, he alluded to increasing resources for Black and Latinx communities yet, these investments are abused in this proposed fiscal year 2023 budget. It increases the headcount of the NYPD by 112 while cutting 249 positions from the Department of Health, Mental and Hygiene and 381 from the Department of Homeless Services.

The safest communities have the least officers and the most resources. Over policing worsens conditions like poverty that drive people into survival economies. If passed, the Preliminary Year Fiscal Year 2023 Budget will only perpetuate the safety concerns we are all seeking to address. We urge the City Council not to accept the status quo and instead advance a Fiscal Year 2023 budget a public safety plan that makes historical levels of investment in services and infrastructure for our communities including non-law enforcement violence intervention programs.

Cuts the NYPD bloat and eliminates the 112 new positions. Removes the NYPD from mental health

response, homeless outreach, youth engagement and social service roles. Focuses on police accountability –

SERGEANT AT ARMS: Time expired.

DIVAD DURANT: Not over policing. Even as the revamped anti-crime unit hits our streets, taxpayers are being forced to pay the salaries of the officers who murdered Delrawn Small, Eric Garner, Allan Feliz, Kawaski Trawick and Antonio Williams. Thank you for your time.

COMMITTEE COUNSEL: Thank you for your testimony. Next, we'll hear from Jonathan Salazar followed by Kercena Dozier and Peter Ronk.

SERGEANT AT ARMS: Starting time.

JONATHAN SALAZAR: Thank you Chair Hanks and Council Members of the Public Safety Committee for the opportunity to speak with you today. My name is Allison Halhan and I am the Senior Policy Manager with the Osborne Associations New York Initiative for Children of Incarcerated Parents testifying on behalf of my colleague Jonathan who had something to attend to.

Osborne provides a wide range of diversion and reentry programs in the Bronx, Brooklyn, Harlem,

1  
2 Buffalo, and Newburgh, as well as services at more  
3 than 30 State prisons and in New York City jails  
4 including Rikers. We provide a range of services for  
5 children whose parents are in the criminal legal  
6 system, in total serving close to 12,000 people each  
7 year.

8       There are many ways to promote public safety and  
9 my testimony will focus on one under-discussed  
10 strategy. Safeguarding children when a parent is  
11 arrested. This is not only critical for childrens  
12 wellbeing but also for their evolving view of law  
13 enforcement and thus, is part of a larger strategy to  
14 improve community police relations.

15       Currently, there is no data on how many children  
16 in New York City are present when a parent or  
17 caregiver is arrested. And until recently, it was  
18 rare to find a law enforcement agency that provided  
19 training on child development and interacting with  
20 children.

21       From our programs, we know that children and  
22 young people are deeply affected by a parents arrest  
23 and carry this experience for years or even a  
24 lifetime, never speaking of the memories they have  
25 about the moment they witnessed the arrest. Many

1  
2 have felt invisible and vulnerable at the time or  
3 felt simply ignored. Many have incredible ideas that  
4 reimagine a public safety system where they are  
5 considered and even seen in moments when they are  
6 striped of their parents.

7 Last year, we were thrilled to receive City  
8 Council funding to work with NYPD and community based  
9 organizations to implement the law that City Council  
10 passed in 2019 in response to the shocking arrest of  
11 Jasmine Hedley where her infant son was ripped from  
12 her hands. We thank the Council for a responding to  
13 this with a law and for this critical funding, which  
14 has allowed us to work on many unprecedented steps  
15 towards safeguarding children, which include training  
16 for police and for providers and the development of  
17 materials to support implementing best practices.  
18 With 36,000 services members in the NYPD and a  
19 network of community providers in NYC, and so many  
20 elements to cover, achieving a truly comprehensive  
21 citywide approach to safeguarding children will take  
22 time.

23 To continue to advance the critical work  
24 underway, we have submitted a City Council  
25 discretionary funding application that we hope that

1  
2 you will support. Osborne also provides other  
3 services that support public safety in New York City  
4 including our court advocacy services, services for  
5 young people in efforts to address violence and harm  
6 in ways that heal rather than further damage  
7 communities.

8 We have submitted funding applications for this  
9 work as well. We believe these programs along with  
10 supporting pre-trial reforms, closing Rikers and  
11 measures to expedite court processes as well as  
12 investing in families and communities are what make  
13 us safer. Thank you for your time and consideration.

14 COMMITTEE COUNSEL: Thank you so much for your  
15 testimony. Next, we'll hear from Kercena Dozier,  
16 Peter Ronk, followed by Melissa Vergara, Peggy  
17 Herrera, Shani Adess and Typhani Carter.

18 SERGEANT AT ARMS: Starting time.

19 KERCENA DOZIER: Good evening Chair Hanks and  
20 members of the Committee. Thank you for the  
21 opportunity to testify today. My name is Kercena  
22 Dozier and I am the Executive Director of the  
23 Children's Defense Fund New York. I want to focus my  
24 testimony today on young people, especially those who  
25 are at risk for or who have contact with the criminal

1  
2 legal system and the priorities we believe should  
3 drive your budget process to deliver true community  
4 safety for all New Yorkers.

5 The reason that I want to focus on young people  
6 is because youth justice is public safety. When we  
7 center young people who are in crisis in our budget  
8 making with a focus on what are the systemic  
9 conditions that are creating and exacerbating their  
10 crisis conditions, along with those of their family  
11 and community members, then we can truly make  
12 longstanding and sizable progress on public safety.  
13 Relying on policing and prosecution will not meet the  
14 needs of young people in our communities or address  
15 the systemic conditions that negatively impact their  
16 access to opportunities. This is especially true  
17 today following two years of a pandemic, a mental  
18 health crisis facing adolescence, and more young  
19 people ages 16-24 who are disconnected from schools  
20 and work than we have seen in a decade.

21 We urge you to focus the city budget on  
22 investments like expanding the Summer Youth  
23 Employment Program, increasing support for credible  
24 messengers, violence interruption and cure violence  
25 programs that work with communities in making

investments in local supports for mental health and economic mobility. Young people are at the center of our public conversation about gun violence and community safety frequently blamed for the problems adults have failed to solve.

We need solutions, focus on addressing root causes that are grounded in a public health, antipoverty response to violence that can actually lead to improved public safety. I look forward to working with you on a budget that delivers on need of systemic changes that enable us to reach these goals. Thank you.

COMMITTEE COUNSEL: Thank you so much for your testimony. Next, we'll hear from Patrick Ronk.

SERGEANT AT ARMS: Starting time.

COMMITTEE COUNSEL: Go ahead Patrick.

PATRICK RONK: Hello, thank you Chair Hanks for the opportunity to testify before the Committee on Public Safety. I'll be talking about the New York City Police Department's Fiscal Year 2023 Preliminary Budget and I am Patrick Ronk, Research Associate at the Citizens Budget Commission.

Early today CDC released analysis of the NYPD's budget that identified six major fiscal takeaways



1  
2 that I'm going to summarize real quickly. First, the  
3 Fiscal Year 2023 NYPD budget including both the  
4 departments operating budget and central expenses is  
5 projected to be \$10.8 billion. Well, next years NYPD  
6 operating budget is currently \$216 million lower than  
7 Fiscal Year 2022, it will increase as the city  
8 recognizes federal security grants that are not  
9 currently in the budget.

10 Second, the February update reduced the city  
11 funded portion of NYPD's fiscal year 2022 operating  
12 budget by \$533 million to \$4.6 billion but this did  
13 not include — this didn't reduce resources available  
14 to the department because they were replaced with  
15 \$500 million in federal COVID related aid. This  
16 federal offset is for one year only, so city funds  
17 return to about \$5.1 billion annually in fiscal Years  
18 2023-2026.

19 Third, the NYPD's PEG is relatively small. Among  
20 the ten largest city's agencies subject to the PEG,  
21 NYPD's cut was the fourth lowest in Fiscal Year 2022  
22 and the second lowest in Fiscal Year 2023. The  
23 departments Fiscal Year 2022 PEG was 2.2 percent of  
24 the department city funded operating budget and only  
25 one-third of those saving recur in outyears,

1  
2 primarily from eliminating 210 vacant civilian  
3 positions.

4 Fourth, the NYPD is likely to exceed its overtime  
5 budget by over \$200 million in Fiscal Year 2022. The  
6 Fiscal 2022 overtime budget is now \$513 million.  
7 However, through February 20<sup>th</sup>, the NYPD has already  
8 spent \$477 million on overtime. So, at the current  
9 rate, the Fiscal Year 2022 overtime spending could  
10 reach \$742 million, which is close to pre-pandemic  
11 levels.

12 And for Fiscal Year 2023, the budget only  
13 includes \$430 million on overtime. CBC has long  
14 highlighted the need to reign in on overtimes  
15 spending and significant managerial controls would be  
16 necessary to keep uniformed overtime closer to  
17 budgeted levels this year and next.

18 SERGEANT AT ARMS: Time expired.

19 PATRICK RONK: After reduction of 1,171 positions  
20 in Fiscal Year 2021, the authorized uniform headcount  
21 for NYPD remains at \$35,030 throughout the financial  
22 plan but authorized civilian headcount increases  
23 slightly.

24 And sixth and finally, Mayor Adams reversed the  
25 plan transfer of school safety from the NYPD to the

Department of Education, leaving 5,290 school safety personnel within the NYPD. Thank you and I'm happy to answer any questions if you have them.

COMMITTEE COUNSEL: Patrick, thank you so much for your testimony. Next, we will hear from Melissa Vergara followed by Peggy Herrera followed by Shani Adess.

SERGEANT AT ARMS: Starting time.

COMMITTEE COUNSEL: Melissa, are you - yes.

MELISSA VERGARA: Yes, I'm here. Hi, my name is Melissa Vergara and I'm a Member of Freedom Agenda and the Treatment not Jail coalition. I am also a mental health professional.

The continued narrative that public safety equates to more policing and throwing more people in jail and prison is actually the opposite of public safety. District attorneys that fail to consider mental health and substance use disorder are just as much responsible for unsafe communities. People with such disorders do not better in prison on contrary they get worse.

The New York City DA's often talk about the decriminalization of mental illness and substance use disorders, the fact is, it continues to be

1  
2 criminalized and not treated. They highlight their  
3 work in diversion programs and alternative to  
4 sentencing but currently in New York City there are  
5 only 140 cases in mental health court statewide, that  
6 is not public safety.

7 ADA's have the authority to decide who gets  
8 evaluated and treated and even when a mental health  
9 professional finds treatment to be imperative, they  
10 have the right to override clinical suggestions,  
11 which is not public safety. I know this because it  
12 is currently happening to my son.

13 My son who is currently detained on Rikers Island  
14 has an array of challenges; he has been diagnosed  
15 with Disruptive Mood Dysregulation Disorder, Autism  
16 Spectrum Disorder and operates on borderline  
17 intellectual functioning as well as developmental  
18 delays. His attorney asked for eval the ADA in his  
19 case, who has no clinical training whatsoever, stated  
20 that she believes he only has behavioral problems,  
21 which she characterized as tantrums and denied him an  
22 eval. I sent a letter appealing this decision to DA  
23 Katz, and after a lot of unrelenting advocacy, the  
24 DA's office finally allowed by son to be evaluated  
25 for mental health court.

1  
2       The evaluation was completed by a psychiatrist  
3 through TASC, who highlighted the severity of my  
4 son's impairments and his need for treatment. The  
5 psychiatrist and my son's Care Coordinator with OPWDD  
6 then developed a specialized treatment and an  
7 intervention plan, which entailed a residential  
8 program to receive specific services to rehabilitate  
9 my son. They both believed my son would have optimal  
10 chances for success. The Judge was open to this plan  
11 and willing to give my son a chance, but  
12 unfortunately the DA denied and she intervened and  
13 refused to allow him to be admitted into mental  
14 health court.

15       SERGEANT AT ARMS: Time expired.

16       MELISSA VERGARA: Instead, she said she was never  
17 seriously considering allowing him treatment. She  
18 stated it was only done, an eval was only done as a  
19 courtesy to the mother for contacting DA Katz. Yet  
20 the ADA took pieces out of the assessment to ridicule  
21 and criminalize my son. Denying treatment is denying  
22 rehabilitation and increases the chances for  
23 recidivism. DA's and NYPD do not need any more  
24 funding, communities need resources and funding to  
25

1  
2 treat the same people that are thrown in prison by  
3 DA's and NYPD.

4 Complaining that ADA's start with over \$70,000  
5 annual indicates an obvious disconnect from the  
6 communities they are serving as many live in extreme  
7 poverty.

8 There is a clear correlation between poverty,  
9 substance use, mental health, trauma and crime which  
10 police and DA's continue to disregard. I would  
11 suggest all who mentioned concerns with about the  
12 starting pay for ADA's research the pay of case  
13 managers, mental counselors and social workers and  
14 the medium pay for the people in the communities in  
15 which they serve. The DA's caseloads would reduce if  
16 they stopped standing in the way of diversion and  
17 treatment.

18 CHAIRPERSON HANKS: Thank you so much. Josh,  
19 could you please make sure that I get that testimony.  
20 We'll be in touch.

21 COMMITTEE COUNSEL: Yeah, absolutely.

22 MELISSA VERGARA: I'll send it now, thank you.

23 CHAIRPERSON HANKS: Thank you so much Melissa for  
24 your testimony.  
25

COMMITTEE COUNSEL: Council Member Cabán has a question. You may go ahead Council Member.

SERGEANT AT ARMS: Starting time.

COUNCIL MEMBER CABÁN: Yes, first of all Melissa, I just want to thank you for your testimony. You know I will say that I spent over seven years as a public defender. Very few of my clients "qualified" for diversionary courts and there are a lot of problems there but I just want to highlight a piece that you said and really affirm it. Is that quite often, because we are allowing these issues, particularly mental health issues to be dealt with in the criminal legal system, we're finding district attorneys, individual prosecutors making medical decisions that they have no business making. And so, we will come in with recommendations from mental health providers about exactly what they feel an individual needs to be able to heal and maintain their mental health and DA's will override that and say that they insist on another course of action or "treatment." And you know, we're in a position where we're asking lawyers. I'm a lawyer, I'm not a mental health expert to make medical decisions for folks and I think by removing you know treatment points from

our criminal legal system, we can get to a place where we're really, really supporting folks in the best way we possibly can.

So again, I just want to thank you for the testimony you shared.

MELISSA VERGARA: Thank you. I appreciate that. Thank you.

COMMITTEE COUNSEL: Thank you Council Member. Thank you Melissa. Next, we'll hear from Peggy Herrera followed by Shani Adess. Peggy, you may begin.

SERGEANT AT ARMS: Starting time.

PEGGY HERRERA: Hi, my name is Peggy Herrera. Wait, I'm outside, so I'm going to okay. So, good afternoon Chair Hanks and Committee Members. My name is Peggy Herrera, I am a Leader and a Member with Freedom Agenda and the Treatment Not Jail Coalition and several advocacy organizations. But most importantly, I am a mother of a handsome son who struggles with mental health issues. I'm here today to advocate for more community based services and resources for mental health. I've been advocating for my son since he was in elementary school. But until this day, getting help for my son has been a



1 task. I had devoted years to searching for intensive  
2 and quality treatment for him but it seems like law  
3 enforcement is the only thing our so-called  
4 progressive city has to offer in unlimited supply.  
5 My son has been profiled by policing, aggressively  
6 prosecuted by the Queens DA and at one point even  
7 landed on the boat in the Bronx. Sleeping in the  
8 bull pens with roaches climbing on him in my efforts  
9 to prevent police from interacting with him when he  
10 was having a mental health crisis because I feared  
11 for his life, I was even arrested and prosecuted.

12 New York City's District Attorney's do not need  
13 more money. Instead of asking for more money, they  
14 can reduce their caseload by dropping baseless cases,  
15 like the charges that were pending against me for  
16 months for obstructing governmental administration.  
17 When I tried to prevent police from entering my house  
18 after I called for a mental health emergency and cops  
19 showed up.

20 The District Attorney's can also reduce their  
21 caseloads if they stop standing in the way of  
22 diversion and treatment. Can you believe that with  
23 all the people shining through our jail and court  
24 systems who have mental health needs. There are only  
25

1  
2 140 cases mental health court statewide because DA's  
3 keep slamming the door on people like my son, who  
4 need treatment.

5 The Mayor's budget basically promises more of the  
6 same and that is unacceptable. What that status quo  
7 has meant for my family is that when my son goes into  
8 a crisis, I go sleep in my car because I'm too afraid  
9 for his safety to call for help. In a city as rich  
10 as ours, we should have all access to resources like  
11 mental health services, murder crisis team,  
12 mentoring, jobs, behavioral health, education -

13 SERGEANT AT ARMS: Time expired.

14 PEGGY HERRERA: Social services and right here in  
15 my community and in our schools that could have  
16 benefited my son. While my son continues to deal  
17 with the struggles of mental health, Mayor Eric Adams  
18 has deployed more police and revised an NYPD unit  
19 that further traumatizes our community instead of  
20 addressing the real issues that affect our families.

21 Our communities mental health should be the  
22 priority because we are facing a mental health  
23 crisis. As a mother, I am deeply concerned about the  
24 potential harm to our youth and communities resulting  
25 from over policing. I believe that the way to deal

1  
2 with the gun violence is to invest in the services  
3 that help people. We need to engage people before  
4 and during a crisis. After all our communities have  
5 been through in the last two years and starting long  
6 before that. This is not the time for a business as  
7 usual budget. We are counting on the City Council to  
8 use every ounce of your power to push for a budget  
9 that finally responds to the needs of our community.  
10 I know that if the funds are not provided for my  
11 community, it is not because there wasn't enough  
12 money but because elected officials put the law  
13 enforcement union ahead of people in need.

14 I want to thank you for giving me this  
15 opportunity to speak. Thank you.

16 COMMITTEE COUNSEL: Thank you so much for your  
17 testimony. Next, we will go to Shani Adess followed  
18 by Typhani Carter. Uhm, last we will go to Salma  
19 Andrews who is also going to be testifying for  
20 another individual to finish things off. So, Shani,  
21 you may go ahead.

22 SERGEANT AT ARMS: Starting time.

23 SHANI ADESS: Chair Hanks, Committee Members and  
24 everyone who has stayed on to the very end, good  
25 evening and thank you for the opportunity to speak

1  
2 before and submit this testimony to the Committee  
3 about the barriers survivors face in achieving safety  
4 and stability. My name is Shani Adess. I am the  
5 Associate Director of the Domestic Violence Law Unit,  
6 New York Legal Assistance Group.

7 In my role, I supervise two legal teams, in the  
8 Domestic Violence Law Unit and the Immigrant  
9 Protection Unit, who serve survivors of domestic  
10 violence, sexual assault, child abuse, and  
11 trafficking. It is a harrowing time right now for so  
12 many members of our community here in New York City.  
13 We have seen an increase in racism, xenophobia, anti-  
14 Asian hate crimes at the same time as we have seen  
15 the devastating increase in domestic violence.

16 In the midst of this public safety crisis, we  
17 need to expand the avenues available for survivors to  
18 seek help. To do so, we need to address barriers to  
19 accessing health and acknowledge the realities within  
20 our communities that inhibit engagement with our  
21 systems.

22 NYLAG is one of the contracted partners with the  
23 Brooklyn, Manhattan, Bronx, and Staten Island Family  
24 Justice Centers. Working within the FJC's enables us  
25 to respond to the many intersecting needs that a

1 survivor faces. All with survivors to explain their  
2 options and address the barriers they have.

3 We see time and time again that getting survivors  
4 options and meaningful access makes them and their  
5 families more safe. For example, Talya. Talya is  
6 one of our clients who is working with a DA as a  
7 complaining witness against her trafficker. She  
8 came to the DA and said that she no longer wanted to  
9 continue with the case and the DA brought her over to  
10 our onsite attorney and paralegal at that collated  
11 FJC. When speaking with her, they realized quickly  
12 that since reporting, she had become homeless, her  
13 family members in their home country were threatened  
14 by the traffickers friends and family and she was  
15 told that when she deported because she didn't have  
16 status, she would be killed.

17 We made clear our assistance was in no way  
18 predicated on cooperation with the DA but we still  
19 took on her needs one by one. She now has a T visa,  
20 work authorization, humanitarian parole applications  
21 are underway for her family members to join her and  
22 she was connected with case management and housing  
23 assistance at the FJC to find shelter. With these  
24 needs met, she herself chose to continue to engage  
25

1  
2 with the DA in their case against the trafficker who  
3 trafficked not only her but many other New Yorkers.

4 The collaborative environment of the FJC's has  
5 strengthened communication amongst agencies and  
6 victim service providers.

7 SERGEANT AT ARMS: Time expired.

8 SHANI ADESS: Something so essential. I just  
9 need ten more seconds Chairwoman. As we all do our  
10 part to support survivors and make our community safe  
11 for everyone. We had two incredibly impassioned and  
12 inspiring speakers right before me and I just want to  
13 say that one thing that I have learned from a  
14 collaborative environment is that having collated  
15 spaces, building communication amongst the victim  
16 service providers, the people within the community  
17 and the law enforcement agencies are so essential to  
18 make sure that justice is being served and they're  
19 not necessarily filing charges or going after people  
20 who are true victims or people who are vulnerable and  
21 are in fact responding to all the needs that somebody  
22 faces. And so I hope that in the coming year, we  
23 continue to be able to expand the collaboration.  
24 Thank you everyone.  
25

COMMITTEE COUNSEL: Thank you so much for your testimony. Next, we'll hear from Typhani Carter followed by I believe Crystal Clark has signed back on, so if Crystal if you're available and then we'll finish off with Salma Andrews.

So, yes, I see Crystal is here, so she will go after Typhani. Go ahead Typhani.

SERGEANT AT ARMS: Starting time.

TYPHANI CARTER: Thank you. I want to thank Chair Hanks and the members of the City Council Public Safety Committee for the opportunity to submit testimony at this hearing and really focus on the needs of our youth who are impacted by violence.

So, my name is Typhani Carter and I work at the Joe Torre Safe at Home Foundation as the Vice President of Programs. When our Co-Founder Joe Torre, the baseball player, when he was a child, he witnessed unrelenting verbal abuse and saw the results of the physical harm inflicted on his mother.

The perpetrator was not some stranger but his own father. The emotional and physical pain his mother suffered scarred him for life and scarred her for life as well as Joe.

1  
2 As Joe grew older and came to terms with his  
3 experience, he wanted to ensure that no child grew up  
4 as he did, feeling alone and afraid. That's why he  
5 started Safe at Home over 20-years ago in New York  
6 City. Our work is critical. 60 percent of children  
7 in the U.S. have experienced violence in their homes,  
8 schools and communities. 90 percent of children  
9 exposed to intimate partner violence or eye  
10 witnesses. In 2020, the New York City Police  
11 Department responded to over 635 domestic incidents  
12 each day and during COVID, this only increased.  
13 Children can no longer rely on going to school as  
14 they reprieve from the dangers they face in their  
15 homes and overall the calls to domestic violence  
16 hotlines and visits to resources increased  
17 dramatically during COVID, indicating a significant  
18 need for further support to youth and family support  
19 systems.

20 Safe at Home currently operates 17 school based  
21 DV prevention and intervention programs called,  
22 Mergers place, four of which are located in New York  
23 City. At our schools, we really aimed at establish  
24 youths, friendly spaces staffed by full-time licensed  
25 clinicians and we are there when students need us.



1  
2 We provide individual and group counseling to youth  
3 who have experienced trauma, antiviolence workshops,  
4 peer leadership programs and other violence  
5 prevention activities as a multifaceted approach to  
6 engage youth to break the cycle of violence.  
7 Counselors are also tasked responding to youth in  
8 crisis and to date, over 50 percent of our teachers  
9 are –

10 SERGEANT AT ARMS: Time expired.

11 TYPHANI CARTER: Have referred students for  
12 immediate crisis. Our principals at our schools are  
13 our greatest champions. One principal in particular  
14 stated the Mergers Place is much more a room at his  
15 campus. It's shaping who the school is and it's  
16 determined to provide a respectful supportive  
17 environment for all members of the community and  
18 remind everyone that no one is alone.

19 So, exposure to violence without timely  
20 intervention can really impact a child's ability to  
21 learn and attend school, impact their physical safety  
22 and mental health and increase the likelihood of  
23 continuing the cycle of violence.

24 However, there is hope and support for our youth.  
25 Certain factors such as resilience, positive coping

1 skills and supportive social networks can all really  
2 do the work to support youth and disrupting that  
3 cycle. We are kindly asking today for your support  
4 to be able to continue our programs and to provide  
5 critical services to the children of New York City  
6 that are impacted by violence, abuse and trauma and  
7 we thank you for this time and allowing us to testify  
8 around the work that we do. Thank you very much.

9 COMMITTEE COUNSEL: Thank you so much for your  
10 testimony. Next, we'll go to Crystal Clark followed  
11 by Salma Andrews.

12 SERGEANT AT ARMS: Starting time.

13 CRYSTAL CLARK: Good afternoon Chair Hanks and  
14 Committee Members. My name is Crystal Clark and I'm  
15 a member of Freedom Agenda.

16 Today, I would like to discuss the current Public  
17 Safety Budget and how it can be more impactful and  
18 meaningful elsewhere within our community in my  
19 neighborhood, which is lower east side Manhattan.  
20 There's a lack of funding which is negatively  
21 impacting housing, mental health, public safety, and  
22 also our once bright thoughts for the future.

23 The city budget has allocated \$11 billion to the  
24 police, \$100 million to the District Attorney's and  
25

1 almost \$3 billion to the notoriously dysfunctional  
2 Department of Correction. We have such a high budget  
3 going towards punishment, surveillance and  
4 incarceration and little to none that can actually go  
5 to keeping people out of the system. The Mayor  
6 proposed cuts to every agency but the only one's he  
7 made sure to preserve is Law Enforcement. That shows  
8 that the priorities and the City Council must push  
9 back.  
10

11 In my community, there are no open community  
12 centers, no mental health outreach openly accessible  
13 and we can't even locate a mentorship program for our  
14 youth. So, this leaves people shuttling to find a  
15 sense of community and for the youth an important  
16 purpose, so they go searching elsewhere and there's  
17 nothing we can do for them.

18 It leaves the members of the community coming out  
19 of pocket to help ourselves and also try to pry our  
20 loved ones away from the traps that are set up for  
21 them to fail. And for NYPD, the DA's and the DOC to  
22 then capitalize on them, having them within their  
23 systems and then they release them back into society  
24 with no choice but to struggle. So, there's nothing  
25 for them to start with. They then go into the system

1  
2 and once they leave, they have nothing and many of  
3 them don't have the tools to succeed and this goes  
4 back to generations prior. And now, we are the one's  
5 trying to make the generational change. We are the  
6 one's that are trying to stand up and say enough is  
7 enough. And we need the support and we need the  
8 funding because our generation is saying enough is  
9 enough.

10 You know, the community investment is community  
11 safety, so the community needs to make sure that the  
12 things are community needs does get the funding that  
13 they deserve.

14 SERGEANT AT ARMS: Time expired.

15 TYPHANI CARTER: In hopes that this will be the  
16 end and going forward, we have the tools to succeed  
17 and let's do better for everyone who comes after us.

18 COMMITTEE COUNSEL: So, thank you so much for  
19 your testimony. To finish things off, we're going to  
20 go back to Salma who is going to translating for  
21 another individual. Salma, you may go ahead.

22 SALMA ANDREWS: She's going to testify herself.

23 COMMITTEE COUNSEL: Go ahead, thank you so much.

24 PAOLA MARTINEZ: Good evening. I'm a survivor of  
25 human trafficking. Thank you Chair Hanks and Council

1  
2 Members and of those who help me to make this hearing  
3 happen. My name is Paola Martinez and I am  
4 testifying in favor of the request made by many other  
5 people today, to ensure \$10 million dollars be  
6 appropriated from the New York PD Vice budget and  
7 repurposed to better serve the actual needs of sex  
8 worker communities. I want to tell you about my  
9 experience with New York PD Vice, and as someone in  
10 need of community services, to show why this is so  
11 necessary.

12 A couple times in New York, I was stopped as a  
13 transgender woman. And every time I was stopped by an  
14 undercover Vice officer, they asked me what I was  
15 doing, and they always stopped me. They told me I  
16 have to go home every time they saw me, and if I  
17 didn't go home, they would charge me and arrest me.  
18 That traumatized me a couple times because I got  
19 stopped by them, I was arrested even though I wasn't  
20 doing sex working at that time.

21 The two arrests I had really affected my mental  
22 health. This happened maybe six or seven years ago.  
23 The harassment from the police caused lasting trauma.  
24 I would like to see money spent on programs for  
25 trafficking survivors that would give people access

1  
2 to mental health treatment, job readiness programming  
3 and financial empowerment. Thank you for listening to  
4 my story, Chair Hanks, and I hope you support the ask  
5 around repurposing \$10 million from the New York PD  
6 Vice budget to serve the actual needs of sex worker  
7 communities, including a physical center to aid sex  
8 workers. I can answer any questions you have. Thank  
9 you for hearing me.

10 CHAIRPERSON HANKS: Thank you so much. Thank  
11 you.

12 COMMITTEE COUNSEL: Thank you so much for your  
13 testimony.

14 CHAIRPERSON HANKS: I appreciate your testimony.

15 COMMITTEE COUNSEL: Absolutely, Chair Hanks,  
16 seeing no other members of the public to testify, you  
17 can close out the hearing.

18 CHAIRPERSON HANKS: Yes, I will hereby called  
19 this meeting adjourned. Thank you so much everyone,  
20 my Council Members who hung with me to the end. I  
21 appreciate it. Uhm, we'll be taking this  
22 conversation offline and unpacking it as a committee.  
23 Thank you so much and thank you to all essential  
24 staff for all your hard work on this. I appreciate  
25 it.

C E R T I F I C A T E

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



Date APRIL 27, 2022