

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT 1
CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY
WITH COMMITTEE ON FIRE AND EMERGENCY
MANAGEMENT

----- X

May 17, 2023
Start: 12:50 p.m.
Recess: 3:28 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Justin L. Brannan, Finance
Committee Chairperson

Kamillah Hanks, Public Safety
Committee Chairperson

Joann Ariola, Fire and Emergency
Management Committee Chairperson

FINANCE COMMITTEE COUNCIL MEMBERS:

Charles Barron
Gale A. Brewer
Selvena N. Brooks-Powers
David M. Carr
Amanda Farías
Kamillah Hanks
Crystal Hudson
Francisco P. Moya
Chi A. Ossé
Keith Powers

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT 2

FINANCE COMMITTEE COUNCIL MEMBERS (CONTINUED):

Pierina Ana Sanchez
Althea V. Stevens
Marjorie Velázquez
Nantasha M. Williams

PUBLIC SAFETY COMMITTEE COUNCIL MEMBERS:

Joann Ariola
Erik D. Bottcher
Justin L. Brannan
Tiffany Cabán
Robert F. Holden
Rita C. Joseph

FIRE AND EMERGENCY MANAGEMENT COMMITTEE COUNCIL
MEMBERS:

David M. Carr
Oswald Feliz
Robert F. Holden
Ari Kagan
Kevin C. Riley
Lynn C. Schulman
Kalman Yeger

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT 3

A P P E A R A N C E S

Deanna Logan, Director of the Mayor's Office of
Criminal Justice

Nora Daniel, Chief of Staff at Mayor's Office of
Criminal Justice

Candice Julien, Chief Operating Officer at
Mayor's Office of Criminal Justice

Sam Solomon, Deputy Director for Policy and
Justice Operations at Mayor's Office of Criminal
Justice

Laura Kavanagh, Commissioner of the New York City
Fire Department

Joseph Pfeifer, First Deputy Commissioner at New
York City Fire Department

John Hodgens, Chief of Department at New York
City Fire Department

Michael Fields, Chief of EMS at New York City
Fire Department

Lizette Christoff, Deputy Commissioner for
Management and Budget at New York City Fire
Department

Nafeesah Noonan, Assistant Commissioner for
Recruitment and Retention at New York City Fire
Department

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

4

2 SERGEANT-AT-ARMS: This is a sound check
3 for the Committee on Finance joint with Public Safety
4 and Fire and Emergency Management. Today's date is May
5 17, 2023. Being recorded by Danny Huang in the
6 Chambers.

7 SERGEANT-AT-ARMS: Good afternoon and
8 welcome to the New York City Council hearing of the
9 Committee on Finance jointly with Public Safety.

10 At this time, can everyone please silence
11 your cell phones?

12 At this time and going forward, no one is
13 to approach the dais. Thank you for your cooperation.

14 Chair, we are ready to begin.

15 CO-CHAIRPERSON BRANNAN: Thank you,
16 Sergeant. [GAVEL] Okay, good afternoon and welcome to
17 the 7th day of FY24 Executive Budget hearings
18 beginning today with the Mayor's Office of Criminal
19 Justice.

20 I'm Justin Brannan, Council Member, and I
21 Chair the Committee on Finance. I am pleased to be
22 joined by my Colleague and friend, Council Member
23 Kamillah Hanks, Chair of the Committee on Public
24 Safety. Today, thus far, we've been joined by Council
25

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

5

Members Brooks-Powers, Brewer, Abreu, Williams, Moya, Schulman, and Bottcher.

I want to welcome Director Logan and your team. Thank you all for joining us today to answer our questions.

Just to set the table, on April 26, 2023, the Administration released the Executive Financial Plan for FY23 to FY27 with a proposed FY24 budget of 106.7 billion dollars. MOCJ's proposed FY24 budget of 10.2 million represents less than 1 percent of the Administration's proposed FY24 budget in the Executive Plan. This is a decrease of 2.6 million from the 12.8 million originally allocated at adoption of the FY23 budget last year. This net decrease is mostly due to a reduction of 4.6 million dollars in personal services spending partially offset by 1.9 million in greater than planned OTPS expenditures for contracted services. MOCJ also oversees a substantial contracted budget projected in the Executive Plan at 631.8 million dollars for FY24. That is a 348-million-dollar decrease from the amount managed at adoption for FY23. The decrease is largely due to transfer of contracts to DYCD as well as PS and OTPS reductions.

1
2 My questions today will largely focus on
3 MOCJ's work with public defenders, particularly
4 delays in contract processing and overall funding
5 issues. City contracting delays as we all know have
6 been a long problem with non-profits, but these
7 delays directly affect a person's ability to have a
8 defense in court when they cannot afford
9 representation.

10 We've also been joined by Council Members
11 Ariola and Holden.

12 I'm now going to turn to my Co-Chair for
13 this hearing, Chair Hanks, for her opening statement.

14 CO-CHAIRPERSON HANKS: Thank you, Chair
15 Brannan. Good afternoon and welcome to the Fiscal
16 2024 Executive Budget hearing for the Committee on
17 Public Safety. My name is Kamillah Hanks, and I am
18 the Chair of the Committee on Public Safety.

19 Today, we will review the Fiscal 2024
20 budget for the Mayor's Office of Criminal Justice to
21 better understand how they address protections for
22 New Yorkers involved in the criminal justice system.

23 I'd like to also welcome Director Deanna
24 Logan and her team, and I'd also like to recognize
25 Council Member Sanchez who joined us.

The Mayor's Office of Criminal Justice advised the Mayor on all matters relating to the maintenance and improvement of a fair and equitable justice system. Under this guiding principle, MOCJ works to bring together community and law enforcement to address the issues that affect the safety of our neighborhoods. The agency's Fiscal 2024 Executive Operating Budget totals 10.2 million including 4.9 million for personal services and 5.4 million for other-than-personal services, OTPS. The agency also has contracts budgeted of 631.8 million, which supports 359.4 million for indigent defense and 272.3 million in criminal justice programs.

With that context, I would like to welcome and thank MOCJ for the work that they do, and I'm looking forward to hearing from the Commissioner today.

During today's hearing, I look forward to learning more about the Office of Neighborhood Safety contracts transferred to the Department of Youth and Community Development as well as MOCJ's funding for legal service providers.

This plan included several new needs for MOCJ but decreased the agency's budget by 2.6 million

1 in operating funds and 348 million in contracts. I am
2 concerned about the details of this contract transfer
3 and the ability of the agencies involved to maintain
4 programming without interruption of funding and
5 services. I would also like to further discuss that
6 in today's hearing. The Committee would also like to
7 hear about this and other budgetary changes in the
8 Adams' Administration's budget. I look forward to
9 learning more about the Mayor's Office of Criminal
10 Justice and the important role that it has in the
11 lives of many New Yorkers.
12

13 I want to thank our Committee Staff for
14 their hard work, Financial Analyst, Unit Head Jack
15 Storey, Senior Counsel Josh Kingsley, Legislative
16 Policy Analyst Chad Benjamin, and my Director of
17 Legislation David Pena and my Senior Advisor
18 Director of Budget Paul Casali.

19 I am going to pass it along to our
20 Committee Counsel for a few procedural items. Thank
21 you, Chair.

22 CO-CHAIRPERSON BRANNAN: Thank you, Chair
23 Hanks. Before we get started, my thanks also to Casey
24 and Tan (INAUDIBLE) Council Finance for preparing for
25 both of today's hearing. Of course, my Committee

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

9

Counsel, Mike Twomey, my Senior Advisor John Yedin,
and really the entire Finance Team that works so
hard behind the scenes to make these hearings
possible.

I'm now going to turn it over to Mike
Twomey, our Committee Counsel, to swear in the
witnesses so we can get started on testimony.

COMMITTEE COUNSEL TWOMEY: Good
afternoon. If you'll raise your right hands, please.

Do you affirm that your testimony will
be truthful to the best of your knowledge,
information, and belief and you will honestly and
faithfully answer Council Member questions? Deanna
Loga. DIRECTOR LOGAN: I do.

COMMITTEE COUNSEL TWOMEY: Nora Daniel.

CHIEF-OF-STAFF DANIEL: I do.

COMMITTEE COUNSEL TWOMEY: Candace Julien.

CHIEF OPERATING OFFICER JULIEN: I do.

COMMITTEE COUNSEL TWOMEY: Sam Solomon.

DEPUTY DIRECTOR SOLOMON: I do.

COMMITTEE COUNSEL TWOMEY: Thank you. You
may begin.

DIRECTOR LOGAN: Good afternoon, Chair
Hanks, Chair Brannan, and Members of the Committee on

1 Public Safety and the Committee on Finance. As we
2 have all said, my name is Deanna Logan, and I am
3 Director of the Mayor's Office of Criminal Justice,
4 affectionally referred to as MOCJ. I'm joined today
5 by Nora Daniel, who is our Chief-of-Staff at MOCJ,
6 Candice Julien, who is our Chief Operating Officer,
7 and Sam Solomon, our Deputy Director for Policy and
8 Justice Operations. Thank you for the opportunity to
9 testify about MOCJ's budget and priorities for this
10 year.
11

12 MOCJ is the think tank and coordinating
13 entity for the City's criminal justice system. We
14 advise Mayor Adams on criminal justice policy and
15 serve as the Mayor's representative to the courts,
16 district attorneys, defenders, the state criminal
17 justice agencies, among others. MOCJ works with law
18 enforcement, city agencies, not-for-profits,
19 foundations, and the public to implement data-driven
20 anti-crime strategies and promote the operation of a
21 fair justice system. These include projects to
22 address current crime conditions, prevent offending,
23 and build strong neighborhoods that ensure enduring
24 safety.
25

2 MOCJ teams work along a public safety
3 continuum grounded in supporting healthy
4 neighborhoods that promote safety. We are committed
5 to working with all of our partners to design and
6 implement solutions that strike the right balance
7 between enforcement and promotes accountability and
8 the interventions that afford healing and
9 rehabilitation, all in the pursuit of safety and
10 justice. The Executive Budget has MOCJ itself funded
11 for approximately 10 million dollars in personnel and
12 operating costs. MOCJ teams have a budget to
13 distribute of approximately 600 million dollars
14 across human services contracts that support the
15 efficient operation of the criminal justice system
16 and public safety. In order to meet our mission, we
17 are staffed with professionals in various teams. Our
18 teams include policy, justice operations,
19 alternatives to incarceration, re-entry, transitional
20 housing, our Office of Crime Victim Supports, Office
21 to Prevent Hate Crimes, and the Office of Special
22 Enforcement, which many of you know as OSE, all of
23 this is anchored by work conducted by our research
24 team to support the Mayor's vision of keeping New
25 York the safest big city in America.

2 As MOCJ concentrates its efforts on the
3 entities that most directly touch the criminal
4 justice system, we transitioned our Office of
5 Neighborhood Safety, referred to as ONS, to work
6 under the Department of Youth and Community
7 Development or DYCD. It continues its work of
8 establishing the sustainable supports that are the
9 building blocks of healthy communities. ONS works to
10 prevent individuals from entering the criminal
11 justice system. It empowers individuals of the
12 neighborhoods most negatively impacted by gun
13 violence and crime. ONS invests resources, fosters
14 engagement in the civic processes, and reclaims
15 spaces to lay the building blocks of healthy strong
16 neighborhoods.

17 As Mayor Adams has clearly stated,
18 housing stability is a fundamental building block of
19 public safety, and, in support of Mayor Adams'
20 blueprint to create and preserve affordable housing,
21 MOCJ's OSE brings together inspectors from the
22 Buildings Department, the Fire Department, and legal
23 professionals who work daily to support the
24 maintenance of the housing stock by reclaiming
25 housing units from illegal short-term rentals. As the

2 entity this Council entrusted with the oversight and
3 implementation of Local Law 18 of 2022, OSE spent the
4 last year diligently creating the registration system
5 that affords for a structured safeguard for legal
6 short-term rentals. We are proud to report that we
7 are continuing to onboard staff in this area,
8 implement new software, and answer constituent
9 questions on short-term rental registration as we
10 move into the enforcement period later this year.

11 We are fully committed to ensuring that
12 the most vulnerable New Yorkers are also able to have
13 a place to lay their heads. As Council may remember,
14 during the height of the pandemic to meet the public
15 health crisis and to save lives, MOCJ mobilized
16 partners to create emergency hotels that provided
17 humane living spaces for individuals who were
18 formerly incarcerated on Rikers Island and people
19 released from State prisons. As we exit this COVID
20 health crisis, we employ lessons learned. We are
21 ending our emergency housing initiative and moving
22 into the more sustainable model of transitional
23 housing. Headed by Yolanda Johnson-Peterkin, one of
24 this year's recipients of the Sloan Public Service
25 Award that honors exemplary public service, we are

1 ensuring that housing for people with criminal
2 justice involvement meets the individuals where they
3 are by providing the interventions and wrap-around
4 services specific to the person. Our transitional
5 housing incorporates the immediacy that we understood
6 all too clearly from the public health crisis is
7 critical to successful transition for individuals
8 with a key focus on allowing the person to build a
9 stable foundation that allows them to move into
10 permanent housing.
11

12 In the last few months, our transitional
13 housing initiative has worked with key partners to
14 focus on an Open Mind, Open Doors campaign to ask New
15 Yorkers with permanent rental units to open their
16 minds and their hearts to those individuals with
17 criminal justice history that are ready to start the
18 next chapter of their lives. This education campaign
19 has successfully reached landlords and brokers across
20 the city and provided opportunities for landlords and
21 brokers to interview and accept tenants, people in
22 need of a second chance.

23 Education is a key component of MOCJ's
24 ability to support safety in New York City. Our
25 Office for the Prevention of Hate Crimes or OPHC

2 plays a critical role in coordinating not only the
3 prevention but also response to hate crimes and bias
4 incidents. As hate crimes rose during the public
5 health emergency, OPHC mobilized its networks of
6 community groups, approximately 80 of them, and
7 leaders and bolstered its commitment to inform and
8 heal the public. The office is implementing Mayor
9 Adams' Breaking Bread and Building Bonds initiative
10 to bring individuals together from different
11 backgrounds, share a meal, find common ground.

12 Participants from events have provided overwhelmingly
13 positive feedback, and more and more New Yorkers are
14 volunteering to host additional dinners and welcome
15 people including elected officials, not-for-profits,
16 and philanthropic organizations to share that meal.

17 OPHC also implements the Partners Against Hate, PATH,
18 initiative, through which partner organizations
19 implement community-based anti-hate initiatives, that
20 include programs that will highlight women and girls.

21 Complimenting the work of OPHC, our
22 Office of Crime Victim Services maintains services
23 for crime victims across the city while innovatively
24 working pursuant to a federal technical assistance
25 program grant with our partners in the Office of the

1 Kings County District Attorney, NYPD, our sister
2 mayoral unit, End Gender-Based Violence, and Help
3 R.O.A.D.S. to develop an intersectional model that
4 addresses the danger of intimate partner violence as
5 it overlaps with gun violence. Currently, the
6 initiative is focused on the 73rd precinct, and the
7 goal is to develop a framework that not only could be
8 deployed across the city but serve as a national
9 model.
10

11 As I've said, the foundation of our work
12 is data. Our Research Innovation and Policy teams
13 identify concerns that may be a barrier to public
14 safety. Under Mayor Adams' leadership, the City's
15 public safety agencies began a new collaboration to
16 align crime data across the city. MOCJ, NYPD, the
17 Department of Correction, and many providers of City
18 services work together to coordinate data to produce
19 a more accurate picture of public safety and public
20 health within the criminal justice framework. MOCJ
21 has a longstanding relationship with the Office of
22 Court Administration's data team that both drives the
23 data that is available and helps us analyze criminal
24 justice trends. In addition to our sister city and
25 state agencies, MOCJ also works with partner service

1 providers and justice-involved people to obtain,
2 review, and analyze not only the quantitative data
3 that's within our systems but also obtain qualitative
4 data to inform the city government's criminal justice
5 framework. Our unprecedented collaboration across
6 multiple data streams allows us to identify and
7 propose solutions to our city's most difficult public
8 safety challenges. As we know, public safety is
9 interconnected and holistic, and our data-driven
10 public safety interventions reflect this principle.
11 We design and implement fine-tuned initiatives that
12 reflect our understanding that public safety is a
13 common goal of all New Yorkers and requires
14 cooperation by all. Our interventions are
15 specifically designed to promote public safety by
16 providing services that help to keep people from
17 entering or returning to jail or prison. The
18 interventions include addressing case processing,
19 supervised release, alternatives to incarceration,
20 re-entry services, and housing initiatives.

22 MOCJ is committed to implementing Mayor
23 Adams' vision of an innovative public safety
24 apparatus that includes initiatives designed to
25 promote the more efficient operation of the criminal

1 justice system. As we know, delays in the criminal
2 justice system are an injustice to both the accused
3 and the victims. MOCJ is currently developing, along
4 with one of our partners, the Center for Justice
5 Innovation or CJJ, an initiative to facilitate better
6 case processing. Pursuant to this initiative, CJJ
7 will begin individually assessing cases of people who
8 are incarcerated. CJJ will identify to both the
9 District Attorneys and Defense Counsel eligible
10 programing and jail alternatives for cases they
11 review that appear amenable to the services. The goal
12 of this initiative is to work across agencies and
13 stakeholders to decrease logjams and identify
14 systemic barriers to case resolution and provide
15 greater opportunities for case disposition. We were
16 happy to work with the Council on Intro. 806-A, which
17 codifies this initiative, and we look forward to
18 reporting to this Council again on the eventual
19 results of the initiative.

20
21 In 2016, New York City launched
22 Supervised Release citywide, offering judges the
23 option of releasing appropriate and eligible
24 individuals under specific supervisory conditions in
25 lieu of setting bail. Supervised Release is designed

1 to reasonably assure court attendance and engage
2 participants in social services that may continue
3 past the duration of the individual's case.

4 Participants in Supervised Release are required to
5 report to program case managers regularly and are
6 offered court reminders and case management services,
7 including connections to mental health, addiction,
8 employment, and peer services. MOCJ currently
9 contracts with four organizations to provide
10 Supervised Release management citywide, and the
11 current overall value of these contracts for Fiscal
12 Year 2023 is approximately 67 million.

14 Innovative public safety strategies like
15 the Jail Population Review work will work to
16 supplement the core strategies and tools that allow
17 the court system to ensure its ability to maintain
18 efficient and just operations.

19 Alternative to Incarceration, also
20 referred to as ATI programming, are court-mandated
21 diversion programs that provide participants with
22 supportive services in their communities instead of a
23 jail or prison sentence. ATI programs are key
24 components of the City's investment in reducing the
25 court's reliance on incarceration. MOCJ currently has

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
1 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT 20

2 34 million in contracts in Fiscal Year 2023 with 14
3 non-profit organizations to run 24 Alternative to
4 Incarceration programs throughout New York City. Our
5 City ATI programs provide behavioral health services,
6 substance use treatment, counseling, job readiness,
7 education assistance, benefits enrollment, and case
8 management. Overall, approximately 5,660 people were
9 served by our ATI programs in the first nine months
10 of this Fiscal Year from July 1, 2022, through March
11 31, 2023.

12 For those individuals that complete a
13 sentence of incarceration and are returning home to
14 their community ready to start the next chapter of
15 their lives as New Yorkers, MOCJ's reentry
16 programming, the Community Justice Reentry Network or
17 CJRN works to provide a supportive transition
18 including release planning in jail and prison. We
19 invest over 26 million dollars each year into
20 programming, which builds upon the success of the
21 Jails to Jobs re-entry services program that was
22 launched in 2018. During incarceration and upon
23 release, interested individuals work with re-entry
24 mentors who help facilitate all aspects of re-entry
25 on an individualized basis. The re-entry mentors

2 develop relationships with individuals released to
3 encourage the participants to engage in relevant
4 services and programs. The supports provided by the
5 10 CJRN service providers consist of wraparound
6 resources determined by the specific needs of each
7 returning individual, and they include paid short
8 term employment, job training, career certifications,
9 connections to permanent employment, holistic
10 wraparound services that include mental, behavioral,
11 and physical healthcare, family support and
12 reunification, benefits assistance, case management,
13 and education plus housing support. The case planning
14 and coordination during incarceration combined with
15 robust service offerings in the community help to
16 ease the path to a stable life outside of custody and
17 reduce the likelihood of an individual's return to
18 custody.

19 As I conclude, I'd like to reiterate what
20 I hope has been clear from the testimony that we have
21 provided today, investing in people is an investment
22 in public safety. We continue to strive towards a
23 safer, fairer criminal justice system. We look
24 forward to continuing our progress over the coming
25 Fiscal Year. We thank you for the opportunity to

1 present testimony on MOCJ's work, and we are happy to
2 answer any of your questions today.

3
4 CO-CHAIRPERSON BRANNAN: Thank you. We've
5 also been joined by Council Members Carr, Caban,
6 Velazquez, Osse, Barron, and Joseph.

7 Thank you for your testimony. I'm going
8 to jump right into it. The district attorneys and
9 defenders sent the City a joint funding letter
10 detailing the crisis levels of attrition and workload
11 they're experiencing. Can you tell us the status of
12 that request?

13 DIRECTOR LOGAN: Thank you for the
14 question. We have been working as an Administration
15 not only with the district attorneys and the
16 defenders but with our partners in the State to
17 address the funding needs of the defenders and the
18 DAs. We will continue with the Office of Management
19 and Budget to review and assess based on the funding
20 that has been provided to defenders and DAs offices.
21 We understand that within the State budget that was
22 passed there was approximately 40 million for New
23 York City DAs dedicated to New York City alone for
24 funding from the State and then an additional 40
25 million for New York City defender organizations. As

1 the Office of Management and Budget reviews that
2 funding and the needs of the district attorneys and
3 the defenders, we're looking forward to seeing the
4 needs met going into this next Fiscal Year.

5
6 CO-CHAIRPERSON BRANNAN: Have you met with
7 the defender organizations and the Counsel programs
8 about their FY24 requests?

9 DIRECTOR LOGAN: We continuously meet with
10 the defenders and DAs on a weekly basis, just on
11 different days. Defenders on Mondays, DAs on
12 Tuesdays.

13 CO-CHAIRPERSON BRANNAN: What is MOCJ's
14 plan to advocate for an increase in family defender
15 salaries so they're competitive and reflect the
16 training and the important work that they do?

17 DIRECTOR LOGAN: I'm sorry. When you're
18 talking about family, you're talking about family
19 court defender services?

20 CO-CHAIRPERSON BRANNAN: Yeah.

21 DIRECTOR LOGAN: MOCJ is the entity that
22 administers the defender budget so all indigent
23 defense services for the criminal justice system come
24 through MOCJ. We also administer Article 10. We have
25 been working with the indigent legal services for the

2 State to review budgets and funding sources for all
3 of the individuals within that framework of indigent
4 defense. In addition, we have our General Counsel
5 that has been talking to and working with family
6 court to assess the needs and to figure out where we
7 can support additional funding for defenders.

8 CO-CHAIRPERSON BRANNAN: Do you believe
9 that family defenders should get a pay increase?

10 DIRECTOR LOGAN: We are still reviewing
11 what the pay scale is and where the needs are, and we
12 hope to be able to address what that should look like
13 in the coming year.

14 CO-CHAIRPERSON BRANNAN: At our last
15 budget hearing, the defender organizations testified
16 to significant increase in homicide matters. They
17 also testified that this has been raised with MOCJ
18 and that they were told at the start of their
19 contract that should intake increase they would
20 receive additional funding, but according to Legal
21 Aid, that hasn't happened so is there a plan to
22 address the increase in homicide intake and the need
23 for the additional funding of 10 million?

24 DIRECTOR LOGAN: We're continuing to
25 discuss and work with the Office of Management and

1 Budget. As we are assessing the number of cases, we
2 will continue to go back and review what that funding
3 increase should look like to address any increases in
4 the cases.
5

6 CO-CHAIRPERSON BRANNAN: Has OMB been open
7 to your suggestions?

8 DIRECTOR LOGAN: OMB is always open to
9 talking to us so I cannot say..

10 CO-CHAIRPERSON BRANNAN: I don't want to
11 get anybody in trouble here.

12 It's been reported in the media that MOCJ
13 is also facing a similar attrition crisis. I guess
14 really there's no agency that is not immune, but it's
15 causing additional contract processing delays that
16 obviously, as we all know, significantly impact the
17 non-profit organizations. Could you tell us what's
18 the status of your staffing issues, how many openings
19 do you have, and are there more openings in some
20 areas than others?

21 DIRECTOR LOGAN: Thank you for that
22 question. As you know, last year I came before you,
23 and I did say procurement was one of MOCJ's biggest
24 challenges. We are continuing to see attrition in our
25 office as across the City. We are working with DCAS

1 who has been committed to making sure that we are
2 able to fill our vacancies as well as OMB to expedite
3 our ability to onboard additional people. We have
4 made sure that we do everything within our power to
5 limit any negative impact to our partner providers
6 because they are, in fact, providing critical
7 services to New Yorkers, and so I'd like to give it
8 to our Chief Operating Office Candace Julien to
9 really drill down on some of the very specific steps
10 that we have taken in the last year to expedite and
11 really make sure that our partners have resources.

12
13 CHIEF OPERATING OFFICER JULIEN: Thank
14 you, Director Logan, and for the question. Specific
15 to our recruiting efforts, we have been working with
16 colleges with criminal justice programs to ensure
17 there are opportunities to intern and recruit from
18 those workflows. We've been working with fraternal
19 organizations across the City and with professional
20 membership organizations to fill those vacancies. At
21 MOCJ, we currently have 69 vacancies. They are across
22 the board. Within our Procurement Unit, there are six
23 vacancies, but we're happy to report that we have two
24 contract analysts started on May 30th, and we
25 continue to work, yes, with our partners at DCAS,

1 within the Mayor's Office to ensure that our
2 postings, onboarding, is done as expeditiously as
3 possible.
4

5 CO-CHAIRPERSON BRANNAN: Is there a plan
6 to make sure that FY23 and FY24 contracts will be
7 registered by July?

8 CHIEF OPERATING OFFICER JULIEN:
9 Absolutely. We've implemented best practices from the
10 Contract Backlog Initiative, created redundancies
11 within certain workflows, and are in good track to
12 ensure that most of our contracts are registered on
13 time.

14 CO-CHAIRPERSON BRANNAN: Okay, last
15 question for me. It's regarding flat funding.
16 Defenders have been testifying to this problem for
17 quite a while. As a result, defenders note that they
18 are effectively receiving a cut each year because of
19 flat funding so does MOCJ have a plan to address the
20 flat funding problem in FY24?

21 DIRECTOR LOGAN: Again, we will be working
22 with the Office of Management and Budget to review
23 what, if any, increases should be happening. We also
24 have to balance out the State infusion of capital
25 that has come into the system for the defenders in

1 that amount of the 40 million that the State has
2 allocated. In addition to the 40 million that was
3 allocated specifically for defenders in New York
4 City, it is my understanding that the State budget in
5 addition to that allowed for one of the first times
6 the City to be included in the overall pot of 40
7 million dollars that was allocated across the State
8 for defender organizations so there may be residual
9 funds that come out of that budget and then the City
10 will be able to balance out and see where there needs
11 to be additional.
12

13 CO-CHAIRPERSON BRANNAN: What was the
14 total amount that you received in the State budget?

15 DIRECTOR LOGAN: For the defenders or for
16 the DAs as well?

17 CO-CHAIRPERSON BRANNAN: For MOCJ, how did
18 MOCJ make out in the State budget?

19

20 DIRECTOR LOGAN: MOCJ doesn't get it.

21 CO-CHAIRPERSON BRANNAN: Right, but you
22 know what I mean.

23 DIRECTOR LOGAN: There is approximately
24 170 million infusion of dollars into the City for the
25 criminal justice portfolio.

2 CO-CHAIRPERSON BRANNAN: Is that more or
3 less than what you were hoping for?

4 DIRECTOR LOGAN: We are happy for anything
5 that the State is willing to make sure that we get to
6 be able to do the work that we do.

7 CO-CHAIRPERSON BRANNAN: You're more
8 diplomatic than I can ever dream to be.

9 Okay, I'm going to hand it over to Chair
10 Hanks, and we'll keep moving. Thank you so much,
11 Director.

12 DIRECTOR LOGAN: Thank you.

13 CO-CHAIRPERSON HANKS: Thank you, Chair
14 Brannan. Thank you so much for your testimony.

15 I'm going to dig into the upcoming
16 changes of the Office of Neighborhood Safety
17 transferring the 184 million worth of contracts to
18 the Department of Youth and Community Development,
19 DYCD. As this change is happening in real-time, my
20 District is trying to navigate through it, and so I'm
21 sure my Colleagues and their respective changes that
22 we want to understand it a little bit better so, just
23 as a background, in the briefing provided on February
24 8th, the Mayor's Office announced that the Office of
25 Neighborhood Safety and Gun Violence Prevention, ONS,

1 was moved from MOCJ to DYCD. This included a shift of
2 existing staff contract managers, and it was also
3 stated that all contracts will be completely
4 transferred over by July 2023. Can we talk about why
5 this decision was made to transfer these contracts to
6 another agency and why is DYCD better equipped to
7 handle this than MOCJ.
8

9 DIRECTOR LOGAN: Now, see, you want me to
10 say better as opposed to why we as one City are
11 making sure that we're balancing efforts and really
12 serving New York.

13 CO-CHAIRPERSON HANKS: Absolutely.

14 DIRECTOR LOGAN: Thank you. In terms of
15 how we provide the best services to New Yorkers, we
16 are ensuring that our sister agency has not only the
17 people but the innovation to really focus on how
18 we're building up and serving youth and how we are
19 building up community development. The Office of
20 Neighborhood Safety houses three initiatives. It
21 houses the Office to Prevent Gun Violence, it houses
22 the Mayor's Action Plan, and it houses Atlas. All
23 three of those initiatives focus on building strong,
24 healthy neighborhoods, and they also hold the
25 brainpower of the individuals who envisioned what

1 those programs do and continue to envision the
2 evolution of how you build strong neighborhoods. DYCD
3 as the department that builds youth and builds
4 community needs and is in a good position to have
5 that innovation and to take it to the next level. We
6 are making sure, working collaboratively as one City,
7 Commissioner Howard, I have his number on speed dial,
8 he has my number on speed dial, that we continue to
9 ensure that the communities get the services that
10 they need with as little bumps in the road as
11 possible as we move into this transition.

12
13 CO-CHAIRPERSON HANKS: Thank you so much
14 for your answer. So we're going to focus on bumps in
15 a little bit because bumps in an agency may not be
16 bumps when it comes to the providers and what they're
17 experiencing so we kind of want you to unpack some of
18 the day-to-day changes for service providers,
19 presumably providers that are working with the same
20 ONS staff, but what is the involvement, the
21 interactions, will there be between MOCJ and
22 providers so kind of like talk about what the day-to-
23 day, what it looks like, and how that interaction
24 will be.

1
2 DIRECTOR LOGAN: In the short-term, the
3 providers should still be dealing with MOCJ
4 Procurements folks and Contracting folks because
5 they're the ones who understand and can administer
6 the steps that need to happen as our team is getting
7 DYCD's team up to speed. In addition, because of
8 DYCD's internal infrastructure, they have a
9 contracting system that has different budget codes,
10 that has different allocations, and so the FY24
11 contracts will be built into that infrastructure, and
12 the closing contracts will come off of MOCJ's
13 infrastructure. What the providers will see as a
14 little bit of a difference is that there will be a
15 little bit more structure in how and when they get
16 information into the City. DYCD has a more structured
17 dateline, timeline of getting information in on your
18 invoices, on your contracting documents, on your
19 budget. MOCJ has been a lot more fluid in how
20 providers do that. We are ensuring that build
21 capacity with all of our partner services to make
22 sure that they internally are ready to meet that
23 challenge, so we have our team constantly working
24 with pro bono services and other individuals who are
25 volunteering to do trainings for all of our

1 specifically when you're looking at the crisis
2 management system on how they build up their muscle
3 memory for their infrastructure on contracting and
4 the documents so that it won't be such a shock to
5 their system as they move into a much more structured
6 agency.

7
8 CO-CHAIRPERSON HANKS: Thank you so much.
9 Again, thank you for your answer, but as someone who
10 has had to navigate through City contracts and
11 understanding it, as used to be a service provider,
12 it is often not as clear, and, from what we're
13 hearing, is that this transfer is a bit confusing so
14 from your perspective, what do you think the
15 challenges will be and any negative aspects can you
16 foresee of this transfer and is there a plan in place
17 to troubleshoot? Everything you said was great. It
18 always looks great on paper, and then when that
19 action happens and you're dealing with providers who
20 are really great at programmatic and a lot less great
21 in quarterbacking the operational and the capacity
22 building of the government paperwork which is
23 fantastic as everybody knows here, how are we kind of
24 foreseeing some of the challenges and do you foresee
25 some of the challenges, are we looking at and

1 troubleshooting anything that would be what you would
2 call a bump in the road for this transfer?
3

4 DIRECTOR LOGAN: In addition to just
5 making sure that both entities, DYCD and MOCJ, stay
6 lockstep, so our teams have individuals that are
7 constantly talking. The partner agencies still have
8 my phone number, and they are not shy at using it,
9 and I am not shy at getting on the phone with
10 Commissioner Howard and vice versa so we understand
11 that change always brings not only challenges but
12 things that you never even thought about when you
13 were structuring this is how we're going to move
14 forward and so it is not a matter of the door is
15 closed, thank you, good-bye; it is a matter of we as
16 one City are making this evolution and, as we do the
17 evolution, we will as one City continue to work
18 collectively to make sure that we address not only
19 the things that we thought would be challenges but
20 then address the things that come up as practical
21 challenges.

22 CO-CHAIRPERSON HANKS: Thank you so much.
23 I think that you did answer a bit of this question,
24 but I just kind of want to put a finer point on it.
25 Beyond the collaboration mentioned, are there any

1 specific delineated responsibilities envisioned in
2 each entity, and is there an MOU between two
3 agencies, and, if so, what does that entail and is it
4 something that can be shared?
5

6 DIRECTOR LOGAN: We are continuing to work
7 through what the specifics are. There is an MOU for
8 the designation of the work. We also are ensuring
9 that the data that MOCJ uses in order to be able to
10 understand where we need to tweak, right, so when we
11 say that we're a data organization, what we do is we
12 come up with the concept and then we build in the
13 things that tell us whether things are working really
14 well or whether things need to be tweaked and so in
15 order to make sure that we still have the data to
16 evaluate and understand where things need to be
17 tweaked, we will be the arm that maintains getting
18 that information and helping to do the reports for
19 Office of Neighborhood Safety going forward.

20 CO-CHAIRPERSON HANKS: Thank you. Just for
21 a point of clarity, when you talk about the data, is
22 this the programmatic data that's talking about the
23 measurables, that if the program is working?

24 DIRECTOR LOGAN: That is correct.
25

2 CO-CHAIRPERSON HANKS: Thank you so much.
3 I'm going to pass it back to Chair Brannan to see if
4 any of our Colleagues have questions. Thank you,
5 Chair Brannan.

6 CO-CHAIRPERSON BRANNAN: Thanks, Chair
7 Hanks.

8 We've also been joined by Council Member
9 Riley.

10 Now, we're going to start with questions.
11 Council Member Brooks-Powers followed by Brewer.

12 COUNCIL MEMBER BROOKS-POWERS: Thank you,
13 Chairs, and thank you for your testimony.

14 I want to talk about contracting,
15 particularly a couple have been pretty concerning for
16 me in my District including Presidential Security
17 Company. Presidential was hired to provide security
18 services by a non-profit organization, Exodus
19 Transitional Community, which had contracts with MOCJ
20 to assist formerly incarcerated people in the process
21 of re-entry, but investigation showed that Exodus, of
22 their contract with the City led to the termination
23 of those agreements. Exodus owes Presidential I
24 believe almost 2 million dollars for the work
25 performed, and my understanding is that this debt

1 remains outstanding. Also, Sheltering Arms, which
2 provides a number of services in my District, has
3 been forced to close their doors because of the
4 City's lack of payment so some of their contracts
5 have been taken over by another non-profit. This is a
6 reflection of a larger issue at MOCJ in terms of
7 payment delays. MOCJ is not ensuring that the
8 organization to which the agency owes money can
9 continue to provide services or make payroll each
10 month. One, I'd like to know what causes those
11 issues, and, two, how does this budget that's being
12 proposed help MOCJ improve its ability to ensure
13 organizations are paid in a timely fashion.
14

15 Then my last question for you will also
16 be what is the status of the Far Rockaway Community
17 Justice Center? Thank you.

18 DIRECTOR LOGAN: Good afternoon. I may
19 come back to you and say which one of the questions
20 to make sure I answer them all.

21 First, I want to be clear that MOCJ did
22 not contract with Sheltering Arms. That's not a MOCJ
23 partner provider so...

24 COUNCIL MEMBER BROOKS-POWERS: For the
25 Cure Violence Program?

1
2 DIRECTOR LOGAN: Sorry. I'm going to let
3 our Chief-of-Staff take that question.

4 CHIEF-OF-STAFF DANIEL: We may have had a
5 contract with them previously, but I don't think that
6 we had one for FY23, but I will doublecheck that for
7 you.

8 COUNCIL MEMBER BROOKS-POWERS: Please do.
9 Also, as you're checking that, is there an update
10 also on the RFP for Cure Violence? Is that still with
11 MOCJ as well?

12 CHIEF-OF-STAFF DANIEL: DYCD is completing
13 the RFP currently, and they should be announcing
14 awards shortly.

15 COUNCIL MEMBER BROOKS-POWERS: When you
16 said completing, because I know it closed over a year
17 ago now?

18 CHIEF-OF-STAFF DANIEL: The actual
19 application closed over a year ago and then there was
20 the evaluation period so the evaluation period was
21 ongoing, and now they're doing the calculations and
22 completing and will be announcing sometime soon.

23 COUNCIL MEMBER BROOKS-POWERS: You said
24 will be announcing?

25 CHIEF-OF-STAFF DANIEL: Sometime soon.

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
1 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT 39

2 COUNCIL MEMBER BROOKS-POWERS: Thank you.

3 CHIEF-OF-STAFF DANIEL: Prior to the new
4 Fiscal Year.

5 DIRECTOR LOGAN: As it relates to Exodus,
6 transitional servicing, and the subcontractor of
7 Exodus which is Presidential that you referred to,
8 we, the City, are committed to ensuring that partner
9 entities that provide services to the City are in
10 fact compensated for the services that they provide,
11 and MOCJ's team as well as the Law Department and
12 under the leadership of our First Deputy Mayor have
13 been working to unwind and resolve payment for
14 services that were rendered to the City so I am
15 fairly certain that within the last couple of weeks
16 part of the...

17 COUNCIL MEMBER BROOKS-POWERS: Yeah.
18 They've received like one or two payments, and I'm so
19 appreciative of the First Deputy Mayor for taking
20 this over, but I'm really looking to see it fully
21 resolved because I looked at my email, I think it's
22 almost two years now we've been dealing with this one
23 matter for a small minority-owned business which
24 hundreds of workers went without being paid, and so,
25 one, it hurt the reputation of a reputable black

2 business, but, two, you had hundreds of workers from
3 across the city that were unable to pay their bills
4 where people lost their homes for services provided
5 to the City because of the dynamic with Exodus.

6 CHIEF-OF-STAFF DANIEL: We do understand
7 that it caused a significant problem for
8 Presidential, and it definitely was not our intention
9 for that to be the case. It is unfortunately a risk
10 for subcontractors that they do unfortunately take on
11 sometimes with contracting providers, but we do
12 understand that it is a serious matter, and we're
13 working with all of our providers to make sure that
14 their subcontractors get paid.

15 COUNCIL MEMBER BROOKS-POWERS: In this
16 budget, are you putting in any resources to be able
17 to periodically monitor these contracts so that the
18 subs are not left pretty much holding the bag like
19 they're not getting paid for services rendered
20 because Forta (phonetic) amassed 2 million dollars,
21 that's a lot of money that went unpaid for over an
22 extensive period of time, but had there been
23 sufficient oversight it probably wouldn't have
24 reached so much.

2 CHIEF-OF-STAFF DANIEL: We are invoiced by
3 the providers, and the providers are reimbursed
4 essentially. We reimburse them for what they've
5 outlaid, and so when they do that we receive the
6 invoices and then we pay based on what they say they
7 have paid. After that, we would really have to hear
8 from the subcontractors in order to know for sure
9 that they were or were not paid so we do rely on our
10 contractors to make those payments.

11 COUNCIL MEMBER BROOKS-POWERS: Exodus, do
12 they still have contracts with the City currently?

13 CHIEF-OF-STAFF DANIEL: Exodus has ATI and
14 Re-Entry contracts, yes.

15 COUNCIL MEMBER BROOKS-POWERS: Even
16 despite owing several subcontractors money?

17 CHIEF-OF-STAFF DANIEL: We continue to
18 work with Exodus in order to ensure that anyone else
19 that they have continues to be paid.

20 COUNCIL MEMBER BROOKS-POWERS: How do you
21 think this budget is going to help your ability to
22 ensure organizations are paid timely going forward,
23 especially if you're contracting with bad actors?
24 Exodus is not paying their subs.

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

42

CHIEF-OF-STAFF DANIEL: We are continuing to work with them to ensure that they do when they invoice. We have a review process with particular providers if there is a concern sometimes where we look to ensure that their subcontractors are paid when they are paid.

COUNCIL MEMBER BROOKS-POWERS: Thank you. I just would encourage the agency to really look at who we are contracting with because if we see that they're not upholding what they need to do, either we put in something that's a check and balance with that to be able to prevent such massive debt to small businesses and impacting their reputation and their ability to do future work because you have businesses at risk of closing their doors but then, at the same time, you're telling me that Exodus still has contracts with the City which, to me, is unacceptable that the City would do that knowing that there were challenges, knowing that there was an audit done on Exodus which resulted in termination of a particular contract but then you still have other contracts with the City. That doesn't make sense to me, but thank you, Chairs.

2 CO-CHAIRPERSON BRANNAN: Council Member
3 Brewer followed by Abreu.

4 COUNCIL MEMBER BREWER: Thank you very
5 much. I have a question, and I appreciate your
6 comments about when people leave Rikers what happens,
7 and here indicates the women were given re-entry for
8 services, 1.08 million that was baselined, so I want
9 to know who gets that money, how does it get
10 utilized, ditto for the men, what contract agencies
11 you have? We all want people not to go at all, that's
12 an ATI, but if you are ending up there it's my
13 experience that there isn't enough support. People
14 still get dropped off at 125th and Lex, etc., so I
15 want to know what it is specifically that you're
16 funding and then maybe other agencies that are
17 getting funded to do this, number one.

18 Number two, Council Member Powers has a
19 bill, which I support, and I didn't know your
20 position, that those who have an incarceration record
21 should still be able to get housing, and that's very
22 controversial but I support it. I wanted to know your
23 position because I think it would help if they could
24 get housing.

25

1
2 Then I also wanted to know if you were to
3 do something that I also would like to see whether
4 it's Upstate or New York City, instead of going to
5 the shelter which is where a lot of people go that, I
6 don't care whether it's Osborne, Fortune, etc., all
7 these re-entry beds should be provided funding for
8 them and not for DHS, only because DHS can't handle
9 it and if we want to prevent recidivism, Fortune,
10 Osborne, etc. are the groups to do it.

11 Those are my questions. It's mostly about
12 how do we keep people from returning and who's paying
13 for it and how much.

14 DIRECTOR LOGAN: Thank you for that
15 question. We are committed to making sure that people
16 are given the foundation to move forward. I am going
17 to let our Chief-of-Staff..

18 COUNCIL MEMBER BREWER: I don't mind that
19 answer, but that's too general for me.

20 DIRECTOR LOGAN: No, no, no. I'm going to
21 let our Chief-of-Staff go ahead and give you the
22 specifics.

23 COUNCIL MEMBER BREWER: I'm not too good
24 on rhetoric.

1
2 CHIEF-OF-STAFF DANIEL: Our re-entry
3 services providers are funded at about 26 million,
4 and they do provide in-custody services in order to
5 connect folks to services once they leave. We can't
6 deny that there are sometimes gaps because sometimes
7 people are released unexpectedly, but they do work
8 very hard to try to make that connection prior to
9 people leaving. If you are aware of individual cases,
10 we would strongly encourage you to refer them to
11 either Fortune or Osborne or to us so that we can
12 make sure that people get connected to services.

13 COUNCIL MEMBER BREWER: Who is funded at
14 the 26 million, and is it just MOCJ or is there any
15 other agency also supposedly helping people before
16 they end up on the street?

17 CHIEF-OF-STAFF DANIEL: I believe that DOC
18 does have discharge planning within jails, and then
19 our folks work on the connection to the outside
20 world.

21 COUNCIL MEMBER BREWER: Okay, so who gets
22 the 26 million? Is it broken up to different non-
23 profits?

24 CHIEF-OF-STAFF DANIEL: It is. We have a
25 total of 10 providers.

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
1 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT 46

2 COUNCIL MEMBER BREWER: You could get us
3 that list? It doesn't have to be right now.

4 CHIEF-OF-STAFF DANIEL: We can give you a
5 list.

6 COUNCIL MEMBER BREWER: Okay, and then who
7 does the evaluation? Is it done by a university to
8 see if it really works or is it done just by self-
9 reporting? I'm a big believer in evaluation and not
10 by the agency.

11 CHIEF-OF-STAFF DANIEL: Agreed. It is
12 currently done by self-reporting and monitoring, but
13 we are very much interested in evaluation as well.

14 COUNCIL MEMBER BREWER: Very much
15 interested translates to what?

16 CHIEF-OF-STAFF DANIEL: That translates to
17 we should be conducting an evaluation in the next
18 year or so.

19 COUNCIL MEMBER BREWER: When we say we,
20 would that be like CUNY, Columbia, NYU, etc?

21 CHIEF-OF-STAFF DANIEL: An independent
22 evaluation.

23 COUNCIL MEMBER BREWER: Okay. My other
24 question would be housing for the future. In other
25 words, I've got the Powers bill. What's your position

1 on that? I don't know the number, but you know what
2 I'm talking about, and then also do you support
3 getting funding for Fortune, Osborne, anybody except
4 DHS when people leave either Upstate or Rikers?
5

6 CHIEF-OF-STAFF DANIEL: We currently fund
7 Osborne to do discharge planning Upstate so they do
8 some in-custody and then they provide transportation
9 as well. In addition, we also have transitional
10 housing where folks can be assigned to a transitional
11 housing space when they're leaving jail or prison,
12 and that includes from Upstate, and we are currently
13 working to expand that program.

14 COUNCIL MEMBER BREWER: Okay, but expand
15 it a lot because you've got about 2,500 people coming
16 from Upstate every year to shelter, and I don't know,
17 in the hundreds get housing. I'm talking about
18 thousands of units. We need to move from DHS to any
19 of the other providers that actually know what
20 they're doing.

21 CHIEF-OF-STAFF DANIEL: DHS, I know that
22 they have done a lot of work on their re-entry...

23 COUNCIL MEMBER BREWER: There's no way in
24 the world they can handle this population. They
25 don't.

1
2 CHIEF-OF-STAFF DANIEL: I will not speak
3 on the sister agency. I know that they're doing a lot
4 of work on it, and they're really looking to evaluate
5 it and see what they can do around the population. We
6 do currently have transitional housing because there
7 is an outstanding need as we're aware, and we are
8 always looking for ways and working with our other
9 city partners to...

10 COUNCIL MEMBER BREWER: I won't belittle
11 it here, but I am telling you you should be
12 advocating to get the folks out of DHS and into
13 housing that is run by these non-profits who actually
14 know what they're doing for this population.

15 CHIEF-OF-STAFF DANIEL: We're absolutely
16 advocating for all appropriate spaces for folks who
17 are leaving.

18 COUNCIL MEMBER BREWER: Thank you.

19 CO-CHAIRPERSON BRANNAN: Okay, we've also
20 been joined by Council Member Farias and Kagan. We
21 now have questions from Abreu followed by Schulman.

22 COUNCIL MEMBER ABREU: Thank you, Chairs.
23 The Daily News reported on April 24, 2023, that from
24 2017 through 2021 some 93 percent of the 12,910 guns
25 recovered from crimes in the five boroughs were

1 linked to an initial sale from out of the state
2 according to data from the Federal Bureau of Alcohol,
3 Tobacco, Firearms, and Explosives. To help combat
4 this scourge of illegal firearms making their way to
5 the city and to find innovative solutions in
6 cooperation with our State and Federal partners, I
7 sponsored Local Law 90 of 2022 which was enacted on
8 October 11, 2022. This law mandates that MOCJ in
9 coordination with the NYPD conduct a study and issue
10 an annual report to the Mayor and City Council
11 Speaker on the trafficking of illegal firearms into
12 New York City. The report was due December 1, 2022.
13 It is now 167 days since the report was due. My
14 question is simple. Can you please state for the
15 record where is the report and when will I receive it
16 to read your findings?

18 DEPUTY DIRECTOR SOLOMON: Thank you for
19 the question. We are very much aware of the
20 delinquent report. We have a draft of it, and we've
21 incorporated data from the NYPD and input from our
22 sister agencies that might be included. We should be
23 able to issue that report within the next month to
24 six weeks. We have been working on it, I assure you,
25 and our goal is to use this experience of doing this

report for the first time to ensure that the following year's report, which is due this coming December, will be issued on time.

COUNCIL MEMBER ABREU: Thank you.

CO-CHAIRPERSON BRANNAN: Council Member Schulman followed by Sanchez.

COUNCIL MEMBER SCHULMAN: Thank you. Good afternoon, all. I have a question. I know that MOCJ is like the umbrella for the City's criminal justice system so discharge planning that's done for people coming out of Rikers, does that come through you? I know it goes through the other agencies, but do you kind of oversee that?

CHIEF-OF-STAFF DANIEL: Our providers do provide discharge planning for folks coming out of Rikers, yes.

COUNCIL MEMBER SCHULMAN: This week, some of the community-based organizations including Fortune Society were told that their contracts are going to be ending on June 30th for discharge planning and that was going to be taken in to the Department of Correction, and I want to know what was the reasoning behind that.

2 DIRECTOR LOGAN: Thank you for the
3 question. The discharge planning that MOCJ contracts
4 with will continue with our partner providers. The
5 Department of Correction provided an additional layer
6 of discharge planning internal to the Department of
7 Correction through their own contracts, and they are
8 moving forward with internalizing that workstream
9 within their own agency.

10 COUNCIL MEMBER SCHULMAN: Do you have
11 oversight of that or they just do...

12 DIRECTOR LOGAN: That is internal to the
13 Department of Correction agency, and they would have
14 to be the ones to speak on...

15 COUNCIL MEMBER SCHULMAN: Because if we're
16 talking about, piggybacking on Council Member
17 Brewer's questions, if we want to keep people from
18 recidivism and we want to make sure that people have
19 the best chances in terms of returning to life
20 outside of incarceration, we really need to have a
21 cohesive system where people who are receiving
22 benefits from community-based organizations, which do
23 a wonderful job, I have personally worked with the
24 Fortune Society, have that opportunity and so this is

1 something that is very important to me and I think
2 other Members of the Council.

3
4 DIRECTOR LOGAN: Understood and appreciate
5 the question. We have worked very closely with our
6 sister agency to make sure that people are connected
7 so the Department of Correction had its own internal
8 programming. We continue to maintain the programming
9 for re-entry services. They will be available for the
10 Department of Correction to refer to the programming
11 that MOCJ contracts with for individuals that need to
12 be connected so if the Department of Correction is
13 internalizing that work they still will have the
14 ability to refer to programming that is contracted by
15 MOCJ.

16 COUNCIL MEMBER SCHULMAN: I appreciate
17 what you're explaining to me on the process level,
18 but I will tell you that a lot of these organizations
19 actually have people working for them that are
20 formerly incarcerated that are going to be out of
21 work and also they're the best ones to deal with
22 people in the system so I want to say that.

23 I also want to ask on a different level.
24 Re-entry services for, can I just finish my line,
25 thank you, re-entry services for women was given 1.8

1 million dollars in FY24 that was baselined in the
2
3 outyears. Please explain how many women are currently
4 being served by holistic re-entry services for women.

5 DIRECTOR LOGAN: Thank you for the
6 question. I'm going to let our Chief-of-Staff Nora
7 Daniel go and give you the specific numbers.

8 CHIEF-OF-STAFF DANIEL: About 35 percent
9 of folks being served by re-entry services are women
10 currently.

11 COUNCIL MEMBER SCHULMAN: How many women
12 who use these services remain outside of the criminal
13 justice system and what are the recidivism rates?

14 CHIEF-OF-STAFF DANIEL: In general, I'm
15 not sure about the specific recidivism rates for
16 women, but I can check on that and I can get back to
17 you.

18 COUNCIL MEMBER SCHULMAN: My last question
19 is in addition to re-entry services for women, what
20 other program do you offer for women who are involved
21 in the criminal justice system?

22 CHIEF-OF-STAFF DANIEL: We offer ATI
23 programs for women, and we also have the Abuse
24 Partner Intervention program.

1
2 COUNCIL MEMBER SCHULMAN: Okay. Thank you
3 very much.

4 CO-CHAIRPERSON BRANNAN: Council Member
5 Sanchez followed by Holden.

6 COUNCIL MEMBER SANCHEZ: Thank you so
7 much, Chair. I was also going to ask about JISH,
8 Justice-Impaired Supportive Housing initiative, but
9 Council Member Brewer and Council Member Schulman
10 have both asked about it, so I'll just make the
11 statement that there was a commitment in the Rikers
12 point of agreement to expand this program so the
13 Council as was stated in our budget response, we
14 really do want to see any expansion of the JISH
15 program.

16 I'll focus my questions on the Office of
17 Special Enforcement within MOCJ, which as you stated
18 in your testimony brings together DOB, FDNY, and
19 legal resources to protect the housing stock in the
20 City of New York and, of course, is the key enforcer
21 against illegal short-term rentals. Given that there
22 are some new regulatory requirements that are going
23 to be coming into effect and enforcement is going to
24 be particularly important at this juncture, can you
25 share what exactly is OSE's budget and given that

1 there are inspectors from different agencies and
2 things like do you have information about how many
3 inspectors from FDNY and from DOB are dedicated to
4 this work?
5

6 DIRECTOR LOGAN: Thank you for the
7 question. I just want to make sure I have in front of
8 me Office of Special Enforcement's specific budget.

9 For Fiscal Year 2023, Office of Special
10 Enforcement was budgeted at approximately 6 million
11 dollars. Their authorized head count is 60
12 individuals. They have approximately 32 lines
13 available to fill, and they're in the process of
14 onboarding. Their process is a little bit elongated
15 because building inspectors and fire individuals are
16 on a civil service line, and so we have to work with
17 DCAS in order to make sure that we pull and call
18 lists for individuals to fill those vacancies, and we
19 have been working with DCAS to ensure that the
20 interviewing and the process that has to happen for
21 pulled lists is followed to the letter.

22 COUNCIL MEMBER SANCHEZ: So a 50 percent
23 vacancy rate at the Office of Special Enforcement?

24 DIRECTOR LOGAN: That is correct.
25

1
2 COUNCIL MEMBER SANCHEZ: Okay. That is
3 extremely alarming, and I look forward to having more
4 conversation on that.

5 Just because I'm on the mic and I just
6 did this, I'm a lactating mother and very proud of
7 the amount of milk I produced, so big ups to
8 lactating moms everywhere. Our plights are not often
9 discussed so I'll take the moment. Thank you, Chair.

10 CO-CHAIRPERSON BRANNAN: I take full
11 credit.

12 I now want to have questions from Holden
13 followed by Williams.

14 COUNCIL MEMBER HOLDEN: Thank you, Chairs.
15 Thank you for your testimony. A couple of questions,
16 MOCJ is budgeted, it says in your testimony, 600
17 million in human services contracts, and you break it
18 down, supervised release 67 million, ATI 34 million,
19 and Community Justice Re-entry Network, CJRN, 26
20 million. Let's just take ATI, Alternative to
21 Incarceration. You're serving 5,660 people to be
22 exact. How are we measuring success in that area
23 because that's an important area?

24 CHIEF-OF-STAFF DANIEL: Agreed. It's
25 incredibly important for folks who are assigned or

2 mandated to ATIs to have the supports that they need,
3 and we absolutely do not want people to recidivate
4 while they're on the programs.

5 COUNCIL MEMBER HOLDEN: Do you have any
6 stats?

7 CHIEF-OF-STAFF DANIEL: We do, yeah. About
8 85 percent of folks who are on ATIs complete the
9 ATIs, and about 77 percent of folks are not re-
10 arrested for a new crime, and 97 percent are not
11 arrested again for a violent felony.

12 COUNCIL MEMBER HOLDEN: With all these
13 programs, supervised release, 67 million. Within
14 those and ATI and also the Community Justice Re-entry
15 Network, and it's totally well over let's say 140
16 million. What program do you consider the best
17 program within those, that shows the best numbers. In
18 your testimony today, I didn't really hear outcomes.
19 We're not getting that in the testimony essentially.
20 What would you say we should invest more in and then
21 what are some of the programs that the outcomes
22 aren't so great so as a Body here we could actually
23 come up with and help with a budget that makes sense?
24 This is why we're here.

1
2 DIRECTOR LOGAN: Thank you for that. We
3 have been working with our data teams to review the
4 places where we could strengthen programming. I'm
5 going to let our Deputy Director of Policy kind of
6 walk through some of the areas that we have focused
7 on.

8 DEPUTY DIRECTOR SOLOMON: I'll speak for a
9 moment about our supervised release program, which in
10 recent years has grown dramatically and really
11 achieved good levels of success. I will just add as a
12 preliminary note that I think many of the programs
13 that we operate are complementary to one another and
14 they're serving different pieces of the puzzle so
15 they're not necessarily overlapping and able to be
16 compared one against the other in certain ways.

17 The supervised release program in Fiscal
18 2019 was serving under 5,000 people per year. So far,
19 in Fiscal 2023, it looks like we're going to have
20 over 20,000, maybe over 22,000 in total served which
21 is about a four to five time increase over the past
22 several four to five years so a huge increase. I
23 think a lot of credit is due to the contractors. We
24 now have four contractors working across the city to
25

1 ensure proper supervision and support for individuals
2 who are released pre-trial.

3
4 In terms of outcomes, in the supervised
5 release program in the last Fiscal Year, we saw 89
6 percent of individuals who went through the program
7 complete their term of supervision without failure to
8 appear and a warrant issued. We consider that to be a
9 very successful outcome as a general matter. In
10 addition, we saw a rate of 72 percent complete their
11 period of supervision with no re-arrest, whether
12 misdemeanor or felony.

13 COUNCIL MEMBER HOLDEN: You said 72?

14 DEPUTY DIRECTOR SOLOMON: 72 percent.

15 COUNCIL MEMBER HOLDEN: Okay, but other
16 side, just one other followup on that, Chair, if I
17 may. What programs aren't working that you feel we
18 need to re-examine and maybe rethink?

19 DIRECTOR LOGAN: I don't know that we
20 would say that it's not working. I know that within
21 the population that supervised release is serving
22 there is a core group of individuals that we know are
23 not getting the intensive case management that they
24 need, and those are the people that we see when Mayor
25 Adams is talking about the people who are coming back

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
1 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT 60

2 on recurring criminal charges. There's approximately
3 9,000...

4 COUNCIL MEMBER HOLDEN: But I want a red
5 flag, like I want a program that you feel we need to
6 re-examine because really we're putting money into
7 it, but we're not really seeing the impact that we
8 expected.

9 DIRECTOR LOGAN: That is your red flag
10 because what it is is that the program was designed
11 for people who did not need that type of high-
12 intensity case management, and therefore that 9,000
13 bucket of population are not getting what they need,
14 and so that would be where we would be saying we need
15 to go back and drill down and figure out what the
16 specific additions are for those individuals that
17 fall into that 9,000 because we know approximately
18 2,000 of those 9,000 people come back on a violent
19 felony offense, and that's where we as a City need to
20 make sure that we're putting resources and
21 supporting.

22 COUNCIL MEMBER HOLDEN: Thank you.

23 CO-CHAIRPERSON BRANNAN: Council Member
24 Williams followed by Ariola.

25

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
1 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT 61

2 COUNCIL MEMBER WILLIAMS: Hello. I just
3 have a quick question about staffing. Overall, how
4 many vacancies does MOCJ have?

5 DIRECTOR LOGAN: I would get our Chief
6 Operating Officer to go over our full head count.

7 CHIEF OPERATING OFFICER JULIEN: We
8 currently have 69 vacancies at MOCJ.

9 COUNCIL MEMBER WILLIAMS: How many? 69?

10 CHIEF OPERATING OFFICER JULIEN: 69.

11 COUNCIL MEMBER WILLIAMS: 69 vacancies.

12 CHIEF OPERATING OFFICER JULIEN: Yes.

13 COUNCIL MEMBER WILLIAMS: Is it fair to
14 say that you're like 50 percent down? More than 50
15 percent down?

16 CHIEF OPERATING OFFICER JULIEN:
17 Approximately 40 percent down.

18 COUNCIL MEMBER WILLIAMS: 40 percent down.
19 Okay. Can you just share what were the reductions in
20 the head count and your ability to fulfill any
21 requirements of your Department?

22 CHIEF OPERATING OFFICER JULIEN: Sure. In
23 Prelim, there were three reductions. We are able to
24 meet our requirements on the procurement and fiscal
25 side because we have a dedicated team of

professionals that get the work done. As previously mentioned, we do have two staffers being onboarded in about a week and a half to ensure that we are able to meet our targets.

COUNCIL MEMBER WILLIAMS: Are you being allowed to hire for the rest of the vacancies you have?

CHIEF OPERATING OFFICER JULIEN: Yes.

COUNCIL MEMBER WILLIAMS: Okay. Is that a part of the overall plan the City has been initiating so has MOCJ been a part of like the job fairs?

CHIEF OPERATING OFFICER JULIEN: Absolutely. We do have a liaison on the Talent and Workforce Development Task Force, and we have been proactive in our own outreach to fraternal organizations, professional membership organizations, and working with our sister agencies to ensure that we are recruiting as best possible.

COUNCIL MEMBER WILLIAMS: Okay. Another question that I have is not about that. It's about bail reform, and I know there's been a lot of conversations about supervised release and some of those things are intertwined and so given a lot of the conversations around bail reform, has MOCJ made

1 any assessments in terms of the impact, things that
2 we as a City can do to address some of the concerns
3 that people have and to essentially expand supervised
4 release to be a more robust program than what it
5 originally intended to be given new reforms to bail?

7 DEPUTY DIRECTOR SOLOMON: Thank you for
8 the question. We have indeed been looking at the
9 anticipated outcomes and impacts of the changes to
10 the bail laws that were included in the State budget
11 process. Our preliminary assessment which we continue
12 to update based on data that's coming in and input
13 from our partners is that we do not anticipate a
14 significant increase in the jail population in New
15 York City. However, we do believe there may be some
16 increase in the pre-trial release population related
17 in many ways to the provision that you just described
18 related to supervised release. In particular, in the
19 bail laws, the change relates to judges being
20 authorized to order supervised release as a backstop
21 to bail payment. We have been in touch and we
22 continue to be in touch with our partners at OMB
23 about potential changes needed to supervised release
24 funding and other changes to our programs that may be
25 needed as we see more changes in the population.

1
2 COUNCIL MEMBER WILLIAMS: Yeah. I was in a
3 session, and the folks who do supervised release made
4 a lot of claims that they don't have the capacity to
5 deal with folks who are out on bail and it's not that
6 bail reform is a terrible thing, it's just that folks
7 are not being properly supervised because the
8 supervised release program never had the capacity to
9 monitor as many people that they then have to monitor
10 through bail reform so it's important. I hope OMB
11 does give you the flexibility to be able to scale up
12 that program if you are seeing an increase in
13 individuals who are in need of supervision.

14 DIRECTOR LOGAN: Thank you. We working
15 through that in addition to addressing the fact that
16 those partner providers have seen individuals staying
17 under their management and monitoring far longer as
18 we're coming out of the public health crisis, people
19 stayed on longer than anticipated when the program
20 was enacted because nobody actually ever thought
21 about COVID when they were thinking about how long
22 cases would take.

23 COUNCIL MEMBER WILLIAMS: Okay. Just one
24 very quick thing, Chairs. About the CMS system, I
25 know you guys know that I'm very passionate about the

1 CMS system, and I know that they're under DYCD which
2 I don't fully agree with, just want to go on the
3 record to say that. I know you have to say what you
4 have to say, but I don't fully necessarily agree with
5 them being moved into DYCD, but what exactly is going
6 to be MOCJ's continuing role in cms, whether it's
7 providing some type of feedback on the type of work
8 that they're doing. We passed a bill that essentially
9 requires levels of accountability and reporting on
10 efficiency of the programs, and so is MOCJ going to
11 be doing that, is DYCD going to be doing that, is it
12 a joint effort.
13

14 And last but not least, and I'll be
15 quiet, thank you so much, Chairs. Yesterday, I
16 actually was talking to a Mayor in Detroit, and one
17 of the things that they do is essentially they have
18 these programs where they give a million dollars and,
19 if they're actually able to come back with data to
20 show this amount of shootings didn't happen in a
21 community they will increase the funding so it's
22 metrics-based, and I think that was the goal of the
23 bills that we passed in the Public Safety Committee
24 so really trying to understand where this type of
25 work will fall given the transitions of CMS into DYCD

1 which I do not think DYCD has the expertise to
2 provide this type of oversight in metrics-based
3 performance.
4

5 DIRECTOR LOGAN: Thank you for that very
6 robust statement. I do hear you on the work that
7 needs to be done, and, as I've said, it is one city,
8 and we are going to be working collectively too, MOCJ
9 reviewing data. We're working with our Deputy Mayor,
10 we fall under Deputy Mayor Banks who has a quality
11 assurance role so we have set down and we have
12 started talking about what key performance indicators
13 should look like in starting to make sure that those
14 measures will be incorporated going into the future
15 contracts for the awards of who's going to be getting
16 the work in different areas. In addition, we do have
17 a federal SIPPRA grant which is about the pay for
18 performance, right, so it is a matter of measuring
19 how many shootings have been reduced in an area that
20 is a catchment and how many hospital beds haven't
21 been taken up, and so we are doing that work now and
22 we hope to be able to finish producing those reports
23 so that we can give much more robust information but
24 hearing you and understanding that again, same as
25 Council Member Holden said that when you invest your

1 dollars you want to know what that dollar gets you
2 and so we, too, the Mayor is extremely committed in
3 making sure that not only we, MOCJ, his arm of data
4 research think tank does that but all of our sister
5 agencies are doing that so collectively across the
6 city we're working to make sure that we are giving
7 not only our Mayor that information but you as well.

9 CO-CHAIRPERSON BRANNAN: Okay, now we have
10 Council Member Ariola.

11 COUNCIL MEMBER ARIOLA: Thank you, Chairs.
12 Earlier in your testimony you said that you are in
13 conversations with OMB with respect to the
14 disbursement of the State funds. Are you addressing
15 the inequities in the amount of funding that's given
16 to some district attorneys, is consideration being
17 given to crime stats with each borough when
18 earmarking the funding? As an example, the Queens
19 district attorney's office currently receives the
20 least amount of funding compared to other boroughs
21 yet has one of the largest volumes of criminal cases.

22 DIRECTOR LOGAN: Thank you for the
23 question. I would have to go back and review just
24 what the full breakdown is among the five district
25 attorneys' office and then the Special Narcotics

1 Prosecutor. My memory wasn't that they received the
2 least amount of funding because Staten Island by
3 volume also is a lesser amount. However, when the
4 distribution of funding is done, it is done based on
5 case volume as well as the needs that each individual
6 office puts into the Office of Management and Budget,
7 and then Management and Budget will look and have
8 conversations with MOCJ about how those meet the
9 initiatives and goals for the City as a whole and the
10 places where things need to be strengthened. I know
11 that one of the issues when we were talking about
12 different budgets was when you're looking at the
13 Bronx the fact that they have the jurisdiction that
14 is Rikers Island, the case volume that's there in
15 addition to the case volume that is happening within
16 their Borough as a specific measure so we are happy
17 to go back and look at like the specific Queens DA
18 funding to see what, if anything, needs to be
19 addressed there, and we will always work with all of
20 our partner DAs to make sure that they have the
21 resources that they need.

23 COUNCIL MEMBER ARIOLA: I appreciate that.
24 It was when the DAs did come and testify before us
25 and the documentation that was given, Queens was at

1 the lowest even with Staten Island being a smaller
2 borough, Queens was still given the least funding so
3 I would appreciate you getting back to us with that.
4 Thank you.

5
6 DIRECTOR LOGAN: Absolutely.

7 CO-CHAIRPERSON BRANNAN: Okay, now we have
8 Council Member Brewer.

9 COUNCIL MEMBER BREWER: Thank you. The
10 Queens DA called me too so you should definitely call
11 her. She's quite adamant about it, whatever.

12 I have a question. Yesterday it was in
13 the paper, Correction, not you, cut Fortune, their
14 contract that helps people leave Rikers by 17 million
15 dollars so my question to you is did you have any say
16 about that, does that impact, do your groups have to
17 pick that up? Obviously, they're doing probably some
18 classes at the facility, which is not you, but I
19 assume their doing re-entry also. I'm really
20 concerned about re-entry obviously, and so my
21 question is did you know about this cut, do you
22 support this cut, can your agency pick up whatever
23 Fortune was doing in terms of re-entry, are you aware
24 of the cut, etc.?

1
2 DIRECTOR LOGAN: The Department of
3 Correction made the determination to figure out
4 closing their budget gaps via whatever the vehicles
5 that they thought they would be able to assume the
6 work in-house. We as a City are making sure that as
7 we look at the services we address the gaps. At this
8 juncture, we are making sure that we are maintaining
9 the re-entry services, we're maintaining a
10 relationship with the Department of Correction to
11 ensure that people get the referral to the services
12 in community. As we continue to evaluate whether or
13 not there are gaps in those services, we will be
14 going back to all of the partners to talk about
15 whether or not there needs to be additional
16 supplement in order to address what the result may be
17 of the Department of Correction internalizing a lot
18 of the work that they...

19 COUNCIL MEMBER BREWER: Okay. I hear what
20 you're saying. I guess what I would like to know, not
21 now, is exactly what the re-entry projects that
22 Fortune did are and who is picking them up. If nobody
23 is, maybe they're not needed. I don't believe that,
24 and I don't know that Correction can do the same kind
25 of classes. I understand PEGs, blah, blah, blah, but

2 this would not be something that I would've cut so I
3 would like to know in addition to the 10 groups that
4 are doing it for you I'd like to know what, and you
5 can get this from Correction just as easily, we'll
6 certainly ask it when they come before us, but what
7 is it that Fortune was doing and who's going to pick
8 it up. I assume it was worthwhile because everything
9 Fortune does, in my opinion, worthwhile. Thank you.

10 DIRECTOR LOGAN: Thank you.

11 CO-CHAIRPERSON HANKS: Thank you so much.

12 Thank you, Deanna Logan. Thank you, Chair Brannan,
13 and all my Colleagues that have attended this hearing
14 today.

15 My closing statement, I just wanted to
16 reiterate some of the questions of my Colleagues when
17 it comes to data and really looking at what are the
18 results of the hard work that my Colleagues are doing
19 in putting forth these reporting bills and that we
20 should be doing a much better job of getting the data
21 and the information that we're asking for so we
22 actually know if we're winning, whether we need to
23 adjust, and I appreciate all of the work that you're
24 doing and thank you so much for your testimony today

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

72

and your answers to our questions. Thank you, Chair
Brannan.

CO-CHAIRPERSON HANKS: Thank you, Chair.
Thank you, guys, so much. We look forward to working
with you over the next month and a half as we
negotiate the budget.

DIRECTOR LOGAN: Thank you. Look forward
to working with you as well.

CO-CHAIRPERSON BRANNAN: Okay, we're going
to take a short break, and then we're going to hear
from FDNY. Thank you.

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

CO-CHAIRPERSON BRANNAN: [GAVEL] Okay,
good afternoon. We're ready to begin the second and
last hearing of the day. This is day seven of
Executive Budget hearings, and we're going to be
focused on the Fire Department of New York and
Emergency Medical Service. I am pleased to be joined
by my Co-Chair for this hearing, Council Member Joann
Ariola, Chair of the Committee on Fire and Emergency
Management.

We have been joined by Council Members
Kagan, Riley, Schulman, Feliz, Carr, and Yeger.

Welcome, Commissioner Kavanaugh, and your
team. Thank you all for joining us today to answer
our questions.

Just going to set the table. On April 26,
2023, the Administration released the Executive
Financial Plan for FY23 to FY27 with a proposed FY24
budget of 106.7 billion dollars. FDNY's proposed FY24
budget of 2.3 billion represents 2.15 percent of the
Administration's proposed FY24 budget in the
Executive Plan. This is an increase of 55 million
dollars or 2.5 percent from the 2.24 billion
originally allocated in the FY24 preliminary plan.
This net increase is mostly due to the B-HEARD

1 expansion, additional overtime funding, and increased
2 revenue from the Emergency Management Service.

3
4 My questions will largely focus on fire
5 inspectors, the overtime budget, the FDNY revenue
6 sources including EMS. I have to point out that the
7 last two issues go directly to something I've been
8 speaking about for years. For decades, I believe that
9 the City has treated the fifth firefighter as
10 optional at best or unnecessary at worst, and I
11 believe this is misguided in the name of cutting
12 cost. Now, we look at overtime numbers. It's not even
13 accomplishing that. Separate from this, it's
14 frustrating to me that the Executive Plan will count
15 increased revenue generated by EMS for the budget,
16 yet those EMS workers who answer those calls and go
17 on those runs remain the least compensated of all our
18 first responders. I believe they're in need of pay
19 parity with their counterparts. I don't think there
20 should be any second-class first responders in our
21 city.

22 I look forward to discussing this and
23 more with the Department, but I'm now going to turn
24 to my Co-Chair for this hearing, Council Member
25 Ariola, for her opening statement.

2 CO-CHAIRPERSON ARIOLA: Thank you, Chair.

3 Good afternoon and welcome to Fiscal 2023 Executive
4 Budget hearing for the Fire and Emergency Management
5 Department of New York. My name is Joanna Ariola, and
6 I am the Chair of the Fire and Emergency Management
7 Committee.

8 Today, we will review the Fire
9 Department's Fiscal 2023 budget to understand how it
10 addresses the needs of all New Yorkers. Today, we are
11 here to discuss the Fire Department's Fiscal 2023
12 Executive Budget, which is 2.3 billion with 17,329
13 positions. The Fiscal 2023 Executive Budget has
14 undergone some changes, increasing 5 million since
15 adoption. The Department has five new needs in Fiscal
16 2023, totaling 48 million dollars, which are entirely
17 City-funded. The Fire Department's Fiscal 2023 to
18 2023 Capital Commitment Plan totals 1.5 billion and
19 supports 299 distinct projects. Following a
20 productive conversation around the preliminary budget
21 and some significant budgetary changes for the
22 Department in the past two plans, I'm looking forward
23 to discussing the Fire Department's priorities,
24 needs, and recent actions. The Department has added
25 funding for the Behavioral Health Emergency

1 Assistance Response Division, B-HEARD, increased
2 ambulance tours, and the Committee and myself would
3 like to understand some of these changes. I would
4 also like to discuss lithium-ion battery fires,
5 diversity, recruitment, and more. I'm excited for
6 what we will accomplish over the term and look to
7 build on previous hearings we have had in the past
8 few months about diversity and, as always, the safety
9 of FDNY members.
10

11 I would like to thank our Committee Staff
12 for their hard work, Financial Analyst Tanveer Singh,
13 Unit Head Jack Storey, Committee Counsel Josh
14 Kingsley, Political Analyst Will Hongach, and my
15 Chief-of-Staff Phyllis Inzerillo.

16 I would like to welcome and thank
17 Commissioner Kavanaugh and our firefighters, EMTs,
18 paramedics, and the Department's civilian staff for
19 the work that they do, and I'm looking forward to
20 hearing from the Commissioner.

21 I will now turn it back to Committee
22 Counsel.

23 COMMITTEE COUNSEL TWOMEY: Good afternoon.
24 Would you raise your right hands, please?

25

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
1 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT 77

2 Do you affirm that your testimony will be
3 truthful to the best of your knowledge, information,
4 and belief and you will honestly and faithfully
5 answer Council Member questions? Commissioner
6 Kavanaugh.

7 COMMISSIONER KAVANAUGH: I do.

8 COMMITTEE COUNSEL TWOMEY: Chief Hodgens.

9 CHIEF HODGENS: I do.

10 COMMITTEE COUNSEL TWOMEY: Chief Fields.

11 CHIEF FIELDS: I do.

12 COMMITTEE COUNSEL TWOMEY: First Deputy
13 Commissioner Pfeifer.

14 FIRST DEPUTY COMMISSIONER PFEIFER: I do.

15 COMMITTEE COUNSEL TWOMEY: Deputy
16 Commissioner Christoff.

17 DEPUTY COMMISSIONER CHRISTOFF: I do.

18 COMMITTEE COUNSEL TWOMEY: Assistant
19 Commissioner Noonan.

20 ASSISTANT COMMISSIONER NOONAN: I do.

21 COMMITTEE COUNSEL TWOMEY: Thank you. You
22 may begin.

23 COMMISSIONER KAVANAUGH: Thank you. Good
24 afternoon, Chair Ariola, Chair Brannan, and all the
25 Council Members present. My name is Laura Kavanaugh,

1 and I am the Commissioner of the New York City Fire
2 Department. I am joined today by Joseph Pfeifer,
3 First Deputy Commissioner; John Hodgens, Chief of
4 Department; Michael Fields, Chief of EMS; Lizette
5 Christoff, Deputy Commissioner for Management and
6 Budget; and Nafeesah Noonan, Assistant Commissioner
7 for Recruitment and Retention. Thank you for the
8 opportunity to speak with you today about the
9 executive budget for the Fire Department.
10

11 Before I address the budget, I'd like
12 to acknowledge two special members of the FDNY
13 family and an act of heroism that took place since
14 we last spoke. Cesar Reyes and Elijah Houston are
15 seniors at FDNY Captain Vernon A. Richard High
16 School. While walking to school a few weeks ago,
17 they stopped by a friend's house and encountered
18 the friend's father on the kitchen floor,
19 unresponsive and gasping for air. Cesar had taken
20 an FDNY Prep Course as part of his school
21 curriculum, so he knew what to do and he sprang
22 into action. Finding no pulse, he immediately
23 called 911 and began performing chest
24 compressions. Elijah guided the responding EMTs
25 and Paramedics into the house and talked the

1 family through the situation, keeping them calm.

2 Together, Cesar and Elijah saved the life of their
3 friend's father.
4

5 In our Preliminary Budget Hearing, I
6 highlighted the work of FDNY's Mobile CPR outreach
7 unit. The situation that Cesar and Elijah found
8 themselves in shows just how valuable it is to know
9 CPR. Being prepared may enable you to save the life
10 of a stranger or a loved one. The Department offers
11 free CPR courses in multiple languages, and we
12 encourage everyone here to enroll.

13 I am also pleased to report that today,
14 right now, three FDNY firefighters are being honored
15 by President Biden at the White House for acts of
16 heroism. Retired Lieutenant Jason Hickey, Lieutenant
17 Justin Hespeler, and Firefighter Patrick Thornton
18 each received the Medal of Valor this morning in
19 connection with acts of heroism involving,
20 respectively, a rescue of an individual in the
21 Harlem River; a rescue of a newborn baby from a
22 fire; and a rescue of an individual who was trapped
23 beneath a capsized boat. Every day, our FDNY members
24 make us proud, putting their lives on the line for
25 New Yorkers.

2 The Executive Budget for Fiscal Year
3 2024 is a reflection of Mayor Adams' ongoing
4 support for public safety. Among new needs, it
5 provides nearly 27 million in funding for FDNY's
6 role in the Behavioral Health Emergency Assistance
7 Response Division or B-HEARD program. B-HEARD
8 pairs FDNY EMTs and paramedics with mental health
9 professionals to respond to mental health calls
10 that come in through the 9-1-1 system. These teams
11 respond to a wide range of behavioral health
12 problems, such as suicidal ideation, substance
13 misuse, and mental health conditions including
14 serious mental illness. Team members bring
15 significant experience with mental health crises
16 and have undergone joint training to respond to and
17 de-escalate emergency situations. This budget
18 funds the program's operations in existing areas
19 and its expansion into additional high-needs
20 neighborhoods. It also includes funding for two
21 Basic Life Support ambulances tours that the
22 Department is absorbing that were previously
23 operated by Kingsbrook Jewish hospital in
24 Brooklyn. Other funding in the Executive Budget
25 covers personnel services and other-than-personal

2 services adjustments for FY23, including funding
3 to support updated spending projections for
4 uniform overtime spending as well as auto parts
5 and telecommunications services costs.

6 The Executive budget reflects the Fire
7 Department's steps to meet obligations under the
8 Program to Eliminate the Gap or PEG. These
9 measures include decreased contractual spending
10 and additional Medicare revenue generated by EMS
11 transports.

12 I will close by addressing a topic that
13 is the top focus of the Fire Department and the
14 Council and the Chair. The trend of fires caused by
15 lithium-ion batteries continues to wreak havoc on
16 our city. This past week, the number of deaths
17 caused by these fires in 2023 surpassed the total
18 number of deaths caused by lithium-ion battery
19 fires in 2022. We are still encountering residents
20 leaving unattended batteries to charge overnight,
21 batteries and vehicles left blocking their only
22 way of egress, and locations where large numbers
23 of batteries are present. We continue to see fires
24 resulting from micro-mobility devices, and we are
25 engaged in a comprehensive information campaign to

1 warn New Yorkers about the dangers of these fires
2 and best practices to stay safe. As a City and as
3 a Department, we are attacking this problem at
4 every level from Mayor Adams's "Charge Safe, Ride
5 Safe" Electric Mobility Action Plan to working with
6 state and local representatives, members of
7 Congress, and an ongoing dialogue and engagement
8 with the federal Consumer Product Safety
9 Commission. These efforts will be effective over
10 time, but we know that there are unsafe devices in
11 the hands of our citizens right now so we are
12 doing everything we can to mitigate potential
13 dangers. We have developed and released new
14 Public Service Announcements and safety
15 materials. We continue amplifying our outreach to
16 the community. Many of you have shared those
17 messages, and we thank the Council for your efforts
18 and cooperation in helping to spread the word.
19 Working together, we can make a difference on this
20 critical threat.

22 I would be glad to take your questions
23 at this time.

24 CO-CHAIRPERSON BRANNAN: Thank you,
25 Commissioner. I want to talk about overtime. The

1 Fire Department has always been one of the agencies
2 that uses the most overtime. It's often required to
3 perform the job with calls coming in later in a
4 shift and responses obviously requiring longer
5 hours or to maintain staffing levels.
6

7 One question we have is, I know this
8 Fiscal Year the Department has loosened its
9 overtime cap. According to the Executive Plan, FDNY
10 anticipates spending 67 percent more than what was
11 budgeted at adoption. That's compared to 60 percent
12 more than what the NYPD is budgeted for overtime so
13 could you tell us why has overtime increased so
14 much compared to an agency like NYPD that's much
15 larger?

16 COMMISSIONER KAVANAUGH: Sure. There's a
17 couple reasons. One is we have fixed post staffing
18 which means minimum manning so we can't staff a
19 fire company with less than a certain number of
20 members so that requires us to use overtime to fill
21 those gaps, and the reason that we are short in
22 head count and have those gaps is a direct result
23 of COVID so classes were not put in for a number of
24 months during COVID, and we are working to catch up
25 now. We are getting creative in how to fit in more

1 classes and make sure that we do get to head count
2 so that we see that overtime decrease eventually.
3 I'd also like to mention that that cap is not
4 related to our overall spending but is related to
5 how overtime is allocated among members and is a
6 health and safety issue which is why we raised that
7 cap in order to address the very high number of
8 overtime hours some members were working. Anything
9 else?
10

11 CO-CHAIRPERSON BRANNAN: What was the
12 most recent class?

13 COMMISSIONER KAVANAUGH: As in how large
14 was it...

15 CO-CHAIRPERSON BRANNAN: Yeah.

16 COMMISSIONER KAVANAUGH: It was put in a
17 few weeks ago, and it was a little over 300. Do you
18 know the exact number?

19 CHIEF HODGENS: 327.

20 COMMISSIONER KAVANAUGH: 327.

21 CO-CHAIRPERSON BRANNAN: Okay. What's the
22 average?

23 COMMISSIONER KAVANAUGH: That is about
24 the average that we put in, yeah.

25

CO-CHAIRPERSON BRANNAN: Okay. Talk about revenue. The FY24 budget included 650 million dollars of revenue in FY23, which was an increase of 20 million compared to the preliminary budget, and includes many sources such as federal and state grants, but a large portion comes from EMS revenue. What factors contributed to FDNY's increase in projected revenue compared to last year?

COMMISSIONER KAVANAUGH: Commissioner Christoff.

DEPUTY COMMISSIONER CHRISTOFF: Sure. In the Executive Budget, one of the EMS revenue increases that you see is tied to Medicare revenue so the Centers for Medicaid and Medicare Services had authorized increases to their rates as of January 2023, and so it's really reflecting that increase in the Medicare rates.

CO-CHAIRPERSON BRANNAN: So it was anticipated or was it unexpected?

DEPUTY COMMISSIONER CHRISTOFF: There's normally an adjustment every year although the exact amount of the adjustment isn't necessarily known in advance.

1
2 CO-CHAIRPERSON BRANNAN: Okay. During our
3 last preliminary budget hearing, the Department
4 hired a new class of inspectors to fill the
5 shortage. Being that this is a revenue-generating
6 position, would it be fair to say that that would
7 increase revenue?

8 DEPUTY COMMISSIONER CHRISTOFF: That
9 should certainly have a positive impact on revenue
10 once they're out in the field. Those inspectors are
11 currently in training, but they should be
12 graduating soon.

13 CO-CHAIRPERSON BRANNAN: Did the increase
14 in projected revenue take into account the
15 increased EMS runs from the B-HEARD expansion?

16 DEPUTY COMMISSIONER CHRISTOFF: We don't
17 actually see an increase in overall runs tied to B-
18 HEARD, like those were calls that we were
19 responding to previously, but it is a change in the
20 kind of response that's being sent.

21 CO-CHAIRPERSON BRANNAN: Okay. Let's talk
22 about the fifth firefighter. It's a big issue for
23 me. 2011, Mayor Bloomberg removed the fifth
24 firefighter from every company, instead requiring
25 that two engine companies of four firefighters

1 respond to each call, and there's been a lot of
2 discussion around the demand for firefighters is
3 greater during the cold months versus the hot
4 months, whatever. Would the addition of another
5 firefighter help during these busy times, these
6 busy peaks?
7

8 COMMISSIONER KAVANAUGH: As you know, the
9 fifth firefighter is a collective bargaining issue.
10 We do in certain circumstances, and I'll let the
11 Chief expand on this, add the fifth firefighter in
12 certain weather conditions and other conditions
13 where it's required. Chief.

14 CHIEF HODGENS: In certain conditions, we
15 do add the fifth firefighter. Usually, it is
16 because of like a deep snow because the
17 firefighters stretch the hose line, and, if there's
18 a lot of snow, it gets caught on objects, it's
19 harder to walk through the snow so that is a place
20 where we really could use it. As far as other
21 weather-related issues, we do evaluate each one.
22 Sometimes if there's serious flooding expected or
23 hurricane-type weather, we may add the fifth
24 firefighter, but the one constant is when we have
25 deep snow, we always add the fifth firefighter.

1
2 CO-CHAIRPERSON BRANNAN: Understanding
3 it's part of collective bargaining, would the
4 Department work with the union to prioritize
5 bringing back the fifth firefighter?

6 CHIEF HODGENS: Like you said, it is part
7 of the collective bargaining process so we would
8 have to go to the table and talk about it.

9 CO-CHAIRPERSON BRANNAN: Do we have
10 enough firefighters to implement the fifth
11 firefighter when we need it?

12 CHIEF HODGENS: Yes, the fifth
13 firefighter in those circumstances is hired on
14 overtime so it's in addition to our regular
15 staffing.

16 CO-CHAIRPERSON BRANNAN: All right, let's
17 talk about EMS pay parity. This year, we've seen
18 the importance of our EMS members, both paramedics
19 and EMTs. However, their wages continue to lag
20 behind other first responders in the city. Could
21 you tell us the current attrition rate for EMS?

22 DEPUTY COMMISSIONER CHRISTOFF: The
23 current attrition rate is about 8.9 percent.

24 CO-CHAIRPERSON BRANNAN: What are the
25 current challenges in achieving pay parity for EMS?

2 COMMISSIONER KAVANAUGH: Just like the
3 fifth firefighter, it is a collective bargaining
4 issue. As I think you know, I have a pretty long
5 track record of advocating for this with you, and
6 we did get a substantial raise for our EMS workers
7 in the last contract, and we will bring that
8 advocacy to the table again (INAUDIBLE)

9 CO-CHAIRPERSON BRANNAN: Do we think some
10 of that extra EMS revenue could be put towards pay
11 parity?

12 COMMISSIONER KAVANAUGH: I think that's
13 something we'd have to talk about in collective
14 bargaining, but I would say we will look at every
15 avenue to support our workforce.

16 CO-CHAIRPERSON BRANNAN: When are those
17 contract negotiations going to take place?

18 COMMISSIONER KAVANAUGH: We don't know
19 the exact dates, but given that DC37, which is the
20 parent union of our EMS Locals has settled, we can
21 anticipate that they will be soon.

22 CO-CHAIRPERSON BRANNAN: Okay. I'm going
23 to turn it to Chair Ariola. Thank you.

24 CO-CHAIRPERSON ARIOLA: Thank you, Chair.
25 Commissioner, in your opening statement, you

1 mentioned the great honor that Lieutenant Jason
2 Hickey received today. He's one of the officers
3 that we're looking to have reinstated. We're proud
4 of him and proud to know him so thank you for
5 mentioning him.
6

7 COMMISSIONER KAVANAUGH: Of course.

8 CO-CHAIRPERSON ARIOLA: I want to talk
9 about lithium-ion batteries, my favorite topic. The
10 ongoing lithium-ion battery fire crisis is one that
11 the City must work together to mitigate. I'm happy
12 that the FDNY and the Council are on the same page
13 on this issue. During our preliminary budget
14 hearing, the FDNY mentioned how serious the problem
15 actually is and that action is needed and it's
16 needed now. What is the FDNY's stance on Intro. 949
17 which would create a citywide buyback program for
18 the kind of defective or uncertified lithium-ion
19 batteries that have sparked dozens of fires?

20 COMMISSIONER KAVANAUGH: I would say that
21 the FDNY would support any program that got these
22 unregulated bikes out of the City and out of
23 people's homes. That includes both regulation and
24 ability to make sure that people who currently have
25

1 bikes, to your point, have a safe battery is
2
3 incredibly important to us.

4 CO-CHAIRPERSON ARIOLA: Okay, great. Does
5 the FDNY have any idea of the cost associated with
6 this legislation?

7 COMMISSIONER KAVANAUGH: I am not sure,
8 but we are working with a number of City agencies
9 as well as the delivery companies to figure out
10 both the costs and how those would be borne outside
11 of the delivery workers who should not bear the
12 cost for that.

13 CO-CHAIRPERSON ARIOLA: Right. I know
14 that the FDNY has worked with food delivery
15 companies recently to promote a campaign of
16 teaching people about the dangers of lithium-ion
17 batteries that are not certified, and 300,000
18 dollars that will help fund a public education
19 campaign to teach and educate New York e-bike
20 drivers about the dangers of knockoff lithium-ion
21 batteries. Can you give a brief description about
22 the educational campaign?

23 COMMISSIONER KAVANAUGH: Sure. We're
24 trying to educate in every realm possible and
25 certainly working with many of you, and we are also

1 open to additional ideas that work in your local
2 communities so that's everything from the PSAs,
3 which I think some of you have seen, to working
4 with local clergy members, working with
5 deliveristas, working with all the elected
6 officials in a District to get out as much
7 information as possible, in some cases even going
8 door-to-door so really doing whatever it takes to
9 let New Yorkers know that they may have a dangerous
10 device in their home and not realize it.
11

12 CO-CHAIRPERSON ARIOLA: Do you foresee
13 more partnerships with food delivery companies?

14 COMMISSIONER KAVANAUGH: Absolutely. I
15 think we have to do everything we can until this
16 problem has been tackled. I think the legislation
17 we've supported on the City, State, and Federal
18 level will ensure that these devices are regulated
19 and eventually we will see only safe devices coming
20 into the city, but the danger we have is right now
21 people have the unregulated devices in their homes
22 and so until that danger is mitigated both to New
23 Yorkers but also to first responders we have to
24 keep doing everything we can.
25

CO-CHAIRPERSON ARIOLA: How does the FDNY address enforcement of this, if they do find situations where there are non-certified or bootlegged batteries that are dangerous?

COMMISSIONER KAVANAUGH: Working with our fire marshals and the Bureau of Fire Prevention, we have done a number of investigations and sweeps. We also are seeing that the number of complaints coming into 3-1-1 has gone up, which means New Yorkers are beginning to become aware of the danger of some of these, with this pictures you've seen where there's dozens or hundreds of unregulated batteries or bikes being charged in a single location so we're pairing enforcement with education with hopefully incentives to help people be able to afford a safe device.

CO-CHAIRPERSON ARIOLA: Great. Thank you. Two months ago, the B-HEARD rolled out its biggest expansion so far, marking its first foray into Queens and giving it a presence in every borough but Staten Island. Its three-person teams now respond to emergencies in 25 police precincts across the city. This expansion comes in the form of a baselined funding of 27 million in FY24 and

1 the outyears and a head count increase of 64.

2 During our last preliminary budget hearing, the
3 Commissioner stated contrary to the media
4 consensus, the B-HEARD unit is performing to the
5 metric that the FDNY is holding them to. Can you
6 please describe the metrics that the FDNY holds B-
7 HEARD to?
8

9 COMMISSIONER KAVANAUGH: There are a
10 number of metrics we look at, but the biggest one
11 is whether or not people are getting continued care
12 and don't need to come back into an emergency
13 system so that's the metric we're always looking
14 at, can we actually get people with serious mental
15 illness into long-term care such that they can be
16 more safe for themselves, for their neighbors, and
17 eventually won't require a 9-1-1 response to their
18 mental health emergency.

19 CO-CHAIRPERSON ARIOLA: Right. But B-
20 HEARD is struggling to get staffing. Is that
21 correct?

22 COMMISSIONER KAVANAUGH: There are issues
23 that are both national and citywide. They're not
24 unique to the Fire Department with social workers
25 so getting social workers has been difficult, but

1 we continue to get creative and try to puzzle
2 through that.

3
4 CO-CHAIRPERSON ARIOLA: What is the
5 number of unfilled positions in the B-HEARD
6 program?

7 COMMISSIONER KAVANAUGH: I think we'd
8 have to get back to you. We can let you know.

9 CO-CHAIRPERSON ARIOLA: Okay. Do you
10 believe that the expansion is the correct move for
11 the unit if they're unable to properly service the
12 public with the resources that they already have?

13 COMMISSIONER KAVANAUGH: Every time we
14 expand, we do it with a full complement so we're
15 not expanding unless we have all of the positions
16 and all of the resources that we need, and we'll
17 continue to do that and look at the metrics and
18 then circle back before we make additional
19 expansions.

20 CO-CHAIRPERSON ARIOLA: Okay, thank you.
21 I want to switch over to EMS now. Over the past
22 year, workplace violence incidents for EMS members
23 have doubled making this year the most dangerous
24 year for EMS. The Department has partially
25 attributed this increase to encouraging members to

1 report incidents and that they are more familiar
2 with the process. Does the Department also believe
3 that the number of assaults has increased on EMS
4 members or is it due to the increased reporting of
5 those incidents?
6

7 COMMISSIONER KAVANAUGH: It's probably
8 both, and both of those things are critical. It's
9 critical that they report this so that we can
10 accurately track it and, obviously, it's critical
11 to acknowledge how dangerous a job EMS is as well,
12 and also would like to note we have been also
13 providing additional training to members of EMS
14 because of that.

15 CHIEF FIELDS: Yes, I agree with the
16 Commissioner. We have given them de-escalation
17 training as well as self-defense training because
18 we know that inherently EMS work is just dangerous
19 in itself. We encourage that they report those
20 incidents and then we work with the district
21 attorney's office as well as NYPD to make sure that
22 people are prosecuted that assault EMS workers.

23 CO-CHAIRPERSON ARIOLA: Is there anything
24 being done to protect them? We've spoken many times
25 about some type of Kevlar vesting for them being

1 made available to them so is that something that
2 you're going to put into your budget or earmark
3 money for where they would have their own personal
4 Kevlar vests that were at the fire stations for
5 them?
6

7 CHIEF FIELDS: Every EMS worker has
8 Kevlar vests. We have done a five-year rotation so
9 after the five-year period they are able to change
10 out that Kevlar vest, but every member that's
11 assigned to EMS operations has been assigned Kevlar
12 vests.

13 CO-CHAIRPERSON ARIOLA: Thank you. Of the
14 39 City entities with a capital budget, the Fire
15 Department's Fiscal 2023 to 2027 Capital Plan is
16 the 17th largest, totaling 1.514 billion. The
17 Executive Plan over the 2023 to 2027 timeframe is
18 14 million more than the 1.5 billion in the
19 preliminary plan. The largest section of spending
20 in the plan is for vehicle acquisition with 1.51
21 million this year. What are the largest areas of
22 spending in the vehicle acquisition? Is it engines,
23 ladders, what are the specifics?

24 COMMISSIONER KAVANAUGH: The fire
25 apparatus are very expensive per vehicle as you can

1 imagine, and also we have a very large ambulance
2 fleet. I don't know if we have a further breakdown.

3
4 DEPUTY COMMISSIONER CHRISTOFF: It is
5 primarily frontline fire apparatus so replacing
6 them on their replacement cycle. You're actually
7 seeing more of that funding front-loaded in the
8 current year in part tied to supply chain delays
9 that we've seen. We have to place our orders sooner
10 in order to make sure that we get them in time for
11 the replacement. The number actually doesn't
12 include our ambulance replacements, which are
13 funded in the Health and Hospitals budget.

14 CO-CHAIRPERSON ARIOLA: Thank you. The
15 second largest spending section is the facility
16 improvements, of which the renovations are a
17 significant portion. Please describe the current
18 state of renovations with engine companies and why
19 it's necessary and how the FDNY will decide which
20 houses need the upgrade and how the company will
21 operate while under construction.

22 COMMISSIONER KAVANAUGH: As you know,
23 many of our firehouses are quite old and, as a
24 result, require significant renovations at times in
25 order to continue to be operational and safe. The

1 decisions are made in consultation between
2 facilities and operations about which houses are in
3 greatest need and then where that company will be
4 relocated, both so the company has a place to be
5 and so that the neighborhood remains having
6 coverage so those are pretty complex decisions made
7 with a lot of people at the table.

9 CO-CHAIRPERSON ARIOLA: EMS Station 17
10 has had its funding shifted from Fiscal 2023 to
11 2024. This project was a total cap cost of 76
12 million dollars. Do we know why this funding was
13 shifted?

14 COMMISSIONER KAVANAUGH: I think there
15 was a delay.

16 DEPUTY COMMISSIONER CHRISTOFF: Yeah.
17 It's just to reflect the current project schedule
18 so we're almost through FY23, and that contract
19 hasn't registered yet. We're expecting construction
20 to begin in winter of next year.

21 CO-CHAIRPERSON ARIOLA: Okay, and the B-
22 HEARD program was expanded. With the expansion,
23 requires the need for more ambulances, you
24 mentioned ambulances before. The Fiscal 2024
25 Executive Budget has 35 million dollars for 50 Type

2 2 ambulances set to be completed by Fiscal 2024.

3 What's the current status of the acquisition of
4 those ambulances?

5 DEPUTY COMMISSIONER CHRISTOFF: We are
6 working with both DCAS and OMB on that process as
7 we speak.

8 CO-CHAIRPERSON ARIOLA: Do you think
9 it'll be completed by Fiscal 2024 or is there a
10 global chain issue?

11 DEPUTY COMMISSIONER CHRISTOFF: There is
12 certainly a supply chain issue. We believe that we
13 will register the contract by that point so the
14 Capital Commitment Plan reflects when the contract
15 will be registered and not necessarily when the
16 amounts will be liquidated or when we will receive
17 the vehicles.

18 COMMISSIONER KAVANAUGH: I'd also just
19 like to point the supply chain issues are not only
20 significant enough but they're national, so we've
21 been working with the U.S. Fire Administration to
22 talk to some of the manufacturers about how to
23 better anticipate when the supply chain issues will
24 be resolved and how they'll affect us down the
25 road.

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
1 COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT 101

2 CO-CHAIRPERSON ARIOLA: Thank you. I'll
3 yield now to my Colleagues.

4 CO-CHAIRPERSON BRANNAN: Okay, we've also
5 been joined by Council Members Farias, Stevens,
6 Holden, Powers, and Hudson.

7 We're going to start with questions from
8 Council Member Schulman followed by Holden.

9 COUNCIL MEMBER SCHULMAN: Good afternoon,
10 all. Good afternoon, Commissioner.

11 My question is every agency seems to
12 have a role with the asylum-seekers, and I wanted
13 to know what role FDNY played with the crisis
14 that's going on.

15 COMMISSIONER KAVANAUGH: We are part of
16 the Interagency Working Group that meets almost
17 every day to discuss how we can play a role and how
18 every agency can help solve this problem.

19 COUNCIL MEMBER SCHULMAN: Are any fire
20 facilities being considered to house the asylum-
21 seekers?

22 COMMISSIONER KAVANAUGH: Not right now.

23 COUNCIL MEMBER SCHULMAN: But that's open
24 for conversation?

25

2 COMMISSIONER KAVANAUGH: I don't know
3 what facilities those would be so I don't think
4 that that's an active conversation.

5 COUNCIL MEMBER SCHULMAN: You can say
6 absolutely not. That's why I asked the question.

7 COMMISSIONER KAVANAUGH: They are not.

8 COUNCIL MEMBER SCHULMAN: In terms of
9 where they're being housed now, I presume that
10 because you're part of the Working Group that you
11 keep an eye, especially if it's a congregate
12 facility or something like that where there may be
13 people that there's an issue in terms of fire
14 response or anything else, I assume you're keeping..

15 COMMISSIONER KAVANAUGH: Yeah. The reason
16 we're part of the Working Group is not because of
17 our facilities. It's because of looking at whether,
18 some of the increased medical needs, if there's
19 going to be additional 9-1-1 calls, or whether or
20 not there are fire safety issues or even issues
21 with the facility itself that needs to be
22 addressed.

23 COUNCIL MEMBER SCHULMAN: Do you
24 anticipate needing additional resources to cover
25 this issue?

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

103

2 COMMISSIONER KAVANAUGH: Not right now,
3 but, like I said, this is, as you know, unfolding
4 daily and we are working with the whole City to
5 keep an eye on what that's looking like daily and
6 how it's affecting agency operations so not right
7 now but we will circle back if that changes.

8 COUNCIL MEMBER SCHULMAN: Okay. Thank you
9 very much.

10 CO-CHAIRPERSON BRANNAN: Council Member
11 Holden followed by Feliz.

12 COUNCIL MEMBER HOLDEN: Thank you,
13 Chairs, and thank you for your testimony even
14 though I missed it.

15 COMMISSIONER KAVANAUGH: That's okay.

16 COUNCIL MEMBER HOLDEN: I particularly
17 want to talk about the lithium-ion batteries, which
18 most people want to talk about because we're
19 hearing it every day. If there's a complaint over
20 9-1-1, who goes out? Are there fire inspectors?

21 COMMISSIONER KAVANAUGH: Yes.

22 COUNCIL MEMBER HOLDEN: Firefighters? Who
23 goes out?

24 COMMISSIONER KAVANAUGH: It depends on
25 the nature of the way the call comes in and whether

1 or not it's an immediate life and safety issue but
2 all of the above.

3
4 COUNCIL MEMBER HOLDEN: All of the above?
5 So a firefighter and a firehouse in a neighborhood
6 could go out...

7 COMMISSIONER KAVANAUGH: A fire company,
8 if a call comes through 3-1-1 and it's in their
9 local administrative district and it's an immediate
10 safety issue, the local company could be called.

11 COUNCIL MEMBER HOLDEN: We had a
12 complaint where I think I mentioned this to you
13 that we had a number of bikes being charged outside
14 of a two-family home in front. I just don't want
15 the Building Department to go there. I'd want
16 somebody who's an expert. Is that happening? We're
17 not getting Building Department saying there's
18 nothing wrong?

19 COMMISSIONER KAVANAUGH: Yeah, if a call
20 is coming to 3-1-1 and it's urgent, we would often
21 respond. In some cases, DOB does also respond and
22 sometimes we might call another city agency in so
23 it depends on the nature of the call.

24 CHIEF HODGENS: We get a lot of those
25 complaints. Not particularly the e-bikes but life

1 safety complaints come in through 3-1-1. The local
2 fire company goes and mitigates it through either
3 witnessing the situation mitigated or issuing
4 violation orders.

6 COUNCIL MEMBER HOLDEN: Yeah, but I could
7 see a lot of people being concerned if they come
8 into their hallway and they see a bike being
9 charged or a battery being charged. Do you get
10 those complaints? Are there a lot?

11 COMMISSIONER KAVANAUGH: We do, and
12 actually one of the most interesting things is
13 we've seen those calls go up significantly which we
14 hope means that our public safety announcements are
15 getting out there.

16 COUNCIL MEMBER HOLDEN: What's the usual
17 response on that?

18 COMMISSIONER KAVANAUGH: It would be the
19 same. It would generally be the local company or,
20 if not, it would be Fire Prevention.

21 COUNCIL MEMBER HOLDEN: But it would be
22 within hours, not days?

23 COMMISSIONER KAVANAUGH: Yes. If the
24 local company is called, it's hours, if not
25 minutes.

2 COUNCIL MEMBER HOLDEN: It's immediate?
3 I'm anticipating we need more inspectors or just
4 more personnel to look at and who are experts in
5 this because this has to be complicated since it's
6 relatively new technology and there's probably new
7 products coming out on the market also at the same.
8 How do you keep up with this and train personnel,
9 but how many inspectors do you have really
10 dedicated to the lithium-ion batteries?

11 COMMISSIONER KAVANAUGH: Let me take the
12 first part of your question and we can talk about
13 the inspectors which is when it comes to the
14 technology, absolutely. We are part of something
15 called Big City Fire which is under the Department
16 of Homeland Security, and that looks specifically
17 at technology nationwide so we're also working with
18 the Consumer Product Safety Commission as you know
19 so we are really looking at every possible way not
20 only to regulate but, to your point, to get ahead
21 of this battery technology and make sure that we're
22 regulating future products and future types of
23 batteries, and our Bureau of Fire Prevention has
24 been a phenomenal resource in doing this. Many of
25 them are very knowledgeable as are our fire

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

107

marshals who work with the ATF among others to make
sure that we're keeping ahead of this technology.

COUNCIL MEMBER HOLDEN: You mentioned
other agencies. Are there other agencies that could
help with the effort? Let's say people within who
know the technology and can go out and look at
something and...

COMMISSIONER KAVANAUGH: Yeah, exactly.
The Mayor's Blueprint is an Interagency Working
Group, and so that pairs us with other agencies
that might not only have that expertise but who are
working with the deliveristas or working sort of in
the supply and demand area of this market to let us
know what would work to curb the use of these.

COUNCIL MEMBER HOLDEN: Thank you. Thank
you, Chairs.

CO-CHAIRPERSON BRANNAN: Council Member
Feliz followed by Farias.

COUNCIL MEMBER FELIZ: Thank you, Chairs.
Hello, everyone. Good to see you all. Welcome back
to City Hall. I want to start by thanking our FDNY
firefighters for everything that they do.
Firefighters work at all hours every single day
away from home putting their lives at risk to keep

1 New Yorkers safe so we're very thankful and very
2 grateful for everything that they do.

3
4 My first questions are about lithium-ion
5 batteries. This is obviously a topic that is
6 somewhat new. We continue to learn about it every
7 single day. About two months ago, we passed
8 legislation requiring that batteries be certified
9 in order to be sold, e-bike batteries. Just
10 curious, since passing this legislation, is there
11 anything new that we've learned about these
12 batteries and are there fires being caused? For
13 example, batteries that might be safer, non-UL-
14 related batteries that might be safer?

15 COMMISSIONER KAVANAUGH: Yeah, we
16 continue to look at new types of batteries that are
17 coming out. We also, as I mentioned, work with some
18 of our national partners to actually send these
19 devices out and have them look at them after a fire
20 so we can try to understand what exactly is failing
21 and what regulations could be put in place to
22 ensure that those failures don't happen.

23 COUNCIL MEMBER FELIZ: Yeah. Based on the
24 studies that you've done, what are batteries that
25

1 might be safer than others, non-UL-related
2 batteries, if there are any?

3
4 COMMISSIONER KAVANAUGH: I would say
5 there are some key things that make any device
6 safer, and that's a battery that's not tampered
7 with. There are other certifications other than UL,
8 but a battery that has been certified by one of
9 these labs. Using the charger that came with the
10 battery. Using the right battery, bike, and charger
11 that came together. All of those things we know
12 make any electronic device with a battery safer,
13 and I would point out, as I have many times before,
14 that our laptops and our phones also have these
15 batteries in them, and they don't have these
16 issues, and that is largely because they have
17 things like a heat sensor that turns the device hot
18 if it gets too hot, they don't charge with chargers
19 that don't come with them, they can't be tampered
20 with so we know that those basic things, no matter
21 the device, will make a battery-powered device
22 safer.

23 COUNCIL MEMBER FELIZ: Okay. How many
24 fires have we had this year and how many have been
25 due to e-bike batteries?

1 CHIEF HODGENS: So far this year, we've
2 had 81 fires related to e-bike batteries.

3 COUNCIL MEMBER FELIZ: I'm sorry. Repeat
4 that again. 81?

5 CHIEF HODGENS: 81 related to lithium-ion
6 batteries.

7 COUNCIL MEMBER FELIZ: And that includes
8 the one we had like two days ago, right, in the
9 Bronx?

10 CHIEF HODGENS: Yes, it does.

11 COUNCIL MEMBER FELIZ: Got it. Okay.
12 Final question, time runs really quickly when
13 you're in here. FDNY recently passed a new rule
14 related to EMS ambulance costs. I think the pricing
15 increased from like 900 to 1,365 if I remember the
16 number correctly. How will this affect low-income
17 families taking into consideration the insurance
18 that they generally have?

19 COMMISSIONER KAVANAUGH: Those price
20 increases were directly related to the cost for
21 insurance companies that are paying these bills. We
22 have a number of programs to help ensure that low-
23 income New Yorkers do not have to pay that full
24 cost or even a cost at all if they can't afford it,
25

1 and we'd be happy to fill you in on how your
2 constituents can get access to those programs.

3
4 COUNCIL MEMBER FELIZ: Perfect. Thank
5 you.

6 CO-CHAIRPERSON BRANNAN: Okay, we have
7 Farias followed by Powers.

8 COUNCIL MEMBER FARIAS: Good afternoon,
9 everyone. I feel like I'm doing standup comedy now.

10 Thank you, folks, for coming out today
11 and your opening statement. Just want to go through
12 some quick questions around recruitment, retention,
13 fire academy, and then some capital projects.

14 In 2018, then Commissioner Nigro
15 expressed a desire to have 15 percent women and 50
16 percent people of color firefighters in FDNY for
17 2030 at a Council hearing. Is this a marker that
18 the FDNY is still working towards, and, if so, what
19 has been put in place to make this a reality?

20 COMMISSIONER KAVANAUGH: Yeah, it is a
21 marker we're still working towards. As I think
22 we've talked about in past hearings, our last list
23 was the most diverse in Department history, and we
24 are close to kicking off our next firefighter
25 recruitment campaign where we will use all of the

1 successful tools we used in the last campaign in
2 order to increase those numbers, and I'll have
3 Commissioner Noonan add to that.
4

5 ASSISTANT COMMISSIONER NOONAN: Sure.

6 Good afternoon. We've conducted a very deep dive of
7 analysis based on that last historic campaign. What
8 we looked at is the type of events that we
9 attended, where we met those candidates that were
10 successful test-takers, also what level of
11 engagement did we give them that got them there and
12 making sure that we're mimicking that in our
13 upcoming blueprint for the next campaign. We looked
14 at the types of advertisements they received, we
15 looked at the various programs that they
16 participated in, including our tutorial program
17 which was effective in making sure that those
18 candidates that were preparing for the upcoming
19 exam were able to score better on the exam because
20 they attended those tutorial programs. A lot of,
21 like I said, what we've learned and the analysis
22 that we've put forth will be seen and will be able
23 to execute for the upcoming campaign.

24 COUNCIL MEMBER FARIAS: Great. In terms
25 of either looking at some of that data or with the

1 upcoming class that we just had, were there women-
2 focused recruitment events that the FDNY has
3 planned?
4

5 ASSISTANT COMMISSIONER NOONAN:

6 Absolutely, women-focused recruitment events, and a
7 lot of those, whether they be schools or colleges,
8 a lot of our women that we recruited that were
9 successful were not necessarily at women events,
10 but a very large majority, I would say about 43
11 percent of our interest that are in our CRM are
12 women so regardless of whether it's a women's event
13 or just a general event, our focus is always on
14 recruiting women.

15 COUNCIL MEMBER FARIAS: Awesome. Does the
16 FDNY offer any women-only sessions when training
17 recruits?

18 ASSISTANT COMMISSIONER NOONAN: Actually,
19 we just did a recent kickoff for our upcoming CPAT
20 exam, which is the physical fitness exam, and we
21 always start that out with inviting the women and
22 making sure that they really understand what the
23 physical fitness portion of the exam is about to
24 involve and the level of commitment that they will
25 need, and so they're supported by many female

1 firefighters that come out to talk to them and just
2 give them their experiences and even some women
3 that had recently passed the exam were there to
4 also give their experience so it's a great way to
5 start and then we continue that by offering CPAT
6 training, a full complement there, and additional
7 fitness programs to make sure that they're able to
8 make it through.

10 COUNCIL MEMBER FARIAS: Okay, does that
11 also mean, and I didn't see this in any of the new
12 asks or anything in the budget, have we looked at
13 an area in the budget to design our own training,
14 like women-only training that maybe is supplemental
15 to having childcare or things like that that we
16 know are maybe the inhibitors for having more women
17 successfully go through the academy?

18 COMMISSIONER KAVANAUGH: We have looked
19 at that. One constraint we have is on whether or
20 not funding can go to a women's only program and so
21 what we've done to work around that is the United
22 Women Firefighters is a fraternal organization of
23 female firefighters, and they run a number of
24 women's fitness programs that both the Council have

1 supported, many of you have supported, and we've
2 supported over the years.

3
4 COUNCIL MEMBER FARIAS: Sorry, Chairs.
5 Can I have additional time?

6 CO-CHAIRPERSON ARIOLA: Sure.

7 COUNCIL MEMBER FARIAS: Thank you. Is
8 there any reason particularly around why the FDNY
9 hasn't sought a way to create a line item for the
10 organization, for example, to do training?

11 COMMISSIONER KAVANAUGH: We did once, and
12 actually the Council had to decline that because
13 they could not fund a women-only program.

14 COUNCIL MEMBER FARIAS: Interesting.

15 COMMISSIONER KAVANAUGH: That was I think
16 about five years ago so we can get you the details.

17 COUNCIL MEMBER FARIAS: Okay. Just my
18 last couple. Does FDNY report on have any
19 statistics on the gender and racial demographics of
20 those who have failed FDNY tests?

21 COMMISSIONER KAVANAUGH: We look at the
22 entire life cycle of candidates and that breakdown
23 at each and every stage of the process so that
24 Nafeesah's team can plan interventions based on
25 what they're seeing in the trends in the data.

1
2 COUNCIL MEMBER FARIAS: Okay, and have we
3 conducted exit interviews for firefighters who have
4 resigned from their positions in the past?

5 COMMISSIONER KAVANAUGH: I believe so,
6 but we can doublecheck.

7 COUNCIL MEMBER FARIAS: Okay. My last
8 capital questions. I looked at the capital budget,
9 didn't see anything under the new asks even though
10 we're excited to build new firehouses which I saw
11 there. Are there separate locker rooms or changing
12 spaces for women in the firehouses and training
13 facilities? I know we passed that law, and we're
14 slowly implementing. I know you've mentioned that
15 some firehouses are a bit older so that requires
16 more work.

17 COMMISSIONER KAVANAUGH: Yeah, some
18 firehouses do. Any new renovation includes that, as
19 you mentioned, because a number of the firehouses
20 are quite old, it's very hard to do a partial
21 renovation or to find space, and so that's why I
22 saw when we do a full renovation, that's already
23 part of the spec for the next few decades. We also
24 have the Council legislation which we are doing

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

117

1 that survey and, of course, we'll brief the Chair
2 and yourself once that survey is complete.

3
4 COUNCIL MEMBER FARIAS: Great. Just
5 because of the work that the Council has done here
6 with lactation rooms and pumping stations in our
7 own old buildings, how is that working out for our
8 firehouses?

9 COMMISSIONER KAVANAUGH: It has been
10 working out. We also have those pods, you actually
11 see them in airports as well, we have used that in
12 certain facilities where the facility itself might
13 not accommodate it because of the age of the
14 building.

15 COUNCIL MEMBER FARIAS: Okay. Great.
16 Thank you so much.

17 COMMISSIONER KAVANAUGH: Sure.

18 COUNCIL MEMBER FARIAS: Thank you,
19 Chairs.

20 CO-CHAIRPERSON BRANNAN: We have Council
21 Member Powers followed by Brewer.

22 COUNCIL MEMBER POWERS: Thank you. Nice
23 to see everyone. I just wanted to follow up on a
24 question that was something you said and then
25 Council Member Holden followed up on. You noted

1 that 3-1-1 calls are up for battery complaints. Can
2 you clarify what those complaint categories are? I
3 assume it's probably somebody bringing a bike into
4 a building or something like that.
5

6 Second is I just want to clarify what is
7 the process after that call comes in so what
8 happens, what is the average response time for
9 something like. If it's a complaint about a bike
10 going into an apartment or a building, how do you
11 verify that or what are the steps taken? I have
12 some followups but (INAUDIBLE)

13 COMMISSIONER KAVANAUGH: I don't have the
14 breakdown in front of me, we can get that to you,
15 in terms of the type of complaint that's coming
16 into 3-1-1, but generally battery-related things
17 like someone's charging multiple bikes or multiple
18 batteries in a building or a hallway. As the Chief
19 mentioned, depending on the nature of the
20 complaint, the response is quite quick, and then
21 the followup depends on the condition that they
22 find. One of the biggest issues we continue to have
23 and obviously look to the Council is that many,
24 many people have these in their apartments or in
25 their private homes, and that's the one place we

1 can't inspect so that continues to be an
2 educational issue.

3
4 COUNCIL MEMBER POWERS: If I call and say
5 I have a neighbor charging in my lobby in my
6 building, public space, five batteries, it's not a
7 9-1-1 call I presume, it's a 3-1-1 call, I call 3-
8 1-1, what's the steps taken from there and is there
9 a violation that would be issued in any instance?

10 COMMISSIONER KAVANAUGH: It depends on
11 the nature of what they find. I'll let the Chief
12 follow up on that.

13 CHIEF HODGENS: Yeah, there is some
14 degree that is allowed, but if it crosses that
15 threshold there would be violations given. They
16 would make them remove them.

17 COUNCIL MEMBER POWERS: So what is the
18 threshold?

19 CHIEF HODGENS: You're allowed to right
20 now charge up to five within a dwelling?

21 COUNCIL MEMBER POWERS: And that's by
22 FDNY regulations?

23 CHIEF HODGENS: Fire Code.

24 COUNCIL MEMBER POWERS: Fire Code. Why is
25 it five?

2 CHIEF HODGENS: It's being looked at now.
3 We need to see where we need to go with that, but
4 I'm not sure how they came up with that number, but
5 that was agreed upon when we rewrote the Fire Code.

6 COUNCIL MEMBER POWERS: Okay, and are
7 buildings allowed to tell their tenants that they
8 can't bring in battery-operated bikes into their
9 residences or building?

10 COMMISSIONER KAVANAUGH: Yeah. Many
11 private buildings have that in place. I will point
12 out the job that was in your District, the roof
13 rope rescue caused by an e-bike, that was a
14 building where they were banned so even though many
15 landlords do ban them, again, as I mentioned, a lot
16 of people have these in their private apartments or
17 homes and even landlords are unaware.

18 COUNCIL MEMBER POWERS: Okay. Final
19 question. Chair Ariola had asked about the
20 legislation, which I sponsored, which is around the
21 buyback. I just want to clarify your position on
22 that. I know you said you support any effort. I
23 want to know if you support that piece of
24 legislation.

2 COMMISSIONER KAVANAUGH: I don't have the
3 legislation in front of me. We can double back to
4 you, but I would say that truly any effort to get
5 the unsafe batteries off the streets and safe
6 batteries into the hands of delivery workers is
7 something that we would work to support.

8 COUNCIL MEMBER POWERS: Generic answer
9 but I'll take it. Thank you.

10 COMMISSIONER KAVANAUGH: I'll circle
11 back.

12 COUNCIL MEMBER POWERS: Okay. Thank you.

13 CO-CHAIRPERSON BRANNAN: Council Member
14 Brewer.

15 COUNCIL MEMBER BREWER: Thank you very
16 much. On the batteries, I know you've been such a
17 good leader on it, but the bill that we passed, I
18 don't know if it does much good, but it basically
19 says you can't sell the tampered batteries. Is
20 there any place, because you can't do anything
21 about a home, are there places that you have found
22 that are selling them? Obviously, online, I don't
23 know what you can do except ask them not to, so I'm
24 just trying to see if there is any place this makes
25 a difference, number one.

2 Secondly, obviously, if we're not going
3 to be at home then we need a place and so far the
4 idea of doing charging has been a real challenge so
5 I just didn't know if there any update on that.

6 COMMISSIONER KAVANAUGH: I don't have an
7 update on the charging, but I will say it is
8 something that we are actively looking at and
9 working on with the Working Group.

10 When it comes to your legislation,
11 absolutely it's made a difference. We have found a
12 number of locations that are selling either illegal
13 batteries, tampered batteries, or have far more
14 than five devices or in some other way are doing
15 something that's unsafe and against the law, and so
16 we have been able to do a number of sweeps of those
17 locations.

18 When it comes to online marketplaces,
19 that's where the Consumer Product Safety Commission
20 comes in. They have removed tens of thousands of
21 devices from those sites and are working to remove
22 others as well as stopping these from coming in
23 through the ports so there is real work being done
24 there. Again, I know I keep repeating myself, but
25 these are in people's homes right now, and so

1 that's one of the biggest concerns for first
2 responders and New Yorkers is, even if all of this
3 goes into effect soon, which it will, we will still
4 have people who had purchased these devices
5 previously and have them in their homes now.

6
7 COUNCIL MEMBER BREWER: I'm aware of it.
8 Number two, this issue of when a business opens or
9 I guess gets reconstituted, it often needs,
10 restaurants, etc., FDNY. In the past when you first
11 started, there was a lot of backlog. I'm wondering
12 if that backlog has been negated and it's better
13 because it's really hard to open and then not be
14 able to get FDNY to sign off.

15 COMMISSIONER KAVANAUGH: Yes. We made
16 significant progress on that backlog thanks the
17 Mayor's Office, thanks to a number of folks here.
18 That went from I think it was about 16 weeks down
19 to just a few weeks, and that was thanks to an
20 effort of everyone...

21 COUNCIL MEMBER BREWER: It was months in
22 the past, so now you're saying, what do you think
23 it is now for the backlog for a new business?

2 COMMISSIONER KAVANAUGH: I think it's at
3 a few weeks, but we'll doublecheck and circle back
4 with you.

5 COUNCIL MEMBER BREWER: If I could get
6 that information...

7 COMMISSIONER KAVANAUGH: Yeah, two to
8 three weeks.

9 COUNCIL MEMBER BREWER: Okay. Next,
10 sirens. Now, I know I have to make it a budget
11 issue so I will, but my question is are you putting
12 any money into thinking about how to have
13 ambulances, in particular, if I get one more
14 complaint about an ambulance, it's just all day and
15 all night, I live between two hospitals, maybe
16 that's why, but my question is what are we going to
17 do, if anything, about sirens on ambulance to
18 reduce, make them safe, the patients safe, but I
19 mean I'm a Rumbler person, but I don't know if
20 that's what you want.

21 COMMISSIONER KAVANAUGH: Yeah, so a
22 number of years ago we began to switch our fleet
23 over to Rumlbers so that is an ongoing effort to
24 make that change. Lizette may have an update on
25 that. We also regularly work with EMS operations to

1 make sure that we're going lights and sirens when
2 it's required for the patient and not if it isn't,
3 but I do think the reason you're hearing so much of
4 that siren noise is not just where you live but EMS
5 call volume continues to go up so EMS is very busy.
6

7 COUNCIL MEMBER BREWER: I know, but I've
8 got hundreds of people complaining so we have to
9 have further conversation. There must be some way
10 to reduce the noise and still have the person get
11 to the hospital on time. It's like hundreds and
12 hundreds and hundreds of complaints.

13 Finally, this is a minor issue, but when
14 you're on streets like 100th Street, you've got
15 NYPD and FDNY, they're both fabulous, but the car
16 situation is such that it's three deep, streets
17 can't be clean, so it's just a suggestion when
18 you're in a neighborhood you have to figure out how
19 you can move the cars so that the streets can be
20 cleaned. I don't know if that's a problem
21 elsewhere. On 100th Street, it's a mess. If we
22 could talk about that later. Thank you.

23 COMMISSIONER KAVANAUGH: Absolutely.

24 CO-CHAIRPERSON ARIOLA: Okay. I want to
25 thank the panel for coming. Commissioner, thank you

1 for being so forthcoming with your answers as was
2 your entire panel and so prepared to answer
3 questions.
4

5 I want to thank my Colleagues for their
6 questions and, again, our Financial Analyst Tanveer
7 Singh, Unit Head Jack Storey, Committee Counsel
8 Josh Kingsley, Political Analyst Will Hongach, and
9 my Chief-of-Staff Phyllis Inserillo.

10 Mostly, I want to thank our Finance
11 Chair, Justin Brannan, for all the hours he's been
12 putting in. As he said, it's his seventh Committee
13 hearing, and we're not finished yet.

14 CO-CHAIRPERSON BRANNAN: Seventh day.

15 CO-CHAIRPERSON ARIOLA: Seventh day, and
16 he's not finished yet, and I want to thank his
17 wonderful Committee Counsel for all the work he
18 does. Thank you so much.

19 COMMISSIONER KAVANAUGH: Thank you.

20 CO-CHAIRPERSON BRANNAN: Commissioner,
21 thank you. Look, I appreciate obviously the fifth
22 firefighter and EMS pay parity can't happen without
23 collective bargaining. I just hope that when you
24 get to that table with the unions that these things
25

1 can be prioritized. That's the only way it's going
2 to happen.

3
4 COMMISSIONER KAVANAUGH: I couldn't agree
5 more. I have spent many, many hours including a
6 number of overnight sessions at OLR across the
7 table, and I will continue to do that as
8 Commissioner. It is my number one priority.

9 CO-CHAIRPERSON BRANNAN: Thank you, guys.
10 Stay safe out there. Thank you.

11 COMMISSIONER KAVANAUGH: Thanks.

12 CO-CHAIRPERSON BRANNAN: Okay. With that,
13 day seven of Executive Budget hearings is... Council
14 Member Velazquez.

15 COUNCIL MEMBER VELAZQUEZ: Always late,
16 huh? Just very quickly on diversity hires and what
17 are you doing to promote a more diverse FDNY?

18 COMMISSIONER KAVANAUGH: We have made a
19 number of firsts in our appointments, as you know,
20 as well as we're looking to capitalize on the
21 success of our last firefighter recruitment
22 program. We can give you a quick synopsis, but we
23 are going to kick off our firefighter recruitment
24 campaign and use many of the successful tactics
25 that got us a historically diverse list.

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON PUBLIC SAFETY JOINTLY WITH
COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

128

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 VELAZQUEZ: Thank you.

CO-CHAIRPERSON BRANNAN: Thank you guys
very much.

COMMISSIONER KAVANAUGH: Thank you.

CO-CHAIRPERSON BRANNAN: [GAVEL]

C E R T I F I C A T E

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



Date May 31, 2023