

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PUBLIC SAFETY

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February 15, 2013

Start: 1:07 p.m.

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HELD AT: 250 Broadway
Committee Room, 16th Floor

B E F O R E:
PETER F. VALLONE, JR.
Chairperson

COUNCIL MEMBERS:
Daniel R. Garodnick
James F. Gennaro
Vincent J. Gentile
Daniel J. Halloran III
Eric A. Ulrich
David G. Greenfield
Gale A. Brewer

A P P E A R A N C E S

Henry Ehrhardt
Director of Customer Relations
Department of Sanitation

Captain Elwood Selover
Commanding Officer, Citywide Vandals Task Force
New York City Police Department

Andrew Mainardi
Assistant Vice President
New York City Economic Development Corporation

Susan Petito
Assistant Commissioner of Intergovernmental Affairs
New York City Police Department

David Schmid
Assistant Commissioner
Mayor's Community Affairs Unit

Bruce Pienkny
President
CitySolve, Inc.

Barbara Pollock
114th Civilian Observation Patrol

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2 CHAIRPERSON VALLONE: We're going
3 to talk some graffiti.

4 FEMALE VOICE: These are people
5 testifying, these are people who will answer
6 questions.

7 CHAIRPERSON VALLONE: Oh, wait.
8 Those two are testifying. Good afternoon,
9 everyone. Welcome to this hearing of the Public
10 Safety Committee. And today we once again talk
11 graffiti. We have spent a lot of time on this
12 topic. It's good to see you all here. And we've,
13 you know, we've led the way worldwide. I can't
14 tell you how many people have come to my office
15 from around the world--just recently the Mayor of
16 Casey, Australia came to my office to talk about
17 what we're doing here to fight graffiti because
18 they've heard so much about what we're doing. The
19 Mayor of Casey, Australia represents 10,000
20 people, and each Council Member represents 170,
21 but there are little cities around the world that
22 have been coming to us, which is good. I have a
23 prepared opening statement. Since I haven't had
24 time to write one, I'm going to use this today.
25 Graffiti is a destructive offence, communicates a

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2 message of disorder and lawlessness. As you may
3 recall, the Department has made significant
4 efforts to address and prevent graffiti, with a
5 renewed focus in 2004.

6 FEMALE VOICE: [Interposing] That's
7 the Police's.

8 CHAIRPERSON VALLONE: Oh. I'm
9 reading your testimony. And it didn't even sound
10 familiar. I'll take questions now. I'll take
11 questions. Okay? All right. I'm going back.
12 Forget the prepared statement. What we're doing
13 today is we're going to once again improve our
14 graffiti laws and give the police and our
15 citizens--and we have the Pollocks here who fight
16 graffiti in my district--the tools they need to
17 continue to fight graffiti. As the vandals become
18 more and more complicated and find new ways to
19 destroy property, our laws have to keep up with
20 them. And what we're doing today is we're
21 introducing probably three laws that will increase
22 the amount of tools which are considered graffiti
23 tools. We're going to make--we're going to
24 include what are called fat caps, which make it
25 much easier for vandals to spray a big area

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2 quicker. We're going to include diamond-tipped
3 etching pens, which make it much easier for
4 vandals to do scratchiti quicker and deeper into
5 the city property, making it much harder if not
6 impossible to remove. The third bill is a
7 reporting bill, and I know how much the
8 administration loves reporting bills, so I don't
9 expect to get glowing reviews on that one, but
10 despite that, we've worked together on a number of
11 reporting bills, which have been very helpful to
12 the Council. And this one will concern quality of
13 life crimes. Right now we've got the seven felony
14 crimes, we get aggregate amounts of misdemeanors,
15 but I think it's important for the City and for
16 the people in the City to know what's going on
17 with our quality of life crimes, one of those
18 obviously being graffiti. We're also going to do
19 some oversight. We've got the toughest graffiti
20 laws I think anywhere, right here in New York
21 City. And just recently I was the one who for the
22 first time, probably in any city, required that
23 private property clean that property or get a
24 fine--very controversial at the time. We all
25 understood it's not their fault; they didn't do

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2 the graffiti. We also understood the importance
3 of cleaning your property. So we passed a law
4 that said six families and up or commercial
5 property, you clean it or we fine you. We then
6 amended that in 2009, I believe, to make it even
7 easier to clean the property. And now once they
8 get a notice of this fine the City does not have
9 to go and get a consent to clean, they can
10 automatically clean after 35 days. So we'd like
11 an update as to how well that's working and what
12 else we can do to get graffiti cleaned up in New
13 York City.

14 COUNCIL MEMBER BREWER: - -

15 CHAIRPERSON VALLONE: Gale, I
16 didn't see you over there. Yes, Gale--I had put
17 in the original law and the Gale put in the
18 amendment to make it an even better law. If I had
19 tried it probably wouldn't have passed because of
20 my reputation, but with Gale doing it, I think
21 that got it done. People would have thought it
22 was too tough if I was doing it. But when Gale
23 did it people said, ooh. We did. We did both.
24 We did all of it together, and Gale was the
25 original person to put the etching acid law in, if

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2 I remember correctly. So, we have worked together
3 since 2002, Gale and I, to increase the laws on
4 graffiti and give the tools to the police and the
5 people that the need. So we're going to hear
6 today from our first panel, which is Captain
7 Elwood Selover, good to see you again, from the
8 NYPD; and Henry Ehrhardt, the Director of Customer
9 Relations at the Department of Sanitation. I
10 didn't know we had a Director of Customer
11 Relations at the Department of Sanitation. And
12 it's good to see we don't far that out when people
13 call in--to another country or something--it's
14 you. So I don't know who is going to go first,
15 but we'll leave that up to you. Mr. Director?
16 Okay, thank you. The floor is yours.

17 HENRY EHRHARDT: Thank you, and
18 good afternoon, Chairman Vallone and Members of
19 the Council Committee on Public Safety. I'm Henry
20 Ehrhardt, Director of Customer Relations for the
21 New York City Department of Sanitation. Graffiti
22 has been a problem which the administration has
23 been working with to tackle for over a decade, in
24 partnership with the Council and community groups.
25 As you know, the Department of Sanitation is

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2 currently responsible for processing requests to
3 remove graffiti from private buildings, and I'm
4 pleased to have the opportunity to tell you this
5 afternoon about how the system works. Also,
6 because the Graffiti-Free New York City Program is
7 administered in cooperation with other agencies,
8 representatives from our partner agencies are here
9 today, including Captain Selover, Commanding
10 Officer of the Citywide Vandals Task Force, David
11 Schmid, Assistant Commissioner for the Mayor's
12 Community Affairs Unit, and Andrew Mainardi,
13 Assistant Vice President of the New York City
14 Economic Development Corporation. Brief
15 historical background; Graffiti Free New York was
16 established by EDC in 1999 as a pilot program
17 designed to remove graffiti in the City's 16
18 industrial business zones. The program began in
19 Brooklyn; it was successful and subsequently
20 expanded to Bronx, Queens, Staten Island, and
21 Manhattan. The goal of the program has been to
22 improve overall neighborhood aesthetics, promote
23 business development, and create goodwill
24 throughout all of the five boroughs. An
25 interagency task force was created and shared by

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2 the Mayor's Office of Operations, to redesign the
3 City's graffiti cleaning process, of which the
4 Department of Sanitation was a member. The task
5 force worked with the City Council, as you know,
6 throughout Fiscal Year 2010, to amend the City's
7 graffiti legislation. But it also reviewed and
8 revised operational, legal, technological and
9 communication issues to streamline the graffiti
10 removal process and to make it more efficient and
11 easier for property owners to get graffiti
12 cleaned. The Department's current role in the New
13 York City Graffiti Free program is an important
14 administration function as we set into motion the
15 initial steps in the process for removing graffiti
16 from buildings, which if left uncleaned become
17 eyesores in neighborhoods across the City. There
18 are two ways in which the public can request that
19 graffiti be removed from a property. To request
20 graffiti cleaning on your own property, you can
21 fill out and sign a Forever Graffiti Free form
22 that's available online or by mail through calling
23 311. The form allows the city to clean the
24 graffiti on the owner's property. If the person
25 is reporting graffiti on somebody else's property,

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2 they can call 311 to report the graffiti, or now
3 they can go online to do that also. If the
4 property has a Forever Graffiti Free form on file,
5 the property is automatically added to the list of
6 sites to be cleaned. If the property identified
7 does not have a Graffiti Free form on file, the
8 Department will send the property a notice of
9 intent to remove graffiti and a copy of the form.
10 The City also proactively identifies graffiti
11 conditions through the Street Condition
12 Observation Teams. The SCOUT Teams. As you know,
13 SCOUT Teams drive city streets once a month and
14 report on graffiti markings and other quality of
15 life conditions to the City's 311 customer service
16 center. Once the call is logged, the Department
17 sends a notice to the property owner to inform the
18 owner that the City offers free graffiti cleaning
19 services. If the owner wants the City to clean
20 them, the owner doesn't have to do anything.
21 However, if the owner wants to opt out for any
22 reason or no reason at all, the owner has 35 days
23 to notify the City and the property will not be
24 added to the cleaning list. It might sound
25 perplexing as to why an owner would not want the

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2 property to be cleaned of graffiti, but in some
3 cases the marks that have been identified by
4 others as graffiti are something that the property
5 owner wants to retain on the property or may have
6 commissioned as an artwork or mural. If the owner
7 prefers to clean it themselves, they may do so as
8 long as it's done within the 35 days. Once a
9 Graffiti Free form is submitted by the property
10 owner, it typically takes the City about two weeks
11 to respond to the request to remove graffiti. If
12 the property owner does not submit a waiver or
13 does not remove the graffiti after 35 days, the
14 property is then added to the list for scheduled
15 graffiti removal cleaning at no cost to the
16 property owner, through the Graffiti Free New York
17 City program. We are pleased to report that since
18 the implementation of the new law in 2010, which
19 streamlined the administrative processing and made
20 access to the free graffiti service customer
21 friendly, the City has seen a significant increase
22 in the number of properties for which the City has
23 been able to clean. In the last three years,
24 since the new law was adopted, the City has
25 cleaned over 43,000 sites throughout the five

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2 boroughs. By contrast, in 2009, prior to the
3 law's adoption, the City cleaned 8,948 sites, and
4 8,486 in 2008. In addition, the average time to
5 clean graffiti dropped 33% from 32 days in 2009 to
6 just 21 days in 2012. We measured the time from
7 cleaning from the date the site is eligible to be
8 cleaned. That's either the day after the 35-day
9 period passes, or we receive a Graffiti Free form
10 authorizing the property to be cleaned to the
11 actual date the property is cleaned. Business
12 owners, community groups, Council Members,
13 community boards can find more information on
14 Graffiti Free New York as well as check status on
15 graffiti cleanup requests online at the New York
16 City gov website, nyc.gov/graffitifreenewyork.
17 Thank you for the opportunity to testify on the
18 Department of Sanitation's role in Graffiti Free
19 New York, and I'll turn it over to my colleague,
20 Captain Selover from the Citywide Vandals Task
21 Force.

22 CHAIRPERSON VALLONE: Captain,
23 before you testify--don't worry--I'm not going to
24 read your testimony.

25 ELWOOD SELOVER: Go right ahead.

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2 CHAIRPERSON VALLONE: But I just
3 want to let you know that you are aware that the
4 bills--they came in from different Council
5 Members, some of them. They came in at different
6 times when the law was changing, so I realize
7 there are some inconsistencies between the bills
8 that we're going to work together with your great
9 Counsel, Sue, and try to make it much simpler so
10 that each graffiti tool is treated pretty much
11 equally as opposed to the different way they're
12 being looked at right now. We're aware of that
13 and would love to take your testimony on it, but
14 just so you know, we are working on that and we
15 will continue to.

16 ELWOOD SELOVER: Yes, sir. Good
17 afternoon, Mr. Chairman and Members of the City
18 Council. I am Captain Elwood Selover, Commanding
19 Officer of the Citywide Vandals Task Force of the
20 New York City Police Department's Transit Bureau,
21 and on behalf of Police Commissioner Raymond
22 Kelly, I am pleased to be here today to discuss
23 the Police Department's efforts to combat
24 graffiti. Graffiti is a destructive offence that
25 communicates a message of disorder and

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2 lawlessness. As you may recall, the Department
3 has made significant efforts to address and
4 prevent graffiti with a renewed focus beginning in
5 2004 when the Police Department's Anti Graffiti
6 Initiative was established. The elements of the
7 initiative include the designation of an NYPD
8 Citywide Anti Graffiti Coordinator, responsible
9 for overseeing the Department's Anti Graffiti
10 efforts. To that end, Assistant Chief Michael
11 Quinn, the Executive Officer, Chief of Department,
12 conducts weekly meetings modeled on ComStat,
13 called GraffitiStat, to ensure that all
14 operational personnel, patrol, housing,
15 transportation and transit officers as well as
16 School Safety Division, work together to address
17 graffiti conditions and to arrest graffiti
18 vandals. Representatives of the Department of
19 Parks and Recreation and New York City Transit
20 also participate in GraffitiStat, to ensure that
21 the special conditions which may need attention in
22 Parks and in the Transit System are
23 comprehensively addressed. As part of the
24 initiative, anti graffiti coordinators on the
25 patrol, transportation and Housing Bureau levels,

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2 the patrol borough levels, and each local command
3 level, deploy their resources and set priorities
4 for enforcement, as well as making sure that
5 graffiti conditions observed on patrol result in a
6 complete report being prepared and a referral to
7 311 for cleanup. Local commands conduct outreach
8 in their communities, encouraging storeowners,
9 community members, school personnel and students
10 to report graffiti. They also notify my unit, the
11 Citywide Vandals Task Force, of all local
12 enforcement activity. The Citywide Vandals Task
13 Force functions in both an operational capacity
14 and as a resource for other departmental commands,
15 and as an in-house expert on graffiti offences.
16 Task Force personnel investigate graffiti crimes,
17 identify patterns, track and arrest vandals, and
18 maintain an important element of our anti-graffiti
19 initiative. Our graffiti offender database, the
20 database is a centralized graffiti database used
21 to identify known graffiti vandals with mug shots
22 of vandals, photographs of their tags and detailed
23 information about their characteristics and areas
24 of operations. This database can readily be
25 accessed by local commands and is an invaluable

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2 tool not only for apprehending vandals, but also
3 for assisting prosecutors in strengthening their
4 cases in the hope of securing convictions and
5 meaningful sentences for chronic offenders.

6 Supplementing the community outreach efforts of
7 local commands, the Police Department encourages
8 the public's involvement in anti graffiti efforts
9 in several ways. Our Graffiti Reward program,
10 funded by the Police Foundation, offers rewards of
11 up to \$500 to anyone providing information leading
12 to the arrest and conviction of a graffiti vandal.
13 Calls can be made to 911 for acts of graffiti
14 vandalism that are in progress, or 311 in all
15 other instances. The NYPD's Community Affairs
16 Unit has developed an anti graffiti curriculum for
17 use by local Community Affairs officers for
18 community group meetings, and we have created a
19 brochure, Graffiti Awareness for Parents, intended
20 to help parents detect if their children might be
21 involved in this activity. Youth Officers have
22 been trained in an anti graffiti curriculum and
23 use this curriculum to educate student bodies at
24 schools and young people at youth forums. With
25 respect to the incidence of graffiti crimes in New

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2 York City, in 2012 there were 9,204 criminal
3 complaint reports of graffiti crimes, which
4 represents a 13.7% decrease from the 10,669
5 reports in 2011. This decrease mirrors a decrease
6 in 911 calls regarding graffiti crimes, 499 in
7 2012, compared to 572 in 2011, a 12.7% decrease,
8 and a decrease in 311 calls, 209 in 2012 compared
9 to 251 in 2011, for a 16.7% decrease. With
10 respect to arrests for graffiti crimes, there were
11 518 felony arrests and 3,011 misdemeanor arrests
12 in 2012, compared to 408 felony arrests and 3,535
13 misdemeanor arrests in 2011. With respect to the
14 bills before you today, we appreciate the
15 Council's intent to strengthen local laws
16 regulating implements used to commit graffiti
17 crimes as outlined in intros 255, 462 and 601, and
18 we'd be pleased to work with you to ensure that
19 the bills are internally consistent and provide
20 sufficient time to allow for implementation before
21 taking effect. However, we are unable to support
22 intro 555-A, which would require a quarterly
23 website posting by the Police Department regarding
24 quality of life summonses and graffiti related
25 issues--excuse me--graffiti related arrests. The

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2 Police Department has in the past and will
3 continue to respond to requests for information
4 regarding its enforcement activity; however we
5 strongly oppose enacting into law a requirement
6 that police resources be expended in this manner
7 on a permanent and ongoing basis. In conclusion,
8 we appreciate the Council's attention to the issue
9 of graffiti vandalism and would be pleased to
10 answer any questions you may have. Thank you.

11 CHAIRPERSON VALLONE: Thank you.
12 I'm just going to go by--we've been joined by
13 Council Member Halloran, who has also been an ally
14 in our fight against graffiti here on the Council
15 level. You just testified, I believe, that there
16 are more arrests this year but less complaints.

17 ELWOOD SELOVER: Correct.

18 CHAIRPERSON VALLONE: How do you
19 explain that?

20 ELWOOD SELOVER: Obviously the
21 arrests are going up, there's more enforcement
22 efforts on a citywide basis, and I really think
23 that's making a difference, a deterrent, with some
24 graffiti vandals to not be doing the graffiti, so
25 less graffiti being seen would be less complaints.

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2 CHAIRPERSON VALLONE: I have spoken
3 to people who believe that. I personally and I
4 know other people in the room who do not believe
5 the graffiti is going down. Although those
6 statistics can be read that way, obviously. I
7 think maybe people are just reporting it less
8 because they're used to it. But you're making
9 more arrests and that's good. That's a good
10 thing, especially since your resources depleted.
11 Let me ask you that, do we still have a graffiti--
12 one officer assigned to graffiti in every
13 precinct?

14 ELWOOD SELOVER: Yes, we do. Every
15 precinct, every housing PSA, every transit bureau,
16 there is a lieutenant called a Special Operations
17 Lieutenant, and one of his tasks, he's the
18 graffiti coordinator for his command. So he's the
19 one who's chaired with it. He's the one who goes
20 to those GraffitiStat meetings and really
21 spearheads his command's presentations on what
22 they're doing in the individual command.

23 CHAIRPERSON VALLONE: Isn't there
24 also an officer who specializes or who is the
25 person who deals with graffiti in the precinct?

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ELWOOD SELOVER: Each individual precinct or PSA, each individual command may do their own version of it, but according to our department policies and the way it's run is, the Lieutenant being a supervisor rank will spearhead the whole operation in the command. They do have people who work for them, sergeants; a lot of them do have a police officer who coordinates it. That's all on--each individual commanding officer has to determine how to deploy his personnel. But there is the lieutenant--

CHAIRPERSON VALLONE: [Interposing] I would recommend that that's done, because it's very helpful in the precincts that I work with and you don't want to call a Lieutenant every time and tell him about this new vandal or ask for updates. It's much easier to have an officer who just stops by the office and gives you an update as to who we found and who we're still looking for and who is new and that kind of thing.

ELWOOD SELOVER: They all do have that, because the SOL does have a lot of people working for him, so.

CHAIRPERSON VALLONE: What about

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the size of the Vandal Squad? Let's say, assume three years ago to today, how big is it?

ELWOOD SELOVER: I'm sorry, Chair?

COUNCIL MEMBER VALLONE: The size of the Vandal Squad itself.

ELWOOD SELOVER: Personnel?

CHAIRPERSON VALLONE: Right, right.

ELWOOD SELOVER: It's a little less than it was, like anything with the Police Department we have the attrition and smaller version, but we have better trained people and each individual officer is doing a lot more work to make up. More with less as we all say.

CHAIRPERSON VALLONE: I'm aware of that, but at some point there's not much more you can do with this much less. Where were you a few years ago and what are you at now numbers wise?

ELWOOD SELOVER: I really don't have the numbers from a few years ago in front of me.

CHAIRPERSON VALLONE: How many people are in the Vandal Squad now?

ELWOOD SELOVER: Probably around 45. Three years ago, I don't have that with me.

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It would be a few more; I'm just going to approximate maybe a dozen or so more.

CHAIRPERSON VALLONE: Okay. In relation to the bills we're proposing, what do you see as the most commonly used graffiti tools nowadays?

ELWOOD SELOVER: In my experience, I've been running the unit for a number of years now. Still, with my personnel, even we're in touch with all the other commands and stuff, still it's mostly spray paint and the broad-tipped markers, the krink ink, which is a version of the wide-tipped marker and things like that, that's still a massive percentage of it.

CHAIRPERSON VALLONE: In your experience are you seeing now graffiti vandals caught with these fat caps? And if you could explain what those are, and the etching pens?

ELWOOD SELOVER: Yes. In my experience in my personnel, we don't see many of the etching pens and things like that. Probably because--and it's unfortunate--but a screwdriver, an emery board, there are many things that obviously can cause scratching and do damage--a

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2 nail, things like that. So we really haven't
3 recovered those. As far as the fat caps and
4 things like that, it's a huge part, it's a huge
5 tool for them. If anyone's done their own spray
6 painting, you get that one regular cap and it's
7 like how can they do that? Because they don't;
8 they have these caps, it makes it almost look like
9 they're putting it on with a brush. They're so
10 detailed and different caps give you different
11 sizes and shapes. It's an integral part of them
12 performing their graffiti. And we have made over
13 the years large seizures where we've gotten large
14 amounts of paint and then handfuls if not bagfuls
15 of the caps as well.

16 CHAIRPERSON VALLONE: I'm glad
17 we're not seeing the graffiti pens, I'm just
18 hoping it's not because they haven't--they're not
19 all that aware of them yet--and they are a little
20 bit expensive, they're diamond-tipped pens, but
21 they are capable of doing damage a lot quicker--

22 ELWOOD SELOVER: [Interposing]
23 Absolutely.

24 CHAIRPERSON VALLONE: --since they
25 are diamond-tipped pens. Mr. Ehrhardt, what can

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2 we do--first of all that's good news how quickly
3 you're now getting to the graffiti and that's
4 again because of Gale's improvement to my bill, I
5 think, and the fact that you're using the
6 resources necessary. What can we do to help you
7 make it even quicker?

8 HENRY EHRHARDT: Well, to the
9 extent that--

10 CHAIRPERSON VALLONE: [Interposing]
11 Don't say give you more money.

12 HENRY EHRHARDT: No, to the extent
13 that community groups, elected officials' offices,
14 the Mayor's Community Affairs Office, precincts
15 are focusing on an area and gather a group of
16 Forever Graffiti Free forms from property owners
17 in that area, we will work with EDC, our
18 colleagues at EDC, to prioritize that area,
19 because it's for them more efficient to go out
20 where they have Graffiti Free forms already
21 signed, filled out and completed, and a group of
22 more than one location that needs cleaning. so
23 where we have that kind of cooperation with the
24 community, we'll prioritize that and get out there
25 as soon as we can.

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2 CHAIRPERSON VALLONE: I know a lot
3 of people are not aware of this Graffiti Free
4 form. Right now you said it's online and if you
5 call 311. What are you doing now to make
6 businesses aware of that and how can we help?

7 HENRY EHRHARDT: We had a while
8 ago, when I think it first came out, sent it
9 around to the community boards and to the elected
10 officials' offices. We work with the Mayor's
11 Community Affairs Unit, who does a lot of
12 outreach, to let groups know that it's available
13 for them that both you can download it online or
14 call 311. And we've sent packages of those forms
15 out to a variety of groups and elected officials'
16 offices around the City. So we're looking and
17 willing to work with anybody to get the word out
18 more, to let folks know that that's a way to
19 quickly get the graffiti removed.

20 CHAIRPERSON VALLONE: One of the
21 bills I put in, which we passed, which I think is
22 really going to start helping decrease graffiti is
23 elimination of the roll-down gates that you can't
24 see through. Is that under your purview? It's a
25 different agency? Because one of the things the

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2 City is not doing there either is informing
3 businesses that they can no longer replace their
4 roll-down gates with the same type, they have to
5 be the see-through time, which will eliminate
6 graffiti. It will make it much easier for police
7 officers when the roll up to a scene at 2:00 to
8 know whether it's a cat setting off the alarm or a
9 guy with a machine gun. So that's being phased
10 in. The law is in place now, but buildings need
11 to be told they can't buy those old gates anymore
12 otherwise they're going to sustain a cost. And I
13 know the city is not out there doing what they
14 should to alert businesses to that, so I thought
15 it was your purview, but it's not?

16 HENRY EHRHARDT: No.

17 CHAIRPERSON VALLONE: It's DOB that
18 does that?

19 HENRY EHRHARDT: Department of
20 Buildings.

21 CHAIRPERSON VALLONE: Wait until I
22 get DOB. It's in a long line of problems I have
23 with DOB. So, when you're out--this will be my
24 last question before I get to my colleagues. When
25 you're out cleaning a certain area, you have a

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2 certain amount of complaints that come through our
3 SCOUT team, that come through 311, they're in a
4 certain area so you do that area. Are you able to
5 access which of those buildings in that area that
6 you don't have a complaint about you may have a
7 Graffiti Free waiver so that you can just clean
8 that building while you're there?

9 HENRY EHRHARDT: Well, let me turn
10 this over to Andrew Mainardi, from Economic
11 Development Corporation, because they are the
12 folks that actually do the graffiti cleaning on
13 the street, so.

14 ANDREW MAINARDI: Good afternoon.

15 CHAIRPERSON VALLONE: Just state
16 your name for the record first.

17 ANDREW MAINARDI: My name is Andrew
18 Mainardi. I'm an Assistant Vice President with
19 the New York City Economic Development Corporation
20 and I run basically the ground level operations
21 for Graffiti Free. To answer your question, we're
22 tasked with addressing the service complaints that
23 come through either 311 or the waivers, both of
24 which are routed internally and distributed to our
25 crews. However, when we do encounter properties

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2 that are not on our routes, we make a concerted
3 effort to solicit a waiver in the field and
4 failing that we enter the address into 311 online,
5 which has proven very useful in adding to the
6 service request volume.

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CHAIRPERSON VALLONE: You may have
8 just answered this, but maybe I don't understand.
9 So if you have two houses that you're going out to
10 clean that day and there's a third right next to
11 it full of graffiti, how can you find out whether
12 that house has provided one of these waivers--or
13 can you--so that you can just clean it while
14 you're there?

15

ANDREW MAINARDI: Well, we right
16 now, we're limited in terms of our technological
17 capabilities. The routes that our crews receive
18 are paper. We're trying to upgrade to an IT based
19 system, which would allow us to do that through a
20 wireless handheld, however, it is really just a
21 matter of our crews contacting someone in the
22 office to determine whether we have a waiver on
23 file, and if we do we're able to clean it
24 immediately.

25

HENRY EHRHARDT: I think part of

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2 that explanation is if the waiver is already on
3 file and the graffiti was reported it'll be on
4 their cleaning list. If it's not, as Andrew said,
5 they'd have to check with the office to see if
6 it's in the system, or if they contact somebody at
7 the building who is an owner or a manager or
8 responsible party, they can fill one out right
9 there or they can tell them, we've already filled
10 one out, and they can then check with the office
11 and see if that's in the system.

12 CHAIRPERSON VALLONE: I don't think
13 it's going to be on the list; I mean, are you saying
14 when you go out you have a list of everybody who's
15 filed a graffiti waiver with you? I don't think
16 that's going to be the case.

17 HENRY EHRHARDT: No. What I'm
18 trying to say is that if that property had been
19 reported as having graffiti and the Graffiti Free
20 waiver was already in the system it would
21 automatically go onto the cleaning list.

22 CHAIRPERSON VALLONE: I'm just
23 saying, we all know there's a lot of properties
24 that have not been reported that you're going to
25 come across as you're cleaning. It would be nice

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2 to hit the one right next to it while you're
3 there. So let's work on that application or
4 whatever you need to get that done. I know we've
5 had hearings in this Committee about all the new
6 ways the City is going to wirelessly communicate,
7 the Police Department and Fire Department are
8 going to have updated building plans as they shoot
9 out to the scenes. There should be a way to get
10 this done where you have a list of what forms are
11 on file while you get there. Last question is
12 have you compared--my staff wants to know--the
13 cleaning time in New York City to other cities,
14 and how do we compare?

15 HENRY EHRHARDT: Not that I can
16 recall recently, although we have gotten the same
17 inquiries that you have received, from a number of
18 other cities, wanting to know what the law is in
19 New York City and what our processes are in New
20 York City. And the sense that we get is that with
21 the revisions that the Council made to the law a
22 few years ago that we're far ahead of what other
23 cities are doing. So in that sense I think it's
24 positive.

25 CHAIRPERSON VALLONE: Okay, I'm

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2 sure I'm going to come back and ask some more, but
3 I want to get to my colleagues, so we'll go first
4 to Gale Brewer.

5 COUNCIL MEMBER BREWER: Thank you
6 very much. Thank you, Mr. Chair. And I used to
7 go out on the white trucks with the paint, so I
8 spent a lot of time on it, and we did a lot of
9 cleaning ourselves with your wonderful--I guess, I
10 never knew who was CAU staff or EDC staff or
11 whatever; it was great. And working with the
12 Chairman it was clear that it was a very time
13 consuming process, because we could not--we had to
14 skip a lot of buildings because they really didn't
15 have the right forms. So it's good to be able to
16 do it through 311. But I just want to know how
17 many trucks do you have now? How many people do
18 you have out? What kind of is the staffing?
19 Andrew needs to come back.

20 CHAIRPERSON VALLONE: Oh, bring a
21 seat over, will you?

22 COUNCIL MEMBER BREWER: Yeah, just
23 bring up a chair.

24 ELWOOD SELOVER: I'll move over
25 here. We can all sit.

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COUNCIL MEMBER BREWER: How many white trucks? How many staffing?

ANDREW MAINARDI: Right now we have roughly 12 trucks in the field and a staff of approximately 28, including the mechanics and supervisors.

COUNCIL MEMBER BREWER: All right. So how many buildings--I mean how do you decide what neighborhoods you're going to do? Is it based on this cluster situation, perhaps? In other words you have enough forms? Is it based on complaints? Obviously the forms and the complaints hopefully go together to a large extent. And, you know, etcetera. How do you make the decisions as to where to go, I guess, and how much you get done in a day or how many buildings can you do and so on?

ANDREW MAINARDI: No matter what the source is for the service request, that is whether it's Street Conditions Observations Unit--

COUNCIL MEMBER BREWER:
[Interposing] SCOUT.

ANDREW MAINARDI: --311 call.

COUNCIL MEMBER BREWER: We've never

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seen a SCOUT, just so you know. I know these things exist, but I never saw one. Go ahead.

ANDREW MAINARDI: They're out there somewhere.

COUNCIL MEMBER BREWER: I never saw one.

ANDREW MAINARDI: Regardless of where the service request is originating, it all gets dumped into a database and then we then download whatever's pending. That is, whatever's been sitting in the system for the 35-day period pursuant to the law or whatever new waivers we receive for recent graffiti, we take that chunk of properties and we then plug it into a GIS mapping software that allows us to produce routes, and these routes are designed to minimize the travel time between properties so that we can obviously save costs both in time and fuel and spend the maximum percentage of each day removing graffiti.

COUNCIL MEMBER BREWER: Okay.

ANDREW MAINARDI: On an average day, all things being equal, we can probably get to at least 10 to 15 properties per truck.

COUNCIL MEMBER BREWER: Okay.

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2 ANDREW MAINARDI: We also have the
3 ability to determine whether or not the graffiti
4 is on a roll-down gate. If that's the case, we
5 send crews out as early as 5:00 or 6:00 in the
6 morning, before business hours.

7 COUNCIL MEMBER BREWER: Okay.

8 ANDREW MAINARDI: That enables us
9 to get up to 15 to 20 sites cleaned per vehicle.
10 So we're constantly seeking ways to increase the
11 efficiency of the program.

12 COUNCIL MEMBER BREWER: Okay.

13 Because I know roll-down gates were a problem, so
14 that's good that you were able to do at least
15 some. You can't do too many trucks at 5:00 in the
16 morning, but you do some?

17 ANDREW MAINARDI: As many as we
18 can.

19 COUNCIL MEMBER BREWER: Because I
20 will tell you the roll-down gates, as the Chair
21 knows, are one of the biggest problems in terms of
22 having graffiti on them. And you only see them at
23 night because they're up during the day, but at
24 night you can see rows - - So how many trucks do
25 you send out at 5:00 in the morning? I know it

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depends, but you know.

ANDREW MAINARDI: Again, it depends. We're able to see--the system permits property owners to indicate whether or not the graffiti is on a roll-down gate, both through the waiver form and when they call 311.

COUNCIL MEMBER BREWER: Okay.

ANDREW MAINARDI: And also members of the public can do the same. And depending on that proportion, we're able to mobilize as many crews as are needed.

COUNCIL MEMBER BREWER: Okay.

ANDREW MAINARDI: So if the lion's share of the work is on roll-down gates, we'll mobilize the majority of our force before business hours.

COUNCIL MEMBER BREWER: Okay. On the technology front, I passed an Open Data bill. Are you familiar with that bill? Every database has to be up online by March 7th.

ANDREW MAINARDI: Okay. Henry knows more of the particulars about that.

COUNCIL MEMBER BREWER: Okay. I'm letting you know that your database is going to

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have to be up online by March 7th, 2013.

ANDREW MAINARDI: I'll get right on that then.

COUNCIL MEMBER BREWER: Yeah. Are all these databases--it's the ones that are on the website, but I just looked at the website--you're on the website, so therefore this list is going to have to be up online in a non-PDF format by March 7th.

HENRY EHRHARDT: Okay, I'll have to look.

COUNCIL MEMBER BREWER: Everyone is going to have to look.

HENRY EHRHARDT: You can now access status and you can look at what is by community district, and I also believe by police precinct.

COUNCIL MEMBER BREWER: Okay.

HENRY EHRHARDT: You can look at what's pending, what has been cleaned.

COUNCIL MEMBER BREWER: Okay.

HENRY EHRHARDT: So a lot of that information has already been--

COUNCIL MEMBER BREWER:

[Interposing] Good. Okay.

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HENRY EHRHARDT: Already available.

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Although the information from the graffiti system

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is not in--

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COUNCIL MEMBER BREWER:

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[Interposing] I don't see it here.

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HENRY EHRHARDT: Yeah, it's not in

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the SEABLES [phonetic] System. It's a separate--

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COUNCIL MEMBER BREWER:

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[Interposing] Right.

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HENRY EHRHARDT: --it's a separate

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COUNCIL MEMBER BREWER: There's a

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portal that is being done by DoITT, and just so

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you know, it's all going to have to be in that

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portable on March 7th.

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HENRY EHRHARDT: I'm sure we'll be

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hearing from you.

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COUNCIL MEMBER BREWER: Yes, you

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will. All right. Then the next issues is this

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technology. When if at all do you think--I don't

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know if you're using the Grumman System, the NYC

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Wireless, but is there some way of having

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technology in the trucks? Because that would

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help. I know it's probably a cost issue, but EDC

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has lots of money.

ANDREW MAINARDI: Unfortunately our program is not on the operating budget for EDC and it has never been.

COUNCIL MEMBER BREWER: So whose budget is it under?

ANDREW MAINARDI: Well, we secure--

COUNCIL MEMBER BREWER:
[Interposing] You administrate. You've been doing a great job for a long time, Andrew, so I appreciate it.

ANDREW MAINARDI: Thank you. We secured a grant from Anthony Weiner's office that covers 80% of operating expenses.

COUNCIL MEMBER BREWER: Right. I remember that, yeah.

ANDREW MAINARDI: And the 20% remainder, which is required by the feds is paid by a city tax levy. We are looking into wireless technology improvements. We have a vendor in the pipeline. There's been difficulty integrating this tech software into the NYCWiN network.

COUNCIL MEMBER BREWER: It's not the best network in the world, yes.

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ANDREW MAINARDI: And that's--

COUNCIL MEMBER BREWER:

[Interposing] It costs a lot of money though.

ANDREW MAINARDI: A lot of our problems are just sort of overcoming integration obstacles and hurdles with DoITT.

COUNCIL MEMBER BREWER: Right.

ANDREW MAINARDI: And also maintaining a secure connection with the City system since we're not a City agency.

COUNCIL MEMBER BREWER: Right.

Okay. All right. We'll keep working on that. Next issue is post office boxes. They have a lot of graffiti. So what I do is I go to the post office, I get the paint, and then we go paint the post boxes. But that's not really a great way to do it and it doesn't happen around the city. You guys cannot paint the post boxes, right? Are you allowed to do that if one makes a 311 call? Because there is a lot of graffiti on post office boxes, blue ones and green ones.

ANDREW MAINARDI: Well, the way it works is--and this is, these are our marching orders from the Mayor's office. We're to address

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private property first.

COUNCIL MEMBER BREWER: Okay.

ANDREW MAINARDI: And during the winter months when we can't apply latex paint or use power wash because of the temperatures--

COUNCIL MEMBER BREWER:

[Interposing] Right.

ANDREW MAINARDI: We then have our crews effectively roving the city applying oil paint--

COUNCIL MEMBER BREWER:

[Interposing] Okay.

ANDREW MAINARDI: --to call boxes, fire hydrants, street furniture, lampposts. DOT property and US Post property, this is not within our scope.

COUNCIL MEMBER BREWER: Okay.

ANDREW MAINARDI: This is something that we do as a courtesy when we're out soliciting work for when the temperature increases. But as I understand it, I don't think there is a mechanism.

COUNCIL MEMBER BREWER: The post office will not do it.

ANDREW MAINARDI: Yeah, and so we

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2 sort of just step in as a courtesy, as I said.

3 And then--

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COUNCIL MEMBER BREWER:

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[Interposing] But only during the winter months

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when you have this sort of, quote unquote,

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downtime from the private property that you do it.

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ANDREW MAINARDI: Exactly. And

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again, we're sure of marrying those efforts with

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the jotting down of properties that we know are

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not being reported by the public for lack of

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awareness of the program.

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COUNCIL MEMBER BREWER: Okay. So

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in other words, nobody has to call 311 for

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government property. Ostensibly you can just do

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it because it's--certainly if it's City

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government, right?

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ANDREW MAINARDI: We can. I mean

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it's not--

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COUNCIL MEMBER BREWER:

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[Interposing] You just do it. So the post office--

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--do you know how many post office boxes you do by

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chance? Do you let the post office know that

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you're doing their work for them?

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ANDREW MAINARDI: Well, correct me

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if I'm mistaken but--

COUNCIL MEMBER BREWER:

[Interposing] US Post Office.

ANDREW MAINARDI: US Post Office
mailboxes are federal government property.

COUNCIL MEMBER BREWER: They are,
but do you do them also? Do you clean them? Do
you paint over them? It's a good thing if you do.
I'm not criticizing, I'm just saying that they are
full of graffiti.

ANDREW MAINARDI: If we encounter
on our winter routes when we have the oil paint--

COUNCIL MEMBER BREWER:

[Interposing] Okay.

ANDREW MAINARDI: --US post office
boxes that are--

COUNCIL MEMBER BREWER:

[Interposing] Okay.

ANDREW MAINARDI: --really covered
in graffiti we will paint them.

COUNCIL MEMBER BREWER: Okay. You
can get free paint from them too, just FYI. They
have lots of it; they just don't like to use it.
Do you have a big backlog to complete in terms of-

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2 -obviously during the winter months you can only
3 do so much, so I assume 311 calls come in and then
4 of course they can't be dealt with until it's
5 warmer.

6 ANDREW MAINARDI: We usually
7 encounter a backlog coming out of the winter
8 months, that is roughly early March. However, due
9 to the warm weather last year we did not see much
10 of a backlog at all. In fact we were able to
11 effectively clean out the cleaning queue very
12 quickly.

13 COUNCIL MEMBER BREWER: Okay.

14 ANDREW MAINARDI: That has more to
15 do with the lack of service requests as much as
16 the--as our capacity to clean it.

17 COUNCIL MEMBER BREWER: And how do
18 you communicate with the community boards about
19 all the great things that you're doing? Is that
20 done through CAU or through you? Or how do the
21 community boards--because I don't see, they don't
22 hear from SCOUT too much, so don't talk to me
23 about SCOUT. But what else? How do you
24 communicate with them? I know they can all go to
25 the website. I got that. But are there any other

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ways of communicating with the community boards?

Is that through CAU?

ANDREW MAINARDI: Well, the
Community Affairs Unit--

COUNCIL MEMBER BREWER:
[Interposing] Yes.

ANDREW MAINARDI: --is the liaison
with the public and the community boards and
elected officials. We are--EDC, that is--is
available to produce data. We can indicate how
many properties were serviced, how many requests
were received by precinct, community board,
council district. We can generate maps to that
effect, however we generally aren't the ones who
are communicating directly.

COUNCIL MEMBER BREWER: Are there
any kind of--I don't know anything about surfaces,
but are there surfaces that are difficult to
clean? That's number one. Number two, we were
the ones that put in--I do like murals and I did
want--there was an issue of free expression, which
I strongly believe in, so I'm glad--but have you
had any problems where you did by chance paint
over a mural or anything like that? None of that

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has happened, I assume.

ANDREW MAINARDI: No.

COUNCIL MEMBER BREWER: Okay.

ANDREW MAINARDI: Our policy is to--
-anything that looks like it might be a mural or
some matter of commissioned art--

COUNCIL MEMBER BREWER:

[Interposing] Okay.

ANDREW MAINARDI: We--

COUNCIL MEMBER BREWER:

[Interposing] And now what about surface? Is
there any kind of surface that you--that's not
possible to be either power washed or painted
over?

ANDREW MAINARDI: We can pretty
much clean anything. I would say glass can be an
issue.

COUNCIL MEMBER BREWER: Right.

ANDREW MAINARDI: Both because--

COUNCIL MEMBER BREWER:

[Interposing] Well, the etching issue.

ANDREW MAINARDI: The etching and
also the chemical we use to break up the graffiti,
assuming it's paint, might damage the glass.

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Etching we are relatively powerless to do anything.

COUNCIL MEMBER BREWER: Right. No, that's not your thing. Okay, thank you, Mr. Chair.

CHAIRPERSON VALLONE: Thank you, Council Member. Council Member, I haven't seen--I thought all the SCOUTs were in Manhattan, because I haven't seen them in Queens either, so I'm not sure where exactly they are.

COUNCIL MEMBER BREWER: Only parked. I see them parked.

CHAIRPERSON VALLONE: You say you have 12 trucks out in the field. How many trucks do you have that aren't out in the field?

ANDREW MAINARDI: Well, our total fleet is right now--stands at 21. So, again--

CHAIRPERSON VALLONE: [Interposing] Why are they not in the field? Do we need more manpower?

ANDREW MAINARDI: We need more demand.

CHAIRPERSON VALLONE: No, we don't. No, you don't. I mean I know you're doing a lot

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2 of work, from what I'm told. I've never seen you
3 in my district. If you've been in my district you
4 haven't told me. Every time I need something
5 cleaned I call the people in the back of the room.
6 I've never worked with your office and if you had
7 12 trucks for 12 days in a row in my district, you
8 would maybe get one-third of the problem done.
9 There's a huge demand out there. So you need to
10 use these SCOUT trucks better. Because if you're
11 saying you don't have enough work to do, you're
12 not living in New York City. That I will not
13 accept, that there's not enough demand for--and by
14 the way, there has not been one mailbox cleaned in
15 my district in the last 11 years that I've been
16 Council Member, unless I've done it myself.
17 That's the only post boxes that have been cleaned
18 in my district, so do not tell me there's not
19 enough demand. So why don't we have more trucks
20 out there?

21 ANDREW MAINARDI: Well, let me
22 restate that. When I say demand I mean the actual
23 calls we receive via 311. Now SCOUT does not fall
24 under EDC. That's a Mayor's Office program. And
25 again, we only address US government property as a

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2 courtesy if we happen to be in the neighborhood
3 and not working on buildings, since they are
4 clearly the priority. The issue is--

5 CHAIRPERSON VALLONE: [Interposing]
6 I see. If you don't enough demand then you have
7 the time to clean--

8 ANDREW MAINARDI: [Interposing] No,
9 I agree completely. I live in--I have the same
10 issue and I'm literally driving around when I'm
11 out in the field and I'm taking down addresses and
12 entering them in to 311 myself. But the problem
13 is, is that most people are not doing that for
14 lack of awareness of the program, and I think that
15 is really the central issue, is that if people are
16 aware this program exists, that we have a means of
17 dialing it in to 311, of calling it in, then we
18 will see the demand sufficient to justify having
19 those trucks in the field. But the fact of the
20 matter is, we're able to completely wipe out the
21 work that we receive from the Department of
22 Sanitation and the City of New York, and we have
23 no other way of receiving that work by the law.
24 So somebody has to report it. And our guys are
25 out in the field doing the work. We are not

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2 tasked with reporting graffiti. The way that the
3 law was designed was to give the public that task,
4 and I think that a public service announcement or
5 something that would increase awareness of this
6 program, which is free of charge, would go a long
7 way for getting that graffiti taken care of.

8 CHAIRPERSON VALLONE: Absolutely.
9 If I would have known that this was an issue, I
10 would have had all of my people calling in 311.
11 I'd do it myself. I'll call in 15 a day if I have
12 to, to get you out there. I didn't know this was
13 necessary when there's graffiti all over the
14 place. So we will make sure that we do that. I
15 have some staff members here who will be calling
16 in 311 the lot in the next couple days and then
17 we'll be calling you to see when you'll get out
18 there, because my people are over worked with
19 graffiti.

20 ANDREW MAINARDI: We're ready and
21 we have the trucks on standby and we're actually
22 staffing up and ready to increase that number as
23 early as March when the temperature comes up.

24 CHAIRPERSON VALLONE: Okay. Why do
25 we have a 21-day waiting period if we have not

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much demand? It sounds like we can be much quicker?

ANDREW MAINARDI: You mean the 21 after it becomes eligible for cleaning? Wait. First of all, is that 21 inclusive of the time to...?

HENRY EHRHARDT: It's an average for last year. So, in the winter obviously even though when you have good weather there are days when you can't clean, so the waiting time gets longer. In the summer it's much shorter; it's probably two weeks or less. Also, last year, November and December because of Sandy EDC's forces were assisting. So essentially the last two months there was not much cleaning done on the graffiti end because there personnel were assisting in the Sandy affected areas with some cleanup and other duties. So, I think when you look at the active period from, you know, say March or April when the weather changes until October, November, that 21 days is actually much shorter. But I think you--we're talking about the same thing. When we say demand, we're talking about the service requests that are in the system

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2 as opposed to the population that's out there and,
3 you know, I would suggest your staff use the
4 online function; it's much faster, quicker to get
5 it in. We're anxious to have them and work with
6 groups--

7 CHAIRPERSON VALLONE: [Interposing]

8 Even if we're not doing post boxes because they're
9 federal property--and again, I've had my own
10 problems with the Post Office trying to get the
11 paint--there's a lot of problems--but there are
12 enough call boxes, there's enough city property to
13 take up your entire day every day without any
14 actual complaints out there. We've been joined by
15 Council Members Halloran and Ulrich, Garodnick,
16 Gennaro, Gentile, and we're going to go now to
17 Council Member Halloran for questions.

18 COUNCIL MEMBER HALLORAN: Thank
19 you, Mr. Chairman. The first question is a
20 technical question, so I'm going to direct it to
21 the Police Department. I understand that your
22 opposition to one piece of the introduction
23 package that we're discussing today is based, I
24 presume, on administrative requirements, that the
25 City of New York's Police Department has a certain

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2 number of reporting requirements, that this will
3 place some sort of burden on your unit to provide
4 this data in the way that the City puts it up
5 online. However, would it be fair to say that you
6 guys are already compiling all of this information
7 that's being requested to be made available online
8 anyway in the routine course of business of the
9 NYPD?

10 SUSAN PETITO: Council Member, I'm
11 Susan Petito, Assistant Commissioner of
12 Intergovernmental Affairs. I think that depending
13 on what--how quality of life is defined, because
14 it's not defined in the bill, we are probably
15 compiling a lot if not all of the information
16 that's contemplated by the bill.

17 COUNCIL MEMBER HALLORAN: Okay.
18 Well, the piece of legislation is not overtly, in
19 my opinion as someone who's been a lawyer for a
20 number of years, overly complicated. It's a local
21 law which will require quarterly reports for the
22 New York City Police Department to issue numbers
23 on quality of life summonses issued and graffiti-
24 related arrests. I'm not exactly sure as you sit
25 here how you can tell me that that is somewhat

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2 vague to you. When you fill out a desk appearance
3 ticket you cite the section of the penal law which
4 has been violated. If it's a graffiti-related
5 offense we know that we're talking about criminal
6 mischief, and if we go through with an arrest,
7 certainly the summons, the complaint, the criminal
8 court complaint, will contain that offense in it.
9 In sum and substance the offense is described both
10 in the uniform summons or in the actual criminal
11 complaint, and that information is part of the
12 documented information that's taken in a 51 or a
13 complaint report itself. So, are you telling this
14 body that that guideline is too complicated for
15 the Police Department to understand what we're
16 asking for?

17 SUSAN PETITO: What I'm saying is
18 that quality of life is not defined in the bill.

19 COUNCIL MEMBER HALLORAN: Okay, so
20 if we were to say quality of life, meaning
21 criminal mischief graffiti-related offenses, that
22 would be sufficient for you to no longer have
23 opposition to the legislation?

24 SUSAN PETITO: No. No, not at all.

25 COUNCIL MEMBER HALLORAN: Oh, okay.

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2 SUSAN PETITO: We have a real
3 problem with enshrining in law permanently a
4 reporting requirement or a public posting
5 required. We are very happy to respond to
6 questions, requests for information, but we do not
7 believe it appropriate to permanently alter the
8 law of New York City to require this reporting on
9 a quarterly basis.

10 COUNCIL MEMBER HALLORAN: I don't
11 think you're going to find two bigger advocates of
12 the NYPD in this Council body than the Chairman
13 and myself--having worn the uniform of the
14 Department myself, having been a prosecutor in
15 three different District Attorneys' offices, and
16 having been on the Defense Bar for ten of the last
17 years before my election to the Council. It seems
18 to me that the problem is one of transparency.
19 And the statement that you just made, which is
20 that you'd be happy to respond to a request for
21 information related to this sounds to me like,
22 yeah, go ahead, FOIL it and we'll be happy to
23 provide it. One of the things that this City and
24 this Mayor has been attempting to achieve in the
25 last 12 years is an open government, a transparent

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2 government. And I think that this body is simply
3 responding to the fact that there has been a
4 reluctance--and this is with no criticism to our
5 Police Commissioner who has been forthcoming and
6 helpful in every respect--but it just seems that
7 the bureaucracy of the Department is such that it
8 makes it more and more difficult for us to get at
9 information. And this bill specifically did not
10 define quality of life so that we would give the
11 Department the flexibility it needed to provide us
12 with an answer that they felt was reasonably
13 encompassing. If you need us to be micromanaging
14 the definition so that, you know, you can
15 articulate a more specific objection to it, I
16 think then we're working counter to each other.
17 This body has oversight over the function of the
18 Police Department. The citizens ask us to show
19 transparency. This bill, to my knowledge, is
20 aimed simply at being able to identify something
21 that Rudy Giuliani, when he walked into the
22 Mayor's Office, said was his first priority--
23 addressing quality of life crimes. And the way
24 you measure our ability to address that function,
25 back, way back when Rudy Giuliani was the mayor,

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2 is to tell us how many arrests you've made, how
3 many prosecutions you've commenced, are we making
4 a dent in the problem. And right now the reality
5 is, is absent of FOIL, which again certainly we
6 can do and we can all waste the time of writing
7 the letter, having you respond, telling us it's
8 vague, having us further clarify the request,
9 having you wait the statutory period until you get
10 us the information--we could do that. However,
11 it's this body's job to write laws, legislative,
12 executive, judiciary, legislative. We're choosing
13 to enshrine in law this piece of legislation. I
14 don't understand why the Department has an
15 objection to this body doing what it's supposed to
16 do, which is write laws. But nonetheless, all
17 we're simply asking for is some clarification as
18 to what your objections would be. First you tell
19 me it's specificity. Now I say, okay. So we will
20 be specific and we will define the term. Now you
21 tell me, no, it's something else. Do you believe
22 maybe you were a little disingenuous with me when
23 you first answered the question, when you told me
24 that the reason for your objection was specificity
25 and the lack of definition, and then once I

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2 responded to that you gave me a different answer?
3 You don't see maybe that that was a disingenuous
4 position to take because once I retracted it you
5 had another answer for me?

6

SUSAN PETITO: With all due
7 respect, I answered the question that you asked.
8 I was in no way misleading regarding our
9 objections, which are stated in our testimony. I
10 believe that the Police Department has routinely
11 answered hundreds of letters from City Council
12 Members, not requiring the use of FOIL in any way,
13 and provided a huge amount of data upon request.
14 What we are objecting to is enshrining in law a
15 permanent requirement for the Police Department to
16 divert its resources to this task, as opposed to
17 other tasks, which are important. And if the
18 Council needs this information, we will be happy
19 to provide it.

20

COUNCIL MEMBER HALLORAN: Okay. So
21 let me just--again, and I am not trying to be
22 argumentative; I'm trying to be intellectual about
23 this. You're telling me that this body sends you
24 hundreds of letters which you have to respond to,
25 to gather this data, which means you're using

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2 people to gather that data at the request of the
3 hundreds of Council Members' letters that you're
4 responding to, so you have to do this work anyway.
5 So let's dismiss that whole train of thought that
6 you just engaged in that says it's too much work,
7 because you have to do the work, because if we ask
8 for it you have to do it anyway, so there goes
9 that argument. Let's go to the next one, that you
10 don't want to enshrine it in law. Okay. And the
11 reason is what? We have ComStat, which
12 articulates the up and down percentages, the
13 overall numbers in each command, precinct by
14 precinct, of these types of crimes, how many
15 arrests were made, how many incidents were
16 reported. So some database somewhere in the NYPD
17 already has all this information. Your objection
18 now is you don't want to put it out there all the
19 time. My question back is why.

20 SUSAN PETITO: Because the interest
21 in it may fade over time. The amount of
22 information that we put out publicly and the way
23 that ComStat is structured, there is a reasonable
24 possibility that people will always be interested
25 in that number, but I cannot tell you how many

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2 instances there have been where we have forwarded
3 a massive quarterly report to the Council, with
4 massive amounts of information, that I will then
5 get a question about information that has already
6 been forwarded, but people don't realize that they
7 already have it.

8 COUNCIL MEMBER HALLORAN: I'm fine
9 with that answer.

10 SUSAN PETITO: So what we want to
11 do is respond to questions and issues of interest
12 to the Council when they let us know what that
13 interest is. And we do provide that information.
14 But what we are objecting to for this and many
15 other types of reporting bills, is making that
16 permanent.

17 COUNCIL MEMBER HALLORAN: I
18 understand that and I appreciate it--

19 CHAIRPERSON VALLONE: [Interposing]
20 Council Member, can I just - - one second?

21 COUNCIL MEMBER HALLORAN: Yeah.

22 CHAIRPERSON VALLONE: I don't
23 disagree with what you're saying, but this is an
24 argument that we've had with the NYPD for 11
25 years--

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COUNCIL MEMBER HALLORAN:

[Interposing] I understand, Mr. Chairman.

CHAIRPERSON VALLONE: --when we --
crime in schools. I understand their point about
the very limited resources they have and that's
why we try not to abuse the power we have to ask
for these statistics. We've got to come to a
happy medium. We can argue this.

COUNCIL MEMBER HALLORAN: I know.

CHAIRPERSON VALLONE: We've argued
it for 11 years.

COUNCIL MEMBER HALLORAN: I
appreciate it, Mr. Chair. And like I said--

CHAIRPERSON VALLONE: [Interposing]
Thank you for trying though.

COUNCIL MEMBER HALLORAN: No, and I
appreciate that. I would simply say that since
this data is being compiled anyway and required on
request anyway, it makes no sense to not simply
put it up. The other area of questions that I
have is just very simply for our sanitation unit,
which by the way, I have seen them in my district,
Mr. Chairman. They are out there, I know that
they're out there. But there are issues, and

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2 you've pointed out and my colleague Gale Brewer
3 has pointed out--mailboxes being one of them. I
4 will point out another one. Long Island Rail
5 Road. There are overpasses in my district which
6 you guys are not allowed or not permitted
7 currently to access. Unfortunately for me, I
8 don't have a subway station in my district at all.
9 All I have is the Long Island Rail Road, five Long
10 Island Rail Road stations, and as a result of
11 that, their overpasses, underpasses, platforms and
12 stations are not subject--at least to my
13 knowledge--of you guys simply taking action on
14 them, and getting coordination from LIRR to do it
15 has become next to impossible. I have had some
16 outstanding requests as long as a year on some of
17 our overpasses, particularly at Francis Lewis
18 Boulevard in the town of Bayside. And 162nd
19 Street and Northern Boulevard in Auburndale
20 Flushing. No, I know that. Is there any way we
21 could get pre-clearance or pre-permission from the
22 LIRR for the City's agencies to do the same thing
23 that you're doing lightly with the Post Office
24 facility stuff?

25 HENRY EHRHARDT: Well, just by way

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2 of very briefly--the Graffiti Free New York
3 program is really limited to private buildings.
4 The kind of equipment and paint that's needed for
5 the overpasses is not something that's in that
6 program. That's typically something that either
7 the LIRR or the City's DOT Bridges Division would
8 handle, because they have the trucks to get up
9 there by the overpasses, and the correct kind of
10 paint to use on those kind of structures, so we
11 don't really even get involved in those kinds of
12 things. That's a little bit beyond our abilities
13 in this particular program. EDC does do the post
14 office boxes and the street furniture and things
15 really as a supplement; it's not part of the
16 program either, but since there's downtime they're
17 trying to make the best use possible so when
18 they're out there and they see it during this time
19 of the year, they try to address that. But
20 bridges and overpasses are beyond the ability of
21 this particular program. That would be DOT and or
22 the Rail Road.

23 COUNCIL MEMBER HALLORAN: Right.

24 HENRY EHRHARDT: We have--and
25 Andrew can explain a little more--where buildings

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2 are, where there is graffiti on buildings that are
3 adjacent to the Rail Road, you're correct. It
4 provides a lot of unique challenges. In some
5 cases--he's addressed some. In some cases it's
6 difficult.

7 ANDREW MAINARDI: Yeah, well, aside
8 from the fact that it's LIRR property and not City
9 property, which requires obviously an extensive
10 permitting process, the long and short of it is we
11 receive only a few hundred thousand dollars a
12 year. That enables us to operate at most 14
13 vehicles in the field, which we will be operating
14 come this march. We save money where we can,
15 however, the costs inherent to having the level of
16 skill and level of insurance and also the
17 additional dedicated staff to execute the required
18 permits would be on the order of four times more
19 than what our annual budget permits. So for those
20 reasons and more, it's just not feasible for us to
21 address LIRR and Metro North property.

22 COUNCIL MEMBER HALLORAN: I
23 understand. I understand. Thank you, Mr.
24 Chairman.

25 CHAIRPERSON VALLONE: Thank you.

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2 We're going to go back to Gale for a few follow-up
3 ending questions. I do want to say that whenever
4 this committee has asked for--where is that coming
5 from? Whenever this committee has asked for
6 information from the NYPD, we've received it. Sue
7 Petito especially has been very forthcoming with
8 that. Sometimes it's not as quick as we need it,
9 but that's not--that's not some, I know how
10 limited your resources are right now. But I do
11 also believe that private groups should have
12 access to some of this information, especially
13 when it came to crime in schools, to do their own
14 independent research into this. As you can see
15 the size of my committee fits into this corner, my
16 research staff, so it's nice to have independent
17 help, and that's another reason I like these
18 statistics. Speaking of statistics, you did give
19 us statistics prior to this meeting, and your
20 response time in April was nine days, which is
21 great. But then June, 22; July, 23; August, 22.
22 So there's no weather related problems there.
23 There was no Sandy there. So I want to go back to
24 Gale now to look into this a little bit more. But
25 clearly there's things we can do to make that a

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little quicker. Gale Brewer.

COUNCIL MEMBER BREWER: Thank you very much. I mean, I think--it's not you necessarily, but I don't know if community the CAU--community assistance or affairs unit--is communicating enough to tell people to get this. So could CAU come up? You have a representative here?

DAVID SCHMID: Thank you, Councilwoman. I'm David Schmid. I'm Assistant Commissioner for Operations at CAU. We do work with EDC and Sanitation every year to try to do outreach to boards and work with elected officials to publicize the program as best we can. We're certainly open to working with any of the members on any local initiatives. We work with business improvement districts, various civic associations to try to get that word out.

COUNCIL MEMBER BREWER: Okay.

DAVID SCHMID: So if there's any way that we can be helpful, we would love to work with you.

COUNCIL MEMBER BREWER: I'm just saying, first of all, the Chairman and I, with all

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2 due respect, we haven't heard from you on this
3 issue since the law passed. Just FYI.

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DAVID SCHMID: On the issue of
outreach?

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COUNCIL MEMBER BREWER: In other
words, before the law passed--we originally had
the law, we had to get the paper--my staff went
door to door to door, literally to collect the
paper. Now you can call 311. I got it. So you
can do more efficient graffiti removal. But since
that law passed, we have not--I'm just being
honest with you, heard from CAU, and that would be
the correct place--I don't think it's EDC--to say,
we've got 12 trucks out, we've got 21 total, we
need more 311, come help us. I bet Board 7 hasn't
heard from you either, and Penny Ryan hears
everything. So what I'm saying is, I think you're
the one that needs to do a lot more outreach to
the elected officials, to the community boards, to
the CECs, to the precinct councils--they love to
do this kind of thing.

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DAVID SCHMID: Right.

24

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COUNCIL MEMBER BREWER: You're not
doing enough. I'm going to be honest with you.

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2 So we can do our part. We've got our email list
3 and we can do the Facebook and so on, and we can
4 contact--but you need to do more. You need to be
5 regularly emailing, contacting and calling to
6 everybody to state we need to get rid of more
7 graffiti, we have more trucks and staff, we need
8 you to go out and get those forms or whatever it
9 is.

10 DAVID SCHMID: Point taken. We
11 will absolutely try to work with all our partners.

12 COUNCIL MEMBER BREWER: When will
13 it start, this effort?

14 DAVID SCHMID: We can start
15 immediately. Our board are at community board
16 meetings every week, and so we can actually make--
17 absolutely make--

18 COUNCIL MEMBER BREWER:
19 [Interposing] Okay. And the elected officials and
20 the precinct councils and so on.

21 DAVID SCHMID: Absolutely--

22 COUNCIL MEMBER BREWER:
23 [Interposing] Because people complain about
24 graffiti, but I don't think they realize that
25 there's more capacity to try to address it.

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DAVID SCHMID: Sure. Understood.

COUNCIL MEMBER BREWER: So that will start immediately, and the chairman and I will hear from you as to what kind of outreach you're doing.

DAVID SCHMID: I will have my borough directors reach out to you directly.

COUNCIL MEMBER BREWER: Okay. Thank you very much. I just think that trucks sitting when graffiti is there is frustrating. It's very frustrating. Okay. I just had one question about not you, but community courts. Are they being effective? That would be for PD. The community courts, I think, are doing quite a bit on those who have committed whatever--I don't know if it's a misdemeanor, whatever it is, then have to go to community court. Is that helping to stop recidivism on graffiti?

ELWOOD SELOVER: I personally, I don't know that answer for you, Councilwoman.

COUNCIL MEMBER BREWER: Do you know what community courts are?

ELWOOD SELOVER: Yes, I do.

COUNCIL MEMBER BREWER: Okay.

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2 ELWOOD SELOVER: But I'm not
3 familiar if--they're not detrimental, obviously,
4 but I'm not familiar--

5 COUNCIL MEMBER BREWER:
6 [Interposing] No, I think they help, I just didn't
7 know if that's helping to stop the recidivism, and
8 supposedly that's what the purpose of community
9 courts is, is to take these kinds of crimes,
10 similar crimes, and address them so there isn't
11 recidivism.

12 ELWOOD SELOVER: Yes.

13 COUNCIL MEMBER BREWER: So you
14 don't know.

15 ELWOOD SELOVER: I don't know. I'm
16 sorry.

17 COUNCIL MEMBER BREWER: Okay.
18 Thank you, Mr. Chair. I assume we'll hear from
19 CAU.

20 CHAIRPERSON VALLONE: I hope so.
21 Captain, is there anyone else we can ask you to
22 give the seat up for? It's a lot of exercise
23 today.

24 ELWOOD SELOVER: Anybody who wants
25 it.

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2 CHAIRPERSON VALLONE: We're going
3 to move to our next panel, but before we do, let
4 me just say that there hasn't--I don't think that
5 there's ever been a hearing, at least that I've
6 chaired, where we've left there saying we're doing
7 everything possible that we could possibly do. So
8 I don't want you guys to think that, you know,
9 that we're picking on you or anything. This is
10 our job. We do oversight and working together we
11 can come up with ways to do even better. No one
12 has all the answers. You have a lot more when it
13 comes to this than we do, and we appreciate what
14 you're up against. We appreciate the funding
15 problems you have, especially in the NYPD. I've
16 been the number one advocate of getting you more
17 resources. But I think we've come up with a bunch
18 of good ideas today. The laws that we're going to
19 pass will give you a lot of help, the outreach
20 that's now going to happen between our offices and
21 you and the communities to get these 311 calls in,
22 to get even more cleaned up. And--so I want to
23 thank all the Council Members for their input
24 today. And we're going to work with you on these
25 laws to make them even better. I know there's one

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2 that you oppose, but I try not to do it that often
3 when we request information, but I only do it when
4 I think it's really important. So thank you for
5 the work you guys have been doing every day and I
6 look forward to continuing to work with you.
7 Okay. The next panel--we've been joined by
8 Council Member Greenfield. And the next panel,
9 and last panel, will be Bruce--how do you say your
10 last name? Pick--very bad writing. Pienkny, from
11 CitySolve, and Barbara Pollock from the 114 Civ
12 OP.

13 CHAIRPERSON VALLONE: You don't
14 have testimony; you're just going off the cuff?

15 BRUCE PIENKNY: No. I can go off
16 the cuff.

17 CHAIRPERSON VALLONE: Okay. And
18 Barbara, we have your testimony?

19 BARBARA POLLOCK: [off mic]

20 CHAIRPERSON VALLONE: Okay. No,
21 right. We'll start with you.

22 BRUCE PIENKNY: Bruce.

23 CHAIRPERSON VALLONE: Since you're
24 sitting there. Okay, go.

25 BRUCE PIENKNY: Hi. My name's

1
2 Bruce Pienkny, with a company called CitySolve.
3 We've been cleaning graffiti for 17 years
4 throughout New York City's neighborhoods. We work
5 with numerous Council Members, some of them are on
6 your panel; state senators, state assembly
7 members. And we have a pretty unique aggressive
8 approach to cleaning graffiti at the neighborhood
9 level. And I just want to just tell you a little
10 bit about how we operate. Using, let's say City
11 Council District 32 as an example, Eric's
12 district, Council Member Ulrich. The first thing
13 we do when we clean a Council District is we drive
14 through the entire Council District, inventory
15 where all the graffiti is. So the majority of
16 your graffiti in any elected district, electoral
17 district, is in your commercial corridors. So we
18 establish these graffiti free zones. So the first
19 thing, so let's say for example 101st avenue
20 between 75th St. and Lefferts Blvd., or Woodhaven
21 Cross Bay between Atlantic Avenue, 165th St. So,
22 Rockaway Blvd. from 75th to 111th. So first
23 thing, we establish graffiti free zones, and then
24 we drive through the graffiti free zone property
25 by property and we inventory every piece of

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2 graffiti that exists within these zones, and that
3 consists of four different types of properties.
4 The first thing we do is we inventory every roll-
5 down security gate that has graffiti. Second
6 thing we do is every door and storefront that has
7 graffiti. A lot of, you know, commercial
8 corridors have residential apartments above the
9 storefront, the door has graffiti, so we inventory
10 all the doors that have graffiti. The third thing
11 is all the street furniture, the mailboxes, the
12 fire alarm box, the storage box and the traffic
13 control boxes. And the fourth things are the
14 building sidewalls, the corner stores that have
15 frontage on the commercial thoroughfare with the
16 sidewall being graffitied. So after we have this
17 inventory, we basically go out. We have
18 customized paint colors, you know, tan, red, gray,
19 and we clean everything holistically. Every piece
20 of graffiti within the zone is cleaned. Okay? So
21 after a few weeks of the program, all the major
22 commercial corridors get cleaned. Now, a lot of
23 people always say to us, well, this is a waste of
24 time, most of the graffiti is going to come back.
25 I can tell you, having cleaned graffiti in about

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2 150 different neighborhoods in New York City, 90%
3 of the graffiti after the initial graffiti does
4 not come back. However, graffiti is a social
5 problem; it's not a socioeconomic problem. The
6 fact of the matter is, if you have an active
7 graffiti writing culture within your neighborhood,
8 regardless of the socioeconomics of that
9 neighborhood, you will have a graffiti problem.
10 So what we do in all the commercial corridors is
11 we do a monthly inspection and maintenance
12 program. So after you do the initial cleanings,
13 we go out and we drive--I do it mostly myself,
14 personally--at 6:00 in the morning when all the
15 gates are still down, I re-drive 101st Ave. I re-
16 drive Liberty. In Council Member Gentile's
17 district, it's 13th Ave. or 11th Ave. And we
18 inventory whatever new graffiti is out there, and
19 then a couple days thereafter we do maintenance.
20 And one of the big advantages of doing it this way
21 is that from a law enforcement perspective, we can
22 dramatically increase the arrest rates because of
23 the fact that if you have a neighborhood that's
24 full of graffiti, number one, you have no idea
25 which tags are active, which tags are dormant.

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2 And number two, you have no idea which graffiti is
3 old and which graffiti is new. So let's say
4 hypothetically on July 1st we made five corridors
5 graffiti free. Well, if July 5th rolls around
6 there's new graffiti, we know, okay, that's an
7 active tagger. And then we start to identify hot
8 spots. So as you know, in most neighborhoods, you
9 have certain properties that are perpetually
10 graffitied; they're the hotspots. And we try to
11 lead the law enforcement to those hotspots, and
12 that can dramatically improve the arrest rates
13 within our neighborhoods. So the monthly
14 inspections are critical. And the third part of
15 the program, which kind of mirrors the 311
16 program, is we have our own complaint program set
17 up with our elected official clients. So instead
18 of the constituent calling a 311 and maybe waiting
19 three weeks or month, they call in the elected--
20 they give the graffiti location to the office of
21 the elected official. Every week on the same day
22 we get a spreadsheet with the locations, and we go
23 out a couple days thereafter and clean it. And,
24 you know, that is a very great emotional touch
25 point, obviously, between the elected official and

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2 the constituent. And that's, so that's the third
3 part of the program. So it's identify and clean
4 the zones, maintain the zones, and then do the
5 complaint program. And we've had a lot of success
6 in doing it this way. We're very strategic and
7 we're very aggressive. And I don't ask questions,
8 we just clean. And that's kind of the way we've
9 been successful over the last 15, 17 years. So.

10 CHAIRPERSON VALLONE: We'll go to
11 Barbara and then we'll have questions.

12 BRUCE PIENKNY: Please. Please.

13 BARBARA POLLOCK: I'll just read
14 this. Okay. Good afternoon. My husband, James
15 Pollock, and myself, we're the president and vice
16 president of the 114th Civilian Observation
17 Patrol. And I'd like to thank you for having us
18 speak at this hearing today. Our organization is
19 a crime prevention group, and we serve as the
20 extra eyes and ears for the police. We engage in
21 activities that would decrease and deter incidents
22 of crime, and improve the overall quality of life
23 within the community we serve. In addition to
24 performing routine neighborhood patrols, 114th Civ
25 OP actively works to clean up graffiti and

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2 maintain its cleaned up status. This is achieved
3 through volunteers' hard work in first restoring a
4 site by painting or power washing over graffiti,
5 and then monitoring sites after. I just want to
6 apologize; I forgot to note here that we also
7 report. Any pictures that we take of the graffiti
8 before we clean it is sent over to the graffiti
9 coordinator of the 114th Precinct for the NYP
10 Database in our precinct area. And we also help
11 them have the owners of the property sign forms
12 that would give the police permission to make an
13 arrest if they ever saw them, you know, if the
14 police happen to come across a particular address
15 and they would see someone doing graffiti on that
16 site, they would have this form on file giving
17 them immediate permission to arrest that person on
18 the spot. If new graffiti is found on any site
19 cleaned, volunteers participating in maintenance
20 patrols revisit the site to re-clean it. Cleanup
21 and maintenance is the key to winning the war
22 against graffiti vandals. If tags are not
23 visible, vandals don't gain the fame they desire,
24 and they will seek more favorable, less monitored
25 areas to vandalize. We have met many people along

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2 this journey, and currently we have a team of only
3 six people who volunteer to maintain the cleanup
4 status of 510 previously cleaned up locations in
5 our area on a regular basis. In our experience,
6 we have come to realize that our first line of
7 defense in the war against graffiti is us--you,
8 me, the courts, and anyone who owns property. The
9 only way to show we are against it is to show a
10 zero tolerance for it by not letting it stay up
11 for prolonged periods of time. To do this,
12 everyone, community and police, needs to get
13 involved and work together. Creating stricter
14 laws for acts of graffiti vandalism is one
15 important aspect in our fight against it. Making
16 vandals see the extent of their damage by making
17 them clean it up and pay high fines for such
18 vandalism is a good way to make some of these
19 deviants understand what they are doing is
20 defacing peoples' property and decreasing the
21 value of the quality of life in our community.
22 But graffiti is not going away. And for some,
23 stricter regulations will just add to the thrill,
24 and there are always others who have to express a
25 gripe against society regardless of the

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2 consequences. So, that's where getting the whole
3 community more involved is so important. And
4 graffiti is a crime, but so is littering and so is
5 picking up after your dog, and many other quality
6 of life issues that usually end up involving other
7 people having to clean it up. On this note,
8 perhaps we can also, our organization is thinking,
9 find ways to inform residents and property owners
10 of things they can do to also participate a little
11 more. There are simple things they can do to
12 deter and possibly prevent graffiti and other
13 crimes from occurring on or near their properties,
14 such as motion detecting lights in darkened areas,
15 no trespassing signs and cameras to monitor their
16 property. Cameras are the number one way to pin a
17 face on a graffiti vandal. They prove without a
18 doubt the vandal's identity and actions if caught.
19 And maybe some kind of incentive could be offered
20 to property owners to encourage them to
21 participate in something like this. If property
22 owners become the victim of graffiti vandalism,
23 there are also simple things they can do to assist
24 the police in their part with this. They could
25 call and report it right away. They could take a

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2 picture of it and document the date and time of
3 the occurrence. These simple actions would
4 greatly assist the police in their investigation
5 and create solid evidence in the prosecution of
6 the graffiti vandals, making the laws that you are
7 creating much more better to enforce. My
8 organization is committed to continue our efforts
9 in this fight and we will seek ways to inform our
10 community of the need to get them more on board so
11 that we can gain bigger strides in this war
12 against graffiti in our neighborhoods. And thank
13 you again for your time and for hearing our
14 comments.

15 CHAIRPERSON VALLONE: Okay. Thank
16 you. Let me start with Bruce. Bruce, how big is
17 your organization now?

18 BRUCE PIENKNY: We have about six
19 contractors, you know, eight people. Relatively
20 small. But we tend to think we're efficient.

21 CHAIRPERSON VALLONE: It sounds
22 like you're getting a lot done for that small a
23 group.

24 BRUCE PIENKNY: Yeah, absolutely.
25 We're very strategic in the way we approach a

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2 Council District. I mean, we really look at the
3 big picture. We drive the district. We just know
4 the district in and out. And I know my districts
5 intimately, the ones I work with. So, and that's
6 very important to know what's going on in each
7 particular district.

8 CHAIRPERSON VALLONE: So I assume
9 the way you've been operating so far is that you
10 would get discretionary money from a Council
11 Member and then work in that District?

12 BRUCE PIENKNY: Right. We act as a
13 subcontractor, because we're a private company.
14 So what we do is we work with a non-profit and
15 then we were usually the subcontract to that. For
16 example, we work with Cypress Hills Development
17 Corporation. We work with Samuel Field YMHA, we
18 work with Greater Sunnyside Chamber of Commerce,
19 Greater Woodhaven Development. And you know, of
20 course, so we act as the subcontractor. They're
21 the general contractor, so they're the grant
22 recipient. And then they also get involved with
23 the administrative end of it, they get involved
24 with the educational end of it, but we really
25 focus on cleaning--that's what we specialize in,

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is the cleaning of the neighborhood. You know, we don't get involved in too much else beyond that.

CHAIRPERSON VALLONE: And for both of you the laws that we're passing today and the resolutions, what we're calling the state to do, do you support them and how would they help you?

BRUCE PIENKNY: Oh definitely. I mean, I've been--spray graffiti is undoubtedly still the most prevalent form of graffiti. I mean, the one thing I've noticed is they used to have those super soakers where they used to hit the walls with these super soakers, which I don't see those anymore, but it's still the spray cans and the fat caps. Those are all--that's the problem. I mean, with regard to scratchiti, I mean what I've seen with scratchiti is that we have scratchiti on the bus shelters, but that's Jaci Decoe's [phonetic] area of responsibility. And then you have graffiti on the subways. But so really scratchiti, we do see it occasionally on glass on the doors, like you're entering an apartment building, they'll scratch the glass. I've seen that in Council Member Van Bramer's district a lot on Skillman Ave. where one kid just

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2 went up and down the block with an etching pen,
3 destroyed about 20 pieces of glass all in one
4 night. But above and beyond that, we don't see a
5 lot of scratchiti. But it's your typical spray
6 can based graffiti. You know, anything you can do
7 to reduce that level. That's still the number one
8 instrument of destruction as far as we're
9 concerned.

10 BARBARA POLLOCK: We fully support
11 any new laws that are going to keep up with how
12 the graffiti vandals improve their work, so to
13 speak. And we have to try to put a stop to them
14 as much as possible and keep up with their
15 techniques.

16 CHAIRPERSON VALLONE: The last
17 question from me and then one from Gale. Is there
18 anything you can recommend that we can do? And we
19 can only pass laws over here. Is there anything
20 else we can do to assist you right now that you
21 can come up with? You don't have to come up with
22 now. You can always just call us or write us, or.

23 BRUCE PIENKNY: I think you guys
24 are doing the best job you can from a law, a legal
25 perspective. Because the fact of the matter is,

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2 look, we all know a certain amount of spray cans
3 out there are stolen. Whether some kids go rob
4 from the drama department at school, so there's
5 only so much you can do. I mean it seems like
6 from a legal perspective, from a legislative
7 perspective, you guys are doing everything you can
8 be doing. You know, what I try to focus on is the
9 one thing I know is that, as Barbara said, if you
10 get out there fast you will get this problem under
11 control. Remember, it's a social problem. You
12 can never eliminate it. But our goal in every
13 neighborhood we work in is to control it to the
14 point of non-existence. That's an optimal result.

15 CHAIRPERSON VALLONE: I agree with
16 everything you said. The only thing I slightly
17 disagree with is when you said 90% won't come
18 back. 90% won't come back, but probably after the
19 second or third one. The first one, they come
20 back. Until they figure out that you're going to-
21 -you're serious about this.

22 BRUCE PIENKNY: That's right.

23 CHAIRPERSON VALLONE: Then there's-

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25 BRUCE PIENKNY: [Interposing]

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They'll test you initially.

CHAIRPERSON VALLONE: Right,
exactly.

BRUCE PIENKNY: They'll test you
initially and they want to see what type of mettle
you have. And that's why I've always told all my
elected official clients that if you're going to
do cleaning, you must do maintenance, otherwise
it's a waste of time. It's like a cancer; it's
going to creep back. So if you don't maintain it,
it might take three months, six months, a year,
but believe me, it will creep back. It's like the
broken window theory. Once you have it and you
don't control it, it will spread.

CHAIRPERSON VALLONE: Well, I hear
good things about your work. I know Barbara does
good work. That's my district. And I also want
to thank--was it Henry--for staying to listen.
Because everyone realizes none of us have all the
answers, to hear your point of view. Let me go to
Gale Brewer.

COUNCIL MEMBER BREWER: Thank you
very much. One of the issues is the pull-down
safety gates, which I know the Chair is trying to

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eliminate.

BRUCE PIENKNY: Right.

COUNCIL MEMBER BREWER: But there's still a lot of them out there.

BRUCE PIENKNY: Right.

COUNCIL MEMBER BREWER: So do you find that that is--in my neighborhood that is a place of convenience, and people do use it as a graffiti location. So is that something that you feel you have to keep going back to?

BRUCE PIENKNY: Yeah.

COUNCIL MEMBER BREWER: Because that to me is the one that gets the most repeat customers, so to speak.

BRUCE PIENKNY: Yeah. The gates, we've probably cleaned--no exaggeration--probably 60,000 gates in 15 years. I would say at least. And gates are always a problem because most of these kids are doing their work at night.

COUNCIL MEMBER BREWER: Correct.

BRUCE PIENKNY: And the gates are on the commercial thoroughfare.

COUNCIL MEMBER BREWER: Correct.

BRUCE PIENKNY: So gates are highly

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visible. Okay.

COUNCIL MEMBER BREWER: Correct.

BRUCE PIENKNY: So, yes. I mean, graffiti gates is a perpetual problem. We have a color called roll-down gray. So what we do the first time is we clean the entire--we paint the entire gate with a spray system, top to bottom, corner-to-corner, roll-down gray. And then if there's new graffiti, what we do is paint over the new tag. It's a perfect paint to surface color match. And we never patchwork. So if it's a tan wall, tan paint; brick red wall--and if we power wash, we power wash. But gates are always a problem, always a problem.

COUNCIL MEMBER BREWER: And then do you, in that you're doing such a great job on these neighborhoods, do you see the EDC truck coming through, or are you the kind of--

BRUCE PIENKNY: [Interposing] Yeah, we do. Honestly, we do a lot of work at night. Because we work in the commercial areas primarily, we have to work when the gates are down, when the stores are closed.

COUNCIL MEMBER BREWER: Correct.

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Yeah.

BRUCE PIENKNY: So, I know EDC works at night. And just to give a little background, I actually started the Graffiti Free New York City program with EDC in '99 when it was in the Empire Zone, so I'm very familiar with the program. It's changed a little in its complexion over the past 15 years, but I'm intimately familiar with the program. So, yeah. I mean, yeah. So that's pretty much.

COUNCIL MEMBER BREWER: Do you think that there would be ways that we should all be communicating about the EDC program when we learn that they're not at full capacity?

BRUCE PIENKNY: Yeah. You know, look. EDC, they have a certain protocol they follow, which is fine. But the fact of the matter is it's just--I think they've got to get the word out a little better that this program exists. You know, and so it's a hard issue. The fact of the matter is it's a hard issue, because certain neighborhoods just have the same kids. I've seen the same kids 15 years.

COUNCIL MEMBER BREWER: Right.

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2 BRUCE PIENKNY: I've seen the same
3 tags for 15 years. I've seen father and sons
4 writing graffiti together. I mean it's gotten
5 that--it's that ridiculous. So it's a problem.
6 If you have a culture that writes graffiti in your
7 neighborhood, it's a tough culture to break.

8 COUNCIL MEMBER BREWER: How do you
9 deal with the post office boxes?

10 BRUCE PIENKNY: We have an oil
11 paint called mailbox blue, and I paint it.

12 COUNCIL MEMBER BREWER: Okay.

13 BRUCE PIENKNY: See what I mean?
14 With all due respect to the post office--

15 COUNCIL MEMBER BREWER:
16 [Interposing] They don't have the staff for it, I
17 assume.

18 BRUCE PIENKNY: We just clean it.
19 We just paint. I paint the storage boxes green,
20 the traffic control boxes green, the fire alarm
21 boxes red, and the mailboxes blue. I don't ask a
22 lot of questions. I clean. Okay? I clean. I'm
23 not asking a lot of questions.

24 COUNCIL MEMBER BREWER: No, I do
25 the same thing.

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BRUCE PIENKNY: I'm not big on questions, you know, I just do it.

BARBARA POLLOCK: We were doing it.

BRUCE PIENKNY: I just do it, you know.

[crosstalk]

BARBARA POLLOCK: And the post office gave us the paint to do it.

COUNCIL MEMBER BREWER: The post office gives us paint.

BARBARA POLLOCK: I had no problems getting the paint from them.

COUNCIL MEMBER BREWER: None at all.

CHAIRPERSON VALLONE: You stopped, Barbara? Why did you stop?

BARBARA POLLOCK: Well, currently we've lost a lot of the volunteers that are willing to do the work.

CHAIRPERSON VALLONE: It's not the post office.

BARBARA POLLOCK: It's not the post office.

CHAIRPERSON VALLONE: Because they

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tried to get me to stop. They were like, you're putting our people out of a job who will do this. And I said, really?

COUNCIL MEMBER BREWER: Nobody does that.

[crosstalk]

BRUCE PIENKNY: I've never seen one post office box be painted by federal employees.

CHAIRPERSON VALLONE: They said that to me, and I said listen, this is what I'm doing. I'll paint the boxes. I said when graffiti comes again I'll call you and keep these people at work. But if you don't clean them, I'm doing it again.

BRUCE PIENKNY: Right. Show me where they're working because I've never seen one clean in 17 years and I'm on the streets every day.

CHAIRPERSON VALLONE: Me neither.

BRUCE PIENKNY: I don't know. I'm not sure what they're talking about.

CHAIRPERSON VALLONE: Okay. And I think one of the most important things that they said is you've got to get it up quick to make it

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2 this incentive that it is cleaning. If you let it
3 stay up for months, then they get their goal
4 accomplished, and that's why we're talking about
5 doing this as quick as possible. Unfortunately we
6 have to wait 35 days, because that's--the courts
7 are involved here too.

8 BRUCE PIENKNY: Right.

9 CHAIRPERSON VALLONE: So, thank you
10 both.

11 BRUCE PIENKNY: Thank you.

12 CHAIRPERSON VALLONE: And we'll
13 work with you on these bills and future bills.
14 And both of you, keep up the good work. Okay.

15 BRUCE PIENKNY: Please.

16 CHAIRPERSON VALLONE: Thank you for
17 staying.

18 BRUCE PIENKNY: Thank you.

19 CHAIRPERSON VALLONE: And we are
20 done. Thank you all. Public Safety Committee
21 hearing is adjourned.

22 BRUCE PIENKNY: Okay. Great.
23 Thank you very much. I should be in touch with
24 you.

25 COUNCIL MEMBER BREWER: I'm not

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sure if you have any - -

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BRUCE PIENKNY: Yeah, I can

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understand.

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COUNCIL MEMBER BREWER: I feel bad.

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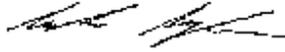
BRUCE PIENKNY: Don't feel bad.

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It's okay.

C E R T I F I C A T E

I, Erika Swyler, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature

Date 2/28/2013