

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FINANCE JOINTLY WITH THE
COMMITTEE ON PUBLIC SAFETY

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May 20, 2014
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HELD AT: Council Chambers
City Hall

B E F O R E:
JULISSA FERRERAS
VANESSA L. GIBSON
Chairpersons

COUNCIL MEMBERS:
Speaker Melissa Mark-Viverito
James Vacca
Steven Matteo
Donovan Richards
Robert Cornegy
Vincent Gentile
Ydanis Rodriguez
Rory Lancman
Ritchie Torres
Jimmy Van Bramer
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Corey Johnson
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A P P E A R A N C E S (CONTINUED)

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Jules Martin
Board Member
NYC Civilian Complaint Review Board

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CHAIRPERSON FERRERAS: Good morning and welcome to the fourth day of the City Council's hearing on the Mayor's Executive Budget FY 2015. My name is Julissa Ferreras and I chair the Finance Committee. Today we are joined by the Committee on Public Safety, chaired by my colleague, Council Member Vanessa Gibson, to hear from New York City's Police Department, the District Attorneys and the Special Narcotics Prosecutors, the Civilian Complaint Review Board and the Criminal Justice Coordinator. We've been joined by our Speaker, Melissa Mark-Viverito; Council Member Vacca; Council Member Matteo; Council Member Richards; Council Member Cornegy; Council Member Gentile; Council Member Rodriguez; Council Member Lancman; Council Member Torres; Public Advocate Tish James. Before we get started, I want to turn my microphone over to our Speaker, Melissa Mark-Viverito.

SPEAKER MARK-VIVERITO: Thank you, Chair Ferreras. I want to thank everyone that is here. Commissioner, nice to see you; the chair of our Public Safety Committee, Vanessa Gibson and all my colleagues. Welcome to this joint hearing of the Finance and Public Safety Committees.

2 We're here today to discuss the issues
3 of public safety in New York City, in particular
4 how the Police Department's Fiscal 2015 Executive
5 Budget reflect our efforts to provide public safety
6 to New Yorkers. And before I begin, Commissioner,
7 I know it's been great news to see the images and
8 to read the reports this morning; Officer
9 Rodriguez, who is finally out of the hospital and
10 maybe you could share some words with regards to
11 her status before we continue with the testimony.

12 COMMISSIONER BRATTON: Good morning and
13 thank you for having us and thank you for your
14 question and comment about Rosa Rodriguez. As it
15 was reported in the media this morning and last
16 night on TV, that she was released from the
17 hospital and will be continuing home care; that six
18 weeks in the hospital and the hospital working with
19 a very courageous young woman. Basically, the
20 recovery is actually miraculous. It's been much
21 quicker and much more comprehensive than originally
22 anticipated. She has a long road to go though, but
23 the injuries were severe; however, she is in great
24 spirits and is really each day seeking to do more
25 than even the doctors are asking, so thank you for

2 your thoughts and certainly we're very appreciative
3 of all the concern reflected by the residents of
4 New York City.

5 SPEARKER MARK-VIVERITO: Thank you,
6 Commissioner, and obviously it's a reminder each
7 and every day of the good work of our police
8 officers and we greatly appreciate it and we
9 continue to express our support to the NYPD as a
10 whole and to her finally, as well.

11 At the Preliminary Budget hearings, we
12 discussed your efforts to improve police relations
13 with our communities, and learned more about the
14 vision, Commissioner, that you have for the Police
15 Department. In our discussions, my colleagues
16 listened to your concerns regarding uniformed head
17 count and the impact that a decreased head count
18 has had on the department. In our response to the
19 Preliminary Budget, we called for hiring 1,000
20 officers for our precincts; an overtime control
21 plan; civilianization; budget transparency and
22 precinct renovations. We were disappointed that
23 only precinct renovations were addressed in the
24 Executive Budget. I, personally though, was also
25 happy to see that at least with regards to the

2 payment, the NYCHA payments; that was taken care
3 of. That's really something that has been a
4 priority for me and for this Council, so at least
5 that response was definitely appreciated.

6 In our budget response, we echoed your
7 concerns and called on the administration to add
8 1,000 police officers to our precincts. Adding
9 more officers to our city's precincts addresses our
10 concerns of rising crime in public housing, transit
11 and domestic violence. In the last CompStat
12 report, the year-to-date change in shooting
13 incidents increased by 5.4 percent. Having more
14 officers patrolling our neighborhoods will enhance
15 your efforts to improve community relations. Not
16 only that, hiring 1,000 additional officers lessens
17 the impact of resources being diverted from our
18 precincts and the rising overtime costs precincts
19 incur to meet their communities' public safety
20 demands.

21 Our response included a call to
22 implement an overtime control plan. The Fiscal
23 2015 Uniform Overtime Budget totals \$417.7 million,
24 of which \$410 million are funded by city tax levy.
25 We understand that overtime costs are necessary for

2 unplanned events; however, in Calendar Year 2013,
3 precinct overtime represented 37 percent of total
4 overtime costs. Events and investigations
5 represent 37 percent of first and second quarter of
6 Fiscal 2014's total overtime expenditures, which
7 currently stands at \$295 million. The department
8 needs to consider how overtime savings can be made
9 in pre-planned events, special initiatives and
10 routine police operation.

11 Civilianization continues to be a
12 concern of the Council as well. In looking at the
13 uniformed head count and the rising overtime
14 budget, more consideration needs to be given to the
15 719 officers currently performing clerical duties.
16 The budget provides funding for officers to perform
17 patrol and enforcement duties, not clerical ones.

18 So I want to thank my colleagues for
19 the united effort we put into the response. I
20 would also like to thank Commissioner Bratton for
21 testifying today and for all those that are here.
22 I look forward to discussing with you how the 4.7
23 billion reflects your agency's work and how we can
24 continue to bring further resources to our
25 communities and our precincts. Thank you.

2 CHAIRPERSON FERRERAS: Thank you, Madam
3 Speaker. Yesterday, we heard from the Human
4 Resources Administration, the Department of Social
5 Services, the Administration of Children's Services
6 and Department of Homeless Services. These
7 hearings are a lot of work and I want to thank the
8 finance staff for putting these hearings together.
9 I want to thank acting Director Latonya McKinney;
10 the Division and Committee Counsel, Tanisha
11 Edwards; Deputy Director Regina Poreda Ryan; Senior
12 Legislative Financial Analyst, Eisha Wright, who
13 covers the Civilian Complaint Review Board and the
14 Criminal Justice Coordinator; Legislative Analyst,
15 Ellen Eng, who covers the NYPD, the District
16 Attorneys and the Special Narcotics Prosecutor, and
17 Nicole Anderson and Maria Pagan who pull all of
18 this together. Thank you for all your hard work.

19 Before we get started, I want to remind
20 everyone that the public will be allowed to testify
21 on the last day of the budget hearings on June 6th
22 beginning at approximately 4:00 p.m. The public
23 session will be held in this room. For members of
24 the public who wish to testify, but cannot make it
25 to the hearing, you can email your testimony to

2 Nicole Anderson and she will make it a part of the
3 official record. Her email is
4 nanderson@council.nyc.gov.

5 As the Speaker mentioned, today's
6 Executive Budget hearing kicks off with the New
7 York City Police Department. The NYPD's Fiscal 215
8 Budget totals \$4.7 billion, which reflects an
9 overall decrease of \$45 million because state and
10 federal grants have not been recognized yet.
11 However, the NYPD has seen an \$131.8 million
12 increase in city funds from the Fiscal 2014 adopted
13 budget, which mostly comes from the NYCHA payment
14 relief, which adds \$70 million just in city funds.
15 Fiscal 2015 Budget includes \$25.4 million in new
16 needs, the Vision Zero initiative for 147 traffic
17 enforcement agents and the risk assessment and
18 compliance unit of 45 civilian staff.
19 Additionally, I am proud to note that at the
20 Council's budget response, we called for the
21 modernization and repair of precincts throughout
22 the city. The Executive Budget provides \$68
23 million for a new 40th Precinct in Brooklyn and \$40
24 million for the 13th Precinct in Manhattan and the
25 Brooklyn North Narcotics Unit.

2 While I'm happy that our voice was
3 heard in this area, there are additional areas of
4 concern that were expressed in our budget response
5 that were not included in the Executive Budget. As
6 the Speaker mentioned, this includes a request for
7 \$94 million to add 1,000 officers in police
8 precincts, our call on the NYPD to implement a
9 police overtime control plan to control overtime
10 costs and our call for the civilianization of 500
11 positions so that our officers are performing
12 patrol and enforcement functions and not clerical
13 duties.

14 I am looking forward to hearing from
15 NYPD to learn more about the ways this Executive
16 Budget affects NYPD and its operation, particularly
17 since the Executive Budget does not add funding to
18 increase the size of the police force or add to
19 precinct staffing. Before we hear from the NYPD
20 Commissioner, I will turn the mic over to my co-
21 chair, Council Member Vanessa Gibson, chair of the
22 Council's Public Safety Committee.

23 CHAIRPERSON GIBSON: Thank you very
24 much, Chairwoman Ferreras, and to our incredible
25 Speaker and our Madam Public Advocate Tish James

2 and all of my colleagues. Thank you for your
3 presence here and Commissioner Bratton, good
4 morning to you and Chief Banks and your Deputy
5 Commissioners. It's good to see you back at the
6 Council again and I want to also join with our
7 Speaker in certainly sending our thoughts and
8 prayers to Officer Rodriguez on a speedy recovery.
9 Please let her know there are so many of us that
10 are praying for her, her strength during this very
11 difficult time. We truly recognize the hard work
12 that all of the men and women at the NYPD family
13 provide to the overall public safety of the entire
14 city each and every day and we know that it's a
15 very hard job. It's not always as rewarding as we
16 want it to be, but we certainly commend and
17 acknowledge and recognize all of the hard working
18 officers for all the work they do each and every
19 day, so I thank you for that.

20 I am excited to be here and I do want
21 to just make mention that it's exciting that this
22 is a clear opportunity to chair the Public Safety
23 Finance hearing with women, women leading the way
24 with our Speaker and our Public Advocate, as well
25

2 as our Chairwoman Ferreras. It's really an
3 exciting time for us in the City Council.

4 So good morning to each and every one
5 of you and we are here at the joint Public Safety
6 and Finance Committee hearing of the Fiscal 2015
7 Executive Budget. I would like to echo all of the
8 sentiments of our Speaker and my co-chair by saying
9 that we look forward to hearing from our Police
10 Department about their Fiscal 2015 Executive Budget
11 and how their budget reflects the plans to provide
12 public safety to all of the residents of the city
13 of New York. Although I am extremely pleased and
14 delighted that the \$4.7 billion budget adds
15 necessary funding for Vision Zero initiatives and
16 capital funding for important precinct renovations,
17 I am disappointed that the Council's budget
18 response proposals for an additional 1,000 officers
19 in the city's precinct's, civilianization, overtime
20 controls and budget transparency were not
21 addressed. With rising crime in my specific
22 district alone and a continued support for more
23 collaborative partnerships and policing, I would
24 have liked to see that translated into what I
25 believe is a strong component in an increased

2 workforce; a component, but not the only answer. I
3 also focus on increased visibility and consistent
4 visibility of the Police Department in our local
5 communities and I truly look forward to hearing
6 your testimony today, Commissioner and further
7 discussing the new budget additions to the
8 department and the Council's proposals for the
9 NYPD. I thank you again for your presence here and
10 know that we will continue to work together. This
11 is a great step of progress and at the end of this
12 budget process I truly believe we will come to a
13 common ground and a balance and really a compromise
14 where we both believe that we are ultimately
15 providing safety for all of our New Yorkers, and I
16 also want to acknowledge all of the staff that
17 really did an incredible job in getting this
18 hearing together: Latonya McKinney; Regina Poreda
19 Ryan; Eisha Wright; Ellen Eng; Tanisha Edwards;
20 Carmine Guiga and Salvador Arrona. I want to thank
21 all of them for their work and now I turn this back
22 over to Chairwoman Ferreras.

23 CHAIRPERSON FERRERAS: Thank you, Chair
24 Gibson. It seems that I built a new precinct in
25 Brooklyn. It's the 40th precinct in the Bronx, but

2 we can get one in Brooklyn too, I'm sure. We've
3 been joined by majority leader Jimmy Van Bramer and
4 Council Member Crowley. Commissioner, you may
5 begin your testimony.

6 COMMISSIONER BRATTON: Morning, Speaker
7 and Chairpersons. I'm joined at the table by First
8 Deputy Commissioner Rafael Pineiro; the Deputy
9 Commissioner for Management and Budget, Vincent
10 Grippo and by Chief of Department, Phil Banks.
11 Additionally, as you see, the executive staff of
12 the department are also here; that depending on the
13 questions you may ask, that they may... I don't
14 want to take the time to introduce them all
15 individually, but they are available to answer
16 specific questions that might not be addressed in
17 my initial comments. I have about a 10 minute
18 opening statement that I would to share with you.
19 It has been shared with you in writing. For
20 purposes of the public that it states the overall
21 goal of the budget that we are prepared to discuss
22 with you this morning. Before I present the key
23 budget highlights though, I would like to update
24 you on our core crime-fighting mission and the
25

2 status of several important public safety
3 initiatives.

4 In my last appearance before the
5 Council in March, I reported on the consistent
6 focused efforts of our police officers to maintain
7 New York City's record low crime rates. I'm
8 pleased to inform you that this exceptional work
9 continues as we near the halfway point of this
10 year, 2014. Overall, crime in the city is down by
11 three percent from last year. Homicides are down
12 by 14 percent from 2013's record historic low at a
13 current trend that we may, in fact, see, a year in
14 which there are fewer than 300 homicides in the
15 city. Robberies are down by 10 percent; rapes are
16 down by 11 percent; grand larceny is down by three
17 percent and burglaries are down by four percent.
18 We're seeing increases in two categories of major
19 crime: auto theft, which is up by nine percent and
20 assault, which is up by three percent. While
21 shootings, characterized under major crime for FBI
22 UCR reporting purposes... while shootings are up by
23 seven percent compared to last year's record low,
24 they are still down by 19 percent from the same
25 point two years ago. We continue to employ

2 initiatives like Operation Impact and Operation
3 Crew Cut to focus our resources on preventing gun
4 violence. In April, members of the New York City
5 Police Department and the Brooklyn District
6 Attorney's Office completed a seven month
7 undercover firearms investigation that resulted in
8 the arrest of six suspects and the seizure of 155
9 guns with a street value of more than \$126,000.
10 These included handguns and assault rifles, among
11 them two Tech 9s, a Mac 11 and an AR 15. The case
12 also included the largest single purchase of
13 firearms ever conducted in New York City by the
14 NYPD's Firearms Investigation Unit: \$20,000 for 25
15 handguns.

16 Let me also address concern about crime
17 in public housing, which is of concern certainly to
18 the Council leadership and a significant concern to
19 us in the Police Department. It is up by three
20 percent overall this year, 1,796 reported incidents
21 versus 1,750, increase of 46 incidents in a
22 population of 600,000 residents. We're especially
23 focused on the increase in shootings, which are up
24 by 32 percent, for a total of 18 more shootings
25 compared to last year, 74 versus 56. That's 74

2 shootings out of a total of 358 in the city as a
3 whole. I should mention that in 2013, we had an
4 exceptionally low number of shootings citywide in
5 housing developments. In fact, again, compared to
6 two years ago, our shootings are down in housing by
7 11 percent; however, we are working very
8 proactively to attack gun violence everywhere in
9 the city and make the historic low we saw last year
10 the norm rather than the exception.

11 We've implemented a Housing Bureau
12 Violence Reduction Plan and the Chief of Department
13 is prepared to discuss details of that and we've
14 implemented it in Brooklyn and the Bronx where the
15 majority of the uptick in violence is currently
16 concentrated. It consists of the following
17 elements: we've assigned additional patrol cars
18 from our CIV deployments to patrol housing
19 developments that have shown an increase in
20 shootings. We have as many as 23 extra patrol cars
21 now covering those violence-prone areas. We are
22 also deploying the overtime equivalent of 300
23 additional police officers to housing commands
24 where they're most needed. These officers are
25 assigned primarily to foot posts. They conduct

2 vertical patrols of stairwells and rooftops and
3 they also provide an added reassuring presence to
4 the law abiding residents or the vast majority of
5 law abiding residents in the housing developments.
6 And then starting last week, we directed our
7 Warrant Section to conduct stepped up warrant
8 operations in housing developments that are seeing
9 the most violence. We're focusing these efforts on
10 individuals with a past history of gun violence, as
11 well as those wanted for misdemeanor domestic
12 violence offenses. And finally, we're deploying
13 additional Command Post vehicles, SkyWatch
14 observation towers, light towers and our Terrahawk
15 Mobile SkyWatch towers to enhance police presence
16 at problematic locations and to send a message to
17 would-be criminals that we are determined to keep
18 our streets and housing developments safe. Taken
19 together, I'm confident these measures will help us
20 to reduce violent crime in public housing as we go
21 further into the year.

22 In March, at our meeting, I mentioned
23 our strategy to reduce grand larcenies, which
24 accounted for 40 percent of the city's overall
25 crime last year, 40 percent. The grand larceny

2 problem is driven by the theft of electronic
3 devices, credit card fraud, identity theft and
4 cybercrime. We've laid out a comprehensive
5 strategy to combat the grand larcenies. Its
6 centerpiece is the establishment of a new Grand
7 Larceny Division within the Detective Bureau and
8 the creation of grand larceny investigative squads
9 in every borough. We're also placing the Financial
10 Crimes Task Force under this new Grand Larceny
11 Division and dedicating it to high level cases
12 involving identity theft and financial fraud, a
13 growing problem. In addition, we're looking to
14 create a joint NYPD Federal Task Force to advance
15 these investigations and we have already initiated
16 those conversations. Our goal is to apply the same
17 analytical investigative focus to grand larcenies
18 that we have traditionally applied to robberies and
19 burglaries.

20 In the Transit system... and crime is
21 down in the Transit system. In the Transit system,
22 members of our Transit Bureau have been conducting
23 extensive crime prevention outreach. They
24 distribute three to 4,000 flyers a day to riders in
25 high density stations, as well as locations where

2 we've registered spikes in crime. We advise subway
3 riders on the steps that they take to keep
4 themselves and their property safe. Along with
5 this, we have intensified the "broken windows"
6 approach to maintaining safety and order in the
7 system. We will continue to enforce quality of
8 life violations that, if left unchecked, breed more
9 serious crime. Due in large part to these efforts,
10 crime in the system is down by six percent this
11 year, 25 straight years of crime decline.

12 As I stated back in March, safer
13 streets must also mean safer roadways for
14 pedestrians, bicyclists and motorists alike. The
15 NYPD is playing a major role in Vision Zero, Mayor
16 de Blasio and your plan to eliminate traffic-
17 related deaths entirely. We continue to work in
18 close partnership with the New York City Department
19 of Transportation, sharing critical collision data
20 analysis. Chief Tommy Chan has been doing an
21 extraordinary job in this new initiative.

22 We're also partnering with DOT and the
23 Taxi and Limousine Commission on joint traffic
24 education enforcement campaigns throughout the five
25 boroughs. We've completed campaigns in the Bronx,

2 Queens and Staten Island and we're currently
3 conducting campaigns here in Manhattan and
4 Brooklyn. In addition, last week, we carried out a
5 citywide initiative to address the use of cell
6 phones and texting while driving and failing to
7 yield to pedestrians. We're just about to embark
8 on another effort. This week we're conducting
9 another citywide initiative to address speeding.
10 These efforts are yielding very positive results.
11 Citywide, traffic fatalities are down by more than
12 12 percent this year. That includes a 30 percent
13 decline in pedestrian fatalities. Of course, we've
14 got a lot more work to do to achieve the Mayor's
15 goal of zero traffic deaths, but we're committed to
16 doing it. As we acquire all of the resources
17 outlined in his Vision Zero Action Plan, which are
18 outlined in our budget presentation, I'm confident
19 we'll continue to make significant progress.

20 The success of our public safety
21 mission depends most of all on our efforts to
22 rebuild and repair collaborative partnerships with
23 the communities we serve. Our collaborative
24 policing initiative is proceeding apace and we have
25 formulated agency-wide strategies and new

2 initiatives in our budget proposal as a request for
3 the positions to ensure this does move forward.

4 The department is actively participating in
5 meetings with community groups, elected officials,
6 city agencies and non-profit organizations to
7 reinforce the collaborative policing vision: that
8 public safety is everyone's responsibility. We're
9 also engages in comprehensive effort to improve our
10 response to the victims of crime. By treating them
11 more humanely and with consideration and
12 compassion, we can strengthen the entire criminal
13 justice system and prevent them being re-victimized
14 by our well-intended efforts.

15 As the Council is aware, last week, the
16 Police Department announced a significant change in
17 vouchering procedures in prostitution-related
18 arrests. After reviewing agency protocols with
19 respect to invoicing condoms in prostitution-
20 related offenses, we will limit the circumstances
21 under which condoms will be secured as arrest
22 evidence. With the strong support of the Mayor and
23 all five District Attorneys, this change in policy
24 is a direct result of the NYPD collaborating with
25

2 public health officials, community-based advocates
3 and members of the City Council.

4 We're also increasing our participation
5 in focused deterrence programs that are designed to
6 isolate the small number of people within the
7 community who commit the vast majority of violent
8 crimes. Together with leading criminologists like
9 Professor David Kennedy of John Jay College, who we
10 are working with closely, as well as prosecutors,
11 federal agents and local citizens, we will identify
12 and exert social pressure on these individuals,
13 many of whom already have served jail time. We'll
14 meet with them, warn them about the consequences
15 they'll face if they reoffend and we expose them to
16 moral voices from their communities saying that the
17 violence must stop. We also provide them with
18 assistance in finding a job or obtaining social
19 services. Our goal is to break the cycle of
20 violence and prevent future crimes. Our initial
21 effort in this regard will begin in Brooklyn.

22 We'll continue to leverage every tool
23 available to us to keep the city safe, including
24 the use of new and innovative technology, something
25 the NYPD has always led the way in. 20 years ago,

2 the development of the CompStat program
3 revolutionized the application of computers to
4 crime fighting and accountability. We still rely
5 on CompStat today to ensure rapid follow-up on
6 crime conditions and accountability, but we're also
7 keenly focused on where the next technology
8 advances will come from. Let me mention just
9 three. First, data mobility: we now have access
10 to a vast storehouse of information through our
11 Domain Awareness System or DAS, as we call it.
12 Through a single application, we can access a
13 network of 7,000 closed circuit cameras citywide.
14 We can view data from thousands of license plate
15 readers, an array of chemical and radiation
16 sensors, all emergency 9-1-1 calls, criminal
17 records and much, much more through a single
18 desktop application. We're in the process of
19 launching a DAS mobile tablet pilot that, if
20 successful, will allow officers in the field to
21 view the full suite of information provided from
22 the system from anywhere on patrol: in our patrol
23 cars, our motorcycles and our foot patrol officers.

24 Second, predictive policing: it is
25 real; it is here. We're beginning to write

2 algorithms that identify in real-time patterns of
3 criminal activity like burglary and grand larceny
4 complaints. The algorithms can search hundreds of
5 thousands of records, recognize links and alert us
6 to them. In the busiest precincts for shootings,
7 we're using data driven analytics to change
8 deployment of anti-crime teams, optimizing our
9 resources to prevent incidents before they occur.

10 There is something that we are calling
11 our next generation CompStat. We are building into
12 our Domain Awareness System a business intelligence
13 model that supports the analysis of real-time crime
14 data. Rather than analyze where crime was
15 occurring, say a week ago, our commanders will be
16 able to assess what is happening in their precinct
17 at this very moment. This will allow them to focus
18 resources on problem locations much more swiftly to
19 prevent crime before it occurs.

20 Let me also update you on our
21 initiative to employ social media in the
22 department. A pilot project is underway with the
23 participation of five precinct commanders. In
24 addition, I have a Twitter account myself, as does
25 our Chief of Department, Phil Banks. We will soon

2 establish an account for our Detective Bureau as
3 well. Our goal is to create Twitter accounts for
4 every one of our precinct, housing, PSA and Transit
5 district commanders by the end of the year so that
6 they can share timely and important information
7 directly with the public and their constituents
8 that they are serving. We saw a great example of
9 Twitter's usefulness on May 2nd, when an F line
10 subway train derailed in Queens. Captain Thomas
11 Conforti, Commanding Officer of the nearby 112th
12 Precinct, immediately began tweeting information to
13 users of the system about how to get in and out of
14 the area. He continued to provide updates on the
15 best options for the next morning's commute, what
16 lines were open and the best ways to get home. And
17 I will point out that he was doing this some 20
18 minutes of the MTA itself putting out the same
19 information.

20 Turning to budgetary issues, the
21 department continues to apply for and obtain
22 federal assistance to protect members of the public
23 and critical infrastructure, including the
24 Financial District, the Transit system, bridges,
25 tunnels and our ports. As mentioned in the March

2 presentation, \$3.8 billion in counterterrorism
3 grant funding has been allocated to New York State
4 from Federal Fiscal Year 2003 through 2013.
5 Approximately \$2.2 billion or 57 percent of this
6 amount was allocated to New York City. Of that
7 amount, \$1.3 billion or 60 percent of the funds
8 received by the city was allocated to the NYPD.

9 As in the past, the department is
10 requesting funding to allow the continuing build-
11 out of the Lower and Midtown Manhattan Security
12 Initiative, as well as the purchase of critical
13 explosive and radiation detection equipment,
14 personnel protective equipment and mitigation and
15 rescue equipment. Our submission includes funding
16 to continue the support deployment of officers to
17 anti-terrorism teams throughout the city, including
18 the Transit Bureau bus and platform targeted
19 initiatives. This funding will cover the salary
20 costs of our Intelligence Research Analysts,
21 overtime costs for counterterrorism training and
22 continued maintenance and support costs for our
23 counterterrorism projects and equipment. It is
24 anticipated that preparedness grants will be
25 awarded no later than September 30th of this year.

2 On April 24th of this year, we
3 submitted project proposals to OMB under the
4 Federal Fiscal Year 2014 Homeland Security Grant
5 Program. OMB will incorporate our projects into a
6 citywide application and they will send it to the
7 New York State Department of Homeland Security
8 Emergency Services for their review and submission
9 to FEMA by the due date of May 23rd, 2014. A
10 national review panel will review those
11 applications. After their review, award
12 recommendations are then forwarded to the Secretary
13 of Homeland Security. We are hopeful and
14 optimistic the Police Department will receive the
15 same amount or somewhat more funding than last
16 fiscal year. Our Congressional delegation, headed
17 up by two Senators, is focused very intensely on
18 this.

19 The department submitted a funding
20 request totaling \$27.8 million under the 2014
21 Transit Security Grant Program to the Metropolitan
22 Transit Authority. The MTA will submit our
23 application to FEMA for review and scoring by a
24 national panel. FEMA will then conduct a final
25 review and awards funding. The department is also

2 preparing to submit projects totaling \$17.3 million
3 to FEMA under the 2014 Port Security Program for
4 review and scoring by a national panel.

5 The Securing the Cities Grant, which we
6 receive from the Domestic Nuclear Detection Office
7 of the Department of Homeland Security, is another
8 critical source of funding. We rely on this grant
9 to construct and maintain an electronic safety net
10 around the city that can alert us to the presence
11 of a nuclear or dirty bomb or the materials used to
12 make them. The NYPD is the lead law enforcement
13 agency administering these funds among regional
14 stakeholders across three states and 12
15 jurisdictions. The NYPD received \$11.4 million in
16 funding in 2013, which was a decline from \$6.6
17 million from the previous year. Recently, we
18 received the 2014 award letter from Homeland
19 Security, announcing that as much as \$7.6 million
20 is available for continued funding for this
21 critical program.

22 Now, regarding the Executive Financial
23 Plan and its impact on the Police Department; the
24 department's Fiscal Year 2015 Expense Budget is
25 \$4.71 billion. The vast majority of this, 93

2 percent, is allocated for Personal Services and
3 seven percent for Other Than Personal Services.
4 The Fiscal Year 2015 Budget is \$250 million lower
5 than this year's budget of \$4.97 billion. That's
6 because a significant amount of non-city grand
7 funds are not accounted for in the Fiscal Year 2015
8 Budget. Once these funds are added, next year's
9 budget total will be comparable to this year's.

10 The Executive Financial Plan also
11 included additional funding of \$3.5 million in FY
12 '14, \$100 million in FY '15 and \$28 million in FY
13 '16 and the out-years for critical, ongoing needs
14 and new initiatives and programs. The following
15 are some highlights of the major programs that were
16 funded: \$4.1 million in FY '14, \$13.3 million in
17 FY '15 and the out-years was provided as part of
18 the Mayor's Vision Zero Initiative to end the
19 scourge of traffic deaths and injuries on our
20 streets. The funding will allow for hiring 147
21 traffic enforcement agencies. That's an additional
22 147 traffic enforcement agents to help improve
23 pedestrian traffic safety. By purchasing
24 additional and enhanced speed detection equipment
25 and training officers in its use, we'll be able to

2 increase speeding enforcement at the precinct
3 level. Funds provided will also allow for
4 additional deployment of officers citywide to radar
5 traffic enforcement, collision investigations and
6 Vision Zero community outreach programs. Funding
7 was also provided for an enhanced traffic accident
8 management system to more accurately capture and
9 report on vehicle collisions and traffic incidents.

10 \$1.3 million in FY '15 and \$1.2 million
11 in FY '16 in out-years was providing for hiring
12 additional personnel and associated OTPs needs for
13 our Collaborative Policing Initiative. This
14 initiative will formulate agency-wide strategies
15 and new initiatives to rebuild collaborative
16 partnerships with non-profits and community-based
17 organizations, to enlist other city agencies in
18 crime-fighting strategies and to review the
19 department's response to victims of any kind of
20 crime including domestic violence, sexual assault,
21 identify theft, burglary and every other crime.
22 This effort, I will emphasize, is critical to our
23 continuing success; the need to understand that we,
24 the Police Department, while we bear significant
25 responsibility for crime and disorder control in

2 the city, that we cannot and never will be able to
3 do it totally on our own. The best way to do it is
4 collaboratively and to that end, we've been
5 extensively engaged in reaching out to many of the
6 city partners, community groups and activists that
7 have not had access to the department in the past
8 and we will continue that effort as we will, in
9 fact, need all the assistance we can get to deliver
10 on the promises that we are making today.

11 \$4.9 million in FY '15 and \$3.9 million
12 in FY '16 in the out-years was provided for the
13 hiring of additional personnel and associated OTPS
14 for the creation of a new Compliance Unit. With
15 the Police Department under increased scrutiny and
16 oversight; the Federal Monitor, Inspector General,
17 et cetera; additional staffing will allow the
18 department to meet the data information requests
19 from the Inspector General and Federal Monitor
20 offices, as well as to implement policy changes and
21 prepare reports as requested by the City Council.
22 In addition to the staff assigned to supporting the
23 IG and Federal Monitor functions, staffing was also
24 provided for the new Risk Assessment Unit, tasked
25 with the goal of reducing the department's exposure

2 to liability by reviewing trends and patterns in
3 cases against the department.

4 \$4.3 million in FY '15, \$4.9 million in
5 FY '16 and \$5.6 million in the out-years were
6 provided for ongoing maintenance and technology
7 support costs that were previously funded in our
8 capital budget. And \$519,000 in FY '15, FY '16 and
9 the out-years was provided for lease costs
10 associated with the relocation of Staten Island
11 Traffic Enforcement Division to 1 Teleport Drive.
12 \$500,000 in FY '15 was provided for the Gunshot
13 Detection Technology Pilot Program that a number of
14 the members of the Council have been supportive of.
15 \$70 million in FY '15 was provided in order to
16 relieve NYCHA of the FY '15 payments to the NYPD
17 for police services.

18 On May 8th, 2014, the Mayor released
19 the Fiscal Year 2015 Executive Budget and
20 Commitment Plan. Total capital plan for the Police
21 Department is \$784.8 million, which covers 2014 to
22 2018. In this plan, the department was granted an
23 initial \$115.9 million in city and capital funds
24 for various facility and technology projects, and
25 we are very appreciative of this.

2 As you know, many of the department's
3 precincts, as I stated in March, are in a state of
4 disrepair, requiring either major rehabilitations
5 or complete replacement. In the past several
6 years, mandated reductions imposed upon the
7 department required the elimination of virtually
8 all capital funding allocated for new precinct
9 construction and rehabilitation projects, with the
10 exception of the new Police Academy and the new
11 121st Precinct. These reductions have led to
12 increased maintenance costs for deteriorating
13 facilities, overcrowded conditions at stationhouses
14 and substandard working environments for NYPD
15 employees, a fact that many of you in the Council
16 have noted. And I'm pleased that the new
17 administration has begun to address this important
18 department priority by providing funding in this
19 plan for some of our facility renovations; \$68.9
20 million for the design and construction of the new
21 40th Precinct Stationhouse in the Bronx, \$40.3
22 million for design and construction costs
23 associated with renovation of the 13th Precinct
24 Stationhouse in Manhattan and the renovation of 245
25 Glenmore Avenue in Brooklyn, which houses the

2 Brooklyn North Narcotics Division, probably one of
3 our most dilapidated facilities in the city. \$2.3
4 million in federal funds and \$252,000 in city funds
5 was provided for the replacement of the Bomb Squad
6 Administrative Training facility at Rodman's Neck;
7 \$2 million for renovation costs associated with
8 leased space at 1 Teleport Drive in Staten Island
9 that will serve as a permanent site for Staten
10 Island Traffic Enforcement Division and \$250,000 in
11 the Expense Budget in the out-years for the
12 painting of department facilities.

13 In the interest of time, I'm going to
14 move past some of these other budget items. Let me
15 move to the issue of personnel. The number of
16 funded authorized full-time civilian positions is
17 14,589 in Fiscal Year 2014. The reason for the
18 reductions in 2015, which will be 14,646 and in the
19 out-years, is that a number of grant funded
20 positions have not yet been accounted for in the
21 Fiscal Year 2015 Budget. The part-time budget
22 currently funds 2,631 positions in Fiscal 2014,
23 which consists mostly of our school crossing
24 guards. There were no changes to the unformed
25 staffing levels and the funded peak head count will

2 remain at 35,437 in Fiscal Year 2015 and the out-
3 years. The July 2013 police officer class size was
4 1,247 recruits. Of these, 1,171 graduated this
5 past September. The January 2014 police officer
6 class size was 650 recruits and in order to reach
7 the funded peak head count of 35,437 in Fiscal Year
8 2015, the class size needed in July 2014 will be
9 approximately 950 police recruits. In addition,
10 the January 2015 class is currently estimated at
11 600 recruits. The size of police recruit classes
12 is designed to maintain the funded peak head count.
13 The projected attrition is approximately 2,100 in
14 Fiscal Year 2014 and 1,300 in Fiscal 2015. In
15 2014, larger numbers of police officers were
16 eligible for retirement than in most years, upon
17 reaching their 20-year anniversary this past August
18 and February. The average uniformed head count is
19 estimated to be 35,108 in Fiscal Year 2014, which
20 represents an increase of 61 positions, as compared
21 to Fiscal Year 2013. The average head count for
22 Fiscal Year 2015 is projected at 35,122.

23 Completion of our new Police Academy is
24 budgeted at \$57.3 million in Fiscal Year 2014 and
25 2015, which supplements \$727 million budgeted in

2 prior fiscal years. The building will be
3 substantially completed this summer and we'll begin
4 the phase-in of certain training activities and
5 functions at that time. We expect the facility to
6 be ready to host the entire training for the first
7 recruit class in January of 2015.

8 As mentioned in my March testimony,
9 even as our new academy opens in January, it'll be
10 necessary for the Police Department to retain the
11 current Police Academy facility on 20th Street in
12 Manhattan. Many of these buildings facilities,
13 including the Firearms and Tactics Range, must
14 remain active and in use, not only for recruits,
15 but for in-service training. And in addition, the
16 13th Precinct and the Police Academy are conjoined
17 and share the same infrastructure. The department
18 intends to consolidate a variety of functions in
19 the old building.

20 I'm very optimistic about the future of
21 the department and the direction we are heading.
22 As the decrease in crime so far this year shows, we
23 can police the city effectively without intruding
24 unnecessarily or excessively into the lives of its
25 citizens. I believe the same is true of our

2 mission to defend New York from another terrorist
3 attack. My long experience has taught me there is
4 a direct correlation between the level of community
5 support for the police and success in fighting both
6 crime and the new threat of terror. With the
7 budget provided by Mayor de Blasio and the
8 assistance of the members of this City Council, we
9 will continue to work tirelessly to earn the trust
10 and confidence of New Yorkers and to ensure that
11 there are even better, brighter days ahead for our
12 city and our residents. Thank you again for the
13 opportunity to testify. Myself and the Executive
14 leadership team of the department are prepared to
15 respond to any questions that you might have.
16 Thank you for the opportunity to be here with you
17 this morning.

18 SPEAKER MARK-VIVERITO: Thank you,
19 Commissioner, for your testimony. I'm just going
20 to jump right in. I know there's a lot of
21 questions and time is always limited. I probably
22 only have one or two questions, but I did just want
23 to start off by saying that oftentimes in the last
24 couple of years, another prior administration have
25 been in this seat really going at odds with the

2 prior Commissioner, and I have to say that I really
3 do appreciate and I have to say that the tone
4 overall under your leadership, although despite it
5 being early, is completely very different than what
6 it was before. The fact that you see community as
7 an asset and a tool for effective policing is in
8 and of itself you know, really worlds apart from
9 where we were. We're not adversaries in our
10 communities. We want to be allies and we want to
11 work with the Police Department, but there were
12 very much deaf ears under the prior administration
13 and concerns that we were raising from living in
14 our communities, from interacting with our
15 constituents, from understanding the realities were
16 ones that were not taken seriously and I think that
17 that's obviously very detrimental for effective
18 police-community relations. So I appreciate the
19 fact that you are making some substantial changes
20 in a short period of time that are ones that many
21 of us in this room have advocated for for many
22 years. The Stop and Frisk policy; the revisions to
23 it is very much welcome. The "condoms as evidence"
24 decision last week is really, really something that
25 is welcomed and as you said, the real effort to

2 reach out to communities and to engage in genuine
3 dialogue is really important; also making data
4 available, which is something we've been asking.
5 So I really do want to commend you on those items.

6 I will say that one of the issues that
7 I challenged Commissioner Kelly on consistently is
8 the issue of marijuana arrests, and I am hoping
9 that we will take a look at that because I continue
10 to be concerned at the numbers and it is something
11 that impacts our children; our young people
12 disproportionately; black and brown and that we you
13 know, have decriminalized marijuana possession in
14 small amounts for many, many years and they're
15 being arrested for exactly that. And so I think
16 it's really something that needs to be reviewed and
17 revisited. I'm hoping that that could be the next
18 major policy shift announcement that we could do
19 jointly, so I'll leave it there.

20 I did want to say just a question...
21 'cause we go back to the issue of policing and the
22 number of police officers. You did indicate in
23 your testimony, and I'm looking for it right now.
24 Here it is. With regards to public housing in
25 particular, right, the Housing Bureau, you said,

2 "We're assigning additional patrol cars from our
3 CRV deployments to patrol housing developments."
4 Now, that means that you're shifting those
5 resources from other areas to focus on these areas
6 in the housing developments, correct?

7 COMMISSIONER BRATTON: Yes and no. Yes
8 in the sense that the CRV units are drawn from all
9 over the city. They have been, in past years,
10 heavily concentrated primarily in Manhattan, the
11 deal with the countering terrorism threat issue.
12 We are broadening their use to basically assist in
13 issues such as the current circumstance in some of
14 the housing developments in Brooklyn and the Bronx,
15 so basically it's a mobile reserve that we are
16 broadening its use to meet some of these upticks
17 that we are seeing. So it is the idea of sharing
18 the burden throughout the city to try and meet some
19 of these upticks that we experience from time to
20 time such as in the Bronx and Brooklyn at the
21 moment.

22 SPEAKER MARK-VIVERITO: Well, I mean I
23 did mention the amount of overtime and percentage
24 of overtime that is attributable to local
25 precincts, right, in terms of increasing the hours

2 of officers and I think that that is one of the
3 concerns that we have as well, and that's the
4 reason why we're calling on more police officers
5 you know, and our budget response has indicated we
6 highlighted the need for these officers at the
7 precinct level. As we begin discussing issues of
8 Vision Zero, community policing, pockets of crime
9 that you talk about, we know that our community
10 precincts are strained and we really feel and
11 continue to make the case that that's why we need
12 these officers.

13 The last thing I'll say 'cause I just
14 wanted to just make that point, and I think I've
15 made it enough in my opening statements and now, is
16 you do indicate that overall crime is down by three
17 percent from last year and you do talk... if I'm
18 not mistaken, specifically you did mention... I
19 can't quite find it right now, but in terms of
20 public housing developments and you do say that
21 five percent increase in public housing crime as
22 compared to 2012, but if we go back to 2009, that
23 increase is 31.1 percent based on our analysis of
24 the figures. Can you explain what you think that's
25 attributable to? Why would we see that kind of an

2 increase? And you're see... and you're noticing
3 that there is an increase even now, so what would
4 you attribute that to in the public housing? I'm
5 just trying to understand your analysis and your
6 perspective on that too.

7 COMMISSIONER BRATTON: What I'm going
8 to ask is to have Chief of Department Phil Banks
9 speak to that issue; the variations, if you will,
10 over time and the numbers and what the numbers
11 actually mean in reality. Chief?

12 SPEAKER MARK-VIVERITO: Okay.

13 CHIEF BANKS: Good morning, Speaker and
14 council members.

15 SPEAKER MARK-VIVERITO: Thank you.

16 CHIEF BANKS: We're up a total of 46
17 crimes for the year in housing, and your reference
18 goes back to 2009. Primarily the issue in housing;
19 the increase that we've seen is primarily focused
20 in domestic violence and felony assaults related to
21 domestic violence, so while we're up to that four
22 year number and to me, 46 crimes is just like 5,000
23 crimes. If it's one crime we put the focus on to
24 see how much it can be avoided, but in the area of
25 domestic violence, unlike any other particular

2 crime, is that it's a crime that's very
3 underreported and we find and our studies show that
4 the more public awareness we bring to domestic
5 violence, the more crimes are reported and that's a
6 good thing. So we're looking... we attack domestic
7 violence so much different than we attack other
8 crimes such as a robbery or a burglary.

9 Oftentimes, a foot post or extra resource will and
10 cannot affect that particular crime, so I'm not so
11 sure if the domestic violence increase we see is a
12 bad thing because it's not that a crime is now
13 being committed. It's more that a crime has been
14 committed and, in fact, is being reported. So we
15 attack it a little bit differently and what we're
16 looking at mostly is our intervention as far as
17 domestic violation; visits; home visits to see
18 whether or not we can, in fact, have it avoided or
19 give some type of comfort to the victim and
20 certainly a presence to the violator that you know,
21 we will become a presence in his household to deter
22 any type of violence. So when it comes to domestic
23 violence, specifically in housing, those are
24 numbers that are very, very minor. They're very
25 much a concern, but the domestic violence issue is

2 something we're taking a real, real strong look at
3 because it has been underreported for so, so many
4 years.

5 SPEAKER MARK-VIVERITO: Could you speak
6 specifically to the numbers on that matter? I mean
7 you're saying domestic violence...

8 CHIEF BANKS: [interposing] Okay.

9 SPEAKER MARK-VIVERITO: The uptick.

10 CHIEF BANKS: Well, this year, we're up
11 a total of 46 crimes in housing and in housing this
12 year, we're up 55 domestic violence incidents, 55
13 domestic violence incidents and the boroughs that's
14 driving it is Brooklyn has an increase of 41 and
15 the Bronx and those are DV felony assaults, which
16 promotes the great rate overall majority of the
17 increase that we do see in housing. So some of the
18 areas that we look at is that we look at the amount
19 of domestic violence incidence reports that we
20 take, as compared to when a felony happens and
21 there's been no correlation in housing that there's
22 been an increase among domestic violence incident
23 reports as it compares to housing. An example
24 would be if we took a homicide during the last 24
25 hours; a domestic violence, there was no reported

2 incidents at all in that particular household, so
3 those are some of the indicators that we look at.
4 There has been underreporting; there always will be
5 underreporting in housing... I mean not in housing,
6 but in domestic violence, so we're looking at those
7 particular numbers. So we're looking at a total of
8 55 felony assaults, of which 30... 30 to 55 in
9 housing this year are driven by domestic violence.

10 SPEARKER MARK-VIVERITO: I mean that's
11 alarming to me. I mean that's another area that I
12 know this Council is really focused on, is the
13 issue of domestic violence and prevention services
14 and awareness. I definitely do hope that there is
15 an extensive level of collaboration between the
16 NYPD and not only the community-based partners, but
17 obviously the Mayor's office, right, on domestic
18 violence. The Commissioner is very engaged on
19 those issues and we could delve more deeply into
20 the statistics. I'm going to leave my questioning
21 there. I definitely, at some point separately,
22 would like to meet to talk a little bit more
23 specifically on these statistics and I know
24 colleagues here will definitely raise it, but that
25 to me is alarming and I would like some more

2 analysis on those issues, but I appreciate you
3 being here. I appreciate the response and we
4 continue to argue and make the case that we believe
5 more officers on the ground and in our precincts
6 are necessary in order to deal with these and other
7 issues. I'll turn it back to you, Madam Chair.

8 CHAIRPERSON FERRERAS: Thank you, Madam
9 Speaker. Just a reminder to council members, we
10 will have a clock of four minutes for the first
11 round and a three minute follow-up round. We will
12 now hear from our Public Advocate James. Oh, I'm
13 sorry, Public Advocate. We've been joined by
14 Council Member Ignizio, Council Member Williams and
15 Council Member Espinal.

16 PUBLIC ADVOCATE JAMES: First, good
17 morning to the Speaker, to Chair Ferreras and Chair
18 Gibson and good morning, Commissioner and to your
19 staff. First, let me begin by saying,
20 Commissioner, you know I know that you joined with
21 me and former David Paterson in urging the state
22 legislature to pass a special act to provide
23 Officer Rosa Rodriguez benefits. She should not be
24 exempted for getting a reduced disability pension.
25 It should be the fact that she is entitled... she's

2 not entitled to a full benefits is simply because
3 she was hired prior to July 2009 and most recently,
4 former Governor David Paterson and I urged the
5 state legislature to pass a bill to provide her
6 with full pension benefits and I would hope that
7 you would join me in that application to the state
8 legislature.

9 Let me begin by saying that the
10 reduction of crime in New York City is
11 unprecedented. The thought that New York City
12 would ever have fewer than 350 homicides in a
13 calendar year was just unthinkable almost 20 years
14 ago. But crime continues to be a major problem in
15 public housing and in certain neighborhoods. New
16 York City... the public housing has seen a 31
17 percent increase in major crime in the past five
18 years and as was just mentioned, specifically in
19 the area of domestic violence and we simply cannot
20 take solace in broad strokes on the tremendous
21 gains in progress we have made in the city without
22 acknowledging that the residents of public housing,
23 some of them are still living in fear and a
24 significant number of women, unfortunately, are
25 being victimized by their abusers. And so I am

2 urging this administration to increase the staffing
3 levels of NYPD. I join with the City Council with
4 their particular laser focus on New York City
5 housing. Gang violence continues to be a problem,
6 as well as domestic violence. In addition, Police
7 Commissioner, if you could speak to whether or not
8 you are examining Police Service Areas, PSAs. PSAs
9 have not been redrawn in several decades. I think
10 about the PSAs in Brooklyn, and one PSA in
11 particular that I point out is the one that covers
12 Red Hook and Coney Island, which is miles apart and
13 I think we really need to examine how we police
14 public housing by perhaps focusing on PSAs and
15 redrawing PSAs.

16 Let me also say, and I'm sure you know,
17 I have taken... I have looked... we are beginning
18 to look at sexual assaults, the underreporting of
19 sexual assaults on college campuses. There was a
20 federal investigation that was launched. There
21 were two campuses in New York City in particular
22 that were highlighted; Hunter College. There was
23 also some indication that Columbia University was
24 underreporting sexual assault. I know my office
25 has reached out to you. We've drafted some

2 legislation and so if you could address the issue
3 of sexual assault, PSAs and public housing, I would
4 appreciate it and in addition to that, Police
5 Officer Rosa Rodriguez, who I am so happy that she
6 was released from the hospital, again making sure
7 that she gets a full disability pension and a
8 special act is passed by the state legislature. If
9 you can address those issues, Police Commissioner,
10 I would greatly appreciate it.

11 CHIEF BANKS: Good morning, Public
12 Advocate. We take a look at how we deploy our
13 resources, public housing and others as well and
14 you made mention to the fact that in public housing
15 the area that you mentioned, PSA 1, which does
16 cover, in fact, a large, broad area. I'm not so
17 sure that the broader area offers us any challenges
18 that by redistricting, if that was what you're
19 implying, would offer us any type of relief as far
20 as the crime is concerned. We take a good look at
21 our commanders, we take a good look at our
22 strategies and we're taking a very good look at our
23 deployment of officers; the sufficient number of
24 officers and additional resources that's necessary.
25 So while the concern of this particular Council and

2 yourself about housing crime in particular is a
3 concern, it's certainly a concern about us. At
4 this particular point in my professional opinion,
5 redistricting them I'm not so sure, in fact, is the
6 answer. I think it's possibly a resource issue, a
7 public education issue and building on, as the
8 Speaker said, getting a lot of other community-
9 based organizations to assist, which we've been
10 doing. When we do get that kind of public
11 education out, we get more reporting and that's
12 something that we certainly encourage and we
13 certainly hope to have because once we have a full
14 picture of the crime, then we certainly know how to
15 deploy. In referencing housing in particular...

16 PUBLIC ADVOCATE JAMES: Let me just say
17 this: that I agree with you, it is a resource
18 issue. We have 1,900 NYPD Housing Bureau officers
19 to cover 178,000 apartments totally over 400,000
20 residents living in 2,563 residential buildings and
21 334 developments. 1,900 officers to cover almost
22 400,000 residents is just unacceptable and that is
23 why we are calling for an additional increase in
24 police resources to staff and to staff NYCHA.

2 CHIEF BANKS: When we add in... and I'm
3 not so sure if you're even including our impact of
4 the rookie officers assigned to the Housing Bureau,
5 but you would see a significant increase if you add
6 those numbers and certainly we supplement that with
7 our impact overtime, so while we can debate whether
8 or not the numbers are sufficient, certainly we do
9 take a very good look at the deployment of
10 resources and the strategies that's involved in the
11 housing and it's going to be a concern of ours and
12 we can continue to take a look at that, but just...
13 and to the original question about redistricting
14 the areas, it's something that we're taking a look
15 at. We just don't see that aspect of your question
16 is the proper strategy at this particular point.

17 PUBLIC ADVOCATE JAMES: And let me also
18 add that I've heard from a number of detectives
19 throughout the City of New York the cold cases are
20 backing up. More cases are coming through their
21 door. We need additional officers also with
22 respect to NYCHA and also to assist detectives in
23 resolving these cold cases and resolving all of the
24 cases that are coming through the door. I know
25 that you are sympathetic and I know that privately

2 you support this initiative, all of you in this
3 room. This really is an appeal to the Mayor of the
4 City of New York to increase staffing levels at
5 NYPD so that as the weather gets warmer, we could
6 make sure that we maintain the record levels of
7 crime reduction in the city of New York and that we
8 would also apply it to the residents of the New
9 York City Public Housing Authority. I thank you.
10 There's no need for us to go back and forth. I
11 just think that we really need to address this and
12 we need to address this immediately and we should
13 do it in this year's budget. If you could address
14 the issue with respect to Officer Rosa Rodriguez;
15 I'm sure you support that effort.

16 COMMISSIONER BRATTON: Well, being
17 quite frank, I think that efforts are really on;
18 that she is recovering; she may return to work;
19 that... and the issue is much larger than Rosa
20 Rodriguez. It's, I think, an ill-fated law that
21 was passed a number of years ago. I was not here
22 at the time, but the idea is that she is the first
23 officer since that law was passed where the
24 question has arisen or the concern has arisen as to
25 how paltry the pension would be if she were, in

2 fact, forced to retire; I think something on the
3 art of 24 or \$26,000 year. So I would suggest
4 looking at the larger issue, not just what impacts
5 her, but any officer hired since 2009. Whatever
6 the thinking, whatever the deliberations went into
7 passing of that bill would be, I think, a better
8 focus of attention. We hope that she will, in
9 fact, return to work. That decision will be up to
10 her a number of months down the line. If I may,
11 that... on the issue just circling back to housing
12 for a second, that in addition to the PSAs, a
13 number of them, because of the large geographic
14 areas they cover, that there are satellite
15 facilities that are available. Additionally, that
16 a significant number of the housing developments
17 are not policed by the Housing Bureau. They are
18 policed by the local precincts, so you need to take
19 that into context when you're referencing the 1,900
20 police officers. In fact, there are significantly
21 more officers assigned to dealing with public
22 housing developments than that, so the figures we
23 can discuss, but the issue is more complex than the
24 way it was presented.

2 PUBLIC ADVOCATE JAMES: And lastly, the
3 sexual assaults on college campuses before I close.

4 COMMISSIONER BRATTON: The Council
5 approved and hopefully is approving I think there's
6 approximately 15 positions that will help to staff
7 up the collaborative policing entity that was
8 created under the leadership of Deputy Commissioner
9 Susan Herman. The reason that position was created
10 was to improve our ability to deal with the victims
11 of crime, both the undocumented such as domestic
12 violence or rape where it's significantly
13 underreported to try to get them to come forward
14 and if they do come forward, to assist them in not
15 being re-victimized as they go through the criminal
16 process. So that office is a critical part of our
17 effort to deal with the issue of domestic violence;
18 to deal with the issue of rape victims and there
19 was an initiative I think by the Public Advocate to
20 call upon the creation of a liaison officer. That
21 position is not necessary if I'm going to have a
22 whole unit that's going to deal with that issue if
23 the City Council approves its budget as requested
24 for the collaborative policing unit.

25 PUBLIC ADVOCATE JAMES: Thank you.

2 CHAIRPERSON FERRERAS: Thank you,
3 Commissioner. I want to focus in a little bit more
4 deeply on the budget in specific to transparency.
5 One of our issues is that 62 percent of your budget
6 is reflected in one unit of appropriation, making
7 it very difficult for this Council to analyze and
8 when we want to vote out on the budget, we vote out
9 based on units of appropriation. Can you explain
10 why \$2.9 billion of your agency's budget is funded
11 in UA 001?

12 COMMISSIONER BRATTON: I'll ask
13 Commissioner Grippo to speak to the specificity of
14 your question.

15 DEPUTY COMMISSIONER GRIPPO: This is an
16 issue...

17 CHAIRPERSON FERRERAS: [interposing]
18 I'm sorry, can you just state your...

19 [crosstalk]

20 DEPUTY COMMISSIONER GRIPPO: Yes.

21 [crosstalk]

22 CHAIRPERSON FERRERAS: Name for the
23 record?

24 DEPUTY COMMISSIONER GRIPPO: Yes.

25 CHAIRPERSON FERRERAS: Thank you.

2 DEPUTY COMMISSIONER GRIPPO: Deputy
3 Commissioner of Management and Budget, Vincent
4 Grippo. This is an issue absolutely we've worked
5 with the Council over many, many years and I
6 understand the frustration here. The problem that
7 we have on our end, just so you understand, we
8 produce this budget function report and what you're
9 referring to is essentially our overtime budget
10 ends up in what we look at as the Chief of
11 Department's overtime budget. The problem is that
12 while that may seem as a misrepresentation, the
13 issue is that we have significant amounts of
14 overtime each and every year for events, unplanned
15 and planned and other overtime categories where
16 we're deploying officers; potentially housing
17 patrol Transit officers to cover things like the
18 marathon or other events that would be outside of
19 housing. So when we look at those budgets and we
20 try to allocate them, we end up with the same sort
21 of... it's a unclear problem from year to year when
22 we would allocate the overtime based on the
23 particular officer's assignment because of those
24 large buckets of overtime that become... they're
25 sort of spread out during an events category. So

2 that's why we provide different reports to the
3 Council. We provide that report, which is a budget
4 function analysis, which you're correct, has this
5 one sort of issue with it, but then we provide
6 separate reports that show the overtime based on
7 the types of overtime we're incurring, whether it
8 would be arrest, operational, investigative or
9 events. We are willing... new administration on
10 our part; new administration on your part; we're
11 absolutely willing to sit down with the Council and
12 the Council's budget staff, who we've worked very
13 well with over many years, to explore ways to make
14 this more transparent on our side. We would
15 welcome the ability to do that. Truly, we just
16 haven't really gotten to a place where we've been
17 able to figure out how to do that with some of the
18 issues that I just presented, so.

19 CHAIRPERSON FERRERAS: Well, I
20 appreciate the open line of communication and
21 hopefully we can get something resolved before we
22 pass this budget. So that brings me to reporting
23 and I was really excited to see that we're updating
24 a lot and the new generation of CompStat and all of
25 the other information is very important. I just

2 want to say that as we were in this hearing, my
3 local Commander Cody was texting me about an update
4 in the district, so it works; technology is
5 amazing. However, this is how we receive your
6 quarterly reports, making it very difficult for us
7 to analyze and to have your staff report and for
8 our staff to be to analyze this information. I'm
9 asking, imploring and urging you to get this to us
10 in an Excel form so that the Finance Committee can
11 analyze this information quickly and I'm sure we
12 can save on paper and binders. Yes?

13 DEPUTY COMMISSIONER GRIPPO: We can do
14 that. We can work with you on that.

15 CHAIRPERSON FERRERAS: Alright, we got
16 a yes already, Madam Speaker, great. I wanted to
17 talk about specifically, as you understand the
18 changes in shifts and assignments in the precinct
19 level, when an officer is pulled from the original
20 station, what happens to the coverage of his
21 original or her original post?

22 CHIEF BANKS: Can you just be a little
23 more specific with the question so I can understand
24 it?

2 CHAIRPERSON FERRERAS: So from our
3 perspective, we're talking about our local
4 precincts.

5 CHIEF BANKS: Yes.

6 CHAIRPERSON FERRERAS: If an officer is
7 pulled either to go to training or to go to a
8 parade or an event in the city or anywhere else in
9 our stadiums or wherever else you needed, what
10 happens to the original post in the local
11 neighborhoods in their precinct?

12 CHIEF BANKS: There are times in which
13 the posts may go uncovered and there's times in
14 which the commanding officer is responsible to try
15 and fulfill that post. One of the areas if, in
16 fact, a condition is warranted, he can utilize
17 overtime to fill that particular post. He can
18 utilize a tool such as extended tours where he can
19 shift some of the police officers that work in that
20 particular precinct who are performing
21 administrative functions too and in fact, patrol
22 functions. But there are times, depending on the
23 timeframe which he or she has when notified about
24 the unavailability of this officer, that that
25 particular post may, in fact, go uncovered. Some

2 of the areas in which they go are training. We
3 have mandatory training that officers have to and
4 are required to go to. There's also CRV deployment
5 and there are times in which we send the CRV
6 deployments back, in fact, to the local commands to
7 meet certain needs and there's a also host of
8 parades and details and demonstrations, et cetera
9 that we utilize those particular resources, in
10 fact, to man that. So the answer to your question
11 at times, Council Member, they do go unmanned, but
12 the commanding officer and the borough commander
13 have a lot of tools at their disposal. If, in
14 fact, the borough commander observes that there is
15 a problem, then he or she has the ability to shift
16 borough resources into a particular area and it's
17 resources that come directly under the borough
18 commander that he or she can and will deploy into
19 that area to make up those voids.

20 CHAIRPERSON FERRERAS: So in the
21 process of a parade; let's just give an example of
22 a parade; if the commanding officer is asked to
23 send an average... I don't know, from a precinct
24 five officers, 10 officers. You can probably speak
25 better...

2 CHIEF BANKS: It will vary depending on
3 the head count of the particular precinct.

4 CHAIRPERSON FERRERAS: So if the
5 commanding officer states, "I can't send those
6 officers," what takes priority? Is it the parade
7 or the precinct need?

8 CHIEF BANKS: I don't know if I can
9 answer that question on a priority or not priority.
10 When we look at parades, and this something that
11 the Commissioner has mandated me to take a real
12 good look at, any time of assignment which draws
13 police officers from their normal command to take a
14 look at the necessity of that particular head
15 count, so just to give you an example, we may have
16 a Memorial Day parade that's taking place in
17 Manhattan and then the request will come in to
18 manage a particular detail of x officers and I have
19 a unit that specifically takes a look at it to
20 ensure that we are giving the maximum coverage with
21 the number of officers so, in fact, that we can
22 minimize the need to draw down on those officers.
23 If the borough commander mandates that the x
24 additional personnel is presenting an issue or a
25 problem, then there's mechanisms to make up for

2 that deficiency such as extended tour overtime,
3 shifting other resources around, taking some
4 administrative police officers and having them
5 perform patrol functions, so it's something that we
6 look at overall. I wouldn't say one's a priority
7 over the other. There are parades in this
8 particular city that pop up demonstrations that
9 we're not aware about. There is dignitary visits
10 from Washington DC that we certainly have to man
11 and deploy, but it's something that we take a look
12 at because it potentially can be a big problem.

13 CHAIRPERSON FERRERAS: Yeah, I can see
14 that potentially being a problem and I'd like to
15 continue our work as collaboratively with the
16 committee to figure out what... so we can speak
17 from the prospective of our community because
18 that's where the challenge is from. When we're
19 talking to our local community residents, they
20 don't understand that the officers are being sent
21 to the Memorial Day Parade and frankly, they
22 probably don't care.

23 CHIEF BANKS: And when I was a
24 commanding officer when my resources had to be
25 deployed, I didn't care either, but from this

2 particular seat I'm looking at the overall picture
3 and my objective is to keep the officers where they
4 perform their particular duties...

5 [crosstalk]

6 CHAIRPERSON FERRERAS: Right.

7 [crosstalk]

8 CHIEF BANKS: In the communities and
9 we...

10 CHAIRPERSON FERRERAS: [interposing]

11 And... and...

12 CHIEF BANKS: Do that as much as we
13 can.

14 CHAIRPERSON FERRERAS: We recognize
15 that and that's why we're the City Council, so
16 we're...

17 [crosstalk]

18 CHIEF BANKS: Yes.

19 [crosstalk]

20 CHAIRPERSON FERRERAS: Seeing it from
21 our perspective. I just think that if we were to
22 fund 1,000 police officers, would you use them?

23 CHIEF BANKS: There's no... not wanted
24 sign at any police facility. If you walk by, I
25 don't think there's a not wanted, not apply. If

2 you cut their officers by 2,000, I'm going to do
3 the best I possibly can; if you gave me 200,000
4 police officers, I'm going to do the best I
5 possibly can. That's the best answer that I can
6 give youCHAIRPERSON FERRERAS: Well, I
7 appreciate...

8 [crosstalk]

9 CHIEF BANKS: But beyond that...

10 [crosstalk]

11 CHAIRPERSON FERRERAS: That you will do
12 the best that you can if you were to get 1,000 new
13 officers. Thank you. And I just want to talk very
14 briefly before I turn it over to my co-chair about
15 precinct renovations. I just wanted to know in the
16 previous capital plans included four precincts that
17 needed completely new buildings. These precincts
18 are the 40th, 66th, 70th and 110th, which happens
19 to be in my district. Only the 40th was placed in
20 the capital plan. Why were the 66th, 70th and the
21 110th Precinct not included?

22 DEPUTY COMMISSIONER GRIPPO: Yeah, in
23 looking at... you're correct. There were four
24 precincts. We had reductions for many, many years.
25 You know, I'm working with the Mayor's Budget

2 office. We identified the 40 as the project most
3 likely to be able to move quickly on simply because
4 we have a site that the city owns and the NYPD
5 owns. It's a lot where there... we're currently
6 using it for parking for ACS and DOE. There's
7 minimal impact to getting the site and we have a
8 full ULURP done. The 110 Precinct, which you
9 mentioned, we actually do have in what they call a
10 capital program scope development project. We have
11 been looking at that site. There are some
12 significant city hurdles that would need to be
13 cleared. I think that project is still one that we
14 would look to move forward with, but we will be
15 working with both the Council and the
16 administration to see if we can clear those
17 hurdles. It's on Parks Department property, which
18 poses one issue. It's also the location that we
19 identified for the actual precinct there is the
20 Hall of Science. It's a not-for-profit that has a
21 lease for that space so we'd have to sort of...
22 we'd have to negotiate with them to get that back.
23 So really the issue with the 110, it was delayed
24 because we still haven't been able to clear those
25 political and other obstruction... hurdles, excuse

2 me, and as we... if we do that, I think we're
3 receptive to funding them.

4 CHAIRPERSON FERRERAS: Having ushered
5 in a USTA expansion in that park and the Willet's
6 Point deal, I think we can get there, okay? We're
7 going to pass this over to my co-chair, co-Chair
8 Gibson.

9 CHAIRPERSON GIBSON: Thank you very
10 much, Chairwoman Ferreras, and thank you to the
11 Speaker and Public Advocate. They always ask the
12 great questions. Thank you for your testimony,
13 Commissioner and I certainly appreciate it and
14 don't want to repeat a lot of what has been said,
15 but I will bring up the fact that I know you and
16 Mayor de Blasio, we recognize that we are at a low
17 in terms of crime across the City of New York and
18 that's a great, great effort and it certainly
19 speaks to all of the work that the incredible
20 department does each and every day. I guess my
21 point is trying to determine how that translates in
22 my local community in the Bronx, where we've seen a
23 number of young people involved in crews and gangs.
24 We've had a lot of gun activity. I've had several
25 take downs in Morrisania that you know about and

2 trying to figure out how best to talk about a lot
3 of the efforts and initiatives like collaborative
4 policing, like community affairs and how that
5 translates into resources for my local precinct.
6 So the first thing I just wanted to ask about is...
7 and I appreciate and applaud the collaborative
8 policing unit. Susan Herman, I really look forward
9 to working with you and I want to know
10 collaborative policing division, community affairs
11 and officer visibility in the street. What are the
12 links, what are the differences and what does that
13 translate into from one PP to the local precincts?
14 Does that mean that we're getting more resources?
15 Are we shifting more officers now to local
16 precincts where there is a hot pocket of crime?
17 What does collaborative policing mean for local
18 community precincts?

19 COMMISSIONER BRATTON: To deal with the
20 issue of crime, disorder and the ups and downs, if
21 you will, the upticks, for example, what we're
22 experiencing in the 47 and right now the 73 in
23 Brooklyn, operationally, Chief of Department, Chief
24 of Patrol, Chief of the Borough would be focused on
25 the movement of patrol, detective, organized crime

2 bureau resources to deal with those upticks.
3 That's what CompStat's all about, the idea of
4 timely, accurate information as to where the
5 problems are; where to put the cops on the dots.
6 However, we clearly understand that that type of
7 response is not the panacea, if you will, for the
8 issue. It requires more, and that's where the idea
9 of the community affairs unit, Chief Jaffe, the
10 idea of the collaborative policing unit, Susan
11 Herman; their coordination with each other and then
12 with operations comes into play because as I've
13 referenced in my opening comments, dealing with
14 crime is not just the sole responsibility of the
15 city this size of the Police Department. It
16 requires all the various social agencies, of which
17 this city has many and it is the idea of making
18 those agencies aware that we are entrusted in
19 working on apart from them, but with them. And so
20 to that end, Susan Herman and Chief Jaffe have been
21 having a significant number of reach out meetings,
22 as well as responding to reach outs that are being
23 made to them by the new leadership teams and the
24 various city agencies; homeless, human affairs. So
25 there's really not an agency in the city that we're

2 not willing to work with so that we can enforce
3 multiply respective capabilities. So the answer is
4 not just more police in a specific area at a
5 specific time. It's like the emergency room trauma
6 in a hospital. What we are focused on is exactly
7 what Rosa Rodriguez is dealing with right now, the
8 longer term care necessary to bring her back to
9 health, and that's going to take more than just
10 uniformed police officers and operations. It's
11 going to require all the various city agencies
12 working together.

13 CHAIRPERSON GIBSON: So in addition, I
14 know community affairs very well. I work very
15 closely with my community affairs officers. What
16 would the interaction be specifically with local
17 communities as it relates to collaborative
18 policing? This is a new unit, so on the ground
19 most New Yorkers don't know about this unit, so in
20 terms of community organizations, advocacy groups,
21 clergy members how are we getting out to those
22 local communities where we feel the greatest need
23 exists?

24 COMMISSIONER BRATTON: Well, it starts
25 with me at Headquarters and I've had significant

2 numbers of meetings with some groups that have
3 never been into Headquarters and are now frequent
4 visitors to the building and it also works its way
5 down to the precinct level; precinct commanders and
6 community affairs officers. Let me ask Chief Jaffe
7 just to give you a quick snapshot, as she has
8 assumed her responsibilities on the specific
9 response to your question and how it translates
10 from Headquarters down to the precinct level and
11 the entities she controls.

12 CHIEF JAFFE: Good morning. Chief
13 Joanne Jaffe, newly assigned Chief of Community
14 Affairs Bureau. So I do work very closely with
15 Susan Herman, the new Deputy Commissioner for
16 Collaborative Policing, and I'm sure she'll be able
17 to articulate her roles and responsibilities. In
18 the Community Affairs Bureau, you know, there's a
19 lot of different units and divisions, so I'm going
20 to exclude school safety right now, and we have the
21 School Safety Chief here if issues come up about
22 that, but that is under me and that's less than
23 about those 6,000 members that are assigned to
24 school safety that work very, very closely with the
25 Department of Education and specifically with the

2 various schools in the City of New York. So
3 separate from that, I have Community Affairs
4 officers assigned to borough-based teams, so every
5 borough; geographical borough has a Community
6 Affairs Bureau team assigned to it. At the same
7 time, there's Community Affairs officers that are
8 assigned to that patrol borough and they work very
9 closely in coordination. We do a lot of outreach,
10 both to business leaders, residents, community
11 leaders, bids, religious leaders, of course, and
12 one of our main units is the new Immigrant Outreach
13 Unit, where we identify officers that speak various
14 languages and come from diverse backgrounds and
15 they're assigned to a unit under me in community
16 outreach called New Immigrant Outreach Unit and I'm
17 looking right now to expand that unit. I also have
18 the whole crime prevention section, so when you
19 talk about how does that translate into like
20 precinct patrol and PSA patrol and Transit patrol,
21 'cause the three patrols are really the same, I
22 have a crime prevention section. There's an
23 inspector in charge of it and he sends out and does
24 best practices for a variety of crimes that are
25 going on. We look at crimes and trends in the city

2 and we look across the country what is going on
3 right now. So of course, there are scams against
4 the elderly; there are scams related to young kids;
5 there are scams related to identify theft. One of
6 the big scams that has recently been written about
7 is the green dot scam about these cards when people
8 are getting called and said, "You know, your
9 electric is going to be turned off. Please go buy
10 this card, put \$25 on it, call us right back and
11 just read us the number and we'll take care of it,
12 Mrs. Smith." So this is what's going on and we
13 need to get that information out, so what I do with
14 my crime prevention section is they send emails out
15 to all commanders, both precinct, Transit and
16 housing. They work in coordination with the
17 Detective Bureau. The detectives are investigating
18 these crimes. They help us also see trends, as do
19 our data warehouse, and then we're able to put that
20 information out and through our email database and
21 through all of our relationships we... and through
22 the media also, we get this information out to the
23 public and that's the best way we try to arm the
24 public to prevent crimes. And I am looking to
25 expand that email database and as much as we can

2 get that information out to you know, 8 million
3 people in the City of New York. That's the crime
4 prevention section and there's a lot of separate
5 units in the crime prevention section that I could
6 spend a long time talking on, but I won't. We also
7 have a juvenile justice section in Juvenile Justice
8 Division in Community Affairs Bureau that deals
9 with at-risk kids. They do some work with the Crew
10 Cut with the Gang Unit, but in addition, we look at
11 at-risk kids and see how we could prevent and help
12 kids, make a positive impact in their lives and
13 help them and their families. And in addition to
14 that I have Youth Division Program, a section that
15 does all youth-related outreach, so it has to do
16 with the 3,000 Explorers we have, the Youth Police
17 Academy Camp. This year, under the Police
18 Commissioner, this summer, we've just went from
19 nine sites to 11 sites. It's increasing the amount
20 of kids from I think about 1,200 to 1,400 kids and
21 we're reaching out to those communities in public
22 housing, trying to get more kids from varied
23 backgrounds to go into a six-week program that we
24 run at the Police Department that many people don't
25 even know about. So those are just a couple of

2 functions other than the 6,000 members that are in
3 the School Safety Division that are under me. It's
4 an operation unit and we work very closely with
5 Community Affairs officers, crime prevention
6 officers, youth officers in precincts, housing and
7 Transit.

8 CHAIRPERSON GIBSON: Okay, thank you.
9 Thank you, Chief.

10 CHIEF JAFFE: You're welcome.

11 CHAIRPERSON GIBSON: I just want, for
12 the sake of time, to talk about just two more quick
13 topics. I'd like to talk about civilianization.
14 During our Preliminary Budget hearing, we talked
15 about this and we, as a Council, expressed concern
16 that there are a number of police officers that are
17 performing civilian duties rather than patrolling
18 and other enforcement tasks. We believe that
19 moving these officers and shifting them to the
20 local communities would really provide your office
21 with the additional staff that's necessary. You
22 mentioned during the Preliminary Budget hearing
23 that you had made prior requests to the
24 administration to civilianize several positions.
25 In our Preliminary Budget response, we called on

2 the administration to civilianize several of these
3 positions. According to the department's first
4 quarter report for 2014, there are 719 full duty
5 uniformed officers listed as performing civilian
6 duties. In your response to us, you provided the
7 Council with the cost of replacing 731 officers.
8 That was highlighted in the 2013 fourth quarter
9 report as approximately \$42 million, including
10 salary and benefits. In the Fiscal Executive
11 Budget this year, there were no plans to
12 civilianize any of these positions and I'd like to
13 know where the department now stands on
14 civilianizing at least 500 of these positions.

15 DEPUTY COMMISSIONER GRIPPO: So in
16 conversations we've had with both the Council and
17 the administration, civilianization, and I think we
18 answered...

19 [crosstalk]

20 CHAIRPERSON GIBSON: Right.

21 [crosstalk]

22 DEPUTY COMMISSIONER GRIPPO: This
23 question last time and we are not opposed
24 necessarily to the idea of civilianization. One of
25 the concerns we've had, based on our record with

2 this in the past, is the number you offered, 500,
3 so the last time we looked to do this, we
4 identified 400 positions to be civilianized and
5 just simply the nature of the way the hiring
6 process goes and the nature of the way that that
7 transition from one individual performing a task to
8 another individual performing a task, that time,
9 what we've learned is you know, it's very
10 challenging for us to do a program larger than more
11 like 100 to 200 people in any given year. And in
12 fact, the last time we went in and looked at this
13 and we funded 400 positions, in about a year we
14 hired 110 people and then the positions that were
15 put into the budget were cut in a successive budget
16 reduction exercise. So obviously then what you end
17 up with is rather than the idea that you're getting
18 more resources and more people back in the field,
19 you have the counter effect where we're really
20 losing resources. The one concern we would have
21 would be trying to be too aggressive with the
22 number; however, the concept and the idea of
23 civilianizing some number of administrative
24 positions, we're open to having discussions about
25 that.

2 CHAIRPERSON GIBSON: Okay and I
3 appreciate that and I certainly will continue to
4 have conversations. It's an issue we keep talking
5 about, but there's been no priority given to
6 civilianization and if we talk about increased
7 resources for our precincts, you know, that's a
8 strong component that would really serve to try to
9 make a difference. While we talked about citywide
10 crime going down, I know that is not the case in
11 marijuana arrests and it's been increasing in many
12 parts of our community and as the Speaker
13 indicated, I'd certainly love to see some
14 conversation and ultimately an announcement. When
15 I was in Albany as an Assembly Member, I worked
16 very hard with colleagues to focus on this
17 decriminalizing marijuana. We had support from
18 Governor Cuomo at the time and now we're looking to
19 now put it in tangible conversation to really make
20 it a reality for so many young people that
21 unfortunately are starting on that criminal justice
22 path that's leading to a life of crime. We want to
23 see these low level possessions of marijuana no
24 longer be a misdemeanor if they're in plain view,
25 but instead, a violation and it's conversations

2 we've had and I know that as the summer season
3 approaches, it's something that is extremely
4 important to this Council, so I would certainly
5 like to get some commitment that we will continue
6 to have conversations about decriminalizing
7 marijuana.

8 COMMISSIONER BRATTON: I will not be
9 supporting decriminalizing marijuana. I'm
10 certainly in favor of certain initiatives to reduce
11 amounts, possessions, et cetera, and we have been
12 very heavily engaged as a department in that
13 regard, but the idea of decriminalizing marijuana,
14 I think, is a major mistake and it's something I
15 will never support. That's the first step on
16 dealing with the people being introduced to other
17 forms of drugs and I think every study that's ever
18 been done supports that. But I will be very
19 supportive of initiatives, such as the one that was
20 defeated last year, to basically try to reduce the
21 number of people that are getting ensnared in
22 procedures or policies of the department or some of
23 the laws that can, in fact, be amended. And to
24 that end, the department has been committed to
25 attempting to reduce the numbers of arrests; number

2 of people who are getting caught up needlessly in
3 that process. I'll ask Chief Banks to speak to
4 those numbers. There was a recent *New York Times*
5 article; an editorial that was so off the mark that
6 it really did not present with any accuracy what is
7 going on in the department as it relates to our
8 efforts to reduce marijuana arrests. They took a
9 one month window, which to support their article
10 was very nice, but basically that's not the total
11 picture of what's going on in the department. So
12 Chief, if you could speak to the efforts of the
13 department as it relates to overtime reducing those
14 arrests and arrests are once again, down this year.

15 CHIEF BANKS: Council Member, yes, in
16 2012, we had a major reduction and if you count
17 misdemeanor and violation marijuana arrests. That
18 was followed up again in 2013 with the decrease and
19 we're, in fact, showing a decrease this year.
20 There was a recent article and I'm not sure if
21 that's the article that you are applying it to or
22 not, but it took a look a look at the month of
23 March on misdemeanor arrests and actually took one
24 component of it and showed that we were showing an
25 increase. The department is not focusing on

2 marijuana arrests. Take note that it is on the
3 books and it certainly is, at this particular
4 point, against the law. Operational perspective,
5 we are shifting our focus to other particular
6 areas, so between 2012 and 2013, those misdemeanor
7 violation arrests were down 20,000 over that year
8 and were down approximately 1,000 this year, so
9 we're not focusing on those types of arrests and I
10 don't anticipate any particular change in policy of
11 us refocusing on it anytime soon. In addition to
12 that, we certainly changed our procedures in which
13 we can issue DATs, so officers, in fact, if you are
14 arrested, there's less chance that you're being
15 arrested for marijuana than any other time in the
16 last 20 something years and if you are arrested,
17 that we've loosened the procedures where you can,
18 in fact, receive just a Desk Appearance ticket and
19 avoid summons so you can be released. So our focus
20 is not on marijuana arrests. You're going to see a
21 steady decrease in those types of misdemeanor and
22 violation type arrests because it's no longer
23 focused in this department, as evident by our
24 21,000 minus arrests over the last two years.

2 CHAIRPERSON GIBSON: Okay well, I would
3 just say it's a conversation to be continued. I
4 respectfully do not agree and will certainly
5 continue to work with you. Maybe there is more
6 information I need to know. For the sake of time
7 and my colleagues asking other questions, I will
8 turn this hearing back over to Chairwoman Ferreras.

9 CHAIRPERSON FERRERAS: Thank you,
10 Chair. Again, a reminder, members, you'll be on a
11 four minute clock. First to question is Council
12 Member Vacca, followed by Council Member Matteo.

13 COUNCIL MEMBER VACCA: Yes, thank you,
14 Madam Chair. Commissioner Bratton, thank you for
15 all you do. I do realize crime is down in New York
16 City and I recognize the work of so many people,
17 but when I look at what's happening in the Bronx,
18 I'm worried and I'm concerned because the Bronx
19 seems to be going against the trend in other
20 boroughs. We've seen a 29 percent increase in
21 homicides and we've seen a spike of 32 percent in
22 shootings from last year. There was an article in
23 yesterday's *Times* I'm sure you saw about the 47
24 Precinct and how people are just petrified of the
25 violence and the shootings. Other precincts in the

2 Bronx are also seeing spikes, although not all of
3 them are. So do you have a strategy at the current
4 moment? I'm sure you do, but what is the strategy
5 to address what seems to be going on in the Bronx
6 as opposed to other places? Why is what's going on
7 going on and how can we address it or how are we
8 addressing it?

9 CHIEF BANKS: Good morning. If I may,
10 Council Member, just you know, we're very concerned
11 about the spike that's taking place of violence in
12 the Bronx. I'd just like to add that the Bronx,
13 last year, actually under the leadership of Chief
14 Carlos Gomez, who is no longer the borough
15 commander, had a reduction in 100 shootings last
16 year. The next borough that showed a reduction was
17 Brooklyn North, which showed a reduction of
18 approximately 60. Historically speaking, the
19 borough of Brooklyn North and the borough of the
20 Bronx, from a broad number perspective, generates
21 the violence in New York City. So last year, we
22 had a reduction of 100. It was a phenomenal job
23 that was done. We were on all cylinders. We had a
24 lot of community support. This year, when we look
25 at the particular Bronx, we look at a few commands

2 that are showing an increase, the 42 being one, the
3 43 being another and the 46 being another, but the
4 major issue for us now is the 47 Precinct. They
5 have 22 shootings year-to-date and I just want to
6 give you a proper perspective before I continue to
7 answer your question. Last year at this time in
8 2013, the 47 was showing 11 shootings, so we're
9 showing 100 percent increase. 2012, there was 11
10 and 2011 there were 20, so while the numbers are
11 significantly down for a two-year period, as the
12 Speaker had referenced going back four years, we're
13 up slightly in 2014. Shootings are something that
14 as a department we don't look at whether we're up
15 and down. We look at if there's a shooting that
16 could've been avoided, what do we do to ensure to
17 make sure that it has... that we can avoid that in
18 the future? So the 47 Precinct is very alarming to
19 us. Such as it being alarming, what we put
20 together was a short-term plan and certainly a
21 long-term plan. The long-term plan is that when
22 the new Police Academy class comes back, we're
23 shifting an impact zone and we've historically
24 shown that where we place our impact zones we see a
25 reduction in the violence and street type crimes.

2 The 47 Precinct did not have an impact zone. They,
3 in fact, will be going to an impact zone as soon as
4 the new Police Academy comes out. In the interim,
5 there's a new leadership at the 47 Precinct and it
6 is not to suggest at all that the prior leadership
7 had anything to do with that. He actually was by
8 far one of our better commanders, but we do have a
9 new commander, Ruel Stephenson, in the 47 Precinct.
10 He's been supplied additional resources. There's a
11 new borough commander, Larry Nikunen, who's taking
12 a lot of mentorship from Carlos Gomez in his
13 transition, so while it's alarming to us and we do
14 see some factions of crew members and some
15 independent robberies that strike up in violence,
16 we're relatively confident that we are going to, in
17 fact, have the violence perspective in the 47
18 Precinct under control. New leadership; additional
19 resources; we're trying some different strategies
20 and we're relatively confident that we're going to
21 well in the 47th Precinct.

22 COMMISSIONER BRATTON: If I may add, I
23 was up for the roll call last night at the 47. I
24 spent several hours on patrol. The new inspector
25 up there has very quickly got his arms around the

2 issue and has a high degree of intimacy with the
3 issue up there right now, which is four of the
4 crews basically slugging [chime] it out. 21 of the
5 22 shootings that have occurred are directly
6 related to those crews and the eight murders that
7 have occurred in a city that this morning recorded
8 its 101st murder, eight of those of murders are in
9 that one precinct, so that precinct and the 73 in
10 Brooklyn right now are two really significant areas
11 of concern and the resources and the attention that
12 will be focused on them I'm very comfortable will
13 in relatively short order start reducing those
14 levels of violence. But again, it's not just
15 operationally more police in there. It's dealing
16 with the historic issues and the developments that
17 are in some of the poorer neighborhoods of the city
18 that the coordination and collaboration with other
19 city services are going to be essential. And I'm
20 comfortable that as we expand both the traditional
21 police operational capabilities, but now couple
22 them with closer coordination and collaboration
23 with the other city agencies, then we'll see
24 actually permanent change rather than just change
25 from time to time or season to season.

2 CHAIRPERSON FERRERAS: Thank you,
3 Council Member Vacca. We will have Council Member
4 Matteo, followed by Council Member Rodriguez.
5 We've been joined by Council Members Deutsch and
6 Cumbo. Again, members, any questions that you may
7 not get to ask we're going to follow up with a list
8 of questions to the Commissioner. Council Member.

9 COUNCIL MEMBER MATTEO: Thank you,
10 Madam Chair. Commissioner, thank you and welcome
11 back to City Hall. I want to start off by
12 commending the department, especially Chief
13 Delatorre and the four commanding officers in
14 Staten Island, who do a great job, constant
15 communication and we've worked well together. In
16 fact, I was talking to two commanding officers over
17 the weekend personally to deal with some community
18 issues, so I just wanted to pass on my appreciation
19 for that.

20 As you're aware, Staten Island has an
21 ongoing prescription drug epidemic and worsening
22 situation with regard to heroin. It's been
23 highlighted in recent media coverage. I believe
24 the rate of overdose is the city's highest. So I
25 want to ask a two part question. You know, what is

2 the NYPD's plan to turn the tide in terms of police
3 staffing levels? Can you just give me the numbers
4 for the Staten Island Narcotics level on Staten
5 Island and if there's any talk about increasing the
6 level and just please just respond to the growing
7 epidemic and what the NYPD's plans are.

8 COMMISSIONER BRATTON: We'll ask the
9 Chief to speak to some of the specificity about the
10 staffing as far as the issue of the drug problem on
11 Staten Island, particularly as it relates to
12 heroin, as referenced in this morning's I think it
13 was *New York Times* article about the increase in
14 heroin and heroin seizures in the city. Staten
15 Island's problem is somewhat different than some of
16 the other boroughs in that a lot of the issue over
17 there is individual usage, small time sales, if you
18 will, not on the scale of what we're seeing in the
19 Bronx and other areas of the city, which compounds
20 the problem in some respects; the ability to
21 basically get to the source of the problem. The
22 source of the problem is not necessarily within the
23 borough of Staten Island itself; it's basically in
24 some of the other boroughs. And so the staffing
25 levels over in the Island, I'll ask the Chief to

2 speak to those numbers at the four precincts over
3 there.

4 CHIEF BANKS: There's approximately 40
5 people assigned to Staten Island Narcotic
6 operations. 40, approximately 40 members of the
7 service assigned to specifically; that's not
8 including the officers who are assigned to the
9 precincts who are assigned to street level
10 narcotics. The Narcotics Division there's 40
11 members of the service assigned to the borough of
12 Staten Island.

13 COUNCIL MEMBER MATTEO: Okay and I
14 believe you spoke about \$2 million in renovations
15 for the Teleport. Can you... who... that's for the
16 Gang Unit or is that for Narcotics as well? I
17 think you mentioned that in your testimony.

18 DEPUTY COMMISSIONER GRIPPO: That's for
19 the Traffic Enforcement group in Staten Island.
20 That's a leased space, the 1 Teleport Drive. We're
21 relocating from another space into that space, so
22 that's just renovation costs for the leased space.

23 COUNCIL MEMBER MATTEO: Now, the 40
24 narcotics officers are also located at the Teleport
25 as well?

2 DEPUTY COMMISSIONER GRIPPO: They are
3 located at the Teleport, but that's a different
4 part of 1 Teleport, but yes...

5 [crosstalk]

6 COUNCIL MEMBER MATTEO: Okay.

7 [crosstalk]

8 DEPUTY COMMISSIONER GRIPPO: They're
9 there.

10 COUNCIL MEMBER MATTEO: Great. Thank
11 you.

12 CHAIRPERSON FERRERAS: Thank you,
13 Council Member. We're going to have... [off mic] I
14 guess Council Member Rodriguez is not here...
15 majority leader Jimmy Van Bramer, followed by
16 Council Member Crowley.

17 COUNCIL MEMBER VAN BRAMER: Thank you
18 very much, Madam Chairs and first of all, I just
19 want to say, Commissioner, Captain Hennessy of the
20 108th Precinct and Captain Maloney of the 114th
21 Precinct are amazing and I just wanted to convey
22 that to you publicly. Two things: you mentioned
23 before that 320 additional police officers would be
24 deployed to public housing commands where they're
25 most needed. I represent more public housing

2 residents in Queens than any other council member
3 and Council Member Richards, who was here earlier,
4 asked me to point out that he is representative of
5 many public housing residents, particularly in the
6 Rockaways. So with the very, very real and
7 important focus on the Bronx and Brooklyn,
8 obviously we want to make sure that our public
9 housing residents in Queens get all of the coverage
10 that they need, so in order to do those 320
11 additional police officers to public housing, are
12 those new officers or are those folks being
13 redeployed from other public housing developments
14 elsewhere in the city?

15 CHIEF BANKS: Council Member, if you
16 can repeat that. The last part, you lost me with
17 your question.

18 COUNCIL MEMBER VAN BRAMER: Sure.
19 Commissioner Bratton mentioned that 320 additional
20 police officers would be deployed to public housing
21 commands where they're most needed. My question is
22 are those additional police officers or are you
23 redeploying those; taking those from other public
24 housing or...

25 [crosstalk]

2 CHIEF BANKS: Those are additional
3 officers. They're not being redeployed from
4 existing resources.

5 CHAIRPERSON VAN BRAMER: Okay, so my
6 question then is with Queensbridge, for example,
7 where I represent, and I think you know, Chief
8 Banks, Queensbridge very well, as does Commissioner
9 Bratton, we've had some spikes in crime, serious
10 crime there and as a result of some increased
11 resources, we've been able to clamp down on that
12 and see some gains. My question is if you had
13 1,000 extra police officers, wouldn't we be able to
14 continue to have the needed resources in places
15 like Queensbridge and then also be able to do the
16 work in the Bronx and Brooklyn? It doesn't have to
17 be an either and/or, right? We can do all of the
18 above, particularly if we had 1,000 'cause the goal
19 with public housing is not to get to a crisis point
20 where we need to deploy additional resources, but
21 in fact, to keep places; wonderful places like
22 Queensbridge and Ravenswood and Woodside Houses and
23 Councilman Richards' public housing residents in
24 the Rockaways, all of them safe at the same time so
25 they don't reach crisis proportions. Wouldn't you

2 be able to do that better and more effectively with
3 1,000 police officers extra?

4 CHIEF BANKS: I truly don't understand
5 your question. I mean if I had 10,000 officers, I
6 would work with them; if I had 1,000 officers, I
7 would work with them. If you said that we had to
8 cut 5,000 officers, we, as a department, are going
9 to do the best that we can to keep this particular
10 city safe. So if the question is... I think I
11 mentioned to the Speaker previously, there are no
12 do not apply signs in front of any police facility.
13 Any resources that we get would be welcomed, but we
14 certainly understand there's a bigger picture here
15 and we're going to make this city work with a
16 collaborative effort including all resources that
17 we possibly can.

18 COUNCIL MEMBER VAN BRAMER: I want to
19 say I think you're doing a terrific job and I
20 applaud all of the members of the NYPD. I just
21 think that we would be able to do even more; even
22 more of the good work to keep all of the residents
23 of public housing and every neighborhood safer if
24 we were to have 1,000 extra police officers, and I
25 understand that it's a difficult spot somewhat that

2 I ask you to opine on, but I think I'm clear in the
3 sense that we want to keep... and I know you do
4 too, [chime] all of you, all of these neighborhoods
5 as safe as possible. One other question, school
6 crossing guards, with respect to both Vision Zero
7 and really even before Vision Zero, do we have
8 plans to hire additional school crossing guards,
9 both as a part of Vision Zero, but as you know, we
10 had a tragic incident at PS 152 in Woodside where
11 an eight year old boy was killed. It's really
12 imperative that we bolster the school crossing
13 guard ranks and not limit our local precincts to a
14 certain number and that we don't have to take from
15 one place to another; that we get as many as we
16 need.

17 CHIEF BANKS: You're correct, Council
18 Member, and we... do you want to answer, Vinny?

19 DEPUTY COMMISSIONER GRIPPO: Well, just
20 on hiring additional school crossing guards, there
21 was no additional funding in this budget put in;
22 however, we have traditionally run higher vacancy
23 rates. We've had difficulty attracting school
24 crossing guards. We are now implementing a number
25 of initiatives working actually with the

2 Collaborative Policing office again and we're doing
3 a much better job of recruiting, so where we had a
4 higher vacancy rate, we're down to a vacancy rate
5 under five percent and we're going to be aggressive
6 in hiring and we hope that will help address some
7 of the issue. Moving forward, we'll have to look
8 at you know, if, in fact, we need to go beyond the
9 authorized head count, but right now we wanted to
10 at least get up to the authorized head count.

11 CHIEF BANKS: And we just hired 33
12 school crossing guards and we have 93 vacancies
13 citywide and we're looking to address that through
14 various recruitment efforts.

15 CHAIRPERSON FERRERAS: Thank you,
16 Majority Leader. Clearly, from this Council's
17 perspective, that's not enough, so we always want
18 more. Council Member Crowley, followed by Council
19 Member Rodriguez.

20 COUNCIL MEMBER CROWLEY: Good morning,
21 Commissioner. I'd like to thank you for the work
22 that you do in your department. All the men and
23 women who risk their lives for our safety, I do
24 very much appreciate. Yesterday, *The Daily News*
25 first reported that the Mayor put the troubled 9-1-

2 1 on hold to probe it. Apparently, the Deputy
3 Mayor wrote you and other key Commissioners a
4 letter that he believed the project could be out of
5 control. Since you've taken office, Chief Dowd,
6 who is the Chief of the Communications, I believe,
7 in NYPD, has since been removed from his post. I
8 wanted to ask you about the cost of the Intergraph
9 NYPD CAD system, you know, there is over \$3.5
10 million estimated in this budget right here to be
11 used for maintenance. There is over \$60 million in
12 DoITT's budget for maintenance. Are you accounting
13 for in this budget the additional unexpected costs
14 that were reported in *The Daily News* yesterday that
15 are estimated to be in the millions? And you know,
16 if you could give us your overall take on the
17 system.

18 COMMISSIONER BRATTON: I'll give you an
19 initial first comment, then I'll ask Jessica Tisch,
20 who is our Deputy Commissioner for the area of
21 Information Technology to speak more specifically
22 to the issue that arose yesterday, the Mayor's
23 freeze, if you will, on further work on the
24 modernization of the 9-1-1 system. She can give a
25 more detailed explanation. I would point out that

2 the issue involving Chief Dowd has nothing at all
3 to do with the issue that was reported in the paper
4 yesterday. It's a separate internal matter that's
5 separate from the issues or the ongoing issues with
6 the 9-1-1 system. This is Deputy Commissioner
7 Jessica Tisch.

8 DEPUTY COMMISSIONER TISCH: Hi, thank
9 you for your question. The project, which is
10 called ECTP Emergency, it's run by the Office of
11 Citywide Emergency Communications, and that budget
12 is not actually part of the NYPD's budget.

13 COUNCIL MEMBER CROWLEY: No, no, I
14 realize that. No, I'm sorry to interrupt you.

15 DEPUTY COMMISSIONER TISCH: Sure.

16 COUNCIL MEMBER CROWLEY: But I'm only
17 given four minutes and we're getting close to that
18 time. There is money in this budget for
19 maintenance.

20 DEPUTY COMMISSIONER TISCH: Yeah.

21 COUNCIL MEMBER CROWLEY: And there is
22 also money in DoITT's budget and...

23 DEPUTY COMMISSIONER TISCH:
24 [interposing] Right.

2 COUNCIL MEMBER CROWLEY: According to
3 the reports yesterday, they will no longer have
4 ECTP running the program, but...

5 [crosstalk]

6 DEPUTY COMMISSIONER TISCH: Sure.

7 [crosstalk]

8 COUNCIL MEMBER CROWLEY: Rather DoITT.

9 DEPUTY COMMISSIONER TISCH: So...

10 COUNCIL MEMBER CROWLEY: [interposing]

11 So my question really is what was the first
12 estimated cost of the Intergraph CAD system for
13 NYPD? Last year, I believe it was estimated to
14 cost \$88 million. Are you in line to spend just
15 that? How far behind is NYPD in implementing the
16 program and given the news that we had yesterday,
17 are we expecting a significant amount more needed
18 to get this project...

19 DEPUTY COMMISSIONER TISCH:

20 [interposing] NY...

21 COUNCIL MEMBER CROWLEY: To where...

22 DEPUTY COMMISSIONER TISCH:

23 [interposing] NYPD's implementation of its new CAD
24 program was complete last May. We do not project
25 any budget overruns for it. The funding that we

2 have requested for it now and going forward is
3 simply to maintain the system that was built and
4 put in place last May, and that is the funding
5 request reflected in this budget cycle.

6 COUNCIL MEMBER CROWLEY: Later this
7 month, both Chair Gibson and myself will be having
8 a hearing on the system and we'll be able to talk
9 more about it. The answer to my question I still
10 have not gotten. In the interest of time, I have a
11 different question about juveniles and
12 Commissioner, I recently read the book *David and*
13 *Goliath*. I mentioned this to Chief Jaffe [chime]
14 when I met her recently and I was very impressed
15 with the J-RIP Program. Going back to your first
16 tenia, the same author, Malcolm Gladwell, reported
17 in the tipping point how small changes can make a
18 big difference and this particular program took
19 juveniles who had one arrest and robbery and gave
20 them wraparound services. The program appears to
21 have a profound impact in the communities that it
22 was run in and is a program that I would like to
23 find more information on. I would like to see if
24 it makes sense if we look at the cost of that
25 program to do it in precincts throughout the city.

2 I have an area where I have high crime and I want
3 to make sure that the juveniles who are you know,
4 making their first time offense don't go into a
5 lifetime of crime, and if we could do something as
6 a Council to support a program like that what would
7 it entail? How much money does it cost to run the
8 program? How much more would be to expand it to
9 every single precinct in the City of New York?

10 COMMISSIONER BRATTON: The program I
11 believe you are referencing is currently up and
12 running in Brooklyn, a pilot program. It's the
13 initiative actually in the judiciary and recently
14 the Brooklyn DA and the Police Department have
15 joined in that effort, which is a diversion program
16 for first-time offenders, juvenile offenders. It
17 is something that has the capability of expansion
18 and in as much as it's the judiciary that has
19 citywide responsibility as the creator and the
20 driving force behind it, my expectation is that it
21 would be capable of expanding throughout the city;
22 that right now, again, it's up in a pilot fashion.
23 Deputy Commissioner Herman is a representative
24 along with Chief Jaffe on that committee and they

2 could fill you in with additional details about how
3 it's been working so far.

4 COUNCIL MEMBER CROWLEY: Is there a
5 cost amount to the program?

6 CHAIRPERSON FERRERAS: Thank you.
7 Thank you, Council Member. We'll have a second
8 round.

9 COUNCIL MEMBER CROWLEY: 'Kay.

10 CHAIRPERSON FERRERAS: We are now going
11 to have Council Member Rodriguez, followed by
12 Council Member Cornegy if he's here at that time.

13 COUNCIL MEMBER RODRIGUEZ: Thank you.
14 Thank you, Chair. Commissioner, thank you for the
15 great leadership and contribution that you are
16 making in our history today, especially when it
17 comes to rebuild the trust between police, the
18 Police Department and the community. You know,
19 well, my first question is the accusation of
20 assaulting a police officer is very seriously and I
21 think that we should take it as at the level it
22 has. However, when we look in the last year, the
23 number of cases of people being accused of
24 assaulting police officers and then going to the
25 court and those individuals are found not guilty is

2 large in this city. As you have been working on
3 reforming other areas, will you be open also to
4 look at those cases and see if reform is necessary
5 when it comes to individuals, such as Cecily
6 McMillan, being accused of assaulting a police
7 officer?

8 COMMISSIONER BRATTON: [off mic] I'll
9 let you speak to that.

10 CHIEF BANKS: Council Member, I do have
11 to apologize. I didn't really catch the context of
12 your question. We do have officers, in fact, who
13 are assaulted and when they go down to court
14 oftentimes they find very lenient sentences or a
15 punishment given at all, so that's certainly a
16 concern. It's a concern because we want the entire
17 criminal justice system to support our police
18 officers who are asked to go out there on the line
19 and to do a job. So certainly we'd like the full
20 protection of the law, just like it's applied to
21 all citizens, it should apply to the police
22 officers who are out there performing their deputy
23 type duties, so that is a concern. I'm not sure if
24 I'm hitting the crux of your...

25 [crosstalk]

2 COUNCIL MEMBER RODRIGUEZ: But...

3 [crosstalk]

4 CHIEF BANKS: Question.

5 COUNCIL MEMBER RODRIGUEZ: You know,
6 but I would say it's more a recommendation that...
7 and because of the timing, I need to get moving to
8 other questions, reality is as someone that also
9 was arrested as in the Occupy movement with the
10 charge of resisting arrest and then suddenly they
11 didn't find that police officer who brought those
12 charges, being one of those so many that being
13 accused in other... not necessarily a case of
14 Cecily McMillan, but so many protestors in the
15 Occupy, being charged with assaulting a police
16 officer is seriously and no one... when you hear in
17 the news that someone is accused by assaulting a
18 police officer, no one wants to be associated. And
19 having so many cases ending at the court system and
20 finding those individuals innocent, I think it's
21 enough for us to look at it and see what has
22 happened so that we learn from those. And in those
23 cases where that happened, I supporter for those
24 people being prosecuted and pay for what they did,
25 but I have concerns on so many cases of those

2 accusations being brought and those individual
3 found not guilty hurting their reputation and we're
4 wasting a lot of money at the court system.

5 CHIEF BANKS: But I don't think she was
6 found not guilty, so remove her because I think
7 she...

8 [crosstalk]

9 COUNCIL MEMBER RODRIGUEZ: No, I...

10 [crosstalk]

11 CHIEF BANKS: Was found... I'm not
12 sure. Okay, go ahead. What they...

13 COUNCIL MEMBER RODRIGUEZ: I'm sorry,
14 I'm sorry, I'm sorry, Officer. It's that I have
15 another question. I know that my Chairman will
16 stop me there. My other question is about the
17 number of police officers and in my district, 34
18 and 33, last year we only have two homicides in 33;
19 one in 34. They're doing great, great jobs. So
20 that's why even though I can brought those issues
21 at this citywide level, I support my inspector.
22 They're doing a great job; however, with today's
23 *New York Times* article saying that heroin is
24 increasing big time and not in Manhattan can be one
25 of those new destination in the Bronx and having a

2 district in Lower Manhattan, when in 1990, we have
3 104 homicides compared to zero that we have so far
4 this year, will we need to [chime] increase
5 additional police officers to fight this big
6 epidemic that probably can hurt our... say that
7 again?

8 COMMISSIONER BRATTON: The article you
9 referenced this morning clearly indicates that
10 looking at the increased number of seizures, both
11 on our part and then in our collaboration with our
12 federal colleagues, that we are very aware of the
13 growth potential and are very aggressively going at
14 that identified problem, as reflected in the
15 increased seizures and the arrests that were just
16 referenced in that article this morning; individual
17 patrol officers, which I think you're referencing,
18 which are officers in the precincts. As you
19 already indicated, we've have no murders up there
20 this year, so it would not warrant putting
21 additional police officers into that area. Our
22 focus is on the source of those drugs coming in and
23 as reflected in that article this morning, that
24 seizure and the arrests of those individuals was a
25 representative example of the close collaboration

2 we have with our federal colleagues on going after
3 the source of the problem before they can basically
4 infect anymore residents of the city. [background
5 voice]

6 CHAIRPERSON FERRERAS: Council Member
7 Rodriguez.

8 CHIEF BANKS: I have that information
9 and if you want to give me a second to retrieve it,
10 but I do have that...

11 [crosstalk]

12 CHAIRPERSON FERRERAS: You have five
13 seconds.

14 CHIEF BANKS: I'm not going to be able
15 to retrieve it in five, so at the conclusion I will
16 answer that question, but Miss Chair, I'm going to
17 request from the Chair for me to make a comment I
18 think is very important to the Council Member's
19 first request. We have indicators that we put in
20 when we have officers that have a high number of
21 resisting arrest cases and a high number of
22 assaults against police officer cases. There is an
23 indicator that goes and that's looked upon at the
24 Internal Affairs Bureau and if we have that trigger
25 that goes off, there's a series of events that go

2 into place to see whether or not we need to take a
3 closer look. So just to be very clear and to
4 answer your question, and I can share a little more
5 in detail in private, if Police Officer Banks has
6 an inordinate amount in any quarter of resisting
7 arrest collars then Internal Affairs Bureau takes a
8 look at it and then they would implement one of
9 four steps to determine, in fact, is it something
10 more than a person just charged with resisting
11 arrest, so we take a look at that and that report
12 comes out quarterly and is examined and monitored
13 very, very closely. And I will get the numbers to
14 the 34 Precinct to you in a few seconds.

15 CHAIRPERSON FERRERAS: Thank you,
16 Council Member Rodriguez.

17 COMMISSIONER BRATTON: If I may, Madam
18 Chair, that there's been a request to extend this
19 'til 12:30, so just I'm comfortable with that.
20 Just want to make my Executive staff aware that...

21 [crosstalk]

22 CHAIRPERSON FERRERAS: I...

23 [crosstalk]

24

25

2 COMMISSIONER BRATTON: We'll
3 accommodate the questions of the Council Members
4 and we would remain 'til 12:30.

5 CHAIRPERSON FERRERAS: Thank you very
6 much. We really appreciate it and I also want to
7 thank the DAs for taking this into consideration.
8 We will now hear from Minority Leader Ignizio,
9 followed by Council Member Williams.

10 COUNCIL MEMBER IGNIZIO: Thank you,
11 Madam Chairwoman, and Commissioner, welcome. I
12 want to thank the men and women in the NYPD that
13 under your command that are basically on the line
14 of safety for our city and we all appreciate that,
15 as you can hear in most of the testimony.
16 Commissioner, back at this committee; Public Safety
17 Committee in March, your comment was, "As I
18 mentioned, I'm very concerned about the low
19 staffing levels as a result of the loss of 6,000
20 officers because I know how much I benefitted from
21 them in '94 and '95 being able to put an extra 50
22 to 100 officers in each precinct and then watching
23 the crime rates decline in every precinct in the
24 city by double digits for the next several years."
25 On April 23rd, to the *Daily News* your response was,

2 "The city is in a very significant budget
3 situation. To be quite frank with you, the issue
4 of pay raises for my personnel I'm more supportive
5 of than at the moment than of additional officers.
6 We need a lot of money to address that issue." But
7 is the first statement still not an accurate
8 statement; that additional police officers
9 allocated to your department... as the member that
10 first originally proposed that we, the Council, be
11 part of that, in adding additional officers, is
12 that not still the case; that that will reduce
13 crime in the city if we added an additional 1,000
14 police officers to your department?

15 COMMISSIONER BRATTON: There's not a
16 Police Chief or a Police Commissioner in America
17 that's not going to tell you that they would like
18 more personnel. My understanding in terms of
19 discussions with the Mayor is the funding is not
20 there. That's the reality I deal with and so
21 that's the reality I face, and in terms of right
22 now, the situation of the department, morale is
23 improving. Activities levels of the offices is
24 increasing as a result of that morale improvement,
25 and certainly I think a fair settlement of their

2 contract negotiations would also significantly
3 assist in that improved morale and result in
4 improved activity out of our personnel.

5 COUNCIL MEMBER IGNIZIO: Agreed. You
6 said the priority of the Mayor...

7 [crosstalk]

8 COMMISSIONER BRATTON: So in terms
9 of...

10 [crosstalk]

11 COUNCIL MEMBER IGNIZIO: And the
12 prerogative of the Mayor...

13 [crosstalk]

14 COMMISSIONER BRATTON: In terms of your
15 question that the morale issue is a factor. The
16 second factor is we are engaged in a very
17 comprehensive reengineering, reorganization of the
18 department. We're anticipating as a result of that
19 that we will identify officers that can, in fact,
20 be taken out of assignments that are no longer
21 essential and be moved into assignments that are
22 more essential. The numbers of those personnel are
23 not known yet. That process will be complete
24 within probably the next 60 days. And then
25 thirdly, in terms of the comment and discussion

2 about the 1,000 additional officers, it sounds
3 great, but the reality is those officers the first
4 one would not hit the streets 'til July of 2015.
5 That will do nothing to alleviate the issues that
6 are being discussed here in May of 2014. So the
7 use of overtime, which is in the budget, is for our
8 purposes at this time, the better way to go;
9 reorganization, resource allocation, overtime
10 utilization, improved morale, a contract that the
11 officers are agreeable with. Those are basically
12 issues that can result in better utilization of our
13 resources at this particular time.

14 COUNCIL MEMBER IGNIZIO: Right and I
15 hear you, sir, but I think the labor negotiations
16 that's for a major part for across the hall and
17 clearly I guess they're going to purge, so that
18 will take some time and it's the priority I guess
19 of this Council that is uniquely unified in
20 ensuring that you have all the things that you just
21 said, as well as additional police officers, which
22 I think can only help. Finally, I wanted to speak
23 about what my colleague, Steve Matteo, spoke about,
24 the heroin issue on Staten Island. The Staten
25 Island delegation's still trying to sit down with

2 to have a conversation about this important problem
3 that we have in the borough. It's sort of an
4 asymmetrical way of fighting this... fighting the
5 heroin problem on Staten Island 'cause it's not...
6 you had mentioned when you referenced it before,
7 it's individual dealers; it's individual people, so
8 what tactics or what strategies can we employ
9 [chime] because it seems to be a red alert on the
10 borough to really tackle this problem?

11 COMMISSIONER BRATTON: I'll ask the
12 Chief to speak to that. One of the issues that...
13 one of the things we're doing there with the strong
14 support of the DEA is the heroin antidote that has,
15 in fact, been saving lives over on the Island.
16 That follow-up to that is going to be once again,
17 city involvement and rehabilitation programs that
18 are, in fact, effective; that we're not going to
19 arrest our way out of the problem quite clearly and
20 even the resuscitation of these individuals with
21 drug overdoses aren't going to do us any good to
22 resuscitate somebody that's going to go out and
23 overdose a few days later again. So this where,
24 once again, the collaborative efforts of the city's

2 entity and rehabilitation efforts is going to be of
3 significant need on the Island.

4 CHIEF BANKS: Council Member, there's
5 some common strategies that we deploy when we see a
6 rise with any type of narcotic abuse, but just to
7 reiterate something that the Commissioner has said
8 and has been saying is something that we certainly
9 agree. You know, we can arrest our way out of the
10 majority of these situations. That's evident by
11 the decrease in arrests that the Police Department
12 makes every single year and I think we're in a
13 downward trend for the last 10 years. We've made
14 less arrests, but yet, we've had a crime reduction,
15 so we're not going to arrest ourselves out of, in
16 fact, addicts getting or people becoming addicts
17 and that's where the collaboration effort, this is
18 where... why we're starting this new unit called
19 Collaborative Policing 'cause we know that a lot of
20 things what we do prior to that will have a major
21 effect. But when we do see a rise in heroin, then
22 there's certainly things that we're going to do or
23 any type of narcotic. We're going to make a
24 decision whether or not we need to send additional
25 resources into an area. We're going to make a

2 decision whether those resources need to be
3 uniformed resources to deter it or undercover
4 resources to deter it. We're going to determine
5 whether or not we need to put additional resources
6 to brief prisoners that we've arrested so we can
7 track down the bigger bad guy and the bigger bad
8 girl. We're going to look to put pressure on
9 establishments who are housing that. If you're the
10 landlord of an establishment that's taking place
11 what is your role and your commitment involved in
12 it? So we're taking a big look. You know, as a
13 lot of the people in the room may know, heroin was
14 a major, major problem going back into the '60s,
15 '70s and '80s for New York City and it caused a
16 very damaging effect. We saw a decline in this,
17 but we saw the increase of crack and crack cocaine.
18 We're not going to allow heroin, in fact, to have
19 that type of effect in New York City, so the
20 Commissioner brought this out two months ago, about
21 the rise in heroin that we started seeing locally
22 and we're taking a look at it and unfortunately,
23 Chief Purtell, he had another engagement that he
24 could not get out of, but he's our Chief of our
25 Organized Crime Control Bureau. We talked about

2 that this morning; we talked about it last week,
3 about shifting those resources. So you can be rest
4 assured we will be here to meet demands as best we
5 can on the possible influx of heroin and, in fact,
6 where they are coming into in New York City.

7 CHAIRPERSON FERRERAS: Thank you,
8 Minority Leader Ignizio. We will have Council
9 Member Williams, followed by Council Member Miller.

10 COUNCIL MEMBER WILLIAMS: Thank you,
11 Madam Chair.

12 CHAIRPERSON FERRERAS: [interposing]
13 And we... I'm sorry. We've been joined by Council
14 Members Johnson and Levine.

15 COUNCIL MEMBER WILLIAMS: Thank you and
16 thank you, Commissioner and all for being here and
17 again, thank the department for the work that it
18 does and also thank you for being receptive to
19 meeting with me and having discussions about
20 policing across the city. Whenever I think of
21 these things, there's a hip hop quote I always
22 think of from KRS-One and it says, "All I got is
23 hip hop and a glock. The results are obvious if
24 I'm confined to my block," and to me, that sums up
25 a lot of issues. If people are confined to their

2 areas and only have access to certain things, we
3 know what the result is going to be. So with that,
4 I am also concerned about obviously some of the
5 applications of "broken windows" theories, not
6 necessarily it itself and with George Kelling I
7 actually agree. Even though he's from the
8 Manhattan Institute, I agree with a lot of what he
9 says actually. But there was a few things I wanted
10 to read that he said, which pushes some of what I
11 want to see happen and he wrote in a journal,
12 "Sporadic policing programs weren't enough once
13 there was a wide range of agencies and institutions
14 who began to take work... who began to work on
15 restoring public order. Then real progress began."
16 And then he ended the journal talking about how the
17 crime rate declined and said, "Its leaders need to
18 remember that the city owes its crime decline to a
19 broad range of public and private agencies.
20 Maintaining the NYPD's commitment to its proven
21 crime fighting method is crucial, of course, but so
22 is the broader citywide emphasis on public order."
23 And so I get... and also I was happy in research in
24 finding that zero tolerance, which is also
25 unfortunately associated with "broken windows," was

2 a term that you found troublesome that you said and
3 did not capture the meaning of what happened in New
4 York City. I was happy to read that because I also
5 believe that zero tolerance can be abused in
6 certain ways and so I'm really excited when I hear
7 talk about collaborative policing and I'm excited
8 to know whether Deputy Chief Herman is on top of
9 that working with Chief Jaffe. I actually wanted
10 to see what exactly it means in your mind; what is
11 the vision and if we don't have that yet, when will
12 we have it? Now, for me, it's always been, of
13 course, the NYPD is a crucial partner in this, but
14 they can't be the only partner, so in my mind, we
15 have to work with the Department of Mental Health
16 and we have to work with the Division of Youth and
17 Community Development and we have to work with the
18 hospitals who get the gun violence victims in. We
19 also have to work with programs like Man Up, I Love
20 My Life, On the Ground, who are doing the grounds
21 intervention so that we can all work and know what
22 each other is doing. I've found that many people
23 doing the gun violence work are not talking to the
24 other person. So my question is what is that
25 vision, who are we working with and when will we

2 see what the plan actually is? And then if... with
3 the Kennedy model, which I know was trying to be
4 expanded, which I'm very excited about, I wanted to
5 know how the pilot programs worked with the Kennedy
6 model. I think they were in East New York and one
7 in the Bronx and where is the expansion of that
8 model going to be, and my hope is that the 67th
9 Precinct will be a part of that. And then a couple
10 of things I wanted to mention, although they're not
11 questions 'cause you can't do everything in four
12 minutes, I am concerned necessarily about the
13 marijuana arrests. Hopefully that goes down. I'm
14 still getting a response when it comes to the
15 homicide detective; how are we doing for working
16 that? I do believe, and I'm still behind
17 increasing officers because of places like Coney
18 Island where there was a shooting and I know some
19 officers have to be taken off to... and Council
20 Member Treyger's not here... sometimes to protect
21 tourists and we need to make sure we have enough
22 policing to police the entire districts, so I just
23 want to make sure I mention that. And lastly, I
24 just also want to put my support out for Cecily
25 from OWS, who I think should not have been found

2 guilty based on what I have known, and it concerns
3 me that we're sending the wrong word for protesters
4 and I understand what Chief Banks said [chime]
5 about making sure officers are protected, but I
6 want to make sure we're protected as well. I got
7 arrested on the Eastern Parkway and there was not a
8 belief based on what I said the officer did. The
9 only belief went to the officer, so I just want to
10 make sure that that's balanced, but if you can
11 answer those questions about the collaborative
12 policing and Kennedy.

13 COMMISSIONER BRATTON: That's a lot of
14 questions.

15 COUNCIL MEMBER WILLIAMS: Oh, no, well,
16 two primarily; about the collaborative policing and
17 the Kennedy model. Thank you.

18 COMMISSIONER BRATTON: Let me speak to
19 the collaborative policing that you already met
20 with and know Susan Herman, who's being charged
21 with, in the creation of her new office, really
22 reaching out to the wide range of city agencies
23 that are interested and willing to work with us,
24 many of which we did not make use of in the past.
25 So for example, in our Transit initiatives as we

2 seek to ensure that the five and a half million
3 people a day who ride that system have a ride safe
4 from harassment and potential crime, that the
5 enforcement effort is going to be co-joined with
6 working partnerships and relationships with
7 homeless outreach services, the various different
8 city agencies so that you'll see in the future
9 officers on patrol that will, in fact, be
10 accompanied by representatives from those agencies
11 so that those that are seeking to live in the
12 subways, in fact, have alternatives and
13 alternatives that are assisted by professionals who
14 can facilitate trying to get them placed into
15 environments where they can be assisted, whether
16 they're emotionally disturbed, alcoholic or drug
17 addicted. So we are seeking relationships with
18 everybody and have been both reaching out, as well
19 as responding to those that are seeking to meet
20 with us. As recently as the condom issue is an
21 example of that, the idea of working
22 collaboratively with concerned parties. We will be
23 meeting very shortly. I have letters going out to
24 all the District Attorneys, two US Attorneys on an
25 effort that Susan is spearheading that... and I'll

2 be seeking to meet with Loretta Lynch, the US
3 Attorney and the Brooklyn DA very shortly around
4 the idea of supporting the David Kennedy
5 initiatives we're going to be piloting. David
6 Kennedy is the individual whose program has been
7 successful in many cities around the country,
8 including Los Angeles, where he worked with me, so
9 we'll be starting a pilot program in Brooklyn
10 hopefully shortly with the cooperation of the US
11 Attorney and the District Attorney, but I've also
12 put a list of attorneys on notice that would like
13 to meet with them to brief them on this program if
14 it's successful in Brooklyn that would seek to
15 expand it citywide; another collaboration and the
16 call-in, if you will, of gang members to try and
17 keep them out of acts of violence, so. In
18 everything we're doing one, we're trying to be as
19 transparent as possible; as accessible as possible;
20 as inclusive as possible and hopefully you'll be
21 supportive of the requests for the approximately 15
22 positions to support Susan in her work with the
23 Police Department.

24 CHAIRPERSON FERRERAS: Thank you,
25 Council Member Williams. We will have Council

2 Member Miller, followed by Council Member Torres.
3 We have three other members after that and about 10
4 minutes.

5 COUNCIL MEMBER MILLER: Thank you,
6 Madam Chairs and thank you Commissioner Bratton for
7 coming out, Chief Banks and the rest of the team,
8 Bratton, appreciate your efforts and particularly
9 your transparency and your desire to engage the
10 rest of the overall community. It's been very
11 useful. I want to preface it by saying that
12 yesterday the Black, Latino and Asian Caucus had
13 their press conference out front on City Hall steps
14 in relation to gun violence and the one common
15 denominator was that in the last two weeks there
16 had been gun violence throughout the City of New
17 York, in fact, in the non-traditional areas of
18 Staten Island, Chinatown and Southeast Queens. We
19 all were affected by these incidents of gun
20 violence. So my question pertaining to that was is
21 there intention to continue with the current policy
22 and policing procedures and are we going to abandon
23 that for some new ideas? I know you just kind of
24 spoke to that briefly and then we talked about what
25

2 was mentioned in the Kennedy process. Is there
3 something that we're going to do...

4 [crosstalk]

5 COMMISSIONER BRATTON: I'm sorry. What
6 is the policy you referenced? I didn't hear the...

7 COUNCIL MEMBER MILLER: Are we going to
8 continue to deal with the gun violence in the way
9 that we are currently doing it or do you envision
10 something... some new ideas addressing the
11 proliferation of gun violence and guns on the
12 street?

13 COMMISSIONER BRATTON: Well, I think
14 the coordination of strategies we've engaged in
15 that have resulted in some of the record seizures
16 we've already indicated. Collaboration with all of
17 the District Attorneys and the US Attorneys have
18 indicated that they are very interested in working
19 with us. Federal relationships are very good
20 because the sensing... the guidelines they work
21 with allow for more significant incarceration rates
22 for those who would seek to bring guns into the
23 city and use the guns in the city. So we have got
24 very good collaborative partnership efforts with
25 the various agencies we have to interact with, but

2 a lot of the efforts are really to try to find ways
3 to prevent the violence from occurring in the first
4 place. Some of diversion programs we've already
5 talked about. So rather than always relying on
6 what has worked in the past, we're constantly
7 seeking to learn from other cities; for example,
8 what's working elsewhere. The David Kennedy
9 initiative is something that has not been tried
10 here. We're willing to try it and our expectation
11 is based on experiences elsewhere that it may, in
12 fact, work here, that the call-in type of program
13 to bring people in and indicate look, you continue
14 the acts of violence and we're going to focus
15 everybody on you; US Attorney, District Attorney,
16 all the various city agencies that could be brought
17 to bear and basically see if we can reform their
18 activities before they get more serious.

19 COUNCIL MEMBER MILLER: And that's what
20 we're looking for. So I have a few more before and
21 I'm going to try to get them... just ask the
22 questions. Then I'm going ask some kind of
23 offline. We talked about some of the
24 civilianization and just as a matter of
25 clarification, are those jobs currently being done

2 by civilians as well as police officers or were
3 they jobs formally done by civilians? And then
4 the... my other question pertains to... and this is
5 for you, Commissioner. Would you be willing to
6 support an amendment to Tier 6, which would bring
7 us back to three-quarters for disabled police
8 officers? And if I may get it in, I see Chief
9 Chan out there and we had some conversations about
10 enforcement of some of the illegal cars and vans
11 that as it pertains to Vision Zero what's going in
12 Queens. I know that there were some additional
13 resources placed last year and we had conversations
14 about doing something, but yeah, we have yet to
15 really see a difference, so we are willing to
16 continue to engage, but more importantly, [chime]
17 we want to see you out there you know, get some
18 action taken on that, so.

19 COMMISSIONER BRATTON: [off mic] Vinny,
20 you want to speak to the issue?

21 DEPUTY COMMISSIONER GRIPPO: Real
22 quickly, a civilianizable position that it's an
23 administrative task being performed by a uniformed
24 member of service where we have deemed that a
25 civilian could perform the same task. As far as

2 historically, it may have been filled by a civilian
3 years and years ago, but for many years now there
4 are some number between 700 and 1,000 we scale up
5 and down of those administrative functions being
6 performed by a uniformed member of service.

7 COMMISSIONER BRATTON: On the second
8 issue about Vision Zero and the ability to expand
9 our efforts here, the good news is Chief Chan has
10 been very aggressively engaged with the support of
11 the Chief of Department on increasing the number of
12 police officers. The shortage in officers assigned
13 to the Highway Division, we're 50 percent of the
14 way toward our goal to have that fully staffed at
15 approximately 270 officers. That would
16 significantly increase his ability on some of his
17 enforcement efforts, but some of the technology;
18 the speed cameras, et cetera and some of the other
19 initiatives that they're engaged in that is
20 broadening our ability to go citywide with these
21 efforts and we've been making just that effort to
22 ensure that every year the city is receiving some
23 type of resource from the citywide Vision Zero
24 initiative.

2 CHAIRPERSON FERRERAS: Thank you,
3 Council Member. We're going to have Council Member
4 Torres, followed by Council Member Deutsch. If we
5 can simplify our questions, I really would
6 appreciate it so we can get the other two members
7 after you.

8 COUNCIL MEMBER TORRES: Thank you,
9 Madam Chairwoman. First, I want to convey my
10 gratitude to the Mayor for granting \$70 million in
11 relief to NYCHA from NYPD payments. I think NYCHA,
12 as a property manager, shouldn't be forced to
13 choose between paying for maintenance and paying
14 for safety. The residents of public housing
15 deserve both and you know, I want to thank the
16 Commissioner for putting the numbers into
17 perspective. You know, if you only listen to the
18 most inflammatory voices, you would think we were
19 in a moment of crisis and even though shootings are
20 up compared to last year, they are down compared to
21 two years ago, so the crime rate still remains
22 historically low. But I'm happy that the Mayor is
23 not taking that for granted; that he has a plan,
24 the Housing Bureau Violence Reduction Plan, and I
25 feel like it's important not only to focus on the

2 quantity of our policing, but the quality and so
3 I'm wondering is this plan, has it been in effect
4 for a few weeks? Is it going to take effect? How
5 long has it been...

6 CHIEF BANKS: Which plan specifically,
7 Council Member are you referencing, the Housing
8 Bureau Reduction Plan?

9 COUNCIL MEMBER TORRES: Yes.

10 CHIEF BANKS: Okay, that has, in fact,
11 been in place for a few weeks and if I just may
12 add, on April 1st, violence in the Housing Bureau
13 was down three on April 1st and if we... and in
14 doing a further analysis, we were down three on
15 April 1st. We went through a four-week period and
16 that month we took 29 shootings, so from a violence
17 perspective in housing, and I'm glad you brought up
18 the point because law enforcement cannot be in the
19 purpose of shifting with every ebb and flow.
20 There's this sustained effort that has to take
21 place. Carlos Gomez recognized that four-week
22 period that if he took double the shootings that he
23 had taken in any month in any particular period, at
24 that particular point, he put the plan in and from
25 that particular point we've seen some sharp, sharp

2 decreases there. Are we happy with the decreases?
3 We're happy that it decreased, but we're not going
4 to be happy, in fact, until violence is zero in the
5 Housing Bureau. To put it in a numeric
6 perspective, we were averaging up until that point
7 2.5 shootings per week in housing and we jumped to
8 six during that particular period. That's when the
9 focus went in and I'd just like to add, what Carlos
10 put in place; Chief Gomez put in place in Brooklyn
11 was a different strategy than he put in place in
12 the Bronx because he saw two different variations.
13 Thus is why we're deploying the CRV in Brooklyn and
14 not necessarily deploying in the Bronx because his
15 analysis had confirmed with his commanders and with
16 community folks understood that this was the proper
17 strategy for the Bronx and for Brooklyn as compared
18 to the Bronx. So we have seen some part of a
19 stabilization, but we understand when it comes to
20 shootings, and this is something that I tell the
21 commanders and I tell the Chief all the time: I
22 don't reflect intentionally. If that was a
23 shooting that we could've avoided of something we
24 could do in the future, we need to put the proper
25 resources and by and large, a lot of that is

2 getting a lot of people to assist us; a lot of non-
3 NYPD people to, in fact, assist us and we see the
4 benefits of that and if I could just answer your
5 question or something Council Member Williams said,
6 is that one of the number one principles is when I
7 confer with my commanders and when I confer with my
8 bail chiefs, it's very simple: you're not the
9 commanding officer of the cops; you're the
10 commanding officer of everyone who is in that
11 particular precinct there and you have to... look,
12 so when those arrests do come in, we make sure that
13 we look at it. Are there flaws in the system? Is
14 there potentially effort to improve it?
15 Absolutely, but as far as the increase in housing,
16 the deployment's been in place since April,
17 approximately three weeks ago and we're starting to
18 see... statistically we're starting to see some
19 dividends, but we will continue to make sure we
20 come to our zero, which is Vision Zero with
21 shootings as well, to reduce the shootings
22 completely.

23 COUNCIL MEMBER TORRES: So I guess one
24 quick point I want to make, and I'm happy that the
25 NYPD is never complacent when it comes to driving

2 down the crime rate. It seems to me that the
3 Police Department has been supremely effective at
4 cracking down on street crew violence through
5 Operation Impact. I'm not so sure whether the
6 department has been as effective at driving down
7 domestic violence. You know, what are your
8 efforts? Is there an operation... some equivalent
9 of Operation Crew Cut for domestic violence? Is
10 there an initiative [chime] or operation that
11 you're working on or currently implementing or
12 going to implement?

13 CHIEF BANKS: As we discussed earlier
14 and I think the...

15 [crosstalk]

16 COUNCIL MEMBER TORRES: Yeah.

17 [crosstalk]

18 CHIEF BANKS: Speaker was present here,
19 that domestic violence offers a lot of different
20 challenges and a lot of domestic violence is
21 underreported crime. I'm not so sure that from a
22 professional perspective... I'm going to tell you
23 now, that I'm not so sure when we promote the
24 promoting of crime that it's a bad thing. A
25 robbery that's taking place because we find that

2 the overall majority... the majority of the
3 robberies are reported. When it comes to domestic
4 violence, it's not as simple, so when domestic
5 violence crime is being reported, I'm not so sure
6 that it wasn't occurring the whole time. So it is
7 a better occurring system or is this something that
8 we, as a community, and when I say community, I'm
9 including the Police Department in the community,
10 could have done to avoid that. Domestic violence,
11 more so than any other crime that we deal with,
12 better reporting is very key, so what do we look
13 at? We look at domestic violence officers, we look
14 at their deployment as far as doing home visits and
15 we look at our collaboration with outside partners
16 to see whether or not we can get services to those
17 victims, and that's what we look at when we deploy.
18 I'd like to see domestic violence go down. We're
19 taking a lot of effort. We have a Chief assigned
20 citywide; Chief O'Reilly, who's specifically tasked
21 with coordinating our particular domestic violence
22 program and we're going to continue to put that
23 effort in that particular area.

24 CHAIRPERSON FERRERAS: Thank you,
25 Council Member Torres.

2 COUNCIL MEMBER TORRES: Thank you.

3 CHAIRPERSON FERRERAS: We have Council
4 Member Deutsch, followed by Council Member Cumbo.

5 COUNCIL MEMBER DEUTSCH: Thank you,
6 Madam Chairs. Good afternoon, Commissioner. I'll
7 make this brief. I only have a half hour. But
8 first, I'd like to wish Police Officer Rosa
9 Rodriguez a full recovery and wish her well. Our
10 thoughts and prayers are with her and her family as
11 she recovers from this very serious injury and we
12 continue to mourn with the family of Dennis Guerra
13 for his heroic line of duty death, so thank you
14 NYPD for all that you do. We must never take for
15 granted the fact that the New City police officers
16 leave their house for work, never knowing if they
17 will return home safely, and as overall crime is
18 down during the same time last year, a spike in
19 crime in NYCHA housing is of major concerns. Many
20 officers are also being shot at. Working for my
21 predecessor in the City Council, I have had the
22 privilege of representing the Sheepshead/Nostrand
23 housing for over a decade. My predecessor funded
24 over \$2 million for cameras in the New York City
25 housing for the New York City Housing Authority.

2 In addition, I've seen the proactive approach of
3 the housing chiefs and bosses, which were highly
4 commendable, and I'd like to thank Chief Madry and
5 Inspector Valdez for taking those proactive
6 approach towards the crime and the quality of life
7 in the New York City Housing Authority. I believe
8 that the Commissioner's implementation of extra
9 patrol cars, foot patrol, SkyWatch and other crime
10 preventive tools reduce crime, but most
11 importantly, we need to implement a Vision Zero
12 mentality to vision zero on gun related activities
13 and illegal possession. Your initiative to enhance
14 visibility and proactive approach is comforting and
15 commendable and from my experience working for my
16 predecessor in the New York City Council, I've seen
17 that when officers are out there doing foot
18 patrols, doing verticals and along with the
19 SkyWatch, when you have more officers banding
20 together in high crime areas and in areas where you
21 have illegal guns, it's less... number one, it's
22 less of a chance for an officer to get shot when
23 there's other officers around, opposed to having
24 just two people walking around. So I commend you
25 for that and also on the proactive approach on your

2 work that you're doing with the New York City
3 housing. So I don't have a question. I just
4 wanted to make the comment. Thank you very much.

5 CHAIRPERSON FERRERAS: Thank you,
6 Council Member. Council Member Cumbo, followed by
7 Council Member Johnson.

8 COUNCIL MEMBER CUMBO: Thank you to our
9 co-Chairs. Thank you very much for your
10 testimonies today. I just wanted to go into
11 looking at the CompStat and wanted to get clarity,
12 which is very important to me, because as a newly
13 elected Council Member, we've been inundated with
14 information and calls and texts about crime in the
15 area and so while we recognize that crime is down,
16 it's not necessarily feeling that way. My question
17 is very clear in terms of when you talk about crime
18 being down in New York City, are you including and
19 factoring public housing crime and I'll say issues
20 into that statistic when you're talking about crime
21 is down or is public housing extracted from that
22 conversation when we're talking about the overall
23 safety of New York City?

24 COMMISSIONER BRATTON: There are a
25 number of reporting mechanisms that we use; the

2 Uniformed Crime Report that we file with the FBI
3 twice a year. That's when we reference overall
4 city crime being down, but included within that are
5 separate categories that we referenced this morning
6 in my testimony for public housing crime, Transit
7 related crime. So, for example, we referenced that
8 Transit crime overall is down by six percent this
9 year, continuing a 25-year trend, but at this
10 particular point in time, housing crime is up so
11 that we do break it out in sort of very different
12 categories. We break it out by precinct; we break
13 it out within precincts into smaller sectors.

14 COUNCIL MEMBER CUMBO: And with all due
15 respect and just in the interest of time, so when
16 the headlines read "Crime Is Down In New York
17 City," when you're on record saying that crime is
18 down in New York City, are you factoring in public
19 housing and the crime issues in public housing in
20 that overall press release or discussion in that
21 way? And I apologize if I didn't understand your
22 answer.

23 COMMISSIONER BRATTON: Again, there is
24 different crime categories. Within the first
25 statement, the overall crime it is down, but within

2 certain precincts it may be up, other precincts
3 that may be way down, so what we are reporting is
4 the overall city, but then we have the capability,
5 which we do with the transparency that we embrace,
6 where we speak very specifically to crime being
7 down by borough; crime being down by precinct;
8 crime being down by housing development. We have
9 those figures, but when I reference that overall
10 crime in the city is down by three percent, that
11 includes all categories in every area of the city.

12 COUNCIL MEMBER CUMBO: Okay and I
13 apologize at this time that I don't... I still
14 don't quite understand that, but wanted to ask in
15 another way do you put some kind of weight behind
16 what you're talking about when you say crime is
17 down? For example, I'll give you an extreme case.
18 If shoplifting, for example, you had 80 cases of it
19 one year and then it went down to 10 cases. That's
20 a dramatic increase, but if murders there were 10
21 additional murders from the year before, the way
22 you're calculating and averaging that, could we
23 effectively say that crime is down because it looks
24 like crime is up in public housing; crime is up in
25 shooting; crime is up in auto grand larcenies? All

2 these different things that are very heavy and
3 weighted and serious and particularly going back to
4 public housing, public housing is not broken out
5 the way the other crime statistics are broken out.
6 Public housing just says housing. I don't know if
7 that means that murders are up in housing. I don't
8 know if that means that break-ins are up in public
9 housing. It just says public housing in general,
10 so I really don't understand what those particular
11 housing mechanisms are.

12 COMMISSIONER BRATTON: When we speak of
13 housing, we are talking about public housing.
14 There's public housing and there's private housing,
15 so public housing has anywhere from 400 to 600,000
16 of the city's eight and half million residents.

17 COUNCIL MEMBER CUMBO: Right.

18 COMMISSIONER BRATTON: So when we speak
19 of housing, we are referencing public housing
20 developments, [chime] NYCHA basically.

21 COUNCIL MEMBER CUMBO: But are we
22 referring to the fact that in that category...

23 [crosstalk]

24 CHAIRPERSON FERRERAS: Council
25 Member...

2 [crosstalk]

3 COUNCIL MEMBER CUMBO: Of housing
4 murders...

5 [crosstalk]

6 CHAIRPERSON FERRERAS: Cumbo?

7 [crosstalk]

8 COUNCIL MEMBER CUMBO: Could be a part
9 of that or shootings or larcenies or...

10 CHAIRPERSON FERRERAS: [interposing]
11 Council Member Cumbo, if you can wrap up your
12 question, please.

13 COMMISSIONER BRATTON: There is no
14 differentiation of how we track crime numbers
15 between housing, Transit. A murder in subways is a
16 murder in housing is a murder in the city. In
17 other words, we don't classify crimes differently
18 because of the location in housing, subway or
19 street.

20 COUNCIL MEMBER CUMBO: So what does
21 housing...

22 [crosstalk]

23 CHAIRPERSON FERRERAS: Thank you,
24 Council Member Cumbo. We will now have Council
25 Member Johnson.

2 COUNCIL MEMBER CUMBO: I'll defer to
3 the second round.

4 COUNCIL MEMBER JOHNSON: Thank you,
5 Commissioner, for being here today and for your
6 testimony. I want to thank Deputy Commissioner
7 Susan Herman for working with the Council and with
8 other stakeholders on the vouchering issue with
9 regard to condoms as evidence. I know it was an
10 issue that's been worked for... looked at for a
11 very long time and to have a quick agreement with
12 five District Attorneys; the NYPD I think is
13 significant. It may not go as far as some people
14 would like, but I think it is a significant step in
15 the right direction and within five months of being
16 at the helm, I just want to praise you and the
17 department for really taking care of that, so thank
18 you. And I also want to point out that I have a
19 very close relationship with my local precincts.
20 They do great work every day; Deputy Inspector
21 Elisa Cokkinos in the 6th; Captain Dave Miller in
22 the 10th; Dave Ehrenberg in the 13th. I know Tim
23 Beaudette is leaving Midtown North, but these are
24 the folks who we rely on on a daily basis, council
25 members, and they do incredible work. I have some

2 very quick questions and they have to with drones;
3 unmanned aerial vehicles and I was wondering if the
4 NYPD is engaged in using UAVs in New York City. I
5 know your predecessor, Commissioner Kelly, had said
6 in January of 2013 that he thought that the
7 potential use of drones by the NYPD may be a good
8 crime fighting strategy with new technology. I
9 wanted to understand where the NYPD currently is in
10 its potential use of drones and if there's been any
11 interaction with the Federal Aviation
12 Administration on drone use.

13 COMMISSIONER BRATTON: Chief Miller,
14 you want to speak to that? Myself, I'm supportive
15 of the concept of drones, not only for police, but
16 the public safety in general. Fighting fires in
17 the city, for example, the ability to have an
18 aerial view over a fire scene I think would
19 increase significantly the capabilities of the
20 department to understand the potential spread and
21 what they're dealing with rather than just a ground
22 view. Similarly for us, that we have, as you fully
23 appreciate, a very large air fleet that assists us
24 significantly in both dealing with terrorism, as
25 well as traditional crime issues. So

2 coincidentally, there was a major story this
3 morning on one of the news channels about the
4 increase in use of drone technology, so it's
5 something that we actively keep looking at and stay
6 aware of. John Miller, who is here, is our Deputy
7 Commissioner of both oversight over Counter-
8 Terrorism and Intelligence, and let me just ask him
9 to speak briefly to where we are at the current
10 time as it relates to that issue.

11 DEPUTY COMMISSIONER MILLER: Good
12 afternoon; John Miller, Deputy Commissioner,
13 Intelligence and Counter-Terrorism. As we go
14 forward, particularly as it has to do with the use
15 of federal funding and counter-terrorism tools, we
16 look at all kinds of tools. The issue of drones
17 has been looked at in terms of what's on the market
18 and what's available; what are their capabilities
19 and what would be the reasonable purposes and at
20 this point, we have no drones; don't use any
21 drones; haven't deployed any drones. However, I
22 would say in context as the FAA struggles with the
23 emergence of drones as a law enforcement tool about
24 various ceilings not interfering with air traffic
25 and technology develops to make this a potentially

2 valuable crime fighting tool, it's something that
3 we'll continue to look at. If you extrapolate
4 what's a practical example, based on a lot of what
5 we talked about at the hearing today, if there was
6 a particular area in Brooklyn or the Bronx that
7 became a hot spot for shootings or shots fired, the
8 idea of a persistent [chime] cover from the sky
9 that could be coupled with some technology that
10 works with sounds of gunfire and the 9-1-1 CAD
11 system, you could see an application where drone
12 could be not only a very effective crime fighting
13 tool, but could actually show you where the bad
14 guys are going leaving the scene where the incident
15 happened and so on. But we're not there yet, we
16 don't have it and we're watching it carefully to
17 see if it eventually develops into something that
18 would be practical.

19 COUNCIL MEMBER JOHNSON: I would just
20 say I...

21 CHAIRPERSON FERRERAS: [interposing]
22 Thank...

23 COUNCIL MEMBER JOHNSON: [interposing]
24 No, let me just... wait, one quick statement on
25 this, which is I understand this is a crime

2 fighting tool. I would say that given New York
3 City is unique in its density, that people have had
4 serious concerns about drones with regard to
5 privacy in our city; people being looked at with
6 regard to public gatherings, so I'm happy to hear
7 the NYPD isn't currently using this technology, but
8 when it is used I know it can be used in a helpful
9 way, but there could also be unintended
10 consequences, which could be detrimental to New
11 Yorkers and I think the Council would like to
12 understand as the NYPD does look at this, how it is
13 going to be used in the future.

14 CHAIRPERSON FERRERAS: Thank you,
15 Council Member...

16 [crosstalk]

17 DEPUTY COMMISSIONER MILLER: Nothing we
18 wouldn't...

19 [crosstalk]

20 CHAIRPERSON FERRERAS: Johnson.

21 [crosstalk]

22 DEPUTY COMMISSIONER MILLER: Consider
23 if we deployed it.

24 COUNCIL MEMBER JOHNSON: Thank you.

25

2 CHAIRPERSON FERRERAS: Council Member
3 Crowley has one wrap up question.

4 COUNCIL MEMBER CROWLEY: Thank you to
5 our Chair members. Commissioner, just in regards
6 to the J-RIP Program.

7 COMMISSIONER BRATTON: Okay.

8 COUNCIL MEMBER CROWLEY: I chair
9 Criminal Justice. When a 16-year old is arrested
10 in the state of New York depending on the crime;
11 robbery, they often wind up on Rikers Island. Now,
12 while the Governor is doing what he can to raise
13 the age of criminality to 18, there's more we could
14 do as a city to help those kids once commit the
15 first crime, and that's why I asked about the J-RIP
16 Program earlier. You mentioned that it was a pilot
17 program in East New York, but from what I read in
18 *The New York Times*, it expanded over to East Harlem
19 as well, so it's been running in two areas of the
20 city for a number of years. I'd like, for the
21 benefit of the committee, if you could have Chief
22 Jaffe talk a little bit about the program and for
23 us to better understand what the costs are involved
24 in the program because each one of us has an area
25 in our district where there are young people that

2 are getting arrested for robbery and we want to
3 make sure that they are able... if we're able to
4 help them stay out of crime, that we could work
5 together with your department to do that.

6 CHIEF BANKS: Council Member, when you
7 first brought up the program and I think when the
8 Commissioner referenced the pilot program, I'm not
9 so sure the implication... at least I didn't read
10 from you that you were specifically talking about
11 J-RIP 'cause J-RIP has been actually in existence
12 for some time. It was actually started by Chief
13 Jaffe when she was the Chief of the Housing Bureau.
14 She is now the Chief of the Community Affairs
15 Bureau and Carlos Gomez now is the Chief of the
16 Housing Bureau, in fact, and so he will speak on
17 that. But there are numerous anti-prevention
18 methods that we employ to keep these youth out of
19 trouble, J-RIP being one of our most successful
20 ones. So I'll let Carlos Gomez talk on J-RIP.

21 CHIEF GOMEZ: Yes, good afternoon. The
22 J-RIP Program began in 2007 in the Brownsville
23 area. Chief Jaffe started it in 2009 and it moved
24 up to East Harlem in the 23rd Precinct, and it's
25 basically two components. We look at youth 17 and

2 under who have been arrested for robbery the
3 previous year. [chime] We speak to them and their
4 families and the first process is we put them on
5 notice that if your behavior continues, there are
6 dire consequences; you certainly could go to jail,
7 but we do more than that. Just you know, arresting
8 people is not the answer. We offer services. We
9 also partner with School Safety, with Corporation
10 Counsel and many community groups, which, and I'll
11 mention some to you in a few minutes, but it's been
12 very successful and...

13 COUNCIL MEMBER CROWLEY: Can I have a
14 cost?

15 CHIEF GOMEZ: I don't have a cost for
16 that. We have 16...

17 [crosstalk]

18 COUNCIL MEMBER CROWLEY: You don't
19 have...

20 [crosstalk]

21 CHIEF GOMEZ: Officers...

22 [crosstalk]

23 COUNCIL MEMBER CROWLEY: A statistic?

24 [crosstalk]

25 CHIEF GOMEZ: In the Bureau.

2 [crosstalk]

3 COUNCIL MEMBER CROWLEY: A statistic...
4 oh, so 16 officers...

5 [crosstalk]

6 CHIEF GOMEZ: 16 officers. I believe
7 there...

8 [crosstalk]

9 COUNCIL MEMBER CROWLEY: So it would be
10 the cost...

11 [crosstalk]

12 CHIEF GOMEZ: There's five...

13 COUNCIL MEMBER CROWLEY: [interposing]
14 the cost of the 16...

15 [crosstalk]

16 CHIEF GOMEZ: But that cost is absorbed
17 in the normal cost of...

18 [crosstalk]

19 COUNCIL MEMBER CROWLEY: And you
20 have...

21 [crosstalk]

22 CHIEF GOMEZ: Duties.

23 [crosstalk]

24 COUNCIL MEMBER CROWLEY: And you have
25 statistics on the success of the program.

2 CHIEF GOMEZ: Yes, we do, if I...

3 [crosstalk]

4 COUNCIL MEMBER CROWLEY: Do you have
5 them...

6 [crosstalk]

7 CHIEF GOMEZ: If I could read them. In
8 PSA 2, which is Brownsville, for all nine phases,
9 and remember that that began in 2007, 385 J-RIP
10 youth had 458 robbery arrests for a 12-month period
11 prior to their inclusion in J-RIP. During the
12 first 12 months of monitoring, 46 J-RIP youth had
13 58 robbery arrests. That's tremendous results in
14 Brooklyn. And up in Manhattan in PSA 5 J-RIP and
15 in Harlem for all five phases of monitoring, 273 J-
16 RIP youth had 305 robbery arrests for the 12 months
17 prior to their inclusion in the program. During
18 the first 12 months of monitoring, 25 youth had 29
19 robbery arrests and the results are really
20 astonishing.

21 COUNCIL MEMBER CROWLEY: 'Kay, I don't
22 have any further questions. Your results are
23 astonishing. If you send a young person up to
24 prison, their chance of revisiting the system;
25 becoming a recidivist is 80 percent and it seems

2 that your odds are much greater with the program
3 there, and then we should work together to expand
4 programs like that. Thank you.

5 CHAIRPERSON FERRERAS: Thank you.

6 Thank you very much, Council Member Crowley. So
7 we're coming to a close. I just want to make a
8 statement and I want to thank you, Commissioner
9 Bratton and thank you, Chief Banks and to the
10 Deputy Commissioners for your presence here.
11 Obviously there's a lot to talk about as this
12 budget cycle continues. There are a couple of
13 things I want to say that I want to follow up with
14 you on in reference to precinct resources;
15 detectives; the DV Unit and the Homicides Unit;
16 budget transparency efforts; civilianization, which
17 we will talk about, the overtime control plan;
18 Vision Zero as it relates to the 147 TEAs;
19 reformatting the quarterly reports that we receive;
20 school safety agents and the conversations with the
21 Department of Education; examining the impact of
22 the 12-hour shift that we talked about during the
23 prelim; marijuana arrests as it relates to Desk
24 Appearance policies, as well as my final, is the
25 George Kellings contract as it relates to the

2 "broken windows" concept. I'd love to get more
3 information on that. So again, I thank you all for
4 your presence here. We look forward to working
5 with you and thank you to the New York Police
6 Department. Thank you for extending yourself to us
7 this afternoon. We appreciate it and we look
8 forward to working with you. Thank you all. Thank
9 you. And now we'll take a very brief two minute
10 recess before we have our District Attorneys.
11 Thank you.

12 [Pause]

13 CHAIRPERSON FERRERAS: We will now
14 resume the City Council's hearing on the Mayor's
15 Executive Budget FY 2015. The Finance Committee
16 and the Public Safety Committee just heard from the
17 New York City Police Department. We will now hear
18 from the District Attorneys and the Special
19 Narcotics Prosecutor. We have two more agencies to
20 hear from after this, so in the interest of time, I
21 will forego an opening statement and turn my mic
22 over to my co-chair, Council Member Vanessa Gibson
23 for a statement.

24 CHAIRPERSON GIBSON: Thank you. Thank
25 you, Madam Chairwoman Ferreras and good afternoon

2 to all of distinguished District Attorneys and our
3 Special Narcotics Prosecutor. It's good to see you
4 back here at the Council. Welcome again, everyone,
5 to the joint hearing on Public Safety and Finance
6 on the Fiscal 2015 Executive Budget. I want to
7 welcome all of you here today.

8 And the total budget for all of the
9 offices for the Fiscal 2015 Executive Budget totals
10 \$313.9 million, which is \$17.7 million or a six
11 percent increase than the Fiscal 2014 adopted
12 budget. The total head count for each office
13 remains stable across the board. In the City
14 Council's Preliminary Budget response, we called
15 upon the administration to revisit and revise the
16 original workload analysis to address our concern
17 that the baseline funding did not address the
18 increasing and changing workload of each office.
19 The City Council has long advocated for additional
20 support to our city's prosecutors, so we were
21 extremely pleased to see the \$18.9 million in
22 baseline funding provided to the officers. I look
23 forward to hearing each of your testimonies and
24 discussing how your budgets will now reflect each
25 of your offices' individual priorities to address

2 the overall public safety in the City of New York.
3 So I welcome you and thank you for being here
4 again.

5 CHAIRPERSON FERRERAS: You may begin
6 your testimony.

7 DISTRICT ATTORNEY JOHNSON: Good
8 afternoon, Chairpersons Ferreras and Gibson and to
9 all the members of the Finance and Public Safety
10 Committees. I'm Robert Johnson, the District
11 Attorney of Bronx County and I thank you for this
12 opportunity to report to all of you. I hope to be
13 brief, since, as Chairperson Gibson already
14 indicated, this is a good year for District
15 Attorneys in Public Safety, so I come first of all
16 with gratitude for your attitude, your
17 receptiveness to the proposals that we made.

18 I've been here a number of years and
19 some of the proposals I've been making year in and
20 year out and just last year for the first time one
21 was granted, this year another and beyond what we
22 requested because our requests did not foresee that
23 we would be in such a good position. Your
24 generosity is going to put us in a position to
25 continue the gains that have been made over the

2 last more than two decades. If you see in our
3 report, pages four and five indicate the tremendous
4 gains we've made in two major areas: violent crime
5 and homicides, among others and that is, in great
6 part, due to the work of the Police Department, but
7 I attribute my community support and their
8 attention and the support of the Police Department
9 as a positive factor. I attribute the number of
10 programs that we and some of which have been
11 sponsored by members of the Council have done in
12 the schools as a positive factor and I certainly
13 attribute the hard work that the men and women on
14 my staff put in on some very, very difficult
15 circumstances as a positive factor.

16 So what I would like to do is just
17 very, very briefly point out that the funding that
18 you and the Mayor's office have now granted us is
19 going to put us in the position to do some of the
20 things that we've always needed to do. We asked
21 for money for a typist that we did not have in the
22 Bronx DA's office; we're going to be able to deal
23 with that. We've gotten money in the past for
24 Rikers Island we've already put into place, and
25 Rikers Island is one of our more unique issues for

2 two reasons. One, it's a very volatile place and
3 we feel that everyone who is there on the Island;
4 the staff, the corrections officers and all staff;
5 the people who are housed there and the visitors
6 are entitled to safety, so we do need to put the
7 additional resources that you have allowed us into
8 place and we have begun to do so. We have a
9 director; a supervisor; two assistants in our
10 Intake Bureau; two assistants in our Trial Bureau;
11 detective investigators and paralegals that we're
12 going to be putting particular focus on that.

13 The second issue with Rikers Island,
14 which I heard some, and the police had alluded to,
15 this issue of crime reporting. The Police
16 Department still reports Rikers Island as part of
17 the 41st Precinct, which I think unfairly reflects
18 on the community of the 41st Precinct community,
19 and hopefully there will be a way found to just
20 pull that one out, as some others have been pulled
21 out. It certainly is part of the entire crime in
22 the city, but it does not reflect what goes on in
23 the streets of that precinct. It's a greatly
24 revitalized area.

2 In addition to that, we are
3 immediately, with the money that was just recently
4 added, immediately adding to the size of our
5 September class of Assistant DAs so that I'm in the
6 process of identifying 15 additional people to be
7 added to that class. That's a good \$840,000 to
8 start off with. We would not have been able to do
9 that without those resources.

10 Primarily though what we're interested
11 in is case preparation and technology in addition
12 to having the assistants deal with having lower
13 caseloads: technology, video tapes, audio
14 recordings, DNA. There's all kinds of technology
15 that is time and labor intensive in terms of
16 preparing a case for trials. We're going to be now
17 in a position to address that. We're going to be
18 in a position to have paralegals provide and
19 prepare discovery material to get to defense
20 attorneys in a timely fashion. This addresses one
21 of the major issues that you may have read about in
22 my county in particular, which is the backlog. The
23 backlog is due to a number of factors and in the
24 public it may have been portrayed as, in large
25 part, due to the District Attorney's office. That

2 was inaccurate, but we certainly will be in even
3 better position to get our cases ready. This is
4 one of the areas in which you can't control, but we
5 ask for your support because I think for all of us
6 in criminal justice, one of the things that hasn't
7 changed for a number of years, and I know the
8 legislature is now recommending additional Family
9 Court Judges; one of the things that hasn't changed
10 is the number of judges as arrests were going up
11 through numbers and numbers of decades. And that
12 is partly... that is a great deal what contributed
13 to the backlog and now in the Bronx we've attention
14 because of the articles; we got attention when
15 there was a court merger, but each time we get that
16 attention, the resources are pulled from somebody
17 else, whether my colleagues here in the city or
18 colleagues upstate are losing judges to deal with
19 our backlog issue. That has to be addressed.

20 Among the other issues that have to be
21 addressed are, once again, a problem of riches. We
22 indicated we're going to beef up our staff with
23 paralegals and case preparation people and
24 Assistant DA's, so one of the two issues that we
25 feel you could be of help with is the space issue

2 because we are going to become now a little bit
3 more cramped than we have been and we're not, any
4 of us, living in luxury conditions as it is, so
5 we're going to have to have I think further
6 conversations about that.

7 With respect to most of the money
8 though we are going to be in conversation; we are
9 going to prepare for the Criminal Justice
10 Coordinators Office plan of how we spend it within
11 the next month. That plan, as I indicated, focuses
12 on mostly technology and case preparation, but we
13 will be outlining it in more detail.

14 And the final issue that I wish to
15 bring to your attention is the issue of parity;
16 that the plan; the money that's put there, as I'm
17 told, is available for new hires, but not to raise
18 the salaries of people who are already on staff and
19 we, for a number of years, have come before the
20 Council and indicated that we are below the
21 Corporation Counsel and other city lawyers and our
22 lawyers are not... you know, it creates a retention
23 problem for us, so that and the space issue are two
24 what I call high-class problems because now we have
25 the additional resources, but those are things that

2 I think going down the road we're going to need to
3 keep our eye on.

4 CHAIRPERSON GIBSON: Thank you very
5 much, DA Johnson. DA Brown?

6 DISTRICT ATTORNEY BROWN: Well, thank
7 you once again for having us and giving us the
8 opportunity to talk a little bit about our offices
9 and what it is that we're doing. As has been
10 pointed out, when we last appeared before you on
11 March 21st to address the Mayor's Preliminary
12 Budget, I pointed out that while we had made
13 significant strides in stabilizing our budgets and
14 restoring at least to some degree the devastating
15 cuts that each of us had had and suffered following
16 9/11, that more needed to be done and it's been
17 pointed out now the Mayor in his Executive Budget
18 has responded by proposing an infusion of \$18.9
19 million in baseline funding for our officers, \$2.9
20 million of which is targeted for Queens County, and
21 for that we're grateful and we ask that you approve
22 that infusion of monies.

23 In Queens, we're planning on using the
24 monies to allow us to focus more effectively on
25 many of the new and emerging types of criminal

2 activity with which we deal every day. Just to
3 list a couple of them, one the financial
4 exploitation, particularly of the elderly, internet
5 and crimes against children; identity theft;
6 computer crimes; credit card fraud; vehicular
7 crimes; gang violence and also so many of the youth
8 crime prevention and empowerment [sic] issues that
9 we involve ourselves with and perhaps most
10 importantly, we look forward to being able to use a
11 portion of the new baseline funding to help us to
12 begin to build within our office an increased
13 capacity to harness technology to aid in our
14 investigations and in our prosecutions.

15 But grateful as we are for the new and
16 additional baseline funding, it's important to
17 notice that we still have a long road ahead of us
18 as we continue to rebuild our operations in the
19 aftermath of the devastating budget cuts that we
20 took over the last 10 years or so. So even with
21 the help of some restorations and workload formula
22 adjustments, together with additional baseline
23 funding that we are getting in the Executive
24 Budget, we still feel the long-term effects of the
25 cuts that we took following 9/11. As a result of

2 those cuts, we were forced to reduce our core
3 functions; staffing for intake and hearings and
4 trials, appellate work and ongoing investigations.
5 We also found it necessary, as Robert's pointed
6 out, to restrict our salaries and as a result, we
7 lost pace with other governmental offices in the
8 private sector, as well as making it difficult to
9 retain our middle-level and experienced assistants.
10 We cut OTPS to the bone and we slowed down the pace
11 of our growth in critical technology and software
12 development. So we still have a road way to go and
13 one of the issues I want to again raise with all of
14 you is an issue that my colleagues in the Bronx
15 just alluded to, and that's the fact that we've
16 been unable to grow our physical office space. As
17 a result, we still have our office facilities
18 scattered all along Queens Boulevard, both our
19 original office space built in the '60s for a
20 fraction of the staff that we now have and rental
21 space is way away from the courthouse where we
22 conduct our work each week. And as I testified on
23 March the 21st, there sets alongside of our
24 offices; literally abutting our offices and the
25 courthouse is the Queens House of Detention. It's

2 a 10-story structure built in 1961 to house 467
3 inmates. That facility was closed in 2002 and has
4 remained virtually empty since that time. It makes
5 far more sense in my judgment to renovate the
6 Queens House and convert it into office space than
7 for the city to keep spending almost \$3 million
8 each year on office space four blocks from the
9 courthouse. So hopefully we'll get some movement
10 on that issue and beyond that we look forward to
11 working with you and the Mayor's office as well in
12 addressing all of the issues that I've alluded to.

13 So I thank the Council and the Mayor's
14 office as well, because as I've said many times in
15 the past, the District Attorneys are key partners
16 in the criminal justice system along with the
17 police, probation and the courts and it's essential
18 that we continue to work together in partnership to
19 ensure the effectiveness of the entire system. So
20 again, thank you so much for having us.

21 CHAIRPERSON GIBSON: Thank you very
22 much, DA Brown. DA Donovan, welcome.

23 DISTRICT ATTORNEY DONOVAN: Thank you,
24 Chair. Chair Gibson, Chair Ferreras, you,
25 personally and your colleagues and your committees

2 have been so supportive of the DAs. When people
3 think about the criminal justice system, most of
4 the attention goes to the Police Department. This
5 Council has always given the adequate and the
6 deserved recognition to the DA's offices, so I
7 wanted to thank you. In fact, Chair Gibson, you
8 had all of us in there. You were so concerned
9 about what our concerns were; you invited us in to
10 talk to you about it. That hasn't happened before
11 in my 11 years as a DA, so I thank you.

12 Two things I would like to speak about;
13 one, you have a direct effect on; one that again,
14 we ask for your support of. TASC, the treatment
15 providers on Staten Island, were threatening to
16 close down three years ago because of a quarter of
17 a million dollar funding deficit that they had and
18 when I brought this to the attention to the Council
19 three years ago and you realized that you funded
20 the four other programs in the other boroughs,
21 three years in a row the Council has given me
22 \$250,000 so that we could provide treatment for the
23 residents of Staten Island, so I ask you to do that
24 again. We had 160 people that were screened by
25 TASC last year. 144 of them went into treatment

2 and graduated at a cost of about zero to the city
3 because the providers of the treatment receive
4 insurance payments. It doesn't cost the city
5 anything for this treatment, where if we put
6 somebody in a prison, it's going to cost us over
7 \$70,000 a year, so the cost savings, the \$250,000
8 the Council gave us saved the city \$5.5 million I
9 think we calculated for last year, so again, I ask
10 you for that allocation from the Council.

11 One of the things that my colleagues
12 alluded to and I'd like to go into more depth into
13 is the finances for the Personal Services end of
14 our budget. We were allocated \$500,000 in new
15 needs for the Staten Island DA's office, so I'm
16 going to use that to staff ADAs in the Family
17 Justice Centers so we will be able to treat
18 domestic violence victims the way they ought to be
19 treated, and also for our Crime Strategy Unit,
20 similar to what my colleague, Cy Vance, started in
21 the Manhattan DA's office. That's going to allow
22 me to hire six more ADAs, all of which will be
23 underpaid when they start. We were told, as Rob
24 alluded to, that we can't use any of the new monies
25 for salary increases and as I've testified before,

2 and we know that the city is now negotiating
3 contracts with all of the unions, the Teachers
4 Union just settled a contract with retroactivity at
5 an increase of about 18 percent of their salaries.
6 The teachers deserve that money and we congratulate
7 them. They're taking care of other people's
8 children, something that I've honored and just
9 praised people for, for taking up that profession
10 since I began public service. Other agencies and
11 other unions are going to negotiate as well now.
12 My ADAs don't have any unions. A police officer,
13 after five and a half years, earns \$91,000. A
14 correction officer, another integral part of our
15 criminal justice system, after five and a half
16 years, earns \$85,000. Assistant DAs, after five
17 and half years, earn \$70,000. That's after seven
18 years of after high school education and about
19 \$250,000 in school debt on an average. I'm
20 thankful for OMB giving us the monies for these new
21 projects, but we need to adequately compensate the
22 ADAs who are working. There's about 330,000 city
23 employees. About 315,000 of them are going to be
24 eligible for collective bargaining 'cause they
25 belong to unions. There are 36,000 police

2 officers. If each of them end up with a \$10,000
3 raise, that will cost the city \$316 million. If
4 the 8,000 correction officers get a \$10,000 raise,
5 that will cost the City of New York \$80 million.
6 There are 1,800 Assistant District Attorneys
7 serving all of our offices. If they were able to
8 get a \$10,000 raise, that would cost the city \$18
9 million out of a \$75 billion budget. That would
10 get them on equal pay with their colleagues in the
11 other professions that are equal to an ADA; the
12 other lawyers who represent the City of New York;
13 there's Corporation Counsel lawyers. I'm asking
14 you to... we're advocating to the administration
15 for this. I'm asking you while all those other
16 unions deserve... those workers deserve the raises
17 they're going to get, I'm asking for your support
18 for the people that we represent. We're the union
19 presidents for our staff and \$10,000 raise for each
20 of the Assistant Attorneys in the City of New York
21 will cost \$18 million compared to \$360 million for
22 each police officer. Years ago, right before I
23 testified, the Academy Award came out and the best
24 song that year was "It's Hard Out There For A
25 Pimp." [laughter] Well and I testified that it's

2 hard out there for an ADA. I don't know if it's
3 gotten any better for the pimps, but it certainly
4 hasn't gotten any better for the ADAs, so I ask for
5 your advocacy. I know you can't do this
6 unilaterally, but we are all going to request the
7 same increases in our PS Budget for the
8 administration and I ask that this Council support
9 our request. Thank you.

10 CHAIRPERSON GIBSON: Thank you very
11 much, DA Donovan. DA Vance?

12 DISTRICT ATTORNEY VANCE: Good
13 afternoon, Chair Gibson and Chair Ferreras and
14 thank you very much to the members of the committee
15 for permitting us to speak with you today and I
16 want to begin by thanking my colleagues, my fellow
17 DAs and the Special Narcotics Prosecutor for their
18 continued partnership and I think we are working
19 well together and I'm very proud of that.

20 Madam Chairwoman, when I spoke last
21 before this Council in March, I talked about our
22 office's work principally in street crime and
23 principally in the development of a crime
24 strategies unit concept, which has had a major
25 impact on reducing violent crime, gang and gun

2 violence in Manhattan and I'm delighted to be able
3 to share the thinking behind that unit with Dan
4 Donovan and other DAs and in fact, we are doing so
5 around the country.

6 But within our jurisdiction and what
7 I'd like to talk about today is the area of
8 economic crime, and within our jurisdiction lies
9 the world's greatest center for global business;
10 obviously, trade and finance, and the New York
11 County District Attorney's office has a
12 responsibility because we are situated here; a
13 singular responsibility to investigate major
14 economic crimes including those involving financial
15 transactions in the global markets, as they impact
16 our banking system particularly. In an ever more
17 complicated and in a fast-moving world, our office
18 brings cases that protect the integrity of our
19 businesses, keep a level playing field and as a
20 result, I believe our office representing the city
21 is considered a national leader in investigating
22 and prosecuting complex financial transactions that
23 affect not just our markets, but all of our lives.
24 This work is done by the Investigations Bureau
25 within the District Attorney's office and annually

2 our office has spent about \$21 million and assigns
3 over 300 employees to conduct these proactive
4 investigations and in addition to conducting the
5 active investigations, we partner and provide local
6 expertise alongside partnering federal, state and
7 city agencies to target individuals and entities
8 who misuse our financial institutions. The benefit
9 to the city and the state in the form of public
10 safety a level playing field for all businesses,
11 and financial market fairness, I don't think, can
12 be overstated. At the same time, I'm glad to note
13 that since 2009, the effect of these investigations
14 by our office have, through forfeitures,
15 settlements and restitution, brought more than \$1.1
16 billion in unrestricted general fund revenue to the
17 city and the state. \$580 million particularly,
18 over seven times our annual city tax levy funding,
19 has been deposited by our office in the city tax
20 treasury. This money has been used historically to
21 cover budget gaps for the city and to fund
22 necessary city services citywide. In addition to
23 returning millions of dollars for New York City,
24 our willingness and ability to investigate and
25 prosecute major financial crimes acts as a

2 deterrent to would-be perpetrators of financial
3 crimes prospectively, we believe thereby saving the
4 city and its citizens, both individual and
5 corporate, additional billions of dollars in
6 revenue.

7 Madam Chairperson, the following are
8 just a few examples of the investigations that
9 we've undertaken by the District Attorney's office
10 that we believe have had a direct impact on
11 taxpayers. In March 2014, we announced a Grand
12 Jury report examining the vulnerability of New
13 Yorkers' Workers Compensation Insurance system to
14 fraud and misuse. The reports stem from
15 investigations by our Money Laundering and Tax
16 Crimes Unit into false information provided to the
17 State Insurance Fund in connection with
18 applications for Workers Compensation policies. In
19 January 2014, we announced the indictment of 134
20 defendants for a massive fraud against the Federal
21 Social Security Disability Insurance benefits,
22 called SSDI that resulted in the loss of hundreds
23 of millions of dollars from our taxpayers. The
24 defendants, including many retirees of the NYPD and
25 the Fire Department of the City of New York, are

2 accused of lying about their psychiatric conditions
3 in order to obtain benefits to which they were not
4 entitled. And in August of 2012, a Grand Jury we
5 empanelled found systemic problems with real
6 property tax filings, including the filing of false
7 documents and information with New York City in
8 connection with the computation of real property
9 tax liability and the report recommended remedial
10 measures. These kinds of reports and these kinds
11 of financial investigations and prosecutions we
12 believe have provided a significant benefit, not
13 just from a monetary standpoint, but from a public
14 safety standpoint to our markets for the City of
15 New York.

16 Our office, historically, Madam
17 Chairperson, has consistently benefitted from a
18 revenue sharing agreement with the city that allows
19 us for reinvestment of fines and restitution
20 derived from cases pursued by our office. But this
21 arrangement, as you know, made it very difficult
22 for our office to plan from year to year and given
23 the uncertainty associated with such funding
24 arrangements and in recognition of the importance
25 of our work in white-collar crime to the city, our

2 office was allocated \$7.5 million starting in
3 Fiscal Year '15 as part of the Mayor's Executive
4 Budget. We are very grateful for this baseline
5 budget adjustment, as it will provide us with the
6 ability to best plan for our continued work in this
7 field, and I believe continue to provide dividends;
8 multiple dividends to the city.

9 Last year, in partnership with the US
10 Department of Justice and the US Treasury, we
11 resolved two terrorist financing cases involving
12 HSBC and Standard Charter Bank, which resulted in
13 large federal asset forfeitures. These forfeited
14 funds are subject to stringent federal equitable
15 sharing rules, which govern both the distribution
16 of those funds to partner agencies, as well as the
17 manner in which the funds are spent. The federal
18 guidelines, for example, required that the money be
19 spent exclusively on law enforcement purposes or
20 other public safety priorities. And additionally,
21 and of critical importance to any discussion of our
22 office's budget, these funds generally cannot be
23 used for salaries or additional personnel or used
24 to supplant existing funds and operations.

2 In response to this funding and in
3 recognition of the unprecedented opportunity it
4 presents to transform law enforcement and criminal
5 justice policies citywide, I decided to place the
6 funding from these cases in something we are
7 calling the Criminal Justice Investment Fund. The
8 primary mission of the Criminal Justice Investment
9 Fund is to enhance public safety and promote
10 fairness and excellence throughout New York City's
11 criminal justice system. Our office is working in
12 partnership with the Mayor's Office of Criminal
13 Justice and the Office of Management and Budget to
14 develop an overall citywide strategy for the
15 administration of this fund. We will work as
16 partners with the Mayor's office to identify and
17 manage investments and criminal justice initiatives
18 that are most transformative, are far reaching and
19 address both significant public safety and law
20 enforcement needs across the city. Already
21 identified projects include the development of an
22 alternative to incarceration and detention
23 performance clearing house to track individual
24 level progress and provide information to
25 stakeholders about existing programs, their

2 availability and the quality of services. Other
3 areas of focus include an expansion of diversion
4 options for special populations, including the
5 mentally ill, and re-entry programs. We have also
6 committed to sharing these funds with our offices
7 of our fellow District Attorneys to modernize
8 courtroom presentation technology throughout the
9 city and enhance the capacity of other District
10 Attorney's offices if they wish us to with help in
11 providing for basic telephone and computer
12 forensics. Through the allocations of these
13 monies, our counterparts, we hope, in other bureaus
14 will have greater access to state-of-the-art crime
15 fighting tools that they have discussed.

16 I want to let you know that we are also
17 working very closely with the Police Department to
18 identify share law enforcement priorities. One
19 example is an expansion of the NYPD's public safety
20 camera network. Cameras continue to be a critical
21 law enforcement tool, as they serve as both a
22 deterrent and a source of investigative materials
23 when crimes have been committed. Our office will
24 invest in a significant expansion of the camera
25 network in high crime areas and neighborhoods.

2 Finally, we have committed resources to
3 address in core technology and facility needs in my
4 office, including the long-standing need to
5 modernize and renovate our office space and enhance
6 data and analytic capability. These projects and
7 other capacity building efforts will support our
8 office's ability to remain on the forefront of
9 prosecutorial innovation.

10 Madam Chairwoman, through the
11 significant contribution of our office that we will
12 make in public safety, both through the Criminal
13 Justice Investment Fund and our office's core
14 mission of responding to and preventing crime, I'm
15 confident that New York will continue to thrive as
16 the country's safest big city and a place where
17 people want to do business. I thank you for giving
18 me the opportunity to discuss our plans; for our
19 partnership with the City Council; for the support
20 of the Mayor, OMB and the City Council in our work
21 and we look forward to bigger and better working
22 opportunities and collaboration in the future.
23 Thank you.

24 CHAIRPERSON GIBSON: Thank you very
25 much, DA Vance and...

2 DISTRICT ATTORNEY VANCE: [interposing]
3 Thank you.

4 CHAIRPERSON GIBSON: Welcome, DA
5 Thompson.

6 DISTRICT ATTORNEY THOMPSON: Good
7 afternoon, Chair Gibson and I want to thank Chair
8 Ferreras as well. I want to thank you for this
9 opportunity to address the Public Safety Committee
10 to discuss the Mayor's Executive Budget, its impact
11 on our office and the fiscal challenges uniquely
12 facing our office going forward.

13 I would like to begin by thanking the
14 City Council, the Mayor, the Office of Criminal
15 Justice and OMB for their response to our budget
16 requests in Fiscal Year '15, the Executive Plan
17 Budget. Beginning next fiscal year, my office was
18 provided with \$5.2 million in the baseline to
19 address a variety of needs, as described in my
20 prior testimony. These additional resources are
21 vital to the operation of my office and will allow
22 us to begin to move the Kings County District
23 Attorney's office towards being the leading law
24 enforcement agency that the people of Brooklyn
25 expect and deserve.

2 Now, Brooklyn remains the borough with
3 the highest number of felony arrests citywide. My
4 office is committed to utilizing all the resources,
5 not only to prosecute those who seek to terrorize
6 neighborhoods with criminal activity and violence,
7 but also wherever possible to utilize crime
8 prevention strategies to save the residents of
9 Brooklyn from becoming the victims of crime in the
10 first place. As noted in my previous testimony, my
11 office now has a Crime Strategies Unit, which is
12 focused on completing in-depth statistical analysis
13 on historical and current crime trends in key high
14 crime areas to help us employ crime prevention
15 strategies. This unit will be staffed with ADAs,
16 as well as seven data and statistical analysts,
17 each focused on a select collection of precincts
18 providing up-to-date data on crime reported in that
19 area; instances of criminal activity and violence,
20 as well as statistical data to inform decisions
21 regarding the effectiveness of initiatives designed
22 to reduce specific types of crime in that area.
23 With this effort, my office hopes to know what is
24 occurring in various parts of Brooklyn, which will
25 allow us to implement and adjust crime prevention

2 strategies according to the needs of that area,
3 rather than just using a broad-based approach to
4 crime prevention. And as many know, Brooklyn is
5 also in the unique position of dealing with an ever
6 expanding number of convicted cases requiring
7 review. With every case that is publicized,
8 additional cases are sent to my office for review.
9 As we work diligently to review all cases placed
10 before us, it remains unclear just how far back or
11 how many cases will require this extensive and
12 labor intensive review. In the five short months
13 since I have become Brooklyn District Attorney, my
14 office has moved to vacate six convictions of
15 defendants, as well as withdrew an appeal involving
16 one other defendant, who, upon review of their
17 convictions, we determined that they were
18 wrongfully convicted. These cases not only
19 foster... these actions not only public trust in
20 the criminal justice system, but also begin the
21 process of righting the injustice committed against
22 those defendants. It is the responsibility of my
23 office and my counterparts in the criminal justice
24 system to enforce the law with the goal of ensuring
25 justice for all and in the pursuit of justice, we

2 are committed to reviewing the cases before us and
3 dedicating the necessary resources to investigating
4 those cases in question to ensure that anyone
5 serving time for a crime is doing so as a result of
6 a fair investigation and prosecution.

7 Since my prior testimony, the newly
8 formed Conviction Review Unit has been expanded and
9 now includes 10 ADAs, three investigators and other
10 support staff dedicated to this effort. Additional
11 resources provided in the Mayor's Fiscal Year '15
12 Executive Budget will be utilized to continue to
13 expand the unit to meet this unique need. While
14 the allocation of resources for this purpose was
15 not specified in the budget, my office intends to
16 spend an additional \$500,000 annually of the \$5.2
17 million provided to us for a total cost of \$1.1
18 million annually to staff this critical unit.

19 And since I'm committed to utilizing
20 the resources necessary to ensure that cases are
21 handled with the highest level of integrity, I have
22 also created a Forensic Science Unit that will
23 specialize in the use of state-of-the-art forensic
24 science to enhance investigations and prosecutions.
25 Specifically, this unit will assist the Conviction

2 Review Unit on motion for post-conviction DNA
3 testing. A unit of this type is essential to
4 ensure justice for victims and to protect the
5 integrity of the criminal justice system. In
6 addition, the shooting of 13-year old Gama
7 Droiville last month shows that gun violence is
8 still plaguing areas of Brooklyn, including East
9 New York, Brownsville and Bedford-Stuyvesant.
10 Every effort is being made to combat this violence
11 through investigations and prosecutions. For
12 example, just three weeks ago, Police Commissioner
13 Bratton and I held a press conference announcing
14 the arrest of a family in Georgia and others for
15 sending and selling 155 guns to an undercover NYPD
16 officer, whom they thought was going to then turn
17 those guns to criminals to use on the streets of
18 Brooklyn.

19 Unfortunately, there are still too many
20 illegal guns on the streets of our city and young
21 people in Brooklyn are too often the offenders and
22 victims of senseless gun violence. The key to
23 keeping our streets safe for all is to ensure that
24 our young people have alternatives to joining
25 gangs. Similarly, for those who are into the

2 criminal justice system, it is important to provide
3 alternatives to incarceration focused on changing
4 the path that they are on. Project Re-Direct is
5 one of our programs working with violent youth
6 offenders ages 14 to 22. Through participation in
7 this program, these young people are provided
8 counseling, electronic monitoring, as well as life
9 skills training. Rather than incarcerating these
10 young people at tremendous cost to the city, as
11 well as to the young people involved, this program
12 seeks to intervene at a critical point where the
13 adoption of basic life skills can divert these
14 young people from participating in the violent
15 behavior that led them to enter into the criminal
16 justice system. On average, 85 percent of our
17 program participants do not recidivate within two
18 years of successfully completing the program. This
19 success rate lets us know that we are changing
20 lives with Project Re-Direct and it should be
21 continued. While this program was once grant
22 funded, that funding has expired at the close of
23 2013. Not only would we like to continue this
24 program, but we seek to expand the program to have
25 the capacity to serve 40 participants, a 30 percent

2 increase from the current population. I ask for
3 the Council's support with funding in the amount of
4 \$150,000 to maintain and expand Project Re-Direct
5 in Fiscal Year 2015 because this essential
6 community program literally can save lives while
7 taking young people out of the gang life.

8 As my office works to combat the rise
9 of violent crime in Brooklyn, we must not overlook
10 the rise of fraud-based crimes. To address what we
11 see as a growing trend, I have created a Fraud
12 Bureau within the Investigations Division. This
13 bureau will investigate and prosecute instances of
14 fraud in areas such as immigration and health care.
15 This newly created bureau will have the broad
16 responsibility of investigating and prosecuting all
17 forms of fraud, including complex fraud, such as
18 embezzlement, investment fraud and insurance fraud.
19 Unfortunately, the most vulnerable in our community
20 are being targeted and afforded [sic] out of their
21 hard earned money and that is why I recently
22 created the Immigrant Fraud Unit so that we can
23 protect those who live in our immigrant communities
24 in Brooklyn from being scammed, ripped off and
25 exploited by criminals.

2 In closing, I would like to again thank
3 the Council, specifically the Brooklyn delegation
4 and the Public Safety Committee for all your hard
5 work and support of my office. Your efforts are
6 demonstrated in the increase to my office's
7 baseline budget. The funding provided mitigates
8 the budget deficit I was facing as a result of the
9 previous administration. Furthermore, the
10 resources provided will allow my office to have
11 fiscal stability and the ability to plan, which is
12 crucial. While the amount provided does not meet
13 all the needs identified in the new needs request
14 to OMB, I have been assured that further
15 conversations will be held to discuss additional
16 resources needed by my office in order to move
17 completely beyond the fiscal situation that we
18 inherited from the prior administration forward to
19 address the critical law enforcement needs in
20 Brooklyn. Thank you so much.

21 CHAIRPERSON GIBSON: Thank you very
22 much, DA Thompson, and now I welcome our Special
23 Narcotics Prosecutor, Miss Bridget Brennan.

24 SPECIAL PROSECUTOR BRENNAN: Thank you,
25 Chair Gibson and thank you, members of the Council.

2 I would like to express our gratitude in the
3 Executive Budget. We were allocated \$530,000
4 additional dollars that is for two particular
5 efforts; one directed against heroin and one
6 directed against prescription drugs. And I'd like
7 to explain to you the picture that we're now
8 seeing, both with respect to heroin and with
9 respect to prescription drugs and the inter-
10 relationship between the two.

11 We started to see a surge of heroin
12 seizures in New York City probably in about 2008,
13 but what we have seen thus far this year has
14 eclipsed anything that we've seen since we started
15 keeping records in about 1991. We have already
16 seized... we have so far seized 288 pounds of
17 heroin in New York City in our related
18 investigations, about 131 kilos, which has a street
19 value of somewhere between 40, \$60 million to the
20 extent you can accurately estimate. That's
21 compared to 175 pounds we seized in all of last
22 year. Similarly, we're seeing troubling statistics
23 with respect to what's going on among the people
24 who are using these drugs. The heroin overdoses
25 went up 84 percent between 2010 and 2012. What

2 we're seeing here in New York City is a dual
3 problem. We have a problem in that New York City
4 has become the hub of regional distribution of
5 heroin throughout the Northeast. We've heard, of
6 course, from the Governor of Vermont, who talked
7 about the heroin addiction issues in his state
8 during his address. We've heard about it in
9 Massachusetts and we've seen it in our own state
10 and in our own city; those areas where we have had
11 long-term problems of heroin use and addiction;
12 areas of the South Bronx, areas of Brooklyn,
13 troubled urban areas where we've long had problems.
14 The heroin use in those has increased. We know
15 that by really a comprehensive analysis the City
16 Health Department relating overdose rates to zip
17 codes. But what we've also seen and is equally
18 troubling is a new user group emerging, and that is
19 young people, people who are middle-class, blue-
20 collar, people who are probably... have a higher
21 education level than those users we had previously
22 seen and what we see with regard to that group is
23 that often they start with prescription drug abuse;
24 abusing painkillers and then when those painkillers
25 become too expensive, they turn to heroin.

2 Now, there's been a vast supply of
3 heroin in New York City, as I've described. Our
4 seizures are way up, which means the price of the
5 heroin is lower; it's much more pure. To give you
6 a point of reference, right now, the heroin that
7 we're seizing, the little envelopes, the way it's
8 typically sold, the purity is somewhere between 40
9 and 60 percent. During the last heroin epidemic in
10 the 1970s, the purity... again, it's always been
11 sold in these little envelopes... the purity back
12 then was somewhere between six and 10 percent. And
13 so the new users are snorting heroin because they
14 can get an effective high much more quickly rather
15 than turning to the needles. The needles, which
16 might've scared a lot of users away, aren't being
17 used; certainly not at the initiation stage as they
18 were during the last heroin epidemic. That's also
19 why you see the overdose rate escalating so much.
20 The purity is very, very high.

21 So we have a problem here in our own
22 city and in addition to that, what we've seen is
23 that New York City has become a hub for heroin
24 distribution throughout the Northeast. A case that
25 we... actually we announced arrests on it just

2 yesterday is probably a great example of how it's
3 working. We believe that Mexican cartels are
4 moving heroin, which is coming from Colombia,
5 across the Southwest border, contracting with
6 licensed trucking companies. It might be concealed
7 within cargo, underneath fruit in the cargo. It
8 might be concealed within the cab. We've actually
9 had cases where it was concealed within the
10 batteries that the... within a truck battery where
11 the cells of the battery might be taken out and
12 only enough cells left so that the ignition would
13 start. The rest of the battery was packed with
14 heroin. Heroin is a much lighter drug than cocaine
15 and much more valuable in that it can extend much
16 further than cocaine in terms of how many
17 glassines... how much money you can make dealing
18 heroin, and that is why I believe we are seeing
19 such an infusion of heroin now in the city and in
20 the country.

21 And often what we see is that heroin is
22 offloaded outside of New York City. What we've
23 learned through intelligence that we've developed
24 in our investigations is that New York City is
25 viewed to be very hot with law enforcement and so a

2 load of heroin might be offloaded in New Jersey, in
3 Pennsylvania, some more distant location and a
4 smaller portion of it then transported via vehicle
5 by car to New York City, and frequently where we
6 see it going is unfortunately in Madam Chairman's
7 district in the Bronx because.. not because there's
8 anything wrong with that district; it's a great
9 district. Unfortunately, it's also the hub of many
10 major thoroughfares. We see it also being
11 transported to Washington Heights to huge mills
12 where it is diluted and packaged into the little
13 envelopes and it's very different from the kind of
14 organizations that we'd previously seen. The
15 volume of the heroin that is then being produced is
16 huge, hundreds of thousands of glassines of heroin,
17 and then again, the operations are very streamlined
18 and efficient. The heroin is then sent on these
19 major thoroughfares, perhaps to Connecticut, as in
20 the case that we announced yesterday, or, of
21 course, it might stay within our own city or it
22 might go out to Long Island or it might go to
23 Massachusetts. But this flood of heroin is going
24 to hit the streets and what I've seen in my years
25 as Narcotics Prosecutor is that when you have an

2 abundant supply of any drug, you're going to see a
3 huge spike in addiction. That's what we saw with
4 the prescription drugs. The prescription drugs
5 started spiking in terms of their availability a
6 few years ago and as a result we saw a big increase
7 in addiction. Well, this particular epidemic is
8 fueled; I think the heroin epidemic by the greed of
9 the suppliers, who started pushing these loads of
10 heroin in with loads of cocaine. Probably 15 years
11 ago we started to seize them and when they saw that
12 they could make a lot more money off of heroin,
13 they really pumped out the heroin and started
14 giving it to the lower level dealers to distribute
15 for free or at a really knock off price and now we
16 have a huge addiction issue in our area and in the
17 entire region of the Northeast.

18 So the question becomes how are we
19 going to solve this problem and we will rein it in.
20 You hear fatigue often from people who are critical
21 of drug enforcement and you hear it said you know,
22 when you arrest one drug dealer there'll always be
23 another one behind him. Well, we're never going to
24 end the problem of drug addiction and drug abuse.
25 What we can do is rein it in and our job in law

2 enforcement is to decrease the supply of that drug,
3 and how we're going to do that is just how we've
4 been doing it; with close cooperation with anybody
5 who's receiving the big shiploads of the drugs; law
6 enforcement in that area, which will help us
7 pinpoint the source of the supply. We want to pick
8 it off and pick off the large supply as high up the
9 chain as we can get it because that will be the way
10 we will make a dent and as we reduce the supply,
11 we're going to have to deal with the addiction
12 issues that already exist. But equally important
13 is to send out that word in a way that it can be
14 heard, either by our new user groups or by the
15 traditional groups that have been so afflicted by
16 heroin abuse; that heroin cannot be safe. It
17 cannot be safely used whether you snort it or
18 inject it. It's going to kill you one way or the
19 other and if it doesn't kill you, your addiction
20 will make you feel like you want to die. That
21 message has to go out unambivalently [sic]. We
22 have to make that message very clear because it's
23 been a long time since we've had a heroin problem
24 in this city and I think our young people may not

2 be aware of the severe consequences that they're
3 facing.

4 So that's how we intend to use the
5 money. I've spoken to the Council before about the
6 prescription drug issues; very different problem
7 because it's a legal drug and so the focus of those
8 efforts is often on medical professionals; errant
9 doctors, greedy doctors who basically sell their
10 license to prescribe or those with access to pills
11 who are using their access to fuel the black
12 market, and that's how we will be using the monies;
13 additional monies that we've been allocated if
14 approved by the City Council. I want to thank the
15 Council for their engagement with us on all these
16 efforts. We've had a very productive discussion
17 with Chair Gibson. I look forward... and you had a
18 really powerful hearing on Crew Cuts and on the
19 gangs and I want to thank you for that. I want to
20 thank you for your engagement, for your close
21 attention to all the issues that we're working on,
22 and I look forward to working with you hand-in-hand
23 to craft some solutions. Thank you very much.

24 CHAIRPERSON FERRERAS: Thank you for
25 your testimony. Thank you all for your testimony.

2 I'm actually going to follow up on something very
3 specific to the budget technical perspective, and
4 this is on transparency. At the Preliminary Budget
5 hearing, several of you presented your funding
6 requests and concerns with your Fiscal 2015 Budget.
7 In our Preliminary Budget response, we asked the
8 administration to revisit the baseline and as we
9 all agreed, we are pleased to see the increase. As
10 we examine the baseline funding, I want to focus on
11 budget transparency and coordination efforts with
12 other city agencies. I understand that your office
13 received funding from a revenue sharing agreement
14 and deferred prosecution agreements. Before the
15 Preliminary Budget hearing began, we learned that
16 the New York County office received approximately
17 \$169 million in a deferred prosecution agreement
18 with HSBC Bank. In addition to this, there was a
19 potential increase for your work against Standard
20 Charter Bank. I guess this is in particular to DA
21 Vance. Can you discuss with the committee the
22 guidelines regarding this \$169 million funding and
23 what are your plans for this funding? What
24 agencies facilitate the sharing of this fund? Just
25 get your mic there.

2 DISTRICT ATTORNEY VANCE: In my
3 testimony, I alluded to the fact that we had
4 received monies from HSBC Bank settlement as well
5 as Standard Charter Bank settlement. Those monies
6 come to us by way of what is called Federal
7 Equitable Asset Forfeiture. Those monies cannot
8 generally be used for salaries, with some minor
9 exceptions, but must be used for specified law
10 enforcement purposes, which are described in the
11 governing documents from the Department of Justice.
12 So they need to be used for criminal justice and
13 crime fighting purposes. That is why I alluded in
14 my testimony to our intent to work with the NYPD
15 to, among other things, fund expansion of cameras,
16 both in city housing; in public housing, as well as
17 in other neighborhoods; to help where requested our
18 brother and sister prosecutors in the expansion of
19 their technology and access to courtroom
20 improvements, as well as units such as the Crime
21 Strategies Unit, which had proved successful in
22 Manhattan and I believe will be successful
23 elsewhere. So the answer to your question is we
24 have met with the Mayor's Office of Criminal
25 Justice. We are planning to work with them to

2 outline broad-based criminal justice investments
3 that will benefit the City of New York. As I said
4 also, we have some internal needs, as all the DAs
5 do for reconstruction and renovation, which are
6 substantial, but these monies are intended to
7 benefit... will be intended because I've decided
8 that's what they're going to be intended for; to
9 benefit other city agencies. I've alluded to
10 alternatives to incarceration and to other broad-
11 based criminal justice initiatives that we think
12 can help the city in significant ways attain both
13 greater safety and attain greater fairness in our
14 justice system.

15 CHAIRPERSON FERRERAS: Can we assume
16 that that would be the same approach to the
17 approximately \$2 billion in the settlement for
18 Credit Suisse?

19 DISTRICT ATTORNEY VANCE: We are not
20 involved in the Credit Suisse case.

21 CHAIRPERSON FERRERAS: Okay.

22 DISTRICT ATTORNEY VANCE: That's not a
23 case we're involved in.

24 CHAIRPERSON FERRERAS: Okay, my staff
25 is going to be pulling that one together now.

2 [laughter] So get back to me, thank you. So I
3 guess this is for all of the DAs and the
4 opportunity that you can answer this, but similar
5 for each of your offices I would assume that your
6 budgets do not reflect all of the funding provided
7 to your offices. What percentages of the budget
8 that we reviewing today cover your daily
9 operations? Oh, boy. I thought that was a...

10 DISTRICT ATTORNEY VANCE: I'll start
11 and maybe if I'm not answering the question you can
12 stop me.

13 CHAIRPERSON FERRERAS: Yes.

14 DISTRICT ATTORNEY VANCE: But I think
15 the baseline budget increase that we were very
16 blessed and appreciative to receive is intended to
17 enable us to operate in a balanced budget scenario,
18 so in terms of the cost of our operations, it is
19 designed to help us match expenses with tax levy
20 increases. I will say that in our office, and I'm
21 sure it's the same with others, we self-fund a
22 significant amount of programs, whether it's the
23 Crime Strategies Unit or whether it is Witness Aid
24 Unit, which I mean has 30 individuals. We self-
25 fund a number of things, which we will continue to.

2 CHAIRPERSON FERRERAS: Right. I'm just
3 trying to find a comparison of self-funding to
4 actual funding that is appropriated from our
5 perspective.

6 DISTRICT ATTORNEY VANCE: In...

7 CHAIRPERSON FERRERAS: [interposing] So
8 that on the record we can see the percentages.

9 DISTRICT ATTORNEY VANCE: In our
10 office, the baseline funding increase enables us to
11 bridge the \$21 million gap that we had previously.

12 DISTRICT ATTORNEY DONOVAN: Chair, in
13 Staten Island, the \$500,000 that was allocated is
14 for new initiatives, so we are going to be able to
15 staff a Family Justice Center. We don't have one
16 now in Staten Island and all the other four
17 boroughs have one.

18 CHAIRPERSON FERRERAS: Right.

19 DISTRICT ATTORNEY DONOVAN: We're going
20 to be able to service domestic violence victims in
21 a one-stop shopping scenario and also we're going
22 to create a Crime Strategy. About \$275,000 of
23 that's going to be used to create a Crime Strategy
24 Unit, as DA Vance has created in Manhattan.

25 CHAIRPERSON FERRERAS: Okay.

2 DISTRICT ATTORNEY DONOVAN: So 100
3 percent of the money that was allocated will be for
4 new initiatives.

5 CHAIRPERSON FERRERAS: The
6 Commissioner... the NYPD Commissioner had testified
7 earlier that the majority of their increases were
8 in domestic violence cases in the public housing,
9 so I think that's appropriately located, especially
10 since they're going to be doing a lot more
11 enforcement in public housing in reference to...
12 and across the city on domestic violence cases.

13 DISTRICT ATTORNEY DONOVAN: After drug
14 cases, domestic violence cases are my number one
15 crime on Staten Island.

16 CHAIRPERSON FERRERAS: Okay, thank you.

17 DISTRICT ATTORNEY JOHNSON: I thought I
18 understood your question a little differently. Are
19 you asking about the additional increases that we
20 just got or are you asking about...

21 CHAIRPERSON FERRERAS: [interposing]
22 I'm... everyone just began answering the question
23 differently. I guess...

24 DISTRICT ATTORNEY JOHNSON:
25 [interposing] Oh, okay.

2 CHAIRPERSON FERRERAS: I'm not a lawyer
3 so I just focus it in properly.

4 DISTRICT ATTORNEY JOHNSON: You're not
5 doing a bad job.

6 CHAIRPERSON FERRERAS: But it is about
7 not just the increase, but what... if we look at
8 your budget in a totality, what percentage of that
9 tax levy dollar as opposed to what you raise?

10 DISTRICT ATTORNEY JOHNSON: Alright,
11 this is an approximation, but I would say 90
12 percent of our budget's New York City tax levy
13 dollars. You know, historically, we've always
14 gotten grant money, which is not baselined. It's
15 not reliable from year to year, but we've been
16 somewhat successful in maintaining that. The type
17 of funds that DA Vance described, that's also
18 subject to yearly case success so that that portion
19 that is not predictable amounts to about 10 percent
20 of what we have in the Bronx, but the city is the
21 lion's share of what we get; very, very small state
22 funding and grants state and federal; some from the
23 City Council members; thing of that nature.

24 CHAIRPERSON FERRERAS: Thank you.
25

2 DISTRICT ATTORNEY THOMPSON: 90 percent
3 covers our budget as well, 90 percent of the money
4 that we got.

5 CHAIRPERSON FERRERAS: 90. Judge
6 Brown?

7 DISTRICT ATTORNEY BROWN: True in
8 Queens as well.

9 CHAIRPERSON FERRERAS: Okay and I
10 can... 'kay, is that the same for Staten Island?

11 DISTRICT ATTORNEY DONOVAN: Yes.

12 CHAIRPERON FERRERAS: 90. And DA
13 Vance? I know you're probably on a different case.

14 DISTRICT ATTORNEY VANCE: I would
15 guesstimate 80, but I'll get you...

16 CHAIRPERSON FERRERAS: [interposing]
17 Okay, very good.

18 DISTRICT ATTORNEY VANCE: A definite
19 answer.

20 CHAIRPERSON FERRERAS: Thank you. I
21 would appreciate it. So...

22 SPECIAL PROSECUTOR BRENNAN:
23 [interposing] And Special Narcotics...

24 CHAIRPERSON FERRERAS: Yes, I'm sorry.
25

2 SPECIAL PROSECUTOR BRENNAN: Not to be
3 forgotten, the Special Narcotics...

4 CHAIRPERSON FERRERAS: Yes, yes, sorry,
5 sorry.

6 SPECIAL PROSECUTOR BRENNAN: I think
7 the city funding is probably 90 to 93 percent of
8 our, you know, base funding. We only get a
9 relatively small state grant and then some other
10 various funding sources.

11 CHAIRPERSON FERRERAS: I'm going to
12 pass this over to my co-chair and then we're going
13 to come back for a second round.

14 CHAIRPERSON GIBSON: Thank you very
15 much, Madam Chairwoman, and again, to all of you
16 thank you so much for your presence, your testimony
17 and certainly all of the work that each of you do.
18 I've had a wonderful opportunity in my short tenure
19 as chair of Public Safety to meet with every one of
20 you and to really just affirm my commitment to
21 helping you and I'm really happy to see that in the
22 Executive you know, each of you are getting either
23 what you requested or maybe a little bump up. So
24 what I'm trying to understand is what were the
25 factors that OMB, as well as MOCJ shared with you

2 in terms of where this number came from. I guess
3 my general concern is we talked in the City Council
4 and our response focused on an analysis across the
5 board at each of your offices in terms of the
6 workload, and while I don't think that was
7 specifically addressed, I know there was a report
8 that was done in 2009 and I don't know where OMB
9 stands on that; that's another question, but your
10 conversations with OMB as it relates to this number
11 that you're now at, you were a set of provisions on
12 how you can spend that. You've all indicated that
13 you cannot adjust the salaries for your current
14 staff. That's a major concern for me, as all of
15 you alluded to in terms of retaining your staff, so
16 if you can focus on new hires, that's great, but
17 how do you keep them? Once they get into your
18 office and look at the workload and the demand, how
19 do you retain that staff? So have you brought that
20 issue up with MOCJ and OMB as it relates to maybe
21 loosening some of those restrictions and if so,
22 what has that response been for the Council to
23 understand?

24 DISTRICT ATTORNEY JOHNSON: We just had
25 an initial response where the answer that you've

2 just described was given. I would like to revisit
3 that with them, assuming that you know, we don't
4 need it all for new hires, but I'm not sure that
5 we're going to be successful in that and that's why
6 I raised it as something that perhaps you could do
7 something about. And then when you ask about where
8 the numbers came from; what analysis they did, I
9 was not given the specifics of that. I know the
10 prior analysis did result in a different allocation
11 of funds and was utilized in my county and it was
12 helpful to us. Right now, what I can assume is
13 that I think you're urging prompted some of this,
14 but I don't know what... you know, how they came up
15 with the numbers.

16 CHAIRPERSON GIBSON: Anyone else that
17 want to add anything?

18 SPECIAL PROSECUTOR BRENNAN: We only
19 got money that we asked for with regard to those
20 two specific grants. We got no additional funds.
21 I can only assume that they intend to take care of
22 us in the event that the DAs are allowed to set
23 raises. All of our Assistant District Attorneys'
24 salaries are set by their home offices and so I
25 wouldn't have control over raising their salaries

2 in any event. I can only assume that if they allow
3 salary increases that of course, they would give us
4 an increase in our budget to account for that.

5 CHAIRPERSON GIBSON: Okay.

6 DISTRICT ATTORNEY THOMPSON: Much of
7 our conversation was about the deficit that we
8 faced in Brooklyn. Our budget deficit was \$2.8
9 million and so that was the pressing concern for my
10 office.

11 DISTRICT ATTORNEY BROWN: Yeah, let me
12 just add to that the following: we have a
13 continuous dialogue with OMB. The folks at OMB
14 have been around for a long time and now we have a
15 new Criminal Justice Coordinator in Liz Glazer, who
16 we all know and respect from her days in Albany and
17 hopefully we'll be able to go ahead and resolve all
18 of these issues to the benefit of our offices. But
19 certainly salary parity is something that is most
20 concerning to us.

21 DISTRICT ATTORNEY DONOVAN: Madam
22 Chair, we had shared with your committee the letter
23 we sent to OMB. We needed about \$1 million for the
24 parity to raise our salaries and when we allocated
25 the additional \$500,000, we were told that is only

2 for new initiatives. We cannot use that for salary
3 increases. So as I said in my prior testimony
4 earlier this afternoon, that's going to allow me to
5 hire six new Assistant District Attorneys, who will
6 be underpaid the day they start.

7 CHAIRPERSON GIBSON: Alright, okay. In
8 addition, many of you or each of you rather, has a
9 number of community partnership programs. Many of
10 the individual council members may fund or within
11 your own budget you're able to do that. Within
12 this new baseline funding, are you able first, are
13 you able and then are you looking to expand some of
14 your existing community partnership programs that
15 you have? And I bring that up because I know
16 firsthand that with a lot of the major arrests that
17 have occurred throughout the city, in particular
18 around gang violence and youth crime, after that
19 occurrence we've been able to bring in teen youth
20 academies and centers in Morrisania and the Bronx
21 and in other parts of our area, as well as like
22 PALs Miss Brennan knows very well, so while those
23 are great, we certainly want more because obviously
24 we want to serve a larger population and recognize
25 that after all of these major arrests and gun

2 busts, there is still a whole community that's left
3 behind that needs services. So are you able to
4 provide any of that funding for expansion of
5 community programs?

6 DISTRICT ATTORNEY JOHNSON: First of
7 all, I agree with you with respect to the
8 importance of those type of programs. I've said
9 from before I became District Attorney that that
10 type of expenditure, although sometimes not as
11 tantalizing for funders because the result is not
12 immediate, in the long run is the wiser cost, you
13 know, education and prevention and I indicated that
14 we have not finalized how we're going to use that
15 money. We're going to be putting the... our plan
16 by next month and I certainly would welcome any
17 guidance or suggestions from you because it is
18 important to me so that when we can balance that
19 with our primary mission, we want to do so. You
20 know, our primary mission is handling the cases,
21 but I think we'd get more benefit in the long run
22 from that kind of effort, so I want to hear from
23 you, as well as from my staff on how we can bring
24 that to another level.

2 CHAIRPERSON GIBSON: And it would also
3 be very helpful... I mean many of you describe your
4 plans on spending this additional funds. If you
5 could share with the Council as we move forward the
6 full plan; the scope of the units that you're
7 looking to expand and additional highs. I think
8 that would be great so that the Council can really
9 understand where we see trends and where you think
10 we need to increase our many other resources, so I
11 thank you and appreciate that and I will turn the
12 hearing back over to my chairwoman and co-chair,
13 Council Member Ferreras.

14 CHAIRPERSON FERRERAS: Thank you, Chair
15 Gibson. Reminder: we will have members on a five
16 minute clock and we'll have a second round of three
17 minutes. We will have Council Member Cumbo,
18 followed by... Council Member Williams followed by
19 Council Member Cumbo.

20 COUNCIL MEMBER WILLIAMS: Thank you,
21 Madam Chair.

22 CHAIRPERSON FERRERAS: I'm sorry,
23 Council Member. We'll restart the clock. We've
24 been joined by Council Members Espinal, Greenfield
25 and Lancman.

2 COUNCIL MEMBER WILLIAMS: Thank you,
3 Madam Chairs. Thank you, DAs, for being here. I
4 just wanted to before I started, clarify something
5 that I said in the previous hearing with the Police
6 Department. I wanted to make sure I clarified my
7 comments on Cecily from Occupy Wall Street. What I
8 was making sure... what I was trying to say was
9 that everybody needs to be held accountable. I
10 wasn't in the courtroom to hear all the evidence.
11 I don't believe that she needed jail time. As for
12 the guilt, it's questionable. What I also was
13 saying that there are videos of police officers who
14 were doing things that I think should have been
15 held accountable and they were not held
16 accountable, as well as when I was arrested and my
17 word as a civilian and a council member didn't mean
18 much in terms of the officers. So I was talking
19 about equalizing the playing field and I also
20 wanted to give credit to the Police Commissioner
21 for putting together the Financial Crimes Task
22 Force. It was one thing that I always mentioned.
23 For some reason, we never focus on the financial
24 crimes, but I think putting pressure on people
25 below and always focusing on the lower crimes that

2 usually affect black and brown people, so I wanted
3 to say kudos to him for that and I'm interested to
4 see how far that goes.

5 But thank you for your testimony. I'm
6 sorry, DA Donovan, I missed your rap reference, but
7 I heard about and I'm very upset that I missed it
8 too. So particularly, DA Vance, you have mentioned
9 some incredible work that you're doing. It's
10 innovative, I think, in trying to look at the
11 violence in a certain way in addressing it. And DA
12 Thompson, I have to give a shout out 'cause of
13 Brooklyn. But there is some great work being done
14 there and continued through the re-entry programs,
15 particularly programs like Safe Surrender, which I
16 think has been phenomenal. My question is: are
17 there conversations happening with the other DAs
18 about what's working? Is it... are DAs not copying
19 some of those programs because of funding; because
20 they don't believe that it works? I just want to
21 have more information on those.

22 DISTRICT ATTORNEY VANCE: From my
23 perspective, Council Member, we are all sharing
24 ideas and if something is working in Brooklyn, I
25 love to know about it because I'd like to know if

2 it can work in Manhattan, so I think there is
3 sharing of interests; sharing... frankly I know my
4 staff is talking with the staffs of the other DAs
5 offices probably 50 times a day; some of it's on
6 programmatic; some of it's on cases. I think we
7 could always do better, but I think we are all on
8 the same team and we feel we are in the same city
9 and we have the same goal, which is to reduce crime
10 citywide.

11 COUNCIL MEMBER WILLIAMS: Programs like
12 Safe Surrender in particular I think has been
13 particularly effective on getting people who have
14 low level issues with the court dealt with, things
15 like the Community Court. I'm just always
16 wondering why it's not being replicated in some of
17 the other boroughs and is there a belief that... I
18 really want to know is it not working? Is it not
19 applicable to the boroughs? What's the thought
20 process when you hear about some of the innovative
21 work that's being done in the other boroughs?

22 DISTRICT ATTORNEY JOHNSON: I think
23 that you know, at the end of the day, we all try to
24 do similar things, but they have to be tailored to
25 our individual constituencies and resources. With

2 Safe Surrender, for instance, while it's
3 successful, it's mostly involved is my
4 understanding in a court, which we've never been
5 involved, so that I've referred those...

6 COUNCIL MEMBER WILLIAMS: [interposing]
7 I'm sorry, I didn't hear that last part. It's
8 always been...

9 DISTRICT ATTORNEY JOHNSON: And so it's
10 been utilized in a court in which we've never been
11 involved. We're not involved in our summons part
12 in Bronx County. So that I refer the people who
13 make that recommendation to me to OCA, the Office
14 of Court Administration and you know, it's their
15 determination. They run that court on a daily
16 basis. As far as the Community Courts, that was
17 one where we don't have a Community Court in the
18 Bronx, but what we did is tailored it to our
19 geography, which is smaller than Brooklyn, for
20 instance, so that we didn't need a remote court.
21 We have one court, Bronx Community Solutions, that
22 provides the same services, but we wanted it for
23 all defendants in the county so that anybody who
24 comes in with that type of case who needs that type
25 of service we're trying to apply to them, but that

2 was based on a geographical distance; a
3 geographical difference and we try to tailor it to
4 our needs. So you know, every county is making
5 those kind of determinations individually about
6 what services their community.

7 DISTRICT ATTORNEY BROWN: I think it's
8 fair to say that each one of us responds to the
9 needs of our constituents as we think best. I'm
10 reminded, for example, this week we're going to
11 take 1,000 kids from the Far Rockaway to the Tennis
12 Center and they'll spend a day saying no to
13 violence and saying yes to tennis. We've done this
14 for 20 years now. Every year, every spring we do
15 it. We have so many other programs that are
16 ongoing, not only within the courts like the Mental
17 Health Court and the Drug Court [chime] and Second
18 Chance, all of those kinds of things, but I think
19 we're all very, very mindful of the need to prevent
20 crime as much as we are to address it by
21 incarcerating individuals.

22 COUNCIL MEMBER WILLIAMS: Madam Chair,
23 can I just... I would love to see if maybe we can
24 put together one page or a two pages of some of the
25 innovative things that seem to be working from some

2 of the programs that are outside of the box and I'd
3 love to hear the responses about why they wouldn't
4 be able to work in some of the other boroughs.
5 Perhaps what they say is true for some of them, but
6 maybe not all of them. I'd just like to get that
7 conversation.

8 CHAIRPERSON FERRERAS: Absolutely.
9 We'll work on it and we'll make sure the Committee
10 Counsels follow up on that. Now we will have
11 Council Member Cumbo, followed by Council Member
12 Lancman.

13 COUNCIL MEMBER CUMBO: I want to thank
14 our chairs for organizing today's hearing. I want
15 to thank all of you for your testimony thus far.
16 Just wanted to ask some brief questions. I
17 understand that we're on the clock, so I do
18 appreciate your brevity in responses just because
19 of the limited time that we have. I wanted to ask
20 DA Ken Thompson, I believe the original amount of
21 money that you asked for I believe was
22 approximately \$6.2 million initially and I know
23 that what appeared in the Executive Budget was not
24 quite to the level. What was the original amount
25

2 and what won't you be able to do as a result of not
3 receiving the full amount that you requested?

4 DISTRICT ATTORNEY THOMPSON: Well, for
5 Fiscal Year '15, the amount was \$6.7 million.

6 COUNCIL MEMBER CUMBO: 6.7.

7 DISTRICT ATTORNEY THOMPSON: And for
8 Fiscal Year '16, '17 and '18 it was 8.2. We are
9 enormously grateful to receive the \$5.2 million
10 because it helps us mitigate a very serious
11 situation in Brooklyn.

12 COUNCIL MEMBER CUMBO: Mm-hm.

13 DISTRICT ATTORNEY THOMPSON: We no
14 longer will have a deficit. We also have a number
15 of initiatives that we intend to put in place for
16 the people of Brooklyn, but one of the highest
17 priorities that we have is to deal with these
18 wrongful conviction claims.

19 COUNCIL MEMBER CUMBO: I was just going
20 to ask about...

21 DISTRICT ATTORNEY THOMPSON:
22 [interposing] Because it goes to the heart of the
23 integrity of the criminal justice system and so we
24 are going to take some of the money that we are
25 going to be given in the 5.2 and add it to this

2 very important newly created Conviction Review
3 Unit. We'll take \$500,000 of the money and put it
4 towards this unit annually so we can get through...
5 we have so many cases to look at.

6 COUNCIL MEMBER CUMBO: Mm-hm.

7 DISTRICT ATTORNEY THOMPSON: And so we
8 are grateful, but we also have been told by OMB and
9 the Mayor's Office of Criminal Justice that they're
10 going to continue to have conversations with us
11 about additional needs that we have and that we
12 would like to see satisfied on behalf of the people
13 of Brooklyn.

14 COUNCIL MEMBER CUMBO: Just wanted to
15 follow up on that because I believe there are
16 upwards and even more of over 50 cases, even
17 higher, that's specific to this borough because of
18 the number of different circumstances in terms of
19 the wrongfully convicted. My question as a new
20 council member is as these cases are continuously
21 overturned and you've been doing a phenomenal job
22 in that in a very short of time, where does the
23 funding...

24 DISTRICT ATTORNEY THOMPSON:
25 [interposing] We're not overturning all of them.

2 COUNCIL MEMBER CUMBO: Well, you've
3 started off on a very good foot. Where does the
4 funding come from when later people; individuals
5 when their cases are turned over... where do those
6 resources; those multi-million dollar cases, where
7 does the funding come from to pay that out?

8 DISTRICT ATTORNEY THOMPSON: You have
9 to speak with Comptroller Scott Stringer.

10 COUNCIL MEMBER CUMBO: Okay.

11 DISTRICT ATTORNEY THOMPSON: Because
12 what we do in Brooklyn is we look at each case
13 fairly and thoroughly and we make the decision
14 based on the evidence and the investigation that
15 we're conducting...

16 COUNCIL MEMBER CUMBO: Mm-hm.

17 DISTRICT ATTORNEY THOMPSON: And then
18 at that point, the person who might've had their
19 conviction vacated has an ability to then seek
20 legal redress, but we, in Brooklyn, don't get
21 involved in that. We get involved in making sure
22 that justice was done.

23 COUNCIL MEMBER CUMBO: Thank you so
24 much. I wanted to ask in terms of the uprising in
25 heroin. The testimony was very eye opening, and

2 wanted to ask because this is an addictive drug,
3 has... and I'm consistently trying to follow up
4 with having an understanding of CompStat, right, in
5 regards to this, so in your report, it shows that
6 there were 2,230 arrests that were made as it
7 pertains to the Special Narcotics Division. Want
8 to know what types of crimes are these that are
9 being created and where do they fall within this?
10 Also wanted to know as heroin has become on the
11 uprise, are we also seeing violent crimes that are
12 also being associated with this as this particular
13 drug goes on the rise? And I'm like obsessed with
14 trying to understand what's happening in our public
15 housing developments as far as there is such an
16 uptick in crime there, and wanted to know if heroin
17 potentially was one of the reasons for the uptick
18 in crime in our housing developments.

19 SPECIAL PROSECUTOR BRENNAN: Okay, our
20 office was set up to address felony narcotics
21 prosecutions throughout New York City.

22 COUNCIL MEMBER CUMBO: Mm-hm.

23 SPECIAL PROSECUTOR BRENNAN: And we
24 were set up in the 1970s actually as a response to
25

2 the heroin epidemic. The focus of the mission of
3 the office really is on the higher level.

4 COUNCIL MEMBER CUMBO: Mm-hm.

5 SPECIAL PROSECUTOR BRENNAN: And
6 coordinated strategies in order to reduce the
7 supply of drugs and so we operate... target higher
8 level organizations. In addition to that, [chime]
9 you know, as time has gone on, we also focus on
10 violent gangs that are using drug profits in order
11 to support their efforts, and so we work with the
12 NYPD.

13 COUNCIL MEMBER CUMBO: Mm-hm.

14 SPECIAL PROSECUTOR BRENNAN: We work
15 with the DEA. We work with enumerable agencies,
16 but the focus of our work is not so much on the
17 street.

18 COUNCIL MEMBER CUMBO: Mm-hm.

19 SPECIAL PROSECUTOR BRENNAN: Certainly
20 it's not on users per se. You know, it's on the
21 people who are making loads of money...

22 COUNCIL MEMBER CUMBO: Mm-hm.

23 SPECIAL PROSECUTOR BRENNAN: Dealing
24 drugs. With regard to violence...

25 COUNCIL MEMBER CUMBO: Mm-hm.

2 SPECIAL PROSECUTOR BRENNAN: We
3 typically see or very often see drug dealers at the
4 level that we're looking at...

5 COUNCIL MEMBER CUMBO: [interposing]
6 Right.

7 SPECIAL PROSECUTOR BRENNAN: Armed. In
8 the case that I described that we announced
9 yesterday, in a storage locker in the Bronx
10 associated with this organization we recovered
11 three guns. Two of them were assault rifles and
12 one was a loaded handgun.

13 COUNCIL MEMBER CUMBO: Hm...

14 SPECIAL PROSECUTOR BRENNAN: And that's
15 not unusual.

16 COUNCIL MEMBER CUMBO: Mm...

17 SPECIAL PROSECUTOR BRENNAN: Because
18 the product; the drug are worth a lot of money and
19 if somebody comes to steal them, certainly the drug
20 organizations aren't going to call the police. So
21 they arm themselves in order to protect themselves
22 against thefts; against you know, whatever other
23 terrible business they have going on. And so we
24 typically see at that level that kind of violence
25 associated with it. In terms of other sorts of

2 violence, heroin is a much different drug than
3 crack, for example.

4 COUNCIL MEMBER CUMBO: Mm-hm.

5 SPECIAL PROSECUTOR BRENNAN: Which
6 caused people to become extremely paranoid and
7 violent. It's not like that; however, someone who
8 gets between an addicted person and the money that
9 they want...

10 COUNCIL MEMBER CUMBO: [interposing]
11 Right.

12 SPECIAL PROSECUTOR BRENNAN: In order
13 to buy their drugs is certainly going to be in a
14 very dangerous situation. I have not per se seen a
15 surge of heroin in the public housing, not so much.
16 Actually, oddly what I've seen out of public
17 housing in some of the search warrants that we've
18 conducted is we seize a lot of prescription pills.
19 There seems to be...

20 [crosstalk]

21 COUNCIL MEMBER CUMBO: Mm...

22 [crosstalk]

23 SPECIAL PROSECUTOR BRENNAN: A lot of
24 either dealing or collecting prescription pills for
25 sale. The prescription pills, the painkillers

2 fetch a big price out on the street and so someone
3 with access to the pills who might have a
4 prescription and might have the means to get those
5 pills can supplement you know, their income by
6 selling them. I don't know if... you know, it's
7 hard to say what it is that I'm seeing there, but
8 that is something that I've seen in terms of public
9 housing. I can't say... again, I don't deal with
10 addiction...

11 COUNCIL MEMBER CUMBO: [interposing]

12 Mm-hm.

13 SPECIAL PROSECUTOR BRENNAN: At that
14 level. Certainly...

15 [crosstalk]

16 COUNCIL MEMBER CUMBO: Right.

17 [crosstalk]

18 SPECIAL PROSECUTOR BRENNAN: Some of
19 our defendants are addicts, but that's not the
20 focus of our investigations.

21 COUNCIL MEMBER CUMBO: Thank you.

22 CHAIRPERSON FERRERAS: Thank you,
23 Council Member Cumbo. We will have Council Member
24 Lancman, followed by Council Member Gentile.

25

2 COUNCIL MEMBER LANCMAN: Good

3 afternoon, everyone. I just have two questions;
4 one for Judge Brown and one for DA Thompson.

5 Judge, if you could just explain to the committee
6 and I guess indirectly the Council and the Mayor,
7 the challenges that your office faces with having
8 your assistants and your staff dispersed around
9 Queens Boulevard and its environs and the
10 difficulties and perhaps I would assume costs that
11 that imposes, rather than having someone... rather
12 than having everyone more centrally located. I've
13 seen it firsthand. I don't know how you do it, but
14 if you could tell the committee about that, that'd
15 be great.

16 DISTRICT ATTORNEY BROWN: We have about
17 four and a half floors now at 80-02 Kew Gardens
18 Road, which is about five blocks away from the
19 courthouse and our assistants have to move across
20 Queens Boulevard on a regular basis two or three or
21 four times a day. We also have our Intake Bureau,
22 which is over in Borough Hall and we have a Child
23 Advocacy Center in another building and we've got a
24 Family Justice Center in another building and there
25 lies the Queens House of Detention, which has been

2 empty since 2002. The city is spending \$3 million
3 a year on that facility, on 80-02 Kew Gardens Road
4 for us and it would just seem to me it'd make a lot
5 more sense to refurbish the Queens House, which has
6 been laying dormant, and we'll have everything
7 close by.

8 COUNCIL MEMBER LANCMAN: So if I hear
9 you correctly, Judge, there's an enormous empty
10 building right next to the courthouse, which might
11 make a perfect location for the District Attorney's
12 office to be housed from soup to nuts.

13 DISTRICT ATTORNEY BROWN: That's what
14 I've been arguing for a long, long time. The city
15 is spending \$3 million a year on rent for no reason
16 at all. The building has been empty since 2002 and
17 I could be refurbished and not only is it adjacent
18 to the courthouse, it literally abuts my office.
19 There are people around who indicate that at one
20 point the inmates tried to come in through the wall
21 between my conference room and the building.

22 COUNCIL MEMBER LANCMAN: I don't mean
23 to interrupt you, but we seem like we are about to
24 be inundated with beauty queens.

25 CHAIRPERSON FERRERAS: Yes. [laughter]

2 COUNCIL MEMBER LANCMAN: I don't want
3 this important testimony to be distracted, but how
4 could we not be distracted.

5 CHAIRPERSON FERRERAS: So we'll stop
6 your clock 'cause I want to definitely acknowledge
7 that we have Miss New York Pageant contestants are
8 here. The pageant will be held on Saturday in the
9 St. George Theatre on Staten Island. Welcome,
10 ladies. [applause] We weren't expecting you here
11 today. [laughter] You may continue, Council
12 Member. I think he's tweeting.

13 COUNCIL MEMBER LANCMAN: That's going
14 on Twitter, that's right. I've had my questioning
15 of witnesses, both in the Council and in the
16 courtroom interrupted many times, but never by a
17 team of beauty queens, so thank you very much. And
18 just a question for DA Thompson: I don't know if
19 you covered it in your testimony, but I know that
20 you are working on and I don't know if you've
21 finalized yet a different approach to the issue of
22 prosecuting low level marijuana arrests. You know,
23 sitting here and just contemplating the extra
24 resources that your office has to devote to
25 cleaning up the mess that you found, especially as

2 it comes to exonerating wrongfully convicted
3 individuals, and your willingness to confront
4 that issue openly is so commendable and admirable,
5 but on top of it, to have to waste the tremendous
6 amount of time in prosecuting these low level
7 marijuana arrests, which I understand something
8 like two-thirds of the times one cannot get a
9 conviction. In any event, I know that you were
10 talking about a new policy on that. Is there
11 anything you can share with us?

12 DISTRICT ATTORNEY THOMPSON: Councilman
13 Lancman, what we are in the final stages of doing
14 is to... we're preparing our new policy in Brooklyn
15 regarding how we're going to handle the cases of
16 low level possession of marijuana. We had a
17 meeting with the Police Commissioner and his top
18 brass regarding it [chime] because it's a policy
19 that going to be based on discretion, but it's a
20 policy that we, in Brooklyn, have decided is
21 necessary. As you alluded to, two-thirds of those
22 cases are being dismissed outright by judges in
23 Brooklyn and thousands of them are coming into the
24 system every year, and so it's a matter of
25 resources and it's a matter of whether we want to

2 give criminal records to certain people. And so we
3 are going to issue our policy within the next
4 couple of weeks, but we want to do it with the full
5 knowledge of our partners in the NYPD and so we
6 started the discussion and now we're just fine
7 tuning it and we are going to soon distribute it to
8 our prosecutors in Brooklyn.

9 COUNCIL MEMBER LANCMAN: It's just
10 another area that I want to commend you for; for
11 confronting a difficult situation head on.

12 DISTRICT ATTORNEY THOMPSON: Thank you.

13 COUNCIL MEMBER LANCMAN: 'Kay, thank
14 you.

15 CHAIRPERSON FERRERAS: Thank you,
16 Council Member Lancman. We will have Council
17 Member Gentile, followed by Council Member Crowley
18 if she's in the room.

19 COUNCIL MEMBER GENTILE: If she comes
20 back, right? Okay. Well, I don't get more than
21 five minutes?

22 CHAIRPERSON FERRERAS: No.

23 COUNCIL MEMBER GENTILE: No, okay.
24 Thank you. Well, thank you again for all being
25 here today. I want to just clarify some things on

2 the budget. OMB made a condition of all of you
3 receiving your additional baseline money on an
4 explanation on how it would be used. Am I correct
5 about that?

6 DISTRICT ATTORNEY DONOVAN: Actually
7 then it's going to be held in a code and it won't
8 be released until we submit the purpose that we're
9 going to use it for.

10 COUNCIL MEMBER GENTILE: But...

11 DISTRICT ATTORNEY DONOVAN:
12 [interposing] And they'll approve that releasing of
13 that money for that purpose.

14 COUNCIL MEMBER GENTILE: But isn't the
15 fact of what you're using it for the reason they
16 gave you the money in the first place?

17 DISTRICT ATTORNEY DONOVAN: Well, when
18 they gave it to us, they told us they wanted new
19 initiatives that our office or our individual
20 offices weren't involved in at that moment, so we
21 came up with new initiatives and they're holding it
22 in a code and when we submit that we're going to
23 hire this many Assistant DAs, this many analysts
24 for a Crime Strategy Unit and they approve it, then
25 they'll release the money for that purpose.

2 COUNCIL MEMBER GENTILE: So it
3 wasn't... I'm just trying to figure out, the money
4 wasn't based on the advocacy that you had with them
5 in terms of what you needed. They just said give
6 us some programs; here's the money; give us some
7 programs?

8 DISTRICT ATTORNEY DONOVAN: Right.
9 They have not responded to my letter for the
10 increase in salaries yet.

11 COUNCIL MEMBER GENTILE: Right, okay.
12 I want to bring that up now too because I think
13 several of the DAs here have talked about this and
14 having been a former DA, you know that salaries is
15 a very... a topic that's very close to my heart and
16 very sensitive, so I'm very interested in DA's
17 salaries. You testified... I think it was you, DA
18 Donovan, that the baselining dollars cannot be used
19 for salaries. Am I correct about that?

20 DISTRICT ATTORNEY DONOVAN: Baseline
21 increases cannot be used for salaries.

22 [crosstalk]

23 COUNCIL MEMBER GENTILE: Cannot be used
24 for salaries.

2 DISTRICT ATTORNEY DONOVAN: And cannot
3 be used for increases. I can use salaries for new
4 initiatives; hiring new assistants to do my Crime
5 Strategy Unit, but I cannot compensate the current
6 ADAs by increasing their salaries with that money.

7 COUNCIL MEMBER GENTILE: But it can be
8 used for situations like in Brooklyn to actually
9 save some ADA positions. Am I correct? You can
10 save some ADA positions with that money, right?

11 DISTRICT ATTORNEY THOMPSON: Well, we
12 were facing a significant deficit, which would've
13 forced us to have to consider reductions and now we
14 don't have to do that.

15 COUNCIL MEMBER GENTILE: I see. Okay,
16 so you can do that and you can add staff; you can
17 save staff; you can add staff, but you can't
18 increase salaries. Is that right?

19 DISTRICT ATTORNEY DONOVAN: That's my
20 understanding, Council Member.

21 COUNCIL MEMBER GENTILE: Right. Okay
22 and someone testified too about the \$18 million
23 would allow a \$10,000 increase for all the ADAs
24 across. It was DA Donovan, okay.

2 DISTRICT ATTORNEY DONOVAN: That's
3 correct.

4 COUNCIL MEMBER GENTILE: So how do we
5 get to that money then? What... you're saying it
6 has... it can't just be an allocation...

7 DISTRICT ATTORNEY DONOVAN:
8 [interposing] It...

9 COUNCIL MEMBER GENTILE: [interposing]
10 From...

11 DISTRICT ATTORNEY DONOVAN: It can be a
12 new allocation. It just can't be used with the
13 monies that were allocated in this go around. In
14 other words, the monies that were baselined for us
15 this time cannot be used for...

16 [crosstalk]

17 COUNCIL MEMBER GENTILE: Yeah.

18 [crosstalk]

19 DISTRICT ATTORNEY DONOVAN: Salary
20 increases. If, through your negotiations with them
21 and their negotiations...

22 [crosstalk]

23 COUNCIL MEMBER GENTILE: In addition...

24 [crosstalk]

25 DISTRICT ATTORNEY DONOVAN: With us...

2 COUNCIL MEMBER GENTILE: [interposing]
3 Right.

4 DISTRICT ATTORNEY DONOVAN: They could
5 put that additional money in. An additional \$18
6 million would give a \$10,000 increase to every
7 Assistant District Attorney in New York City.

8 COUNCIL MEMBER GENTILE: Right. Okay,
9 so it's an additional \$18 million allocation that
10 you would need specifically for salary increases.

11 DISTRICT ATTORNEY DONOVAN: That's
12 correct.

13 COUNCIL MEMBER GENTILE: I see. I see,
14 okay. How are head... I guess for all of... I
15 guess for every DA and the Special Prosecutor, are
16 head counts at this point sufficient for workload
17 or if not, how deficient are they?

18 DISTRICT ATTORNEY DONOVAN: Well, in my
19 case, I took office in 2004. December... September
20 10th, 2001, the day before the tragedy in Lower
21 Manhattan, there was 11 more Assistant District
22 Attorneys in Staten Island and I have over 100 more
23 indictments each year than they had that year.

24 COUNCIL MEMBER GENTILE: Wow.
25

2 DISTRICT ATTORNEY DONOVAN: So with 11
3 less assistants, I have over 100 more indictments
4 every year.

5 COUNCIL MEMBER GENTILE: Judge Brown,
6 do you have any more assistants than when I worked
7 in that great office?

8 DISTRICT ATTORNEY BROWN: [off mic] It
9 took five to take your place.

10 COUNCIL MEMBER GENTILE: No, no, no,
11 no.

12 DISTRICT ATTORNEY BROWN: How old were
13 you when you left?

14 COUNCIL MEMBER GENTILE: I left in
15 1996, a long time ago.

16 DISTRICT ATTORNEY BROWN: You were 23
17 years old.

18 COUNCIL MEMBER GENTILE: Yeah, exactly.

19 DISTRICT ATTORNEY BROWN: Yeah. No,
20 the bottom line of all of this is that you know,
21 OMB wants to keep [chime] strings on that which it
22 is that we do and I can understand that; yet, by
23 the same token, there are all sorts of needs that
24 all of us have and one of them certainly is giving
25 our assistants the kind of money that they're

2 entitled to. I mean when you take a look at the
3 last 12 years of the City Administration, they took
4 care of the Corporation Counsel's office and other
5 governmental offices, who have been getting raises,
6 and our people have been stuck at basically the
7 same level. My incoming assistants now make
8 \$60,000 a year.

9 COUNCIL MEMBER GENTILE: 60... 60's
10 about...

11 DISTRICT ATTORNEY BROWN: [interposing]
12 60, yeah.

13 COUNCIL MEMBER GENTILE: 60.

14 DISTRICT ATTORNEY BROWN: And
15 Corporation Counsel I think starts at about 75.

16 COUNCIL MEMBER GENTILE: Mm-hm. Well,
17 Madam Chair, I know my time is up, but let me just
18 underscore what the DAs have said. The experience
19 you get as an ADA is great legal experience, but
20 also it's experience that you really feel like
21 you're giving back to the city. You're doing some
22 real good service to the city and by doing that
23 doesn't mean that we should underpay them and from
24 what we're being told today, they're being severely
25 underpaid at this point.

2 DISTRICT ATTORNEY DONOVAN: Council
3 Member, I tell my assistants when we hire new
4 assistants, "You're going to love your job 13 out
5 of 14 days. The only day you're not like it is pay
6 day."

7 COUNCIL MEMBER GENTILE: Pay day,
8 right. Thank you.

9 CHAIRPERSON FERRERAS: Thank you,
10 Council Member Gentile and now we will hear from
11 Council Member Miller.

12 COUNCIL MEMBER MILLER: Thank you to
13 all the District Attorneys for showing up to the
14 hearing today and for all that you do. We really
15 appreciate your due diligence and keeping us safe
16 and to Madam Chairs for this hearing. So I want to
17 talk about... I have a question about the
18 consistency of... is the caseload... let's see, I'm
19 trying to understand the... is the case... is the
20 funding consistent with the caseload; head count?
21 It seems to be up in one borough and down in
22 another. Obviously, in Queens we have as many
23 people as anywhere else in the city and our funding
24 doesn't reflect that. Is it a matter of caseload
25

2 and/or is it that some cases prosecute and in other
3 places more costly?

4 DISTRICT ATTORNEY JOHNSON: I'm going
5 to give that a shot, but it's really OMB that can
6 answer that. From what I can see, there's some
7 mystical formula and it has to take into account
8 the differences. You know, there are population
9 differences; there are type of case differences.
10 DA Vance has a significant financial crime
11 workload; some counties have a large misdemeanor
12 workload; some counties like Brooklyn and myself
13 have large felony workloads. So the formula has to
14 take all of that into account and I don't how that
15 weights out is my answer. I don't know how they
16 weight out one versus the other.

17 COUNCIL MEMBER MILLER: Is everybody in
18 agreement with the formula?

19 DISTRICT ATTORNEY JOHNSON: I don't
20 know if anybody's in agreement with the result.

21 SPECIAL PROSECUTOR BRENNAN: I'm not
22 sure there's per se a formula. I mean they... last
23 time we tried to work through a workload formula,
24 they did come up with a grid and they tried to put
25 you know, the various components to the extent they

2 could understand and weigh them and they tried to
3 put it all on a grid, but a little bit comparing
4 the various DAs offices it's comparing you know,
5 bananas and fish. They're not... they don't...
6 they handle different kinds of cases. Me, I'm a
7 completely different sort of... I mean if you give
8 a big boost based on your homicides, I'm left out
9 in the cold, of course, because my mission doesn't
10 include that and that, for example, was one of the
11 things that happened in the last workload
12 evaluation. So it's very difficult to put it all
13 on a grid and try to equalize it, but they did try
14 to do that and I'm not sure anybody was really
15 happy with the results.

16 COUNCIL MEMBER MILLER: Okay, so in the
17 interest of time, I appreciate your answer. We,
18 here at the Council, are really concerned about the
19 opportunity and making sure that that opportunity
20 is equitable for all the citizens throughout the
21 City of New York, but particularly as it pertains
22 to criminal justice and to young men and women that
23 are black and brown of color who may have been left
24 out of the fold and who are... whether it is
25 unintended consequences of the system impacting, so

2 as I look at some of the... Council Member Williams
3 mentioned Safe Surrender and some of the other
4 treatment programs and programs that exist, they
5 make up a small number, but we are certainly
6 interested in doing so, but there are... what is
7 the criteria and the priority put on alternative
8 programs and how do we kind of get to that?

9 DISTRICT ATTORNEY VANCE: Council
10 Member, from our perspective at the DA's office, I
11 think that these programs are essential crime
12 fighting; that you can achieve reduction in crime
13 by enforcement measures and I think increasingly we
14 see in the criminal justice field you can achieve
15 crime reduction by investing in community and
16 prevention strategies. So I would say that 20
17 years ago or 30 years ago when I was an Assistant
18 DA, it was all enforcement and we were... it was a
19 different time. Today, with crime having
20 significantly reduced, I think the challenge at
21 least for me is how we can invest in strategies
22 that will continue to drive crime down, not just
23 strategies in the courtroom, but strategies in the
24 community and they're essential to our work.

2 DISTRICT ATTORNEY DONOVAN: I think
3 also, Council Member Miller, we've gotten better in
4 the specialized courts. You know, we used to put
5 all drug addicted people in prison; then we got
6 Drug Courts. [chime] Then we started doing Mental
7 Health Courts. We'd help people with mental
8 disabilities to get them out of the criminal
9 justice system and get them some help. We have
10 Veteran Courts now, so all these specialized courts
11 actually helps us to deal with the individual
12 better than we ever have before.

13 COUNCIL MEMBER MILLER: Okay, thank you
14 so much. I have one final question. Now, there's
15 a lot of talk about increasing the salaries and
16 rightfully so. Everyone knows my former hat as a
17 union president. I'm always in favor of fair
18 compensation and everybody in the room should get a
19 raise, including us so. [laughter] Certainly, but
20 there's one... a unit that was not mentioned and I
21 know they work hard for the District Attorney's
22 office throughout the City of New York and that is
23 the investigators and I know that there were some
24 problems, ongoing problems; whether or not they
25 even negotiated with and who was the employer and

2 what that responsibility lies and I know that
3 you're losing them at a rapid rate because of that
4 and so is there any plan to address that in the
5 near future?

6 DISTRICT ATTORNEY DONOVAN: There
7 actually is, Council Member. The negotiations that
8 you were speaking about was was the investigators
9 employees of the DA's office or are they employees
10 of the City of New York? The City of New York
11 issued their checks. They had better negotiating
12 powers with the city 'cause we had a limited
13 budget. We were hoping that the city... the past
14 administration tried to make a determination; I
15 think an arbitrary determination that they're
16 employees of ours now to their detriment I believe,
17 so with the new administration and new Labor
18 Commissioner we're going to try to negotiate again.
19 We think our members, they're well served and
20 they're essential to our efforts, to our
21 investigators. We're hoping that the new
22 administration sees that they are employees of the
23 City of New York and we should give them better
24 bargaining power than trying to negotiate with us
25 for better salaries.

2 DISTRICT ATTORNEY JOHNSON: And
3 actually that's a circumstance that had been
4 working for years and years because the city was
5 the bargaining agent, but we were at the table
6 explaining what the work was like and what they had
7 to do and it seemed to have worked for everybody
8 and then a unilateral decision was made to change
9 it. Right now, as DA Donovan just indicated, with
10 the new Commissioner, the conversation's going to
11 be reopened and I think... and already I get a
12 sense that there is an ear more in tune to what
13 we're suggesting and what will work for the union
14 and for our offices.

15 CHAIRPERSON FERRERAS: Thank you,
16 Council Member Miller. I wanted to talk
17 specifically about MOCJ or the Mayor's Office of
18 Criminal Justice. I don't know if you've heard it
19 referred that way. We're referring to it as MOCJ
20 here, formally the CJC. The role of the Mayor's
21 Office of Criminal Justice is to coordinate DAs
22 with various public safety agencies across the city
23 in further understanding the office mission. Can
24 you discuss with us the role that MOCJ plays in
25 daily operations of your agency?

2 DISTRICT ATTORNEY JOHNSON: I really
3 don't think for the most part their role is in
4 daily operations. You know, obviously you and the
5 Mayor's office are our primary funders and you have
6 a responsibility to the citizens of this city to
7 make sure expenditures you're making are expended
8 wisely. So while we are independently elected,
9 they try to ask questions of us; how we're spending
10 the money and they try to help us coordinate with
11 other agencies, the Police Department being the
12 major partner, but others also. I will say also
13 that Liz Glazer is someone, as has already been
14 indicated, we all know and have worked with in
15 various capacities, so she's been with the US
16 Attorney's Office and had a very close working
17 relationship with my office. She was with the
18 Governor's office and I'm sure I'm leaving out
19 something. She was with... what's... Westchester
20 and back down to the federal government with Denise
21 O'Donnell, but she's always worked with us, she's
22 always listened to us and she also is one of the
23 more intelligent people in terms of coming up with
24 criminal justice solutions, so I have high
25 expectations.

2 CHAIRPERSON FERRERAS: Okay, thank you.

3 And just for a follow up and any DA that can
4 answer, as a former chair of the Women's Issues
5 Committee and having a home district that contains
6 that Roosevelt Avenue, a lot of our conversations
7 have been around sex trafficking, prostitution and
8 an underlying of domestic violence. In many of the
9 cases we saw enforcement when it came to the
10 perspective of prostitution and we're having a
11 Council conversation here about kind of raising the
12 age, which is the campaign that's on a state level
13 for enforcement on prostitution, but in particular,
14 the focus on johns really is lost sometimes in the
15 enforcement from the NYPD perspective. Can you
16 speak to what happens to... well, usually the
17 johns' arrests are done very, very... not as
18 frequently as prostitution clearly. So once the
19 johns get to you, what are the options and what
20 happens with enforcement on your end with the johns
21 that we have in our areas?

22 DISTRICT ATTORNEY DONOVAN: Most of the
23 john's cases are prosecuted under soliciting
24 prostitution. Most of those are sting operations
25 by the Police Department using a female undercover

2 officer and that's how we arrest the johns. It's
3 very infrequent that there's a john arrested with a
4 prostitution arrest at the same time and most of
5 the prostitution arrests are loitering for
6 prostitution as well. So there's very rare cases
7 where you get both a person accused of prostitution
8 and a person accused of soliciting in the same
9 case. I don't know if that helps or answers your
10 question, but soliciting for purposes of
11 prostitution's a misdemeanor and we prosecute them
12 as misdemeanors.

13 CHAIRPERSON FERRERAS: Yeah, I guess
14 our focus here and what I'm trying to get our
15 Council to move is that we need more of those sting
16 operations.

17 DISTRICT ATTORNEY DONOVAN: Right.

18 CHAIRPERSON FERRERAS: 'Cause we see a
19 lot of the arrests on prostitution, which I think
20 in some cases are very valid and in some cases they
21 lead you to be able to identify sex trafficking,
22 which I believe at the end of the day is where we
23 want to get to cracking down on traffickers. But
24 the conversation about stings and johns... doing
25 the sting operations on johns is clearly not enough

2 because the demand is there and they're all coming
3 to the district and I'm sure that as you can see,
4 prostitution is becoming more complex now where
5 it's not as obvious in our neighborhoods. It's
6 kind of turning into massage parlors and you know,
7 kind of becoming even darker or going behind the
8 scenes even deeper in many of our communities or
9 establishing themselves in neighborhoods as opposed
10 to business strips. So I just wanted to understand
11 the perspective of the john and urging that once we
12 get the johns to you that you actually apply the
13 full extent of the law to these... for examples
14 'cause we really need to be setting more examples
15 in our communities.

16 DISTRICT ATTORNEY DONOVAN: And those
17 sting operations are stronger cases for us 'cause
18 you have a police officer who's testifying and many
19 times these solicitations are recorded and the
20 arrest happens right there and the person doesn't
21 get away, so it's a stronger case for us.

22 DISTRICT ATTORNEY VANCE: Council
23 Member, in Manhattan two things: one, in the
24 Midtown Community Courts, we now have dedicated
25 personnel where an individual who's charged with

2 loitering for prostitution, a prostituted woman or
3 man comes in, we are actually there analyzing those
4 cases to see if they should be approached as
5 potential trafficking victims and so as they first
6 come into the system we have very strong
7 relationships now with the courts and defense
8 counsel to try to identify trafficked individuals
9 who come into the system potentially as
10 prostitutes. The second thing I'd say is that
11 Brooklyn has historically been very aggressive in
12 these trafficking cases and I'm sure it will be,
13 but the future I think is to treat trafficking as a
14 business, which is really what it is and to
15 investigate not just as sex crimes, but as a
16 business crime. In a recent case we did, which
17 answers your questions about johns, we investigated
18 and indicted two sex traffickers out of state who
19 used livery drivers to drive women into the state
20 and we prosecuted not just the traffickers and not
21 just the livery drivers for their respective roles,
22 but as business crimes investigated, took away cars
23 and houses and stored assets, really getting at the
24 business, but we also indicted the johns who
25 supplied the demand. And in that case, they were

2 indicted for misdemeanors, but as part of the same
3 case we used wire taps and so as you see sex crimes
4 in the future, I think the future is to investigate
5 these organizations as business crimes; to use all
6 our investigative tools to build the strongest
7 cases and in that way, I think we're going to make
8 more intelligent decisions about identifying
9 prostituted women versus prostitutes, as well as
10 sex traffickers versus business people.

11 CHAIRPERSON FERRERAS: And I really
12 applaud your perspective on that and I think it
13 definitely makes sense, especially when we're
14 hosting Super Bowls and I know... I think next year
15 we're hosting the All-Star Weekend here in New York
16 City, so it brings attention from the sex
17 trafficking perspective. It puts us under kind of
18 a microscope. So I want to just thank you and I'm
19 going to give it over to my co-chair to wrap us up.

20 CHAIRPERSON GIBSON: Thank you again to
21 each of you. I'll be brief. I know the hour is
22 late, but I truly appreciate your presence here in
23 really trying to understand a lot around the
24 baseline funding. I applaud the administration for
25 recognizing that all of you need more money to do

2 the great work you're doing and obviously, we will
3 continue to have conversations around where we can
4 make some changes on focusing on keeping our staff,
5 as well as providing them with the increases that I
6 know they rightfully deserve. And also looking at
7 another maybe analysis of the workload that each of
8 you go through. My two points that I did want to
9 make, and this is a follow up, DA Brown, you talked
10 about the corrections building that's the Queens
11 House of Detention, I'd like to speak to you about
12 that in terms of what conversations we've had with
13 Corrections so that we can possibly talk about
14 streamlining your office so you're not working out
15 of multiple offices. And for my Bronx District
16 Attorney, DA Johnson, obviously there's been a lot
17 of talk. I've been called by every local elected
18 official that represents Hunts Point in the 41st
19 District... 41st Precinct. They're not happy that
20 the Rikers Island are included in the 41st
21 Precinct. Not only does it elevate those numbers
22 in terms of fluctuation, but also for homeowners
23 and for those that drive cars, the insurance rates
24 are also factored in and there's a lot of things
25 that we could do around that, so I would love to

2 have conversations with you about that as well.
3 And you know, I ask each of you, as we continue on
4 the budget conversations, to please if you can,
5 provide us any information on rolling out your plan
6 of action and certainly all of the efforts you're
7 making on just being innovative and creative,
8 recognizing that we always have to be ahead of the
9 game. The social media aspect, the 21st Century
10 and the fact that we're in a digital world and
11 certainly all of that work allows you to do even
12 greater work, so I appreciate your time here. I
13 thank you for just responding to me so that I could
14 understand a lot more of the work that you do and
15 we will continue to have conversations and
16 certainly look forward to working with all of you.
17 So thank you, DA Johnson, DA Brown, DA Donovan, DA
18 Vance, DA Thompson and our Special Narcotics
19 Prosecutor. Thank you so much, Miss Brennan.

20 DISTRICT ATTORNEY DONOVAN: Thank you.

21 CHAIRPERSON FERRERAS: Thank you and
22 just to add, we're going to be following up with
23 you with additional questions, so if you can get
24 back to us so that we can add them to the budget
25 negotiating conversations, I'd appreciate it.

2 Thank you again for your testimony today. We're
3 going to take a three minute break before we bring
4 up the next panel.

5 [Pause]

6 CHAIRPERSON FERRERAS: Okay, we will
7 now resume the City Council's hearing on the
8 Mayor's Executive Budget of 2015. We will now hear
9 from the Criminal Justice Director. It has been a
10 long day and we have already heard from four
11 agencies, so in the interest of time, I will forego
12 an opening statement and return the mic over to my
13 co-chair, Council Member Vanessa Gibson.

14 CHAIRPERSON GIBSON: Thank you,
15 colleagues. Thank you, co-chair, Council Member
16 Ferreras, and good afternoon to each and every one
17 of you. Thank you for being here today. I'm
18 excited to be here with the joint public hearing on
19 Public Safety and Finance and the Mayor's Office of
20 Criminal Justice, now we're calling MOCJ, plays a
21 critical role in the cooperation and the
22 coordination of many of the city's agencies
23 involved in criminal justice and public safety.
24 Although their budget is supported by the Mayor's
25 office, their work provides critical resources,

2 oversight and policy direction for many of the
3 criminal justice initiatives in the City of New
4 York. I look forward to hearing from newly
5 appointed Elizabeth Glazer, our new Director of the
6 Mayor's Office of Criminal Justice, and I also hope
7 to learn more about the coordination and
8 partnership efforts that the office plans to engage
9 in and the direction that the office plans to take
10 this year. I thank you again for being here and
11 without further ado, you may begin your testimony.

12 Thank you.

13 ELIZABETH GLAZER: Thank you so much,
14 Chairperson Gibson and good afternoon to
15 Chairperson Ferreras and members of the Public
16 Safety and Finance Committees. I'm Elizabeth
17 Glazer. I'm the Director of the Mayor's Office of
18 Criminal Justice and I have with me my colleagues
19 from the office: Jean-Claude LeBec, who's the
20 Director of Budget and Operations; Migdalia Veloz,
21 who's our Chief Contracting Officer and Jordan
22 Dressler, who's the General Counsel for the office.
23 I'm very glad to have this opportunity to speak
24 with you today about the Mayor's FY '15 Executive
25 Budget.

2 Our office oversees citywide criminal
3 justice policy and develops and implements
4 strategies aimed at achieving three goals: first,
5 to reduce crime; second, to reduce unnecessary
6 incarceration and finally, to promote fairness
7 throughout the criminal justice system. The office
8 is the Mayor's policy advisor on criminal justice
9 and acts as a liaison among the various actors in
10 the system.

11 This year, we have an opportunity to
12 take a significant forward in achieving all three
13 of these goals and doing it in a way that integrates
14 the many players and entities that affect and are
15 affected by the criminal justice system. As
16 District Attorney Vance told you earlier, his
17 office's work has earned asset forfeiture money
18 that will fund a Criminal Justice Investment Fund
19 and working together with the DA's office and OMB,
20 we have an opportunity to develop an affirmative,
21 multi-year strategy to make our city safer and
22 fairer and by investing wisely, we can move from
23 the somewhat disjointed, sporadic pilot-driven
24 world that the criminal justice system currently
25 inhabits towards an integrated systemic and

2 results-oriented world that fairness and
3 effectiveness demand.

4 Our city continues to experience this
5 extraordinary decline in crime that has kept New
6 York the safest big city in the country. At the
7 beginning of May, major crime in the city was down
8 almost three percent from the same period a year
9 ago, murders are down 14 percent from the same
10 period last year, and these drops have occurred
11 even as stop-and frisk incidents have declined by
12 86 percent in the first quarter of 2014.
13 Incarceration has also declined. As of yesterday,
14 the population on Rikers was down seven percent
15 this year as against last year and the city's
16 incarceration rate is half of what it was at its
17 peak in 1996.

18 But obviously there is still a lot of
19 work to do. Our job this year is to find ways to
20 make sure that all parts of the city see success in
21 reducing crime and enhancing public safety, and one
22 way we hope to achieve this, with the Council's
23 support, is to continue to find ways to further
24 combat gun violence. As I think we've all been
25 reading in the last few days, that although

2 homicides have declined, we've seen a seven percent
3 uptick in shootings this year compared to last, an
4 increase that's been concentrated in public housing
5 and in the city's most disadvantaged neighborhoods.
6 We can and we must do more to reverse this trend.

7 This year's budget in the Department of
8 Mental Health includes \$6 million for anti-gun
9 violence initiatives that can expand and build on
10 the programs that have been funded by the Council
11 and others. As we plan for the investment of these
12 funds, we will also want to understand what other
13 models, funded privately as well as by the state
14 and federal government, are effective and where
15 they're operating and where there are gaps. One
16 example of a kind of program we might want to look
17 at is in Crown Heights, which is privately funded:
18 Save Our Streets program, that's reduced
19 retaliatory violence 20 percent in average monthly
20 shootings than there would've been without the
21 program. Save Our Streets uses a variation of the
22 Cure Violence model that the Council has supported
23 that recruits credible messengers and violence
24 interrupters, but they've also experimented with
25 changing social norms through messaging, including

2 developing a kind of flash mob that appears at the
3 site of shootings to signal that shootings can't be
4 accepted as a new normal.

5 And we should explore other approaches
6 as well that have proven track records;
7 interventions in hospitals or other sites;
8 instilling a sense of legitimacy in those most most
9 likely to offend. Research shows that promoting
10 perceptions of fairness and making people feel that
11 they are treated with dignity and respect and have
12 a voice encourages people to voluntarily obey the
13 law. And critically, as we invest in programming,
14 we must also invest in assessments that tells us
15 what works and what doesn't.

16 Reducing unnecessary use of
17 incarceration is our second goal and we know that
18 we can reduce both crime and incarceration when
19 we're smart about assessing risk and about matching
20 the right people to the right programs at the right
21 time. A key piece of this strategy is to ensure
22 that we invest an effective programming and develop
23 the tools to help judges and other parts of the
24 criminal justice system assess whether

2 incarceration or programming or nothing is the most
3 effective response.

4 To do this, we're committed to the most
5 effective use of our portfolio of pre-trial
6 services and alternative to detention incarceration
7 programs, and we're budgeting about \$36 million in
8 this budget in city funds. This includes about \$18
9 million to fund CJA to provide pre-trial services
10 and CJA's funding shows an increase of about
11 \$200,000 to establish a new Failure-to-Appear Unit
12 in Manhattan and to expand the Bronx's Failure-to-
13 Appear Unit, which adds to units currently
14 operating in Brooklyn and Queens. These Failure-
15 to-Appear units, CJA contacts defendants who have
16 missed appearances in court and have bench warrants
17 out for their arrest and persuades them to return
18 to court on their own. These defendants might
19 otherwise be detained by police on the warrant or
20 spend time in custody and then be returned to court
21 involuntarily. Nearly every defendant that CJA
22 makes contact with returns to court on their own,
23 and typically the warrant is then vacated and most
24 defendants are either released or have their case
25 immediately resolved.

2 One new piece of our ATI/ATD contract
3 portfolio highlights our approach to assessing risk
4 accurately and matching programs effectively to
5 reduce crime and/or necessary incarceration.

6 Almost \$3 million are funding what we call the
7 Court-Based Intervention Resource Teams or CIRT.

8 This is a joint initiative; our office, Corrections
9 and the Department of Health and Mental Health that
10 supports ATI and ATD programs for mentally ill
11 inmates in the Department of Corrections custody.

12 We developed CIRT in response to research that
13 showed that inmates DOC custody who have mental
14 illnesses remain in jail nearly twice as long as
15 those who don't. So now using a risk assessment
16 instrument, CIRTs in all five boroughs will be able
17 to identify mentally ill, non-violent inmates who
18 don't pose a high risk of recidivism and will be
19 able to offer case management and court-ordered
20 supervision instead of jail. Manhattan CIRT, which
21 is operated by CASES, began taking clients in March
22 and we expect the CIRT programs in the other four
23 boroughs will begin operating this summer.

24 Our third key goal is promoting
25 fairness in the criminal justice system, which

2 includes a strong, well-funded indigent defense
3 system. The budget this year for indigent defense
4 is about \$253 million and this includes over 40
5 percent increase in funding for defense
6 organizations in Family Court, who represent the
7 more than 3,000 indigent parents and guardians who
8 are accused of abuse and neglect. This rise in
9 funding reflects how much legal, investigative and
10 advocacy work is required to provide a good defense
11 for clients and how long it takes for these cases
12 to reach resolution. As we reported to the Council
13 in March, an RFP for this representation was issued
14 last November and we're currently concluding
15 negotiations with organizations for representation
16 in the boroughs.

17 This year, we'll also be working with
18 participants in the criminal justice system to
19 solve a long-standing problem, which is delays in
20 the processing of cases in courts. Case delays
21 continue to grow despite a drop in filings. Since
22 2000, Supreme Court caseload has decreased 23
23 percent, while the number of cases pending over the
24 180 days that Standard and Goals measure have
25 increased by almost 80 percent. As of the

2 beginning of March, over half of cases pending
3 Supreme Court exceeded Standards and Goals. These
4 delays negatively affect defendants waiting to
5 resolve their cases, whether they're missing work
6 or school to repeatedly return to court or being
7 held in custody, and we look forward to working
8 with many different players in the system to
9 resolve this problem.

10 So thank you for this opportunity to
11 speak to you today, and I'm happy to take any
12 questions that you may have.

13 CHAIRPERSON FERRERAS: Thank you very
14 much for your testimony. I want to speak specific
15 to some of the history of this committee, and
16 historically, MOCJ has not testified before the
17 Public Safety Committee to discuss the coordinated
18 efforts of your office and other criminal justice
19 agencies. The Council would like to be involved in
20 those discussions, moving forward, and provided
21 with any policies or funding analysis that your
22 office engages in in respect to the operations of
23 this agency; of your agency. So we would like to
24 open up the lines of communication more
25 effectively, especially when it comes to this

2 committee chaired by my colleague and chair,
3 Gibson. So can we get your commitment that we're
4 going to be working closer together?

5 ELIZABETH GLAZER: I look forward to
6 working with the Council.

7 CHAIRPERSON FERRERAS: Very good. In
8 the Council's response to the Preliminary Budget,
9 we called upon the administration to provide a \$2.9
10 million in funding to support legal representation
11 for the 900 indigent immigrants at the Varick
12 Street Court; however, funding for this initiative
13 was not included in the Executive Budget. Was
14 there any thinking or any explanation from your
15 perspective that contributed to not funding that?

16 ELIZABETH GLAZER: It's clearly an
17 important piece of the work of indigent defense.
18 You know, there was a significant increase in other
19 parts of the indigent defense docket where we saw
20 payment you know, was falling well below what
21 seemed to be sort of a fair level and there were
22 other smaller increases in other pieces of the
23 defense of the indigent defense budget, but I'm not
24 sure why that piece was left out.

2 CHAIRPERSON FERRERAS: The other
3 increases were not for legal representation, so
4 this is something that I would like for you to take
5 a deeper look into and if you can get back to this
6 Council before we start our budget negotiations,
7 which will be in about two weeks, I would greatly
8 appreciate it.

9 ELIZABETH GLAZER: Yep.

10 CHAIRPERSON FERRERAS: I just wanted to
11 follow up before I give it over to my co-chair,
12 specifically on the Council's initiatives. There's
13 \$32.4 million in initiatives... \$13.4, I'm sorry,
14 million in initiatives that were procured through
15 your office. These initiatives impact the lives of
16 New Yorkers in several ways, notably through the
17 anti-gun violence initiative; the alternatives to
18 incarceration; domestic violence; legal services
19 and sexual assault in the initiatives. All of
20 these initiatives overlap in some capacity with the
21 programs or services that are currently operated by
22 your office. Why did the administration not
23 include these initiatives in the Executive Budget?

24

25

2 ELIZABETH GLAZER: You can probably
3 tell by the blank look on my face that I really
4 don't know, but...

5 [crosstalk]

6 CHAIRPERSON FERRERAS: Well, maybe I
7 can urge you as we begin this process, and we're
8 going to be engaging with OMB and wrapping this up,
9 that your recommendation so that these can also be
10 baselined because... and I know that there must've
11 been some process in thinking about baseline, but
12 when these aren't baselined, it was very alarming
13 to us on the Council since we're partnering with so
14 many agencies...

15 ELIZABETH GLAZER: [interposing] Mm-hm.

16 CHAIRPERSON FERRERAS: Public safety
17 agencies that talk about every issue that we've
18 just mentioned that we have initiatives for and not
19 having it baselined, send a very confusing message
20 to us here in the Council because we didn't
21 understand and if you're coordinating across
22 agencies, I would think these are the initiatives
23 that help do this job more effectively. So I would
24 urge you to advocate on our behalf with OMB, as we
25 will do our advocacy, but if you could look into

2 those initiatives I'd appreciate it. I'm going to
3 give the questioning to my co-chair, co-Chair
4 Gibson.

5 CHAIRPERSON GIBSON: Thank you and
6 thank you very much again for your presence and for
7 being here and congratulations on the appointment.

8 ELIZABETH GLAZER: Thank you.

9 CHAIRPERSON GIBSON: Certainly know
10 that there's a lot of work ahead, but I appreciate
11 the dialogue and the attempt to make as many
12 partnerships as possible. I just had a couple of
13 questions, but speaking to what my co-chair has
14 indicated in terms of some of the City Council
15 initiatives, there's about \$252 million of indigent
16 defense services, \$54 million in criminal justice
17 services and then about \$13 million for City
18 Council initiatives. In your particular unit,
19 there's a budgeted head count of 28 people. The
20 fact that you serve multiple criminal justice
21 agencies, there's a lot of work that you do in
22 terms of procurement of these contracts. My
23 concern is that 28, and is that a number that's
24 sufficient that you can work with? If it's not,
25 have you had conversations with OMB in reference to

2 trying to increase that, because that also does not
3 take into account the City Council initiatives that
4 may increase. We may be asked or are looking at
5 some other initiatives based on priorities and so
6 that number may increase, so I'd like to know are
7 you prepared? Do you think 28 is sufficient or are
8 you looking at any changes?

9 ELIZABETH GLAZER: So right now, we
10 feel that we have sufficient staff to be able to
11 work on these contracts and get them out the door
12 in an effective way. I think this is an area that
13 I'm particularly interested in looking at; how we
14 can work on our contracting processes better and
15 get more efficiencies and you know, provide better
16 services, but right now we feel that we have
17 sufficient staff to execute that responsibility.

18 CHAIRPERSON GIBSON: Okay, I guess it's
19 just I'm a little concerned 'cause there are a lot
20 of contracts and a lot of detail and I know there's
21 a lengthy process that providers do have to go
22 through. In terms of the \$6 million of the anti-
23 gun violence initiative that's pretty much going
24 through the Department of Health and Mental
25 Hygiene, do you know specifically what that talks

2 about in terms of services, Cure Violence,
3 wraparound services; so what would this \$6 million
4 consist of?

5 ELIZABETH GLAZER: So I think that
6 those are conversations that we're having now with
7 the Department of Health and Mental Health and we'd
8 like to... I've also spoken to one or two of your
9 colleagues about it and those are conversations
10 that we'd like to ensure that we do that planning
11 together.

12 CHAIRPERSON GIBSON: Okay and I
13 appreciate your recognition of the fact that so
14 many alternative programs and youth programs like
15 Save Our Streets are really good models; major
16 components that really provide a lot of change. We
17 have a Save Our Streets in the Bronx in the 40th
18 Precinct...

19 ELIZABETH GLAZER: [interposing] Mm-hm,
20 mm-hm.

21 CHAIRPERSON GIBSON: And I am working
22 with SOS to start one in Morrisania.

23 ELIZABETH GLAZER: Mm-hm.

24 CHAIRPERSON GIBSON: Because there's
25 been a lot of crime, a lot of young people involved

2 in too much negativity and I think SOS is a great
3 program. That has demonstrated success, so I know
4 that you will always keep that in mind in terms of
5 some of the ATI and ATD programs.

6 In reference to the task force on
7 mental health that you talked about, the budget
8 calls for \$500,000 for start-up costs related to
9 the implementation of the task force. Do you have
10 any information that has been derived in terms of
11 the mission; how it's different from any other task
12 force 'cause I know that there was a previous task
13 force that focused on mental illnesses in the
14 corrections system and what agencies and
15 organizations do you think that you would
16 participate with, and then I guess on the back end,
17 you also have to decide is what types of factors
18 will you look at to determine the ultimate success
19 of that task force?

20 ELIZABETH GLAZER: Yep, so this is
21 something that's still being put together and so
22 the official announcement I anticipate will be
23 shortly, but not yet. This will, I think, be a
24 different kind of task force than previously. It
25 will build on the work of many of the initiatives

2 that you've already mentioned, but the notion is in
3 a relatively short period of time to develop an
4 action plan because so much work has already been
5 done, so much good work is currently going on, but
6 there has not been a kind of concerted effort to
7 focus on how to execute and the \$500,000 that was
8 put into the budget is actually for the
9 implementation of the plan and for the development
10 of essentially a CompStat to make sure that this is
11 not just another report that sits on a shelf, but
12 is realized in real actions and monitored so that
13 we are sure that we're executing.

14 CHAIRPERSON GIBSON: Okay, earlier
15 during the Prelim prior to your appointment, there
16 was talk with your staff in terms of the
17 partnership with the State Division of Criminal
18 Justice Services as it relates to ATI and ATD
19 programs statewide and I understand there could be
20 information that you may have received in terms of
21 data in the first few months. Do you know if
22 there's been a process that's started in terms of
23 developing ways to build comparison groups to
24 compare to ATD/ATI participants as a group, as well
25 as for individual programs? So I guess the

2 question I always ask is with a lot of the
3 alternative programs with a lot of low level
4 offenses, what happens in instances where that
5 particular timeframe; that sentence, so to speak,
6 is over and then that youth may start to commit a
7 more severe crime? How are we prepared to deal
8 with those types of instances and what has been the
9 conversations with the state?

10 ELIZABETH GLAZER: So I think we have
11 established a very productive relationship with the
12 state, so both the state and obviously the city
13 invest in ATI and ATD programs. We have a whole
14 portfolio of programs that do an array of different
15 things, but we need to figure out a way to
16 understand what works for whom, and that's exactly
17 what we're doing with the state so that we can
18 figure out... so that we're looking at these
19 programs in the same way, we're measuring them in
20 the same way and we're understanding who comes back
21 and who doesn't. And so that's really the work
22 that I think began over the last six months here?
23 Okay, last six months and is ongoing. I think it
24 may be a little too soon for us to have results
25 right now because people have to finish the program

2 and we have to then figure out you know, what
3 happens to them afterwards.

4 CHAIRPERSON GIBSON: Right, okay.

5 Well, I will just ask and you know, certainly as my
6 co-chair has indicated, communicating and
7 understanding some of the things in the logic
8 behind a lot of the work is helpful for the Council
9 to understand so that we can continue to provide
10 input so that all of these programs really
11 demonstrate the success that we set them out to do.
12 Previously when we had the NYPD, we've talked a lot
13 about DV and the fact that some of the crime that's
14 increased in many of our neighborhoods is really
15 around DV and trying to intricately figure out like
16 where the crime is coming from and really, what we
17 could do better to provide services for DV victims.
18 I love the Family Justice Centers. I'm proud and
19 happy that Staten Island is now getting one, but
20 for the other Family Justice Centers that are
21 operational, what do you see are any changes that
22 we will now make or possibly any new rules to
23 impose on our Family Justice Centers that will try
24 to draw more of our potential victims coming in?
25 It's really a sad state of affairs when so many

2 young women, sometimes men, are private victims and
3 not everyone knows about these justice centers,
4 although we've done great work on promotion, but
5 people still have that heightened fear, for many
6 reasons, of coming out. So has there been any talk
7 and conversation among you and your team about what
8 needs to be done around our Family Justice Centers
9 because of the heightened increase in DV cases?

10 ELIZABETH GLAZER: Yep, so I think
11 you're exactly right, DV is sort of an area where
12 we need to really double down and focus. You know,
13 when you think about where crime has gone in this
14 city, we're kind of down to the nub of crime, but
15 DV represents a big percentage of the crime that
16 we're still seeing. I've had conversations with my
17 colleague, Rose Pierre-Louis, who's the
18 Commissioner of DV, as well as with DA Vance and
19 some of the other DAs around the Family Justice
20 Centers and I think there's an enormous commitment
21 to making sure that these work and an understanding
22 that we have to be better in outreach and in
23 thinking about how we bring people in and make them
24 confident that the justice centers will provide the
25 kinds of services that they need, but I think we're

2 all kind of at the beginning of this, but I think
3 everybody has their eyes on that prize.

4 CHAIRPERSON GIBSON: Okay, I just have
5 one question before we turn it over to our
6 colleague, Council Member Miller. Previously, we
7 had the District Attorneys and the Special
8 Narcotics Prosecutor and in their testimonies we're
9 really happy to see that the Executive recognized
10 that each of our DAs did need a significant
11 financial increase. But the DAs don't really
12 understand how they really got that number or where
13 that number came from; what factors were included
14 and what the Council has now learned is that the
15 money is being given, but with restrictions. Staff
16 retention is a concern, as well as increasing the
17 staff of current workforce, so I know that you were
18 a part of those conversations with OMB and with the
19 Mayor's office. So is there any information that
20 you could provide to the Council on number one, how
21 did we come up with these numbers and then number
22 two, are you willing to entertain any changes if
23 the DAs are now saying that they can only hire new
24 staff, but not give increases to their current
25 staff? Is that something that we will now start to

2 look at to see how we can provide parity across the
3 board and also retain a lot of our ADAs?

4 ELIZABETH GLAZER: So let me answer...

5 sort of there are two parts to that; one about how
6 the number came to be and the second about parity;
7 salary parity. So I think that there was an
8 attempt to look across all the District Attorney's
9 offices, who start in very different places. Each
10 do very different things and have very different
11 goals about where they're going based on who they
12 serve and the histories of their offices. So this
13 was an attempt you know, in a relatively rough way,
14 'cause I think as you also heard from the DAs you
15 know, every time we've sort of tried to figure this
16 out in a finer way, it hasn't been that successful.
17 So this attempt was to understand what it was they
18 were asking for and to try and sort of raise
19 everybody up looking forward to the same level. So
20 that's sort of my understanding of where we got to
21 where we are. I think the DAs are pretty happy
22 with how that worked out. I think when we sort of
23 move forward on the salary issue, you know, there's
24 certainly a recognition that the salary issue has
25 to be addressed. This is always an issue with

2 public servants everywhere, who are historically
3 underpaid, but I think the idea here was to look at
4 this money as being devoted to programmatic issues
5 and understanding that we have to sort of address
6 how we move forward on the salary issues. But this
7 money here was really focused on programmatic
8 things, you know conviction integrity units, crime
9 strategies units, et cetera.

10 CHAIRPERSON GIBSON: So does that mean
11 that within this budget cycle we're still going to
12 have conversations around salary or is that
13 something that we cannot commit to at this point
14 because there is a focus on other needs?

15 ELIZABETH GLAZER: I think this money
16 is for the programmatic issues and not for the
17 salary issues.

18 CHAIRPERSON FERRERAS: We've been
19 joined by Council Member Rosenthal. And now we'll
20 have Council Member Miller ask a question.

21 COUNCIL MEMBER MILLER: Good afternoon.
22 Thank you, Madam Chair.

23 ELIZABETH GLAZER: Good afternoon.

24 COUNCIL MEMBER MILLER: Thank you for
25 coming out at this late... and I'm sure you, like

2 everyone else, has been around and we appreciate
3 your testimony and your candor and we also most
4 importantly appreciate the fact that we have
5 invested in some of the alternative programs to
6 incarceration in the criminal justice system that
7 we're seeing now. And so I kind of want to focus
8 on that and to a certain degree some of the
9 contracts associated with that, particularly in the
10 Family Court. I know that some of.. it was
11 mentioned or I read that there were some RFPs that
12 were going out and some...

13 [crosstalk]

14 ELIZABETH GLAZER: Mm-hm.

15 COUNCIL MEMBER MILLER: That currently
16 exist. What is the oversight on those and you
17 know, I'd like to ultimately take a look at some of
18 them. In fact, and I'm speaking specifically to...
19 I know some of the work that's being asked were
20 some that have been previously done by the AT&B
21 [sic] panel and sort of just kind of weigh that out
22 as to what is with this increase and the RFPs and
23 contracting this out. Is it something that they
24 have outgrown or is the number too large or is it
25 quality of work or is it just cost?

2 ELIZABETH GLAZER: So just so I
3 understand the question, is the question why was
4 there a change in how we dealt with the AT&B panel?

5 COUNCIL MEMBER MILLER: Oh...

6 ELIZABETH GLAZER: Is that...

7 COUNCIL MEMBER MILLER: Yes.

8 ELIZABETH GLAZER: Or I'm sorry.

9 COUNCIL MEMBER MILLER: Yeah, pretty
10 much, that this work had historically been done by
11 the panel and increasingly it is not.

12 ELIZABETH GLAZER: [interposing] Mm-hm.

13 COUNCIL MEMBER MILLER: And now we're
14 seeing a proliferation with this latest RFP that
15 had gone out. Is there a reason why we've gotten
16 away from that?

17 ELIZABETH GLAZER: So I think this
18 latest RFP, if you're talking about the Family
19 Court RPF, so that has traditionally an RFP that's
20 been filled by different organizations and not by
21 the AT&B panel, but to the extent that this deals
22 with past history, I may turn to my counsel, who I
23 think knows this history well.

24 JORDAN DRESSLER: The Director's right.
25 The RFP that had gone out in November for Family

2 Court Legal Services was really the second RFP
3 seeking institutional defenders to provide that
4 work alongside AT&B attorneys, who are currently
5 operating in the Family Courts in all five boroughs
6 and those AT&B attorneys retain their caseload.
7 This RFP doesn't interfere with their caseload and
8 in addition to the Article 10 work that they do in
9 Family Court, I understand that they do other
10 related work; things like custody and things like
11 that where you have indigent litigants in Family
12 Court who need lawyers to represent them.

13 COUNCIL MEMBER MILLER: So the AT&B
14 panel of attorneys did not have the numbers
15 sufficient to service the new clients and/or...
16 because what I'm trying to look at is you said that
17 this had been traditionally done and as far as I'm
18 concerned in the last five years, six years, did
19 not create tradition you know, so but I know that
20 and over that time period that we have increasingly
21 gotten away from that, which has essentially
22 diminished their earnings and I know beyond that
23 we're talking about the service that the client is
24 receiving and we're talking about the level of
25 experience and so forth, so that would be the

2 concern of the Council and it should be of the
3 authorizing agency that we are providing the
4 greatest bang for our buck on top of that, so
5 that's kind of what we're you know, speaking of.

6 JORDAN DRESSLER: Yeah, you know I
7 think that we did or certainly we tried our best to
8 do that, so you're quite right that the last RFP
9 that we put out was the first RFP, the first time
10 that we saw it, institutional providers in Family
11 Court and I think we did take a breath before we
12 went forward with the second to seek input from all
13 of the stakeholders, chiefly the courts and even
14 the Administration for Children's Services to see
15 sort of what their take was on the level of
16 representation and was this a path worth continuing
17 to go down and I believe that the answer was an
18 unadulterated yes to that, which is why we moved
19 ahead. I think it's important to note that with
20 this RFP what we're really doing... seeking to do
21 with respect to caseloads was maintain the status
22 quo. But with respect to funding as part of these
23 new contracts that will come out of the RFP, we're
24 looking to go far beyond the status quo to make
25 sure that we were accurately reflecting the level

2 of work and advocacy that goes into these very
3 important cases.

4 COUNCIL MEMBER MILLER: Okay, so I'm
5 just going to kind of digress to the... some of the
6 programs there and that is the gun violence task
7 force.

8 ELIZABETH GLAZER: Mm-hm.

9 COUNCIL MEMBER MILLER: Again, I kind
10 of want to expand on what Council Member Gibson had
11 said pertaining to that. In terms of stakeholders
12 and obviously sometimes things happen pretty
13 rapidly and all stakeholders aren't at the table
14 and I know you mentioned that there was some
15 conversations within individuals around this area.
16 What are the plans for getting people together and
17 before there's final distribution and no other
18 plays at the table?

19 ELIZABETH GLAZER: Yeah. No, I think
20 we want to work obviously with the Council in order
21 to come up with a plan that you know, that
22 identifies programs that work that ensures that we
23 have an assessment so we know whether or not and
24 that targets them towards you know, those
25

2 neighborhoods that are you know, most hard hit by
3 gun violence.

4 COUNCIL MEMBER MILLER: And then
5 finally, what is the total cost of AT&B and Family
6 Court now?

7 ELIZABETH GLAZER: One second.
8 [background voices] So for... for the AT... do you
9 want to answer that question?

10 MIGDALIA VELOZ: Hi, Migdalia Veloz.
11 The total AT&B budget is about \$53 million a year
12 and that includes Family Court. It's all the
13 courts combined. We don't have it broken up by
14 specifically Family Court. In Fiscal '15, we'll be
15 spending about \$21.7 million in the contracts that
16 Jordan described to you. AT& B does... [background
17 voice] right, AT&B does more than just Family
18 Court, so the budget is \$53 million for all the
19 AT&B work in Fiscal 2015. [background voice] Is
20 fact, yeah. [background voice] the AT&B budget
21 compared...

22 [crosstalk]

23 COUNCIL MEMBER MILLER: Compared to
24 last year...

25 [crosstalk]

2 MIGDALIA VELOZ: To last year...

3 [crosstalk]

4 COUNCIL MEMBER MILLER: Is it up or
5 down?

6 MIGDALIA VELOZ: The AT&B budget
7 compared...

8 JORDAN DRESSLER: The... I'm sorry,
9 the... the Fiscal '15 AT&B budget for Family Court
10 it's not broken out like that, so there's really no
11 way to know if it's up or down. There's no reason
12 to think that...

13 COUNCIL MEMBER MILLER: [interposing]
14 How much did you spend last year?

15 JORDAN DRESSLER: On... on AT&B Family
16 Court? Do we have that number?

17 COUNCIL MEMBER MILLER: [off mic] Can
18 you get back to us on that?

19 JORDAN DRESSLER: That's what we'll do.
20 That's what we'll do. Thank you.

21 CHAIRPERSON FERRERAS: Thank you,
22 Council Member Miller. We're going to have Council
23 Member Rosenthal, followed by the co-Chair.

24 COUNCIL MEMBER ROSENTHAL: Thank you so
25 much. You guys have been sitting here all day.

2 Thank you for doing that on behalf of the Council.
3 Director, so nice to see you. Welcome.

4 ELIZABETH GLAZER: Thank you. Mm-hm.

5 COUNCIL MEMBER ROSENTHAL: I want to
6 ask you some questions as chair of the Contracts...
7 with my hat on as chair of the Contracts Committee.
8 So the first hearing that I had... I don't know if
9 any of you were able to come; maybe some of your
10 staff was there. We talked about the criminal
11 justice agency and the topic of the hearing was
12 about delayed payments to contractees; awardees and
13 the fact that some of them have to take out a
14 private bank loan in order to pay for the services
15 until the money comes through from the city and
16 just to start the conversation on the right note
17 with you, this last time it went beautifully, no
18 problem whatsoever, but I, as the new chair, was
19 looking for examples of where it's perhaps not
20 worked out so well. So two years ago with their
21 contract, it really got bollixed up, and your staff
22 might be aware of this, and it ended up costing the
23 agency \$100,000 in private bank loans and the year
24 before, it was \$80,000; the year prior to that it
25 was like \$60,000. So the first thing I want to ask

2 is how long have you been in your office, for a
3 minute or as long as I have, four months?

4 ELIZABETH GLAZER: Six weeks.

5 COUNCIL MEMBER ROSENTHAL: Okay,
6 welcome. I would ask could you... and maybe your
7 staff has a better idea of this right now, have you
8 been putting things in place to make the
9 contracting better? Because it looks like over the
10 past few years you've gotten more and more
11 contracts.

12 ELIZABETH GLAZER: Yeah, so this may
13 have been before you got here today, but the issue
14 of contracting and how speedy our office is and now
15 effective we are in getting contracts out the door
16 and ensuring the kinds of things that you've just
17 mentioned don't happen is something that is of
18 concern to me and I'm committed to taking a total
19 top to bottom look at the way in which our office
20 does contracts.

21 COUNCIL MEMBER ROSENTHAL: Great.

22 ELIZABETH GLAZER: You know, obviously
23 we're part of an ecosystem of contracting in the
24 city that entails other entities as well, but we
25 want to make sure that the part that we do is as

2 efficient as possible and so that's something that
3 I'm very interested in taking a hard look at.

4 COUNCIL MEMBER ROSENTHAL: I'd
5 appreciate staying in touch with you about that...

6 ELIZABETH GLAZER: [interposing] Sure.

7 COUNCIL MEMBER ROSENTHAL: And if I can
8 be helpful...

9 ELIZABETH GLAZER: [interposing] Great.

10 COUNCIL MEMBER ROSENTHAL: With my
11 committee and let me know. I think MOC and OMB and
12 the Law Department would be happy to know they're
13 part of a healthy ecosystem, so we'll get them all
14 there. Secondly, on your City Council initiatives,
15 I know someone asked you about these earlier and it
16 looks like some things were baselined like CJA was
17 baselined, which is fabulous. Oh, actually and a
18 quick... right, yeah. No, but speaking... thank
19 you very much. Speaking of CJA, did you add money
20 to their budget this time around?

21 ELIZABETH GLAZER: We added \$194,000
22 that goes to these Failure-to-Appear Units.

23 COUNCIL MEMBER ROSENTHAL: Oh, great.

24 ELIZABETH GLAZER: So in...

25 [crosstalk]

2 COUNCIL MEMBER ROSENTHAL: It's such a
3 great...

4 [crosstalk]

5 ELIZABETH GLAZER: The various...

6 [crosstalk]

7 COUNCIL MEMBER ROSENTHAL:
8 Organization.

9 ELIZABETH GLAZER: Yeah.

10 COUNCIL MEMBER ROSENTHAL: Great.

11 ELIZABETH GLAZER: So.

12 COUNCIL MEMBER ROSENTHAL: Hopefully
13 they don't have to pay back bank loans. Okay, for
14 the City Council initiatives are you... do you have
15 a sense of why some were baselined and others
16 weren't and...

17 [crosstalk]

18 ELIZABETH GLAZER: That...

19 [crosstalk]

20 COUNCIL MEMBER ROSENTHAL: Is that...

21 [crosstalk]

22 ELIZABETH GLAZER: I don't.

23 COUNCIL MEMBER ROSENTHAL: Is that
24 something... I mean if you look at the total for
25 your agency, it's about \$13 million worth of stuff.

2 Is that something that we could ask you to go back
3 and look at and contemplate baselining? I mean
4 because they seem to be directly interwoven with
5 the other types of... you know, it's legal aid, so.

6 ELIZABETH GLAZER: Right. I'm happy to
7 take a look at it. It's certainly something that I
8 confess I have not focused on, so I'd be happy to
9 take a look at it.

10 COUNCIL MEMBER ROSENTHAL: Were you
11 asked to... whether or not you wanted to baseline
12 these services by the Mayor's office?

13 ELIZABETH GLAZER: You know, I arrived
14 I think just as the budget was being concluded or
15 wrapped up and so I was not deeply involved in
16 that.

17 COUNCIL MEMBER ROSENTHAL: Ah. And
18 then I have one other...

19 [crosstalk]

20 CHAIRPERSON FERRERAS: With all due
21 respect, and I understand that you didn't...

22 [crosstalk]

23 COUNCIL MEMBER ROSENTHAL: Yeah.

24 CHAIRPERSON FERRERAS: But there are
25 members of your team that have been here for many

2 years, so I'd like to know what the engagement
3 level was in this particular case, as my colleague
4 just mentioned, and what it has been in the past,
5 so maybe you can ask someone that has been here
6 from before what the interaction is between the
7 Mayor's office, the Executive Budget and our
8 response.

9 CHAIRPERSON FERRERAS: Thank...

10 [crosstalk]

11 ELIZABETH GLAZER: We only have a few
12 people who have been here for that long.

13 [crosstalk]

14 CHAIRPERSON FERRERAS: Thank you,
15 Director.

16 JORDAN DRESSLER: Jordan Dressler,
17 General Counsel. I think I can speak at least in
18 part to the Council initiatives that relate to
19 legal defense and I think that would include, I
20 think, the one that you mentioned earlier, the
21 Immigration Legal services perhaps were deported
22 detainees, et cetera. I think one of the major
23 distinctions to be drawn between what's the Mayoral
24 contracts traditionally and what have been Council
25 initiatives traditionally is what is legally

2 mandated to be required. For better or perhaps for
3 worse, there is no legal requirement for a lawyer
4 in Immigration Court and Housing Court and in
5 connection with the unemployment and insurance
6 advocacy. That's not necessarily a reason why not
7 to provide them. It's just always been a
8 traditional distinction between the legally
9 mandated services and those that aren't, but it
10 perhaps is worth reexamining.

11 COUNCIL MEMBER ROSENTHAL: I'm happy to
12 or you can. I mean that's a finding actually. I
13 appreciate your saying that; making that very
14 clear. Possibly my colleagues already knew that.
15 I'm new to this world, but so what you're saying is
16 in the Mayor's Executive Budget, he chose in your
17 agency to only fund what was legally mandated and
18 these other things that are good things, but not
19 legally mandated he did not fund? Did I mishear...

20 [crosstalk]

21 JORDAN DRESSLER: No.

22 [crosstalk]

23 COUNCIL MEMBER ROSENTHAL: You?

24 JORDAN DRESSLER: No, I'm not saying
25 that at all, no.

2 COUNCIL MEMBER ROSENTHAL: Okay.

3 JORDAN DRESSLER: I don't want to
4 misrepresent it.

5 COUNCIL MEMBER ROSENTHAL: Can you re-
6 say it? I couldn't quite hear.

7 JORDAN DRESSLER: I was just speaking
8 to history. It would be... I can't speak to the
9 engagement on this one. [chime] I think it had to
10 do with the budget cycle and for lack of a director
11 in place. I think it's worth considering these
12 questions going forward with staff in place here;
13 you know with the director in place here.

14 COUNCIL MEMBER ROSENTHAL: It's really
15 important because you know, I used to work at OMB
16 and that's how it works, right? So you guys as a
17 agency, you go to... I know what you guys have been
18 doing over the last two months. You're talking to
19 OMB and the Mayor's office about what should be in
20 your budget, so it's a finding that the decision
21 was made not to fund these things, and I'm just
22 trying to wrap my head around what the thinking
23 was; what the rationale was. Okay, I actually...

24 CHAIRPERSON FERRERAS: [off mic] And
25 you had one other question.

2 COUNCIL MEMBER ROSENTHAL: On the data
3 analytic recidivism tool, I'm wondering is that in
4 place? Are you guys...

5 [crosstalk]

6 ELIZABETH GLAZER: Yep.

7 COUNCIL MEMBER ROSENTHAL: Using that?

8 ELIZABETH GLAZER: It's online and
9 available for your use.

10 COUNCIL MEMBER ROSENTHAL: Great and
11 how up to date is the data that you're collecting?

12 JORDAN DRESSLER: Well...

13 ELIZABETH GLAZER: This Michelle
14 Sviridoff, who is the Deputy Director of Research.

15 MICHELLE SVIRIDOFF: As with any
16 recidivism analysis, it takes a few years to track
17 people.

18 COUNCIL MEMBER ROSENTHAL: Sure.

19 MICHLLE SVIRIDOFF: You know, so the
20 first year's worth of data that's currently up and
21 online is the...

22 CHAIRPERSON FERRERAS: [interposing]
23 I'm sorry, just for the recording if you could just
24 speak up into the mic. Thank you.

2 MICHELLE SVIRIDOFF: We have data that
3 was from... that followed everyone who was
4 originally arrested in the year 2009 for one full
5 year after their arrest, so that sort of took them
6 through 2011. That data is currently up and
7 posted. We are hoping to post additional years.
8 We require additional support to do that.

9 COUNCIL MEMBER ROSENTHAL: Okay,
10 because our last look we saw 2010, so we'll look
11 again for 2011, but I would... that's interesting
12 is that do you think you're looking for additional
13 staff to collect and post that data?

14 MICHELLE SVIRIDOFF: It isn't about
15 staff. It's about software and building the
16 capacity to add additional years in the web-base
17 system.

18 COUNCIL MEMBER ROSENTHAL: Oh, okay,
19 maybe we could have a follow up conversation about
20 that in the context of contracts again and IT.
21 Thank you very much.

22 CHAIRPERSON FERRERAS: Thank you,
23 Council Member Rosenthal. Again, Director Glazer,
24 we're looking forward to working close with you and
25 I know that you've just walked into this

2 responsibility and we want to be able to engage
3 with you moving forward. I'm going to give it over
4 to my co-chair for the day, Gibson.

5 CHAIRPERSON GIBSON: We spent a lot of
6 time together today. But thank you again. I
7 appreciate your being here and certainly just want
8 to emphasize and echo the sentiments of you know,
9 my colleagues; that we really want to work
10 together. I am I guess a little disappointed that
11 the City Council initiatives under MOCJ were not
12 baselined when other agencies like the Department
13 of Health, DYCD, ACS, DFTA, DCLA, libraries, FDNY,
14 they have all recognized that a lot of the Council
15 initiatives were important to baseline and so we're
16 just trying to understand why in this conversation
17 with MOCJ it was not recognized. And that's why we
18 keep asking the questions because then the impetus
19 falls on us, as a Council, to continue those
20 initiatives and really try to explain why they were
21 not given a priority like other programs were. So
22 I just have to you know, continue to mention that
23 because it's really important. The other thing I
24 just wanted to bring up, and I represent Bronx
25 County, so we will soon have a Child Advocacy

2 Center coming to the borough and I'm really excited
3 about that and I hope and know that we're on a
4 timeframe in terms of the schedule, but overall, I
5 know you're a part of multiple different task force
6 and with the anti-gun violence; with the new
7 initiative on the task force on Mental Health,
8 there's a lot of things that we're doing, which is
9 incredible work. I guess all I ask is that we
10 continue to have those conversations because a lot
11 of times you're making decisions and we have to ask
12 questions because we were not a part of the process
13 and so it doesn't give us a lot of input and we
14 certainly want to work together. A lot of our
15 initiatives... you already are doing great work
16 with some of your programs and so it just makes
17 sense to collaborate a lot better and in
18 recognizing that you are new, but many of your
19 staff have been there and certainly know the work
20 that has been done under the agency. So I
21 appreciate your being here. Thank you for your
22 work and we will continue to have conversations
23 during the budget process. Thank you so much.

24 ELIZABETH GLAZER: Great. Thank you.

25 CHAIRPERSON FERRERAS: Thank you.

2 ELIZABETH GLAZER: I look forward to
3 working with you.

4 CHAIRPERSON FERRERAS: We are going to
5 take a two minute break so that we can transition
6 from testimonies and we will be hearing from CCRV.

7 [Pause]

8 CHAIRPERSON FERRERAS: We will now
9 resume the City Council's hearing on the Mayor's
10 Executive Budget FY 2015. The Finance Committee
11 and the Public Safety just heard from the Criminal
12 Justice Director. We will now hear from the
13 Civilian Complaint Review Board. In the interest
14 of time, I will forego an opening statement and
15 turn the mic over to my co-chair, Council Member
16 Vanessa Gibson for a statement.

17 CHAIRPERSON GIBSON: Thank you very
18 much. Good afternoon and welcome. Thank you for
19 being here. It's good to see you again back at the
20 City Council. I am delighted to be here and
21 certainly recognize the work that the CCRB does and
22 we are interested to hear your testimony today to
23 see what additional services that you are looking
24 to provide. During the Prelim in March, you talked
25 about some of the borough-wide efforts that you

2 were doing to offer recruitment and promotion of
3 the CCRB, so I'm looking forward to hearing on any
4 changes, as well as how the Executive Budget
5 affects your bottom line. So I thank you for being
6 here and you may now begin.

7 BISHOP TAYLOR: Thank you. Thank you,
8 co-Chairs Ferreras and Gibson. I'm Bishop Mitchell
9 Taylor. I'm joined with... by rather our Executive
10 Director, Tracy Catapano-Fox and another board
11 member, Jules Martin and I want to apologize in
12 advance if I am rushing and if I have to leave
13 before this particular session over. I want to
14 apologize in advance because I do have another
15 pressing meeting that was starting at 4:00 with
16 another Commissioner in the City of New York, but
17 thank you.

18 Alright, so I want to get right to it.
19 With me today of course, is our Executive Director
20 and members of our executive staff, also Jules
21 Martin, one of our board members. And CCRB is
22 mandated to investigate, mediate, make findings,
23 recommend actions and prosecute complaints of
24 police misconduct involving what is commonly
25 referred to as FADO, i.e. excessive use of force,

2 abuse of authority, discourtesy or use of offensive
3 language. To fill this mandate, the CCRB
4 thoroughly and impartially investigates all
5 civilian complaints, typically within 18 months of
6 date of incident, which encourages all parties to
7 have confidence in the process and findings by the
8 Board. When the Board determines misconduct has
9 occurred, it may recommend various levels of
10 discipline including instructions, command
11 discipline or more seriously, Charges and
12 Specifications. If the Board recommends charges,
13 the CCRB Administrative Prosecution Unit, better
14 known as APU, is tasked with prosecuting these
15 cases before the NYPD Deputy Commissioner of Trials
16 and the Police Commissioner makes the ultimate
17 determination for discipline. The APU has been in
18 effect since April 11th, 2013.

19 On May 8th, 2014, Mayor de Blasio
20 released the Executive Budget for Fiscal Year 2015.
21 For Fiscal Year 2015, the CCRB has a current
22 Preliminary Budget of \$12,758,025; \$9,858,625 for
23 personnel and \$2,899,400 for OTPS. The authorized
24 head count is 167 positions; 120 positions in
25 investigations, 20 positions in the APU and 27

2 positions in administration. The Mayor's Executive
3 Budget added three legal advisor positions to our
4 Investigations Division. We are very thankful to
5 the administration for the additional funding.
6 These experienced attorneys will be well positioned
7 to identify, through their review of cases, those
8 areas ripe for Board policy recommendations, which
9 can improve the overall quality of policing in New
10 York City and provide high quality legal review of
11 a greater number of cases. By improving the legal
12 quality of the CCRB investigations, we will ensure
13 a fair and thorough review of all allegations of
14 police misconduct brought to the CCRB.

15 In March, we submitted a request for
16 the needs for FY 2015 to the administration. The
17 new needs request was thoroughly evaluated by the
18 administration. In addition to three attorney
19 positions that the administration granted, the CCRB
20 requested funds for two additional proposals that
21 the administration did not grant: five new
22 outreach positions to launch the CCRB in five
23 boroughs, or better known as the "Five Borough
24 Initiative," and seven investigative positions for
25 our new Field Investigative Team initiative.

2 CCRB in Five Boroughs: The "CCRB in
3 Five Boroughs" is a new initiative that will expand
4 our outreach into all communities in New York City
5 to provide greater resources and assistance to
6 civilian victims of police misconduct and educate
7 New Yorkers about their right and responsibilities
8 in deescalating interactions with police officers.
9 To support this initiative, we are seeking five new
10 administrative staff positions, who will be present
11 in each borough and perform the above functions for
12 the CCRB.

13 One function of the "CCRB in Five
14 Boroughs" initiative is to increase outreach and
15 awareness to various communities within New York
16 City. In 2013, the CCRB outreach program made 204
17 presentations. This was a significant increase
18 from 2008, where the CCRB held 47 presentations and
19 2009, where the CCRB held 49 presentations.
20 However, due to the hiring freeze from 2009 to
21 2011, the outreach department decreased to only one
22 full-time employee and had to rely on temporary
23 unpaid college interns and members of the staff who
24 volunteered to perform outreach. Despite the
25 removal of the hiring freeze, we only have two

2 full-time employees to supervise and execute the
3 tremendous increase in outreach programs and still
4 rely on board members, unpaid interns and staff
5 volunteers to handle the volume.

6 In the first four months of 2014, the
7 CCRB handled over 100 outreach programs across New
8 York City, which is almost seven times more than we
9 handled in the first four months of 2008 and 2009.

10 The question begs an answer. How are we doing more
11 with less? The Chair of our outreach committee is
12 very aggressive concerning outreach and the Board
13 has challenged us to make outreach a priority.

14 Because of this, staff have volunteered their time
15 to field these additional outreach opportunities;
16 however, it diminishes their capacity to do the

17 vital work they were hired to do. Although doing
18 it on their own time, they work long hours on
19 weekdays and weekends to ensure the quality of

20 investigations are maintained. Inevitably, this
21 diminishes our ability to put a quality work

22 product by continuing to supplement the outreach
23 program with staff from other divisions. The CCRB

24 believes that there are significant limitations to
25 the long-term sustainability of an outreach program

2 running almost solely on interns and volunteers,
3 and therefore, seeks five additional staff members
4 to facilitate and offer outreach programs to the
5 five boroughs.

6 The "CCRB in Five Boroughs," in
7 addition to providing greater outreach in each
8 borough, would also assign one staff member to each
9 borough for weekly intake sessions so that
10 civilians can file complaints of misconduct with
11 the staff member in a location within each borough.
12 Often, we hear from victims of police misconduct
13 that they are unable to come to the CCRB office to
14 file complaints or to be interviewed because it is
15 a financial burden to travel to Manhattan, it is
16 too time consuming or that they are unable to leave
17 work to appear at the agency during office hours.
18 In order to create a continuity of service, we must
19 have additional staff that will be able to work
20 unconventional hours to accommodate the working
21 population of New York City. We believe that most
22 of our complainants are part of the working poor
23 and to ask them to take off from their jobs in
24 order to come to the CCRB can be daunting. It is
25 unfair to place a greater burden on these citizens

2 in order to pursue their civil rights. This
3 initiative allows us to remove those barriers that
4 are inherent with most of our complainants. By
5 having outreach coordinators in each borough
6 weekly, this will alleviate the burden of civilians
7 having to travel to CCRB agency during work hours
8 and give them the opportunity to immediately file a
9 complaint and be interviewed by a CCRB investigator
10 within their own community. This staff member
11 would also schedule interviews for witnesses and
12 victims in pending CCRB cases, as well as handle
13 intake of new complaints. The outreach staff
14 member can provide information and answer questions
15 to civilians interested in learning more about the
16 agency and how it can assist the community.

17 We are working to coordinate with
18 borough presidents and City Council members to
19 facilitate obtaining locations for the "CCRB in
20 Five Borough" initiative on a weekly basis. These
21 conversations have fostered our belief that having
22 a dedicated staff member for each borough will
23 improve community relations and provide stability
24 and consistency for our partners in government who
25 will offer us the facility space. We anticipate

2 that this initiative will increase the number of
3 outreach presentations by 50 percent and ensure
4 that all communities will be reached in New York
5 City.

6 To ensure the stability and success of
7 the "CCRB in Five Boroughs" initiative, we are
8 asking for five additional staff members at an
9 annual salary of \$49,538. This funding is
10 reasonable in light of the valuable work these
11 employees will perform in ensuring that civilians
12 are provided the opportunity to address their
13 allegations of police misconduct timely and
14 efficiently.

15 Field Investigative Team Initiative:
16 Our second initiative is a Field Investigative Team
17 to improve the quality and timeline of our
18 investigations. We are seeking seven investigators
19 and an annual salary of \$49,045 each who will
20 respond to allegations of police misconduct
21 throughout New York City and obtain witness
22 statements, audio and critical video evidence
23 within 24 hours of the reported incident. The
24 central mission of the CCRB is to investigate and
25 resolve allegations of police misconduct in a

2 timely and efficient manner. Past budget cuts and
3 hiring restrictions have limited the CCRB's
4 capacity to timely investigate allegations of
5 police misconduct. In 2008, the CCRB had 153
6 investigators, but due to budget cuts and hiring
7 freezes, that number has dwindled to 120
8 investigators in the 2014 Executive Budget for FY
9 2015. This massive decrease in investigators has
10 greatly affected the agency's ability to
11 effectively perform its core mission. In 2008, the
12 CCRB was able to substantiate investigations in 351
13 days, less than one year after the date of
14 incident. However, in 2013, it took the CCRB an
15 average of 436 days to close a substantiated
16 investigation, a 24 percent increase in time.

17 The CCRB is committed to increasing our
18 case resolution rate by getting earlier access to
19 video and audio evidence, interviewing complainants
20 and witnesses earlier and decreasing time for
21 mediations to occur. To address this systematic
22 problem, the CCRB has created a new intake unit
23 that has relocated resources around investigative
24 teams to more properly receive and respond to
25 complaints. However, our ability to increase our

2 case resolution rate depends on our ability to
3 reach complainants earlier and obtain interviews,
4 as well as obtain video and locate witnesses to
5 fully investigate these cases.

6 The request for adding seven
7 investigators will allow the CCRB to conduct more
8 field operations under the Field Investigators
9 initiative. The CCRB will be able to designate
10 investigators to go to the field every day and
11 collect video and civilian statements within two
12 days of the complaint being filed. This will
13 enhance the quality of the investigations by
14 ensuring we quickly obtain objective video evidence
15 and witness information from the onset of the
16 investigation. Furthermore, this will help
17 increase the case resolution rate, as well as
18 enable the CCRB to conduct more investigative
19 steps, conduct witness interviews, collect video,
20 take photographs of the incident location, et
21 cetera, et cetera, et cetera in a timely manner;
22 thus, reducing the days requiring to complete a
23 full investigation.

24 With the support and funding for these
25 initiatives, we are confident that we can meet the

2 objectives of Mayor de Blasio and the City Council
3 in fulfilling the CCRB's mission to provide
4 quality, impartial and thorough investigations into
5 police misconduct for the citizens of New York. We
6 are grateful that the administration and the
7 Council are committed to ensuring that the Board
8 has all the resources needed for the future success
9 of the CCRB. Thank you for your time and support
10 and continued support and we are happy to answer
11 questions at this time.

12 CHAIRPERSON FERRERAS: Thank you and
13 we've acknowledged that you may have to slip out at
14 some point. I wanted to specifically ask... I know
15 that you're requesting the seven new additional
16 investigators, but it's brought to our knowledge in
17 the Finance Committee that you've asked for the
18 seven additional field investigators; yet, it would
19 appear that you are not able to reach your
20 authorized head count. What actions in your
21 agency... what actions is your agency taking to
22 address this issue and what plans are being made to
23 retain investigative staff?

24 BISHOP TAYLOR: Well, I'm glad you
25 asked that question. I think that the CCRB stands

2 out as an anomaly. We're not like other agencies.
3 Often, people that come to our agencies are coming
4 out of college with a criminal justice interest and
5 the CCRB, because the salaries are so low, it's a
6 stepping stone to the next step. Historically, we
7 were not allowed to hire investigators until an
8 investigator was released from the agency, so we
9 couldn't post; we couldn't interview in
10 anticipation of losing a staff member. Now that's
11 been changed, so we can now interview and create a
12 stable of investigators so that when we anticipate
13 one leaving, we already have someone that can step
14 up to the deck. I want to also point out that when
15 you're paying people \$35,000 a year to start, it's
16 hard to keep the best and the brightest, and at the
17 CCRB I must say, we have the best and the brightest
18 and I wish we can pay them much more so we can stop
19 the attrition and stop this constant turnover at
20 the agency. So there are some legitimate reasons
21 why we have this high attrition rate. Now, we have
22 some stop gates now with this new adjustment for
23 the PAR [sic], but to speak to the historical
24 reasons, that's what it is.

2 CHAIRPERSON FERRERAS: Well, that
3 totally makes sense. I mean it is difficult, but
4 clearly, anytime that we can help do outreach on
5 our end in our communities. Although \$35,000 you
6 know, is a tough salary, there are many families
7 that are surviving on less here and that's the
8 reality, so I'm not saying that this is the right
9 salary. We're hoping that you know, there should
10 be an increase. I'm not saying that there
11 shouldn't be, but it might be an opportunity for us
12 to be able to get some people from our communities
13 involved also in this process. Retention is a
14 really big problem for us 'cause we also want to
15 have the best and the brightest, as you've stated,
16 and keeping them is important.

17 I wanted to speak... earlier today,
18 Commissioner Bratton testified to bringing
19 technology into a lot of policing and enforcement
20 and communicating with us. I begged him to not
21 give me things on paper anymore. An Excel
22 spreadsheet would be great. So can you talk to me
23 in technology perspective is there any way that
24 your agency can improve interactions with the
25 community. If we want to do better outreach and

2 get more reports. I know that you may have an
3 online platform, but maybe does... can you walk me
4 through the process? If someone does the first
5 outreach online, then what happens? Do they still
6 have to come in to your offices for an interview or
7 how is that handled?

8 BISHOP TAYLOR: Just before I let the
9 Executive Director answer, can you, as a point of
10 clarification, you talk about outreach or are you
11 talking about referring back to people that make
12 complaints?

13 CHAIRPERSON FERRERAS: So both
14 actually.

15 BISHOP TAYLOR: Okay.

16 CHAIRPERSON FERRERAS: So either
17 outreach; how we can let the communities know that
18 this is a way and then for complainants, so...

19 BISHOP TAYLOR: [interposing] Okay.

20 CHAIRPERSON FERRERAS: From both
21 perspectives.

22 BISHOP TAYLOR: Alright, okay.

23 TRACY CATAPANO-FOX: Thank you,
24 Chairwoman and co-Chairwoman, for the opportunity
25 to speak today. In terms of our IT technology in

2 order to get greater outreach, our website has been
3 vastly updated in the past year in order to give
4 more opportunities for people to file online, as
5 well as by phone. They can make their complaints
6 in person, by 3-1-1, online through our website by
7 email or by coming in and also by calling our
8 hotline number. In terms of information, we give a
9 lot more information on the website in various
10 languages. We're working on adapting our website
11 so that we can have multi-lingual aspects to it.
12 We're also working on a frequently asked questions
13 web page where we can actually have video so.
14 Because some of our New Yorkers don't speak
15 English; they don't read English as well, if we can
16 do more video to explain the process and how they
17 can proceed with these complaints and get more
18 information, we think that that would go a long way
19 towards assisting the community. One of the things
20 that we do is we have PowerPoints that we do with
21 our outreach, so we go to various communities in
22 order to show people as well. In terms of your
23 question about coming in and making a complaint,
24 while the initial complaint can be done through all
25 these mechanisms, the City Charter requires that we

2 must proceed with sworn statements of complainants,
3 so we must, at some point, get a sworn statement.
4 One of the things that we're working on is video
5 casting. If we can interview people using Skype;
6 using video...

7 [crosstalk]

8 CHAIRPERSON FERRERAS: Face Time.

9 TRACY CATAPANO-FOX: Face Time,
10 exactly. Some mechanism by which we can record
11 that video and communicate with them, that will go
12 a long way to helping people in order to reach out
13 to us and then we can send them the video, they can
14 review it and then give us a sworn affidavit that
15 that is an accurate reflection of their testimony.
16 So that's something that we're working towards in
17 order to better help the community to be able to
18 reflect some of these concerns that they have with
19 being able to get to us and that's one of the
20 things that Bishop Taylor has reflected in the
21 report. One of the complaints we get from people
22 is that it's very difficult to get to the office.
23 While...

24 CHAIRPERSON FERRERAS: [interposing]

25 Right.

2 TRACY CATAPANO-FOX: We think we're
3 centrally located in Manhattan, if you're a working
4 person who's got a job, the last thing you want to
5 do after hours is come to Manhattan if you have a
6 family; if you have other...

7 [crosstalk]

8 CHAIRPERSON FERRERAS: Right.

9 [crosstalk]

10 TRACY CATAPANO-FOX: Responsibilities,
11 so this project, the CCRB and the Five Boroughs
12 initiative allows us to take those complaints and
13 do those interviews within the communities after
14 hours, before hours in order to make it as
15 convenient as possible for us to make sure we get
16 the complaints from the citizens who want to pursue
17 them, but due to their lifestyles it's very
18 difficult.

19 CHAIRPERSON FERRERAS: Right and I
20 think in many ways the interaction from
21 constituents they've already had a bad experience
22 with a police officer and then to have to come in
23 and engage into the city, they don't really
24 understand the difference; that it's a civilian
25 complaint review board and it has nothing to do...

2 and I think that's where we really need to do a
3 better job, even as elected officials, to let them
4 know, but any opportunity, as you stated in your
5 testimony, to do this in non-traditional hours or
6 maybe even in non-traditional locations where we're
7 able to get some of the sworn statements and
8 working better with you I think is kind of where we
9 need to start looking at different options.

10 BISHOP TAYLOR: Can I just add this?
11 If a complainant has to choose between putting food
12 on the table or following up on their CCRB
13 complaint, I think you understand where they're
14 going to lean. Unconventional hours; if we're
15 really serious about the mandate of the Civilian
16 Complaint Review Board, then we must have the
17 capacity to take this outside of Manhattan into the
18 inner cities and the urban tracts where the
19 majority of our complaints are fielded from and I
20 think it's important for us and it really is a
21 travesty if we cannot put the capacity in place for
22 an agency that was put together for the citizens of
23 New York City in order to respond to possible
24 violations of their civil rights. So I think that
25 you know, I'm happy that we got some of what we

2 asked for; very disappointed that we did not get
3 the outreach stuff and I'm hoping that today, and
4 that's why I'm making this point before I run out
5 of here, is that somewhere between now and D-Day
6 that you guys figure out how to fund this "Five
7 Borough" initiative. It has to be done if we're
8 going to have the capacity to serve the public the
9 way we're mandated to serve them. That's what I
10 want to say.

11 CHAIRPERSON FERRERAS: We're in total
12 agreement. It's ironic, 'cause usually we're
13 trying to argue with the people on that side of the
14 table. We're both... you have our sentiments and
15 you're carrying very much the message of our
16 constituents. So again, I'm going to pass it over
17 to Chair Gibson, who's... we've had a long day
18 together today.

19 CHAIRPERSON GIBSON: Yes, we have.

20 CHAIRPERSON FERRERAS: I want to...

21 [crosstalk]

22 BISHOP TAYLOR: Let me just add one
23 other thing too...

24 [crosstalk]

25 CHAIRPERSON FERRERAS: Yes.

2 [crosstalk]

3 BISHOP TAYLOR: 'Cause I am going to
4 leave. If you do not give the citizens of New York
5 unconventional access to the CCRB, think about the
6 unbalance. Anytime we bring an officer in to
7 respond to a charge, he's being paid. He doesn't
8 have to...

9 [crosstalk]

10 CHAIRPERSON FERRERAS: Right.

11 [crosstalk]

12 BISHOP TAYLOR: Worry about losing time
13 off of his job, but the person that takes time
14 during 9 to 5 making \$11.00 an hour, and we're
15 researching this now; aggregating this data, but we
16 feel and know that most of our complainants are on
17 the lower spectrum of income in this city, and so
18 for them to make that choice is really, really
19 not... the balance is not there. The officer gets
20 paid, but the person that comes into our office
21 during 9 to 5 business hours, they don't possibly
22 get paid.

23 CHAIRPERSON FERRERAS: Bishop Taylor,
24 just a follow up, and I know that you're running
25 out, but I still have the concern that even if we

2 were to offer non-traditional hours, if we have a
3 head count problem, how do we address this?

4 TRACY CATAPANO-FOX: Thank you,
5 Chairwoman. The issue with the head count is
6 exactly as Bishop Taylor had expressed in terms...
7 and we've worked it out with OMB, so the short
8 answer is we've actually come up with a plan so
9 that we won't have delays in hiring because
10 historically, we had to wait for the PAR to be
11 approved by OMB and that couldn't be done until the
12 person left our city roll. They couldn't be on our
13 payroll and have the PAR be approved. So that
14 would leave a good four week period, where, between
15 the person, leaving the approval of the PAR, doing
16 the interviews and putting out the outreach before
17 we can get that person onto our books. OMB has
18 been very helpful in terms of recognizing this
19 issues and now we've come to an agreement where we
20 will be able, the minute we hear someone is
21 leaving, to contact OMB to get that PAR and then
22 start an interviewing process during that period so
23 that now we know if a person is leaving this
24 Friday, we will be able to have that seat filled on
25 the Monday after. So in terms of our vacancy rate,

2 that will be something that we can... that we've
3 already addressed and we see that that will be
4 something that in the future should not exist.

5 CHAIRPERSON FERRERAS: So can I just go
6 back to the sworn statement?

7 TRACY CATAPANO-FOX: Of course.

8 CHAIRPERSON FERRERAS: And I know it's
9 part of the Charter. When we fill out, which we
10 just did last week, our financial disclosures, it's
11 a sworn statement and we sign off on that. So why
12 can't that component be added to the online
13 interactions?

14 TRACY CATAPANO-FOX: We can do that. I
15 mean that's something that was never done before,
16 but it's definitely something that we can ask them
17 to swear to the statements that they're going to
18 make and as long as we have that on video, that
19 will give us enough to proceed, so we can have...

20 [crosstalk]

21 CHAIRPERSON FERRERAS: So it has to be
22 on video 'cause we don't do ours on video.

23 TRACY CATAPANO-FOX: No, I know, so
24 that's the only thing; we do need to have either a
25 notary or a Commissioner of Deeds swear to the...

2 [crosstalk]

3 CHAIRPERSON FERRERAS: I see.

4 [crosstalk]

5 TRACY CATAPANO-FOX: That this is an...

6 [crosstalk]

7 CHAIRPERSON FERRERAS: Okay, great.

8 TRACY CATAPANO-FOX: But that's...

9 there are some technical issues, but we definitely
10 think that in the advent of Skype, because we have
11 had scenarios where the complainant leaves the
12 state and so we are able to provide them with their
13 testimony either by audiotape... we audiotape or
14 video any of the testimony. Every tape... every
15 interview we do is audio, so we would have to move
16 towards video, which is something that we're
17 capable of doing and that would be a way of helping
18 the citizens from not having to come down. The
19 idea for now is we can also get them in their
20 community, take the audio statement then and have
21 them sign it right there and that will also be an
22 additional way to make it a little more convenient.

23 CHAIRPERSON GIBSON: So I agree with
24 everything that's been said and I, too, was very
25 disappointed to see that there was no funding in

2 the Executive for the outreach coordination. As
3 someone who represents the Bronx, the highest point
4 in the city, it's always challenging to have my
5 constituents travel to Manhattan and while I
6 appreciate all of the IT technology components,
7 which I think are great online; calling 3-1-1;
8 getting the videotaping, but we still have to
9 recognize that for many of our communities there's
10 a desert in terms of internet access. So you have
11 families that are going to the library because they
12 simply don't have the access that's needed at home.
13 So absent from the outreach coordinator that we
14 were looking to get support for, if that does not
15 happen in this budget season, are you, with your
16 current workforce able to do some of the outreach
17 that you described during the Preliminary hearing,
18 which are reaching out to local community boards
19 and community organizations and other advocacy
20 groups that work in the communities where you want
21 to promote; our clergy. You know, there's a whole
22 population of people in the outer boroughs that
23 really could help you in the work you do if there
24 was just a better line of communication. So are
25 you working and is there a plan of action with your

2 current workforce to provide that absent of the
3 outreach coordinator?

4 JULES MARTIN: Yeah, I'll turn it over
5 to the Executive Director, but one thing the Bishop
6 didn't mention; I think that he was a little bit
7 humble; he was... he is...

8 [crosstalk]

9 CHAIRPERSON GIBSON: Oh, I'm sorry.
10 Can you just state your name...

11 [crosstalk]

12 JULES MARTIN: Oh, I'm...

13 [crosstalk]

14 CHAIRPERSON GIBSON: For the record?
15 Thank you.

16 [crosstalk]

17 JULES MARTIN: My name is Jules Martin.
18 I'm a board member of the Civilian Complaint Review
19 Board. My apologies. What the Bishop did not
20 mention, and he was quite humble, is that he is the
21 chairman of the Outreach Committee and I think part
22 of his testimony had used the word aggressive. He
23 is extremely aggressive in reaching out to the
24 community and I think that one thing that I heard
25 and I want to emphasize is the educational

2 component of outreach. But one thing that I must
3 underscore, and with all of the technological
4 advances and videotaping and Face Time, there's
5 nothing like human interaction; to have someone to
6 sit down to; answer the questions that the
7 complainant may have to let them know that CCRB is
8 here; CCRB is here for them. I am not pointing at
9 the accused police officer because some of them are
10 innocent of the charges, but we want to ensure on
11 the part of the complainant that every complaint is
12 taken absolutely seriously.

13 TRACY CATAPANO-FOX: Chairwoman, yes,
14 we have a plan in place to move forward, even if
15 we're not able to get the funding that we're
16 seeking. What we have now is a goal of having one
17 week of... one day a month in each borough. With
18 the staffing we could do it weekly in each borough,
19 but what we can do, and we've had a commitment and
20 some of the City Council Members have been
21 wonderful in terms of offering space and
22 volunteering to help us to make this commitment.
23 Our goal now is with our volunteers and with the
24 interns that we have, once a month we could be in
25 each borough where we could take in complaints and

2 also schedule interviews. That is something that,
3 while it's not anywhere near what we want to do,
4 it's a good first step within our means to make
5 sure that we're in a position to offer some
6 outreach on a regular basis in the community and we
7 would post that on our website. We would make that
8 available to the public so that they would know
9 that we will be, for example, in Borough Hall in
10 the Bronx on the second Wednesday of the month and
11 we would have that on our webpage so that people
12 would know to come there and we would schedule
13 interviews as well. So that is something that we
14 have been... the Board has been very aggressive and
15 Bishop Taylor, in particular, as the chairman of
16 the Outreach Committee, in pursuing. So that is
17 something that, with the assistance of the borough
18 presidents and with the City Council members who've
19 been very gracious in helping us, we are in a
20 position we can do that.

21 JULES MARTIN: We're also hoping to
22 reduce the number of withdrawn cases so that we can
23 reach the complainant very, very early and again,
24 to let them know that we are here and we are very,
25 very supportive and they don't have to withdraw

2 their complaints because they just simply cannot
3 get to the agency.

4 CHAIRPERSON GIBSON: What is your
5 closed case rate?

6 TRACY CATAPANO-FOX: Our closed case...
7 in terms of substantiated cases you're saying? I
8 mean every case gets closed. When... I think what
9 the Bishop was referencing is that fully
10 investigated where the Board closed is
11 substantiated. That was in his testimony; those
12 cases where we can fully investigate and lead to
13 substantiated allegations. In terms of this year,
14 and it's historically been consistently about 15
15 percent. We're on target right now for 16 percent
16 of our cases. One of the things that Board Member
17 Martin has referenced is the fact that we have a
18 lot of complaint withdrawn cases and historically,
19 part of the reason was because we were unable to
20 get to the complainants to speak to them and offer
21 them mediation or do the first interview for a week
22 to 10-day period after their initial complaint. In
23 the past year, we have created an intake unit
24 within the agency that is solely directed to
25 scheduling complainants for interviews as quickly

2 as possible. So in light of the field investigator
3 team, that's an extension of our intake unit where
4 we're getting to people as quickly as possible so
5 that they understand the options that are
6 available; that they can mediate a case; that they
7 can pursue a full investigation and that when they
8 withdraw a case they're genuinely withdrawing not
9 because it's too hard to get to the agency or
10 because they're too busy, but because they are not
11 any longer interested in pursuing the complaint and
12 that's something that the Board...

13 [crosstalk]

14 CHAIRPERSON GIBSON: Okay.

15 [crosstalk]

16 TRACY CATAPANO-FOX: Has really been
17 working on.

18 CHAIRPERSON GIBSON: Okay, I just have
19 one final question about the good part of the
20 budget; is that we have money for the three new
21 legal advisors. You are looking to have a review
22 of some of your cases by these advisors. Do you
23 know what types of cases you're having them review
24 and if so, what types of policy recommendations do
25

2 you think may come out of these new three legal
3 advisors that will come on board?

4 TRACY CATAPANO-FOX: On behalf of the
5 agency, I have to thank Chairwoman Gibson and
6 Chairwoman Ferreras and the City Council for
7 supporting our initiatives and the Mayor's office
8 for approving the three attorneys. What we
9 discussed in March was that right now we only have
10 three team attorneys and that was a decrease due to
11 budget cuts and hiring freezes in the past. But we
12 have six teams that investigate cases, so right
13 now, each attorney only has two teams. That
14 doesn't allow them the ability, since we get so
15 many complaints a year. Right now, we've gotten
16 1,800 complaints within our jurisdiction in the
17 last four months. I mean... yes, since January.

18 CHAIRPERSON GIBSON: 1,800.

19 TRACY CATAPANO-FOX: That's correct.

20 CHAIRPERSON GIBSON: Since January.

21 TRACY CATAPANO-FOX: Yes, so that is
22 why we needed the attorneys, to be able to fully
23 give legal review. What we've been doing,
24 unfortunately, is because of the budget cuts, we
25 were only able to review substantiated cases for

2 legal analysis. We train our investiga... all
3 cases have a legal analysis, but the
4 unsubstantiated cases were not given the same
5 thorough legal review as others and now thanks to
6 the Mayor and the City Council, we are able to
7 assign one attorney per team who can then review
8 all of that team's cases to assure that it has a
9 full and quality legal review before being
10 submitted to the Board for determination.

11 CHAIRPERSON GIBSON: Okay, I'm really
12 alarmed by that number. Is there a way you could
13 provide us with a breakdown by borough; by precinct
14 on where those cases are coming from? And
15 obviously, I don't know if you've had a chance to
16 look at all 1,800, but is there a trend in terms of
17 the cases you've received or is there something you
18 know, in terms of particular issues that raises
19 awareness on some other policy or issue that needs
20 to be addressed? 1,800 and we're only in the fifth
21 month of the year is very disturbing.

22 TRACY CATAPANO-FOX: Well, I will tell
23 you that's consistent with last year as well. That
24 is actually... believe it or not, it's trending
25 down. Chairwoman Gibson, I know it sounds... I

2 didn't mean that... well, we appreciate that you
3 understand and respect the hard work we're doing as
4 an agency and how many complaints we get, so I
5 thank you for that. We get... last year, we had
6 over 5,400 complaints. We had about... just about
7 5,400 complaints. It was 5,403 within our
8 jurisdiction and that number, believe it or not,
9 has actually trended down since 2009. So on a good
10 level, we are trending down, which gives us more
11 time to focus on those quality investigations and
12 make sure that we're performing our mandate by
13 Charter, but yes, that is a significant number of
14 cases and we are a small agency. So it is
15 something that I genuinely appreciate your concern.
16 One of the things you were asking about was in
17 terms of policy recommendations. You had asked us,
18 and particularly in March, to comment to you on the
19 effects of Hurricane Sandy, so I just wanted to
20 give you an update. Pre-Hurricane Sandy, we
21 received 514 cases per month within our
22 jurisdiction. After Hurricane Sandy, from the
23 period of November 2012 to February of 2013, which
24 was when we were out of our offices at 40 Rector
25 because they were swamped with water, we received

2 263 cases per month. But I can tell you the good
3 news is from March of 2013 to March of this year,
4 we've gone up to 482 per month, so we believe that
5 we are back on track to receive numbers consistent
6 to pre-Hurricane Sandy. I hate to alarm you even
7 further, but just so you know, the overall monthly
8 intake pre-Hurricane Sandy was 1,356 cases that are
9 not all within our jurisdiction, so I think because
10 of the name of the agency we get a variety of
11 complaints that aren't all within the FADO
12 jurisdiction, so we do get a lot of complaints, but
13 we are on track to go back to the pre-Hurricane
14 Sandy numbers.

15 One of the things you had asked... I'm
16 sorry, was policy recommendations and reports. At
17 our last public Board Meeting, we discussed the
18 idea of video. We're doing a policy report, and it
19 will take some time because we get a lot of cases
20 involving video, but to see how much video evidence
21 is affecting the allegations within complaints, and
22 particularly whether or not officers who are either
23 impeding or preventing people from taking video or
24 who are taking action for people taking cell phone
25 video or other video, whether or not we are seeing

2 a trend in that. So that is something that we are
3 looking into as a policy recommendation for the
4 future.

5 CHAIRPERSON GIBSON: Thank you. Wow,
6 you certainly do need those three attorneys. But I
7 thank you very much and look forward to working
8 with you and thank you for your presence and all
9 the work you have done.

10 TRACY CATAPANO-FOX: Thank you.

11 CHAIRPERSON FERRERAS: Thank you and
12 I'd love for you to follow up with this committee
13 on the policy recommendations 'cause we definitely
14 have been in conversation here on more videotaping
15 from the officer's perspective, but also allowing
16 and giving the right to the civilians to be able to
17 record interactions.

18 JULES MARTIN: And we will provide
19 data... The breakdown of the team... the first
20 1,800 cases and...

21 [crosstalk]

22 CHAIRPERSON FERRERAS: Yeah.

23 JULES MARTIN: And how they are
24 trending.

25

2 CHAIRPERSON GIBSON: By... and where
3 they are, right, status and where they are.

4 TRACY CATAPANO-FOX: We'll give you our
5 annual report. We have a copy of it and we'll give
6 it to you so that you can see, but it does break it
7 down by borough; by...

8 CHAIRPERSON GIBSON: [interposing]
9 Okay.

10 TRACY CATAPANO-FOX: Precinct.

11 CHAIRPERSON GIBSON: Okay.

12 TRACY CATAPANO-FOX: By type of... be
13 it stop-and-frisk.

14 CHAIRPERSON GIBSON: Type of case,
15 okay.

16 TRACY CATAPANO-FOX: Discourtesy,
17 offensive language, all the types of allegations
18 that are made and it also shows what the
19 administrative prosecution unit is working on.
20 They currently have 192 cases in their docket and
21 so it will also show you types of cases that
22 they're working on and how they're proceeding.

23 CHAIRPERSON GIBSON: Okay and Bishop
24 Taylor is very familiar with one of my most hard-
25 pressed cases before CCRB, but it comes out of it a

2 policy issue around photo identification of our
3 officers, so I would love to continue to have those
4 conversations. I know it's a very unique case, but
5 certainly a part of a larger problem around how we
6 update photos of our law enforcement officials, so
7 you guys know who the case is so...

8 [crosstalk]

9 JULES MARTIN: Yeah, he was at...

10 [crosstalk]

11 CHAIRPERSON GIBSON: I thank you for
12 all the work you've done to help him.

13 JULES MARTIN: He was at CCRB and gave
14 a most eloquent testimony at CCRB.

15 CHAIRPERSON FERRERAS: Thank you.
16 Thank you very much for your testimony today. Is
17 your annual report online or...

18 TRACY CATAPANO-FOX: It is online and
19 we have a copy for each of you for today.

20 CHAIRPERSON FERRERAS: Fantastic.
21 This... you know, this is a public hearing.
22 Sometimes the public is watching. It's a good
23 opportunity for them to be able... where would they
24 be able to find the report?

25

2 TRACY CATAPANO-FOX: If you go on the
3 www.nyc.gov/ccrb, we have a page that says
4 "reports" and we have our annual and semi-annual
5 reports for the last 10 years.

6 CHAIRPERSON FERRERAS: And this is also
7 the website if anybody wants to file a complaint,
8 they can go to the same website.

9 TRACY CATAPANO-FOX: It specifically
10 says, "How to file a complaint," and it gives
11 assistance for people filing an email complaint
12 online to help them, as well as all the other ways
13 that they can file; by phone and 3-1-1.

14 CHAIRPERSON FERRERAS: Very good.
15 Thank you. This concludes our hearings for today.
16 The Finance Committee will resume Executive Budget
17 hearings tomorrow, May 21st at 10:00 a.m. The
18 hearing will be held in this room. Tomorrow we
19 will be joined by the Committee on Housing and
20 Buildings, chaired by my colleague, Council Member
21 Jumaane Williams, to hear from the Department of
22 Housing Preservation and Development and the
23 Department of Buildings. In the afternoon, the
24 Finance Committee will be joined by the Committee
25 on Economic Development and the Committee on Small

2 Businesses to hear from the Economic Development
3 Corporation and the Department of Small Business
4 Services. As a reminder, the public will be
5 allowed to testify on the last day of budget
6 hearings on June 6th beginning at approximately
7 4:00 p.m. The public session will be held in this
8 room. For members of the public who wish to
9 testify, but cannot make the hearings, you can
10 email your testimony to Nicole Anderson and she
11 will make sure that it is part of the official
12 record. Her email is nanderson@council.nyc.gov.
13 Thank you. This hearing is now adjourned.

14 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. 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.



Date: 05/30/2014