

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND CRIMINAL JUSTICE
SERVICES JOINTLY WITH THE COMMITTEE ON
PUBLIC SAFETY, THE COMMITTEE ON TECHNOLOGY,
THE COMMITTEE ON OVERSIGHT AND INVESTIGATION
AND THE COMMITTEE ON CONTRACTS

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February 25, 2015
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HELD AT: COUNCIL CHAMBERS - CITY HALL

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JAMES VACCA
VINCENT GENTILE
HELEN K. ROSENTHAL
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A P P E A R A N C E S (CONTINUED)

Mark D. Peters
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Anne Roest
Commissioner
New York City Department of Information Technology
and Telecommunications (DOITT)

Mindy Tarlow
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[sound check]

[gavel]

SERGEANT-A-ARMS: Quiet, please. Find
seats.

CHAIRPERSON CROWLEY: Good morning. My
name is Elizabeth Crowley, and I'm the Chair of the
Fire and Criminal Justice Services Committee. The
hearing is held jointly with the Committee on Public
Safety, which is chaired by Council Member Vanessa
Gibson; the Committee on Technology, which is chaired
by Council Member Jimmy Vacca; the Committee on
Oversight and Investigations, which is chaired by
Council Member Vincent Gentile; and the Committee on
Contracts, which is chaired by Council Member Helen
Rosenthal. I want to thank them all for their
partnership in conducting today's hearing.

Beginning in 2004, the City embarked on a
major projected the Emergency Communications
Transformation Project in order to improve the
reliability of the 9-1-1 system. The system was
antiquated, and the goal of a more reliable system,
one that would not crash during major emergencies,
and one that uses technology to help response times
made sense. Eleven years later, our system is no

more reliable than it was on September 11, 2001, or during the major blackout in 2003. Both of which prompted the City to begin this overhaul. To date, the City has spent over \$2 billion improving of the system. Most of the resources of this project were devoted to unifying the call taking process for police, fire, and medical emergencies. But these three distinctly different emergency areas require entirely different types of responses. Therefore, the process by which the City attempted to achieve the goal was flawed.

Emergency calls that require a response from the Fire Department need to be handled by call dispatches within the Fire Department in order to achieve the fastest response time possible. Therefore, when such a call is made to 9-1-1, it should be immediately transferred over to the Fire Department for processing of both fire and medical emergencies. We should not be over-burdening NYPD, 9-1-1 call-takers, who are already understaffed with calls that should be handled by the Fire Department.

Early last year, I met with the de Blasio Administration to convey serious concerns regarding our emergency response system. In May of 2014, these

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committees held a hearing on the 9-1-1 call-taking
system to address many of the same issues that will
be discussed here today. During that time, the
Administration ordered a 60-day hold and ordered a
major review of the system by the Department of
Investigation, the Department of Information
Technology and Telecommunications and the
Controller's Office. Each agency issues reports
similar to reports that have been issued over the
past ten years, which detail persistent
mismanagement, lack of coordination between City
agencies, and millions of dollars in wasteful
spending. All confirming the cripple--crippling
issue that has plagued the 9-1-1 system for years.

Earlier this month, the DOI released a
larger, more complete report saying much of the same.
Today's hearing will examine this report, and seek to
determine how the City should move forward with its
overhaul to the 9-1-1 system. At this point, it is
important to clearly define the scope of the project
in order to achieve the goals of making the 9-1-1
system more reliable. For years, the Bloomberg
Administration operated under a cloud of secrecy and
did not disclose end-to-end response times for 9-1-1

calls. End-to-end response times are calculate from the moment a call is placed to the moment that first responder arrives at the scene of the emergency. The Council took action, and passed a bill, Local Law 119 of 2013 to require the Administration to report end-to-end response times. We can now shed light on the true response times, and clearly see how long it takes to process calls in critical time-sensitive emergencies. For example, the average end-to-end response time by ambulances to life-threatening medical emergencies is currently 9 minutes and 30 seconds. We can all agree that this is unacceptably high.

If the call processing in this fashion were handled by emergency medical dispatchers with no redundancies, the data shows the processing time would be greatly reduced, and the same is true with fire dispatchers. Given the fact that the City is receiving record-breaking number of emergency medical calls and fire calls, it is imperative that we do processing in the most efficient manner possible for call-takers who are specifically trained to handle these calls. In the 11 years since the City started the project, the only aspect of the 9-1-1 system that

has been unified is the physical location of police
call-takers, fire and emergency medical dispatchers
at 11 Metro Tech in Brooklyn, known as PSAC 1. The
advantages of this co-location as opposed to the
prior system in which dispatchers were held in
facilities in each borough remains unclear to me.
Additionally, the main goal of this undertaking is to
have a system that allows all emergency responders to
communicate with each other have not been
successfully achieved by any measure. I am seriously
concerned that this Administration much the last is
failing to recognize the inherently flawed premise of
unified call-taking process, and is still moving
forward with components of this overhaul that
undermine our public safety.

I welcome Commissioner Peters and
Commissioner Anne Roest for being here today, and I
look forward to both their testimonies. I'd like to
recognize my colleague Vanessa Gibson, Chair of
Public safety for her opening statement.

CHAIRPERSON GIBSON: Thank you very much,
Chair Crowley, and good morning to each and every one
of you. It's a pleasure to be here. There are lot
of committees present this morning, but all for the

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right reasons. I am Council Member Vanessa Gibson. I
represent the 16th District in the great borough of
the Bronx. And I'm proud to serve as chair of the
Committee on Public Safety. I want to thank my
colleagues Chairs Crowley, Gentile, Vacca and
Rosenthal for co-chairing this very important
hearing. I'd also like to thank the members of the
Public Safety Committee who are here with us today.
We have a lot to get through so I'm going to keep my
remarks very brief.

As our Chair Crowley mentioned, we're
here today to examine DOI's report on New York City's
long overdue and over-budget 9-1-1 Improvement
Project, also known as ECTP. I would like to thank
the DOI for conducting their investigation, and
issuing this report and making serious
recommendations to improving the project, and
ultimately the 9-1-1 system's effectiveness. I thank
everyone--I think everyone here will join me in first
collectively thanking all of the great men and women
of the New York Police Department, the Fire
Department, and EMS who take and respond to over 13
million 9-1-1 calls every year. Emergency Services
including the services provided by the New York

Police Department, FDNY and EMS are among the most critical and important services provided the City of New York. Simply put, we rely on these 9-1-1 system, the people that run it, the call-takes, the dispatchers, the supervisors, the first responders for safeguarding all our lives. I am tremendously concerned that we've endured many years of delay, mismanagement and runaway costs, as detailed in DOI's report in an effort to upgrade and improve this vital system. Unfortunately, this is not the first time in the project's history that we have an assessment and recommendations to make improvements.

I am extremely hopeful and optimistic because I have read in the report that the Administration has already implemented several of the recommendations. As opposed to making a commitment to adopt changes that never materialized. City Time was another large technology project that was beseeched by mismanagement and cost overruns. But, unlike City Time, our 9-1-1 system is not an administrative tool. It is a life and death operating system. So it's imperative that we move this project forward, and we do in learning from our past mistakes in a manner that benefits the

1 importance of the system that we are trying to
2 ultimately improve, and we do not--we do not make the
3 same mistakes again.
4

5 I look forward to hearing from all of our
6 officials, and advocates and members of the public,
7 and union officials who are all here to testify this
8 morning. And get a better understanding of how we
9 move forward collectively. I also want to recognize
10 the staff of the Committee on Public Safety for
11 putting this very important hearing together. These
12 hearings are a lot of work, and without the staff, we
13 would not have the opportunity to have these very
14 critical conversations. So I want to recognize Brian
15 Crow, Robert Calandra, Laurie Wen, Ellen Eng, and
16 members of the Speaker's staff as well for helping
17 the Committee on Public Safety be a crucial
18 partnership in this hearing today. And now, with
19 that, I will turn this hearing over to the Chair of
20 the Committee on Oversight and Investigation, Chair
21 Vincent Gentile.

22 CHAIRPERSON GENTILE: Thank you Madam
23 Chair and thank you Madam Chair. My name is Vincent
24 Gentile. I'm the Chair of the Oversight and
25 Investigations Committee, and I would like to thank

1 my co-chairs for joining me in putting together
2 today's important hearing. I would also like to
3 thank their staffs, and certainly my own staff for
4 the hard work they have put to make--put in to make
5 this hearing happen. Today's Oversight hearing is an
6 examination in the City's effort to overhaul the 9-1-
7 1 system in light of the problems that have not only
8 been previously examined by this Council but also--
9 but have also plagued this project since its
10 inception. Very recently, the Department of
11 Investigation issued a report, which critically
12 examines the mistakes that have been made in the past
13 that lays out by making recommendations, a manner in
14 which to move forward with this critically important
15 and necessary project.

17 Following the attack on 9/11 and the
18 blackout in 2003, these flaws in the system were
19 exposed in the 9-1-1 system, which brought to light
20 the urgency in which it was necessary to overhaul and
21 modernize the system. The ECTP began taking shape in
22 2004. Its goal, of course, to transform the
23 communication--the emergency communication and
24 service delivery for the City through the
25 streamlining of operations, and improved technology

solutions. As my colleagues have already stated, the original capital budget was at \$1.3 billion, and the completion date was set for August 2007. And based on the figures currently available, the project is about ten years behind schedule. And final cost is set at about three-quarters of a billion dollars more than was originally budgeted.

So the DOI Report illustrates not only what went wrong that caused these severe miscalculations, but they also address remedies that were applicable to make sure the project stays within the newly projected timeframe, and eliminates the possibility of any further unforeseen costs. Among other suggestions, the report suggests things such as the integrity monitor, and a manager to be appointed by ECTP, and all future large-scale technology projects. I'm sure we'll hear more about that from Commissioner Peters. And as the DOI points out, some of these have already been implemented, and some have not. But these recommendations appear to be moving this project in the right direction. Furthermore, DOI's recommendations will be helpful not only to assist in managing the ECTP project as we move forward, but the suggested remedies will improve the

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City's management of large-scale technology projects
in the future.

So, I'd like to commend the Department of
Investigations for their thorough work, dedication,
and understanding of how important the emergency
communication system is for the city to be adequately
prepared for any type of emergency. And how vitally
necessary it is to have a security system that can
facilitate the communication between the NYPD, FDNY,
and EMS. So I'm looking forward to our testimony
today. Thank you.

CHAIRPERSON CROWLEY: Thank you, Council
Member Gentile. Next, we'll hear from the Council
Member who is the Chair of the Committee on
Technology, Council Member James Vacca.

CHAIRPERSON VACCA: Thank you, Chair
Crowley. I do have a prepared statement, but I'm
going to dispense with it because when reviewing your
testimony that you submitted, Commissioner, and
listening to my fellow--listening to my fellow
members, what's happened here at ECTP really is
indicative of what has happened to the New York City
Capital Budget over a very long period of time. We
have a problem in this city, and the problem in the

city is that we have a capital budget where we can't spend money efficiently. We can't get projects underway, and then when projects basically start, they become mired in difficulty, overruns, inefficiency and other issues. I have spoken about this for many years, and I'm going to continue to speak out about it. We in the Council as members give money to City agencies. And I think this is the only city where you give money to City agencies and they can't spend it. Usually, when we give money, the agencies should say, Oh, my God, thank you. Let's get it done. But no, that's not the case here in New York. It hasn't been the case for years.

The reality is that the Capital Budget of New York City could be our economic engine. It could be the job provider. It could provide such stimulus, and it has not. Now, I have PSAC2 under construction in my district, and the very, very start of PSAC2, when it was originally conceived by the previous administration, I warned them. And I said that the scope of what you're doing is tremendous. And I said we have to have in place controls so that we meet deadlines and that money is appropriated, and money is spent. And, based on many of my conversations,

1 the scope was reduced. PSAC2 was supposed to be even
2 bigger than what it is today. Well, what it is today
3 has become mired in overruns. What we have today
4 will take longer to build than what was originally
5 anticipated. But ladies and gentlemen, what we're
6 building today is crucial to the City of New York.
7 This involves public safety. So, I look at it in
8 that context. The context that this project that
9 we're talking about today is indicative of a
10 discussion we have to have, and that we should have
11 had for many, many years.

12
13 So I thank the Commissioner. I reviewed
14 the report some time ago. I think the report is
15 really long overdue. I thank the Administration for
16 taking the bull by the horns. I will say that
17 inherent in what we're doing in talking about this
18 issue has to be the issue of response time. I
19 chaired the Committee on Fire and Criminal Justice
20 prior to Chair Crowley. And during those years,
21 2009, 2008 we were talking about giving people
22 realistic knowledge what actual response time is.
23 How do we calculate response time? And the City
24 always telling us that response time was getting
25 better s really not the case because over the years

response time has been calculated differently by the city than what we feel would be a more indicative way of calculating response time.

So we have to get to the bottom of that because seconds that we lose in response time could mean the difference between life and death. And the ultimate objective of anything we do has to be to improve response time. So, I do say that this Administration I feel has been proactive based on what they had to deal with when they came into office. But I do not want this opportunity to discuss our infrastructure of this city, and the need to make sure that our infrastructure programmed at our locations are spent efficiently and expeditiously. I do not want that opportunity lost, but I do thank you, Commissioner, for all the work you've done, and I thank my colleagues. You know, we only have five committees here today. So things don't get accomplished, we'll come back next month with nine committees or ten. So, you know, there's always room on the stage for all of us. Thank you, Commissioner.

CHAIRPERSON CROWLEY: Thank you Chair Vacca. I would like to recognize the council members

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who have joined us here today. We've been joined by
Council Member Steve Matteo, Council Member Rory
Lancman. Briefly, we had Council Member Antonio
Reynoso, and we will soon be joined by Council Member
Helen Rosenthal. Commissioner, before you begin your
testimony, and for those who are here to testify
today, unfortunately it's a very busy week in the
Council and I only have this room. The committees
here can only stay in this room for this hearing
until 1 o'clock. And, Commissioner, I know you have
a seven-page written testimony, and the report is
over 100 pages. So, I would ask if you could not
read from your testimony, or some way you could try
to condense your testimony just for the benefit of us
having the opportunity to ask questions, and hearing
from the public. Your testimony will be part of the
record, and then if you'll decide which you prefer to
do. But I have to swear you in first as the Council
procedures.

COMMISSIONER PETERS: [off mic]

Certainly.

CHAIRPERSON CROWLEY: And then, two
colleagues who are from your agency, will they be
testifying or answering questions today?

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COMMISSIONER PETERS: No, they will not.

CHAIRPERSON CROWLEY: Okay. Okay,

Commissioner, if you could please raise your right
hand, and answer the question. Do you affirm to tell
the truth, the whole truth, and nothing but the truth
in your testimony before the committee, and to
respond honestly to the council member's questions?

COMMISSIONER PETERS: I do.

CHAIRPERSON CROWLEY: Thank you. Please
begin.

COMMISSIONER PETERS: Thank you. I will
endeavor to shorten my seven pages, which was itself
a condensation of a 104 pages. Sadly, there is a
limit to how much one can truncate 105 pages--a 105-
page document that was itself a consolidation of a
review of 1.5 million documents over 50 interviews
and hundreds, if not thousands, of hours of review
time. I will dispense at least with the introductory
good mornings and thank you. Suffice it to say I
appreciate every member of the Council's time and
attention to this matter. Last May, as you know,
upon learning about the significant delays and cost
overruns, Mayor de Blasio ordered a halt to work on
the City's Emergency Communications Transformation

Program, ECTP. Pending a comprehensive review by the Department of Investigation, the Department of Information Technology and Telecommunications, and the New York City Controller's Office. Pursuant to the Mayor's request, DOI undertook our review of the system.

In ordering the temporary halt of ECTP, Mayor de Blasio cited the program's costs and delays, as well as significant and long-standing technical design, systems integration and project management risks, and issues that necessitate immediate corrective action. As requested by the Mayor, DOI issued a preliminary investigatory report on August 6 of 2014. Over the course of the last seven months, DOI, as I noted, has now reviewed tens of thousands of documents. 1.5 million pages of documents in total were submitted. We've conducted many, many interviews. We've spent hundreds of hours and produced, as Chair Crowley noted, a report that is itself 104 pages.

The conclusion of the investigation culminated in our still lengthy report earlier this month. Our report documents a number of management, oversight, and performance failures, which caused the

program to be years behind scheduled, and hundreds of millions of dollars over its original budget. As a result, the program to date has yet to fully deliver on the promise of a modernized 9-1-1 system that will effectively respond to the health and safety needs of New Yorkers. Specifically, the Department of Investigation has identified a variety of management failures, internal control weaknesses, and contractor performance deficiencies that between 2004 and 2013 created the conditions for the substantial delays and rising costs, which have plagued the program.

While no evidence of overt criminal conduct was discovered, DOI did identify inadequate program controls pertaining to inflated price estimates by contractors. As well as attempted to hide the significance of problems facing the program. For instance, with respect to inflated price estimates by contractors, the sheer number of subcontractors involved in the program resulted in the inflated price estimates of as much as 600% on specific services. Ultimately, the project will be more than \$700 million over budget. In addition, our investigation revealed that as late 2013, senior program officials created an environment that

discouraged truthfulness seeking to spin, soften and
sanitize negative information about the program in
reports to create the impression that ECTP status was
better than it actually was. We found more than \$200
million in costs that were hidden in the budgets of
other agencies, and thus not reflected in ECTP's
total overruns. Our report detailed the programs
deficiencies as follows:

First, a fundamental failure to
adequately plan or sufficiently define the initial
scope and direction of the program.

Second, an effective program governance
by both officials at City Hall and various government
agencies.

Third, in adequate contractor management
resulting in a failure to control consultant costs.

Fourth, undue pressure applied by program
officials upon employees to report positive
information about the status of ECTP and the City
Hall.

Fifth, the failure to appoint an
independent integrity monitor.

Sixth, a failure to present a clear
picture of the program's total costs, and

Seventh, inconsistent recordkeeping practices of agencies involved in ECTP including the NYPD, which did not have document retention policy for program records.

In order to mitigate the risks of similar management failures and internal weaknesses in the context of ECTP and other large-scale technology projects, DOI has made the following recommendations:

First, ECTP's scope and direction going forward must be well defined in a written plan that should be drafted and agreed upon by all stakeholders.

Second, the City must appoint a program manager empowered by the Mayor to lead large-scale technology projects such as ECTP.

Third, where possible, the City should establish direct contractual relationships with vendors, and avoid layers of subcontracting. The City should also seek to avoid seating complete responsibility over projects to outside contractors.

Fourth, the City should set forth written criteria for any new reporting of ratings or metrics intended to measure the program of particular projects. Reporting should not take so much time and

effort as to significantly detract from the staff's
ability to perform substantive program work.

Fifth, the City should retain an
independent integrity monitor for large-scale
technology projects.

Sixth, the City should account for all
costs relating to large-scale technology programs
like ECTP as costs of programs, and

Seventh, the City should implement
standardized recordkeeping practices on large-scale
multi-agency projects. Agencies including the NYPD
should create a document retention policy for ECTP,
and future large-scale technology project.

As noted in our report, the City has
already made real progress on several of these
recommendations. In the first instance, DOITT has
begun efforts to analyze and redefine ECTP's scope in
response to our recommendation that there be a
program manager empowered by the Mayor to run the
program. The City has appointed DOITT Commissioner
Anne Roest, who has recently taken significant steps
to centralize the process. As to ECTP, the City has
begun steps to reduce subcontractor involvement
including the removal of a number of consult-- The

City has taken some preliminary steps to simplify the process of round reporting of ratings on metrics intended to measure program performance. And finally, the City is committed to install an integrity monitor for ECTP. The process for appointing an integrity monitor is underway. We expect that by the end of next week the RFP will be out and submitted, and we are working closely with Commissioner Roest to keep that process moving.

DOI's final report, which as we noted spans 105 pages contains a wealth of additional detail that I will not repeat here, but I commend it to the committee as important reading. DOI stands ready to assist agency heads and the Mayor as they navigate the completion of this important project. With that, I'm happy to take any questions you may have at this time. Thank you.

CHAIRPERSON CROWLEY: Thank you, Commissioner Peters. We have now been joined by Council Member Rosenthal, who will give a brief opening statement. And then the Committee Chairs and Council Members will ask questions.

CHAIRPERSON ROSENTHAL: Thank you, Council Member Crowley and Council Member Gentile for

spearheading this oversight hearing today. I apologize. I was at a press conference earlier. You know, I Chair the Contracts Committee, and I'm grateful to be a part of this oversight hearing. As I think about what has happened here with the 9-1-1 contracts, I can't help but be reminded of the contracts that have been problematic in the past that we have had hearings about over the last year. And, I am going to, if it's all right Councilwoman Crowley to sort of segue into one question.

CHAIRPERSON CROWLEY: No, no.

CHAIRPERSON ROSENTHAL: No, no. Okay, I won't. I'm on the list for questions, but I think what you'll hear me say is my disappointment at your-- Give the nature of the problems that are--have occurred here, they sound so similar to the problems of other contracts where we've seen cost overruns mismanagement. I would think that what we would want to see is a systematic approach of resolving these issues going forward. And I'll be interested to hear about the role of the Mayor's--the Mayor's new Steering Committee for Technology Projects and whether--what role that would have played in catching some red flag problems here as well as whether or not

there's a need for additional oversight on subcontractors and subs of subcontractors. So, I very much look forward to continuing the conversation. Thank you very much, Chairs.

CHAIRPERSON CROWLEY: Thank you, Council Member Rosenthal. We have now, and have since we've been joined by Council Member Dromm, Council Member Williams, and Council Member Ferreras, and Council Member Constantinides, and Council Member Eugene. Now, Commissioner, I have a few questions and the Chairs and many of the members have questions. So, we'll begin. You know, Commissioner, earlier this month the Mayor gave his Preliminary Budget. It was reported in the papers that response times are higher than they've ever been in the past since we started calculating them. What they failed to mention at the press conference or in the press is that we actually know even more about response times because this Council passed legislation that tracks end-to-end response times. And that they really are a lot worse than they appear to be. But since we know that, a lot of that time that the press doesn't necessarily know about or the public is the processing time. So, your report got into the overall emergency command-

1 taking, call-taking project. But from what--the time
2 that you spent researching how this project came
3 together and how monies were spent over the past 11
4 years, do you believe today that we have a more
5 reliable, more effective 9-1-1 system than we did
6 when the project started?
7

8 COMMISSIONER PETERS: I think that that
9 there is--that that is sort of a two-part, well, it's
10 an actual three-part question. And the first is as
11 an absolute matter are we better off today than we
12 were when the project started. Second of all, should
13 we be vastly better off still than we are. And third
14 of all, was the process getting their good. So let
15 me try to tackle those three items seriatim for you.
16 I don't think that there is huge debate that in an
17 absolute sense we are better off today than we were
18 15 years ago.

19 CHAIRPERSON CROWLEY: [interposing] The
20 question is really as it relates to the call
21 processing and response to emergencies when a person
22 in need is calling 9-1-1. It's really a yes or a no
23 question. If response times are higher today, and we
24 can absolutely accurately measure it. We see that
25

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time is wasted in the process. Is it a more reliable
system of today than it was 11 years ago? Yes or no?

COMMISSIONER PETERS: Um--

CHAIRPERSON CROWLEY: [interposing]

You're not sure?

COMMISSIONER PETERS: Oh, no, I'll answer
that. Actually, it is not, of course, a yes or no
question. It's good theater to be a yes or no
question.

CHAIRPERSON CROWLEY: [interposing] I
don't know--

COMMISSIONER PETERS: It's not a real yes
or no question.

CHAIRPERSON CROWLEY: --if I need help,
and the building is on fire and it takes longer today
than it did 11 years ago-- When somebody is in need
of emergency help, and it takes longer is it more
reliable?

COMMISSIONER PETERS: The system as a
whole, if I could finish my sentence, the system as a
whole is more reliable now than it was 15 years ago.
Although there are clearly problems, which were laid
out in the report.

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CHAIRPERSON CROWLEY: [interposing] Well,
that's a problem--

COMMISSIONER PETERS: If I could finish
my sentence, Council Member. Thank you.

CHAIRPERSON CROWLEY: Thank you.

COMMISSIONER PETERS: That said--that
said, I am not an expert on the specifics of the Call
Time numbers because I do not run the Fire
Department. I know that it is a complex set of
numbers. I know there is a lot of subtlety. I am--I
noticed that there are members of the Fire Department
here. I presume some of them will be testifying, and
I would commend to you talking to them about the
specifics of Call Time numbers. Thank you.

CHAIRPERSON CROWLEY: Commissioner, if
you look at the over \$2 billion spent on this
project, the cost of building a PSAC1, a PSAC2 or the
constructions involved with integrating systems, the
process of moving police call-takers into the same
building as fire-call takers and EMS call-takers,
that's what this project was. Do you agree with
that? If you look at this--the cost of this project,
that's what the overarching goal of the project was
to bring it all together to unify the system.

COMMISSIONER PETERS: Well, there were several. Let's be clear. That's actually not an accurate fact. There were a number of goals of the project, and a lot of the money was not spent on unification. Having said that, a big chunk of money was spent on unification, and I don't believe-- And again, our review was a review of the process of whether the money-- If I could finish, please. It was review of the process, and a review of how the money was spent, and whether there were inefficiencies in the process of procuring these goods, and the process of doing--building the system. We are not the experts on whether a unified system is a good or bad thing. We are experts on once the experts the experts, and by the way I'm not aware of an expert anywhere who suggests a unified system isn't a good thing, but I'm not an expert. We are in the process--

CHAIRPERSON CROWLEY: [interposing]
Sorry, say that one more time.

COMMISSIONER PETERS: I said I'm not aware of any expert who doesn't suggest that a unified system isn't a good thing. But having said that, that's not what I do. What I do--

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CHAIRPERSON CROWLEY: [interposing] I---

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I--I need you to elaborate on that one. What does it

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mean to be a unified system?

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COMMISSIONER PETERS: A unified system

6

means that we have a single system or a set of

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systems that are integrated that combine Fire, EMS,

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Police so that, for example, what happened in the

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Rockaways last year where there was a significant

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delay because Fire and EMS were on separate systems

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and we needed human beings to interact. And there

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was no automatic notification going back and forth.

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And that a possibility for human error is one of the

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things that delayed the response time. But in any

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event, if I can clarify, we are-- Once policy--we

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don't make policy. Once policymakers decide a

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unified system, PSAC1, PSAC2 is a good idea, our job

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is to say, Did you honestly and efficiently carry out

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whatever the policy is that the policymakers have

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decided upon? And what we found, as you know from

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our report, is that it was not done in anything like

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an organized or efficient process. The result of

23

which is over \$700 million in cost overruns, a ten-

24

year delay during which systems were not anything

25

like improved the way they should. Leaving us with a

1 system that you and everyone on this Council has
2 commented is not working the way it should. And so,
3 as to whether or not PSAC is a good idea, I leave
4 that experts in Emergency Response. I am an expert
5 in once you've decided you want PSAC, did you go
6 ahead and do it in a responsible way? And sadly, the
7 answer there is no.

9 CHAIRPERSON CROWLEY: When you refer to
10 the \$700 million in cost overruns, what was that
11 comprised of?

12 COMMISSIONER PETERS: The \$700 million in
13 cost overruns, and it probably when it all plays out
14 will be more like \$900 million. The original budget
15 for this project was \$1.3 billion. Over \$2 billion
16 has now been spent. So, \$2 billion less \$1.3 billion
17 gets us to this \$700 million in cost overruns. Some
18 of that was for the building. About \$300 million was
19 for the building of PSAC2. About \$200 million of
20 that was for hiring a new systems integrator because
21 the first systems integrator couldn't get the job
22 done. Although we paid the first systems integrator
23 their full \$300 million, we had to bring in a second
24 systems integrator the equivalent of a general
25 contractor in to clean up the mess. That was over

\$200 million. Those are probably the two. That's
\$500 million. Those are the two biggest chunks of
the cost overruns. But there aren't that many, many
cost overruns.

CHAIRPERSON CROWLEY: [interposing] But
Commissioner, the PSAC2 will cost well over \$300
million, and it is closer to the \$700 million number
that you said was the cost overrun. And it wouldn't
be a surprise that you would need another systems
integration, or a significant amount of technology in
a new building that would go along with the brick and
mortar of constructing that building in the Bronx.

COMMISSIONER PETERS: [interposing] Uh--

CHAIRPERSON CROWLEY: So when you say
\$700 million, you said there was no criminal or
intent to defraud in anyway found in your
investigation. When you say \$700 million it sounds
like a lot of money, but tell us here was that for
PSAC2? Whether--we want to know whether it was spent
wisely or planned wisely. That's the bulk of the
\$700 million?

COMMISSIONER PETERS: No, it is. I'm
sorry. That's just--your--your--the facts-- Those
are not the accurate facts. So the facts--

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CHAIRPERSON CROWLEY: [interposing] Who
is doing the system of integration at PSAC2? There
was no PSAC2 in your initial plan.

COMMISSIONER PETERS: That is not true.

CHAIRPERSON CROWLEY? Who's doing the
PSAC?

COMMISSIONER PETERS: The original
systems integrator. Several facts, if I may. One,
the \$300 million for additional PSAC2 is the
additional cost for PSAC2 above what was originally
budgeted in the \$1.3 billion. Yes, PSAC2 is going to
cost more than \$300 million, but a chunk of that was
already in the original budget. So of the \$700
million, which is going to be more like \$900 million,
right? Of that \$700 Million differential, only \$300
million is accounted for by PSAC2. The rest of
PSAC2's costs were in the original \$1.3 billion.
Second of all, the original systems integrator was
budgeted for \$300 million, and was budgeted to
include the work on PSAC2. So when the original
systems integrator got paid the full \$300 million,
couldn't do PSAC2 because they didn't know what they
were doing, and weren't properly supervised by City
Hall. And we then had to spend another \$200 million

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on a new systems integrator to do PSAC2. That's \$200
million that we spent over budget because we hired
somebody and gave them \$300 million, and told them
when we did, You've got to do PSAC2 and they didn't.

CHAIRPERSON CROWLEY: [interposing]
Right.

COMMISSIONER PETERS: So, in fact,
that's--

CHAIRPERSON CROWLEY: [interposing] But
when the Mayor-- When the Mayor put a stop.

COMMISSIONER PETERS: [interposing] Uh-
huh.

CHAIRPERSON CROWLEY: --last year on all
new contracts or projects moving forward, what--what
contracts were stopped? What was the six--that six-
week window that you referred to in your testimony?

COMMISSIONER PETERS: Right, and
everything literally all with-- As I understand it,
all work was stopped on PSAC2, although I would
suggest that that's something worth taking up with
the folks who do this. Again, the Mayor-- Am I
disturbing you?

CHAIRPERSON CROWLEY: No, I just-- PSAC2
construction was not stopped during that time.

COMMISSIONER PETERS: I--I am not--

CHAIRPERSON CROWLEY: [interposing]

There's--there was no new contracts, but there was no new contracts pending. It's just we want to get into the nitty-gritty of it. I really don't want to do that. I want to get into what the goals of fixing this system to be more reliable were, and in your investigation did you seek to question whether those were admirable goals? And are we anywhere near those goals that we should be? And what are we going to do to fix it? See this is a system that was delayed, over budget, you inherited it, the Mayor inherited it. He's the boss. The old Mayor was the boss. Now the new Mayor is the boss. You did a vast investigation. Now what are we going to do to fix it? In order to know what we're going to do to fix it should be simple. This and that went wrong, and this is what we're going to do to fix it.

COMMISSIONER PETERS: Right, I agree and if you-- In our report we list a series of steps that need to be taken to fix it. They are the steps that I listed in my testimony.

CHAIRPERSON CROWLEY: [interposing]

Right. Commissioner, it just seems like it's just

1 more of the same. When the project started the
2 Commissioner of DOITT was in charge. Ultimately, the
3 Mayor was in charge, and then the Deputy Mayor
4 oversaw DOITT. The same thing happened. What you're
5 looking to do, and still appear to be looking to do
6 is making a unified system where a 9-1-1 police call-
7 taker sitting in a police center is telling the FDNY,
8 whether it's a fire or medical dispatcher what to do,
9 where to go. And often that 9-1-1 call-taker is
10 overburdened, overworked, stressed out and doing the
11 work that they weren't previously doing before this
12 whole big project started. I'm going to recognize
13 Council Member Gentile for questioning.

14
15 CHAIRPERSON GENTILE: Thank you. Thank
16 you Council Member. Commissioner, it actually seems
17 like we've been here before. Both you and I and our
18 committees have sort of discussed much of the same
19 issues regarding large technology contracts when we
20 discuss the City Time situation. And it seems that
21 ECTP and City Time were happening with the--
22 simultaneously during the same years. And in many
23 ways to me they seemed very similar. Could you--
24 could you just comment on the fact that the
25 similarities, maybe some of the differences.

Obviously, one of them is the criminality issue that was in City Time, but you're saying is not in this-- in the ECTP progression.

COMMISSIONER PETERS: Right. Thank you. It's an interesting question, and as you know, and sadly, Mr. Chairman, you and I have been--have had this conversation now multiple times. City Time the good news is nobody was outright stealing money on ECTP the way they were on City Time. Bluntly, that is more a function of good luck than anything else, right? We got lucky and none of the contractors and subcontractors who were functionally given a blank check on ECTP. It turns out none of them decided to steal any money. As opposed to City Time where they did. I'm as happy for good luck as anybody else. Somebody once asked Lincoln what kind of generals he wanted, and I think he said lucky ones.

CHAIRPERSON GENTILE: [laughs]

COMMISSIONER PETERS: But having said that, I'd rather not assume we live on luck. The similarities are this: In both City Time and in ECTP, we essentially turned a very large project over to a series of outside consultants. And we didn't take the trouble to understand the project ourselves.

There is simply no doubt that there are certain specialized things for which the City needs to hire consultants especially in the technology region. But what we cannot do is essentially accede our responsibility to be running these programs on a day-to-day basis. Watching these programs on a day-to-day basis. And that's what happened with both ECTP and City Time. Now, in City Time the people not only ran the project off the rails, but they were stealing money, quite a lot of money. In ECTP, nobody was stealing money. Good luck for us, but again, the program didn't move anything like the direction it needed to. In fact, we found that in some instances price estimates were inflated 600% because each subcontractor added money onto it. Indeed, it could be argued that one of the reasons nobody was stealing money is if you're getting paid hundreds of millions of dollars in price markups, stealing another couple million dollars may be just an unnecessary risk. So, again, what we need to do is several--

CHAIRPERSON CROWLEY: [interposing]

Commissioner, a point of clarification. Are these hundreds of millions of dollars in price overruns or

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a 600% markup? Please let us know more about that.
Can you go into detail?

COMMISSIONER PETERS: Sure.

CHAIRPERSON CROWLEY: If it was marked up
600% how much did we wasted on that? We need to know
whether it was just a \$10 million waste, or whether
it was a \$300 million waste.

COMMISSIONER PETERS: Sure. All of this
is, and some point the easiest thing to do would be
simply start on page 1 of the report and keep
reading.

CHAIRPERSON CROWLEY: I read the report.
It's not in there.

COMMISSIONER PETERS: Well, without
engaging in colloquy, the six--

CHAIRPERSON CROWLEY: Commissioner, you
should know. You said 600%.

COMMISSIONER PETERS: Okay.

CHAIRPERSON CROWLEY: Please go into
detail. I need to know. We need to know. We're
having this oversight committee today to find the
facts.

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COMMISSIONER PETERS: Let me make sure I
understand your question. If your question is the
600% markup--

CHAIRPERSON CROWLEY: [interposing] I
mean, Commissioner, you said hundreds of millions of
dollars in markups. I'd like to get to the heart of
that.

COMMISSIONER PETERS: No, I said hundreds
of millions of dollars in cost overruns. I did not
say hundreds of millions of dollars in markups.

CHAIRPERSON CROWLEY: Okay, you said--

CHAIRPERSON GENTILE: [interposing] Okay,
let him answer. Let him answer.

COMMISSIONER PETERS: If I could answer I
think it would be helpful to everybody. Thank you.
[sighs] The 600% markup is, in fact, discussed in
the report. All of the math that goes along with
that is discussed in the report. I'm not quite sure
what to do short of reading through the math. Some
of the details were, in fact, not put in the report
because of a variety of trade secret issues that were
litigated and negotiated when we got information from
various people. The hundreds of millions of dollars--

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CHAIRPERSON CROWLEY: [interposing] Okay,
Commissioner, just a point of clarification then. I
read the report. The only markup that I read in the
report was a contract to buy radios with Motorola,
and I did-- And then, there was 600%, but it
didn't. It was not attached to the radios, and it
was not clear on what that 600% markup was. We need
to know that to be sure that there as no fraud.
Because a 600% markup, one would question that. That
would be fraud. And depending on how much we spent,
we need to know how much we've lost there. So we
need more information, and if your investigators can
get back to us.

COMMISSIONER PETERS: We would be happy
to get back to you, Council Member.

CHAIRPERSON GENTILE: Commissioner, there
is also cost overruns on the City Time project, but
you're saying that the criminality from that was what
was the stealing of the money, not necessarily cost
overruns. Cost overruns was just the inefficiency--

COMMISSIONER PETERS: [interposing]
Correct.

CHAIRPERSON GENTILE: --of it?

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COMMISSIONER PETERS: There were both--
On City Time there were both cost overruns, and
criminality. On ECTP we saw no evidence of
criminality, but we saw the significant cost
overruns. As I said, the project went from \$1.3
billion to \$2 billion plus there's another \$200
million that was hidden in other budget items that
were not attributed to ECTP.

CHAIRPERSON GENTILE: And that's included
in the cost overruns that--

COMMISSIONER PETERS: [interposing] No,
the \$200 million--

CHAIRPERSON GENTILE: --we're looking at?

COMMISSIONER PETERS: --does not include
ECTP.

CHAIRPERSON GENTILE: It does not include
ECTP.

COMMISSIONER PETERS: It's really--that's
why I said when all is said and done--

CHAIRPERSON GENTILE: [interposing] uh-
huh.

COMMISSIONER PETERS: --my guess is we're
really looking at more like \$900 million in cost
overruns. Because when you-- We did not do-- We are

not accountants. We did not do a full accounting of every penny spent that would require, you know, 50 staff--that would require 50 staff, a long period of time. We did enough to see what the problem was. And, indeed, one of the points that I was about to make is one thing that you should have on every large city project whether it's building a building or building a technology solution is an integrity monitor. And these are folks--they have very large staffs of accountants for just this purpose--who will pull a sample of all invoice to make sure that (a) when we get billed for 100 widgets, somebody delivered 100 widgets. And if they were supposed to deliver Grade A widgets, they really delivered Grade A widgets. That when somebody paid to get something done by this date, it was done by this date. Integrity monitors are absolutely essential. An integrity monitor would long have caught the criminality in City Time. It would have long ago flagged the problems of ECTP. And integrity monitors are paid for either by the City or by the contractors depending on the circumstances. They are hired by the Department of Investigation. They report to the Department of Investigation.

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CHAIRPERSON GENTILE: So DOI would be
vested with the authority to hire in most cases--

COMMISSIONER PETERS: [interposing] Yes.

CHAIRPERSON GENTILE: --to hire integrity
monitors.

COMMISSIONER PETERS: Yes, there are.
There are now like 21 integrity monitors watching
various City projects. They have all been hired by
us. They serve-- You know, they work for us. There
will be an RFP going out next week. By the end of
next week, we will have an RFP going out to hire an
integrity monitor for ECTP, and the City has agreed--

CHAIRPERSON GENTILE: [interposing] So
you're driving that process--

COMMISSIONER PETERS: [interposing] Yes.

CHAIRPERSON GENTILE: --not DOITT?
You're driving it?

COMMISSIONER PETERS: Yes. We've
obviously worked with DOITT and consulted with DOITT
because we need to make sure the integrity-- We need
to make sure in setting out the specs for the
integrity monitor that we understand what's got to be
looked at. I'm not an expert. I still use--I still
use a fountain pen. So I'm the wrong one to ask

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about computers. SO we're obviously working with
DOITT on that. But no, we will drive that, and we
will hire the integrity monitor. The integrity
monitor will report to the Department of
Investigation.

CHAIRPERSON GENTILE: So, and-- Okay, so
the integrity monitor reports to you, and not to
DOITT--

COMMISSIONER PETERS: [interposing] That
is correct.

CHAIRPERSON GENTILE: --in any way?

COMMISSIONER PETERS: That is correct. I
mean clearly as they see things, will we be
immediately reporting to Commissioner Roest? Of
course. I'm not going to, you know, have an integrity
monitor say I saw a problem and not tell people about
it. But the point is that they report to me. And
the reason for that if you take a look at-- One of
the things we talk about in our report is there was a
lot of pressure from City Hall on the folks running
ECTP to sanitize the monthly reporting documents.
The reason that you have a Department of
Investigation with a Commissioner who unlike every
other commissioner in the City of New York is

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nominated by the Mayor, confirmed by the Council, and
can only be removed for cause is so that you could
have integrity monitors reporting to somebody who, in
fact, has sufficient independence. I'm really not
interested in delivering in good news.

CHAIRPERSON GENTILE: Uh-huh.

COMMISSIONER PETERS: I'm ready-- You
know, I don't get paid to deliver good news.

CHAIRPERSON GENTILE: Okay. Let me just--
--there are other questions so--

COMMISSIONER PETERS: [interposing]
Sure.

CHAIRPERSON GENTILE: One of the--one of
the things I'm not sure you're recommendations
addresses is the fact that it seems that when
Hewlett-Packard was the sole bidder--

COMMISSIONER PETERS: [interposing] Uh-
huh.

CHAIRPERSON GENTILE: --in the ECTP
Contract, that left the City apparently feeling with
no choice but to award the contract to HP. Is there a
way we could--we could avoid that issue of going--
being forced to go with one--a single company that

submitted a bid? Should it been-- The RFP redone
and re-

COMMISSIONER PETERS: [interposing] Yes.

CHAIRPERSON GENTILE: --and reopened?

COMMISSIONER PETERS: Yes, and so--and
this is not unique to this contract. Periodically,
you--one of the things that you do when you put out
an RFP for a large contract is you spend-- If you're
doing it right, you spend considerable time and
research figuring out not just what you want, but
what you can reasonably have. And you try to put out
an RFP-- And, in fact, one of the reasons that we
spent the last basically almost two months working
with DOITT to craft this RFP is because I don't--you
don't just say, Okay, so tell me what--who wants to
bid? You put together an RFP that is intelligently
thought about what you want and what you can
reasonably have with a lot of specifications. And if
you don't get any bids back, or you only get one or
two bids back, and they weren't very good, then you
consider it to be a failed bid. And you have to go
back and say is there a reason that we only got one
or two bids when we expected more? Is there a reason
that we only got one or two proposals and we don't

1 like them? Now, there are occasions when you say
2 there is nothing that I can do about it, and with my
3 eyes wide open I go with somebody I'm not crazy
4 about. Because for having looked at it, it's this or
5 nothing. But you only award a contract under those
6 circumstances when you've taken a very hard look.
7 And decided that you don't need to rebid. You don't
8 need to re-think it. And here that's what should
9 have happened to. To commit yourself to \$300 million
10 massive contract with somebody who basically didn't
11 really meet the specs because they are the only ones
12 who bid, that's suggests to me a failed bid that
13 should have been rebid.

15 CHAIRPERSON GENTILE: Let me--let me
16 just--let me finish up with a question about the
17 layering of subcontractors. You said there are steps
18 being taken now to reverse that process or to
19 eliminate the number of subcontractors. What steps
20 specifically are you talking about?

21 COMMISSIONER PETERS: Sure, and I will
22 let Commissioner Roest, who I know is coming, talk
23 about this because she's done-- and in our estimation
24 she's done a very good job with this.

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CHAIRPERSON CROWLEY: Commissioner Roest
it would be best if she comes and joins the panel.

CHAIRPERSON GENTILE: [interposing] Well,
I--

CHAIRPERSON CROWLEY: I think it would
be. In the interest of time, I apologize,
Commissioner Peters, but your--

COMMISSIONER PETERS: [interposing] Well,
I don't--

CHAIRPERSON CROWLEY: --two colleagues
from DOI are not speaking today, and they're taking
up two chairs. We have a host of council members
with questions. And I would like a representative
from the Police Department, a representative from the
Fire Department--

COMMISSIONER PETERS: [interposing] I,
that was--

CHAIRPERSON CROWLEY: --to come up as
well. [off mic] We have to be out of this room by 1
o'clock. I'm sorry.

COMMISSIONER PETERS: I am available to
come back at your convenience, Council Member.

CHAIRPERSON CROWLEY: It may not be
necessary. I would just like Commissioner Roest to

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come up as well as a representative from Fire and a
representative from Police.

[pause, background comments]

COMMISSIONER PETERS: Let me propose
since I actually have-- Let me propose, Council
Member, that if there are other council members who
have specific questions to this report, let me answer
them and then I'm happy to turn this table over to
people who can discuss the substance that you do seem
anxious to discuss. Are there council members who
have specific questions about the Investigation
Report?

CHAIRPERSON CROWLEY: [interposing]
Commissioner, I am chairing this hearing, and there
are questions that come about from the answers that
you give. Now, I don't know, you know, I'm not an
investigator, although my grandfather was a
detective, but it seems to appear to us here at the
Council, certainly to myself that you're trying to
hide something. Why can't the other representatives
from the other agencies come up?

COMMISSIONER PETERS: [interposing]
Council Member--

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CHAIRPERSON CROWLEY: Unless you are the
sole person responsible for this project?

COMMISSIONER PETERS: [interposing]
Council Member--

CHAIRPERSON CROWLEY: You're responsible
for a report that has to do with three other agencies
that are here today to testify.

COMMISSIONER PETERS: Council Member, you
just made a really serious accusation that I assume
you or your Council would be prepared to back up in
writing over the next 24 hours. You just accused me
and my agency of hiding something. If that
accusation is accurate--and if that accusation is
accurate, then you're also accusing me at the moment
of committing a felony. So I would appreciate it if
you would either dial down your rhetoric and withdraw
the accusation of a felony. Or I would like written
evidence of that within the next 24 hours.

CHAIRPERSON CROWLEY: Commissioner, I
would just like the representatives from the three
other agencies that have to do with emergency
response and the 9-1-1 system to answer question.
We're here about public safety. Ultimately, that's
what matters most. We'd like to get to the heart of

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the concerns both from your 105-page report and your
plan and the Administration's plan on fixing this
problem. Fourteen months into the new Administration
we deserve answers.

COMMISSIONER PETERS: Council Member are
you accusing me of not fully--

CHAIRPERSON CROWLEY: [interposing] You--
you haven't--

COMMISSIONER PETERS: --and accurately
answering your questions?

CHAIRPERSON CROWLEY: --answered some of
the questions I've asked. You said, Well, I'm not a
police expert. You'll have to ask them. I'm not a
fire expert. That has to do with technology. What's
the hesitation? I don't understand.

COMMISSIONER PETERS: [interposing]
Council Member are you--

CHAIRPERSON CROWLEY: Why can't we hear
from the other agencies at the same time? Because
two people--

COMMISSIONER PETERS: [interposing]
Council Member are accusing me of hiding something?
I just need to know whether you're making that
accusation? You said it. I'd like to know.

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CHAIRPERSON CROWLEY: Commissioner--

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CHAIRPERSON GENTILE: [interposing]

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Commissioner--

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CHAIRPERSON CROWLEY: I said it appears,

6

okay. We can stop through the hearing and go through

7

the testimony, or in the interest of time and in the

8

interest of the people in the public, can you please

9

let representatives from the other agencies sit with

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you at the desk so we can get a lot of these--

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CHAIRPERSON GENTILE: [interposing] At--

12

CHAIRPERSON CROWLEY: --important

13

questions we have answered?

14

CHAIRPERSON GENTILE: At--at the least--

15

at the least, let me just hear your answer on the--on

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the subcontractor layering. I just want to hear your

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answer on that.

18

COMMISSIONER PETERS: Sue. My

19

understanding, Council Member, is that over the

20

course of the last several months a number of the

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over-the-top contractors who were functionally doing

22

nothing but hiring subs for the City have since been

23

removed from the process. And the City is dealing

24

directly with those sub. Whether that is complete or

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not, I don't know the answer. But my understanding

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is that a number of the top-level contractors who
were really doing a little more than being pass-
throughs have now been removed. That saves us both
money and is more efficient.

CHAIRPERSON GENTILE: Okay, and then
we'll expand on that as we go forward.

COMMISSIONER PETERS: Sure.

CHAIRPERSON GENTILE: Thank you.

COMMISSIONER PETERS: Thank you very
much.

CHAIRPERSON CROWLEY: Counsel Member
Gibson.

CHAIRPERSON GIBSON: Okay. Thank you
very much Commissioner. So, I just have to very
brief questions.

COMMISSIONER PETERS: Sure.

CHAIRPERSON GIBSON: In the report you
criticize the management structure of ECTP--

COMMISSIONER PETERS: [interposing] Uh-
huh.

CHAIRPERSON GIBSON: --as having no
accepted essential decision-making authority. I do
know the recommendations that there is the Program
Manager or Commissioner of DOITT, but what I'd like

1 to know is has the management structure really
2 changed. And, you know, let me be honest because a
3 lot of the recommendations that you have made, all
4 seven, I am concerned about how they really actualize
5 and materialize. You talked about including all of
6 the stakeholders, about a direct contractual
7 relationship that the City should have with vendors.
8 So I'd like to know how does that happen? So if
9 DOITT is running the show, what's DOI's
10 responsibility? Who makes the final decision? PD is
11 here, FD, EMS. Are they really and true
12 stakeholders? And then also, are we including the
13 workforce representatives, the unions that represent
14 the workforce? Because with all that we've done, I
15 myself have visited the 9-1-1 call-taking center, and
16 have seen the tremendous work they do. But
17 understanding the nature of the work they do, I am
18 very concerned about the workforce and all the
19 decisions we make, and how that affects the
20 workforce.
21

22 COMMISSIONER PETERS: Sure. That's a
23 great question. Ultimately, DOITT is the final
24 deciding authority on which contracts get left with
25 the exception of the RFP for the independent

monitors. Se that aside, please, for a moment.

DOITT is the final authority on which contracts get
let. DOITT is tasked with and has been collecting
input from all of the various stakeholders, NYPD,
FDNY, et cetera. The Department of Investigation
does not--either in this project or any project--get
involved with the hiring of particular contractors.

But, with an independent monitor, that independent
monitor would do two things. One, they will review
the RFP and the RFP process to make sure that it's
done the way it's supposed to be done. And had we
had an integrity monitor--to go back to Council
Member Gentile's question--from the start one of the
things they would have said is, Wait a second. Your
RFP function failed. You shouldn't just give the
contract to HPD to rebid. Two, that independent
monitor will then be reviewing invoices and
deliverables from those contractors to make sure
that they're getting what they should. And by the
way, one of the issues, and it doesn't come up as
much in technology contracts as in others. But to
your point about workforce development, which is
extremely important--and if we had more time, I could
talk about for hours--is truly important. Because

one of the things that integrity monitors do is they check working conditions. And to give you an example, we have done, and will be doing in the future a huge number of prevailing wage cases.

Many of those cases were essentially contractors hired by the City are stealing from work-stealing from workers. Let's just call it that. We do those cases, and we'll be doing them a great deal more. They are certainly worth our discussing. Many of those cases come to us from the integrity monitors who are hired to oversee the construction jobs. Who say that the cost that they're looking for this, and come to us and say, We've found the following subcontractor who is installing all of the windows on this building has, in fact, been stealing money from the workers. And we will go in and then arrest people. So it's a very important point. It has come up less I confess in technology circumstances than in others. But one of the things an integrity monitor will do is deal with those workforce issues for exactly that reason. Because we take that stuff incredibly seriously, as you and I talked about before.

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CHAIRPERSON GIBSON: And what about the
document retention policy? I guess I was concerned
because I know NYPD has some challenges with
retaining documents. So who is going to look at that
as we move forward in terms of the recommendations--

COMMISSIONER PETERS: [interposing]
Sure.

CHAIRPERSON GIBSON: --that the report
has outlined, and in terms of keeping track of data.

COMMISSIONER PETERS: Sure. Now, good
question. In the first instance, we have said to the
NYPD you need a better document retention policy. In
the first instance my view is that it is for the
agency to come up with a better document retention
policy. Having said that, we will clearly over the
next six to twelve months among other things-- And
as you know, we now have an entire NYPD IG. One of
the many things that is going to be on his plate over
the next six to twelve months, and there are, as you
know, a number of things on his plate. Is going to
be to double back and see okay, did you put a
document retention policy in place? Is it a smart
one and is it working? So, yes, we will-- I'm not
going to design it for them, but I'm sure that

they'll go back and make sure it's a sound one. And I'm going to go back and check and make sure it's being followed. Along with a whole host of other issues that you or I could profitably talk about at a separate hearing.

CHAIRPERSON GIBSON: Absolutely. So moving forward, and you know, I guess our goal-- We all have a responsibility to make sure that we provide efficiency and safe taxpayer dollars as much as we can. You know, I'm always hopeful, I'm always optimistic that these changes will be embraced and will be good. I just want to make sure that there's a clear and coherent understanding that every stakeholder has to truly be involved. While I know there may be one agency that has the final decision, it's really important as Chair of Public Safety for me to make sure that NYPD is tied in. The majority of the 9-1-1 call-takers are 9-1-1 call-taker operators. So that for me is very important as well as, you know, the workforce. I always think about the people on the ground that do all the work. So I emphasize that because it's important for me. But, based on the recommendations that your report has outlined, do you feel that we as a city are moving in

the right direction. And as we move forward, and we take these baby steps, what happens when there's an indicator that you may see or DOITT may see where there's something that looks wrong, or there is a cost overrun or there's a subcontract. You know, I'm concerned about that. How do we avoid that before it balloons to millions of dollars? I want to make that clear. If we see an indicator, it's there for a reason, you know.

COMMISSIONER PETERS: I agree with you and it's something that keeps me up at night as well. There are several things that we do. One, next week we will put out an RFP for an integrity monitor. We will have that person hired and in place. That is a -

CHAIRPERSON GIBSON: [interposing] This year?

COMMISSIONER PETERS: Oh, yes. Oh, oh, goodness gracious, yes, absolutely. Yes, well before the end of the year. We will have an integrity monitor in place in short order. The RFP will go out-- Is it 30 days for responses or 60?

INSPECTOR GENERAL: [off mic] I think it's like three.

COMMISSIONER PETERS: Three weeks is all we're giving people to respond to the RFP, which is-- even I think is a tight turnaround. So, we will probably--

CHAIRPERSON GIBSON: [interposing] The RFP is out already?

COMMISSIONER PETERS: Next week. By the end of next week--

CHAIRPERSON GIBSON: [interposing] Oh, okay.

COMMISSIONER PETERS: --it will be out. It's largely ready. It will be out there in the next week. We'll give it--my Inspector General tells me we're giving people three weeks to respond, which is, by the way, a very short turnaround time. That person will be looking at, you know, samples of invoices, samples of billings. They will--that is the first line of defense. If we'd had that ten years ago, we wouldn't be here now, right? In the same way that we now have 21 integrity monitors on 21 large projects, who in addition to coming to us, and they have, and said we've got workplace safety issues. Workplace-- or workplace prevailing wage theft issues, and look at these invoices and

1 constantly coming back and saying, here's where the
2 problems are. They would catch that. They would
3 catch any instance in which there is a 600% markup.
4 So that's the first line of defense. The second line
5 of defense is that DOI-- You know, I'll give you a
6 concrete example of the second line of defense. We
7 did an investigation after the fire in the Rockaways
8 last Easter, the tragic fire with the long delay.

10 CHAIRPERSON GIBSON: [interposing] Sure.

11 COMMISSIONER PETERS: And among other
12 things, as a result of that we said to the Fire
13 Department, even before ECTP gets finished because
14 sadly the problem is the Fire Department has sort of
15 been waiting, you know,, waiting for next year, next
16 year, next year because ECTP has still hasn't
17 finished. Even before that, there needs to be a
18 technology bridge so that call-takers over here, and
19 those dispatchers over here there's an automatic
20 notification. We don't have to worry about human
21 error. That technology bridge has now been put in
22 place. So that's the second line of defense, and the
23 third line of defense is exactly what we're doing
24 here today. I assume that six months from now, all
25 of you are going to ask us back again, and say-- And

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how is monitor-- And say to me, so tell me, what is
the independent monitor finding. Did they find
anything? If they did, what did you do about it? If
they didn't find anything, are they really looking?
And I will be back here in six months, and I will
answer those questions. And that's your third line
of defense.

CHAIRPERSON GIBSON: Okay. Thank you
very much. I appreciate it. I'm glad you recognize
that you will be asked to come back.

COMMISSIONER PETERS: I'm looking forward
to it.

CHAIRPERSON GIBSON: This has to be an
ongoing conversation so thank you.

COMMISSIONER PETERS: I am looking
forward to it, and I am here, as you know, always at
your disposal. Thank you.

CHAIRPERSON CROWLEY: I would like
everyone in the Chambers to welcome IS51 from Staten
Island. They're up on the balcony. [applause]
Thanks for joining us here today. Just two points of
clarification for the Commissioner before we move
over to Council Member Vacca, and then a request.
Commissioner, for whatever your reasons may be, you

would not like the three other agencies up on the desk with you. We understand. I would hope that you can remain here until the Administration's representatives are complete with their testimony in case we have additional questions.

COMMISSIONER PETERS: I am always happy to be here, Council Member.

CHAIRPERSON CROWLEY: Now, you mentioned integrity monitor and I think out of the entire report that's the smartest thing that's come about from your report. Other than you analyzed what has been analyzed time and time again. Now, under Bloomberg we had the outside monitors. You know, we had Gartner, then we had Nassau. We even had the Windberg [sp?] Report after the 2010 snowstorm. All of them said, We're not going in the right direction. This system doesn't work. But what I tried to get at--at the heart of my questions to you earlier to day, the overarching goal of fixing the system. It doesn't seem to be changing under this Administration. You're still looking for that same end goal that's almost mission impossible that Bloomberg looked to do for so long and failed to do it. You're not changing the course.

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COMMISSIONER PETERS: Well, two things.

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One is your point about Gartner and more Gartner than

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Nassau [sic] in the Windberg, but your point of

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Gartner is actually a good one, and one worth making,

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which is this: Gartner did, in fact, write a number

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of reports, some of them we cite in our report, that

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said, this is not going in the right direction. And

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the City--

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CHAIRPERSON CROWLEY: [interposing] In

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2004, 2005.

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COMMISSIONER PETERS: Yes, I've--I've--

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they're all here.

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CHAIRPERSON CROWLEY: Right.

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COMMISSIONER PETERS: They said it, and

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the City ignored Gartner, and then fired Gartner or

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didn't renew their contract, to be precise. The City

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didn't renew Gartner. You know, ignored then and

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then didn't renew them. Nassau honestly was not

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hired--it was hired to do some quality control. It

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was not an integrity monitor. It's a very different

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thing.

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CHAIRPERSON CROWLEY: [interposing]

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Correct.

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COMMISSIONER PETERS: But if I may, the
point is the difference between a property integrity
monitor hired by DOI and Gartner is that the City can
ignore Gartner and the City cannot renew their
contract. The City doesn't have the--

CHAIRPERSON CROWLEY: [interposing] I
know.

COMMISSIONER PETERS: --the option to--

CHAIRPERSON CROWLEY: I know that that is
different, Commissioner.

COMMISSIONER PETERS: --continue [sic]
the DOI contract.

CHAIRPERSON CROWLEY: Commissioner, I've
been talking with you. I complimented you on the
idea of implementing an integrity monitor. One
that's going to evaluate invoice from invoice and
hold that to performance. But we've had performance
monitors in the past that said the same thing that
your report says, and it wasn't just once performance
monitor or two, but three. Stop going in this
direction. The unified call-taking system cannot be
unified. Police call-takers do what police call-
takers do. Fire do what fire, and medical, and when
intertwining, you waste time. You know, the

repetitive and duplicative nature of questions get
asked. And unfortunately, we're still moving in this
course of trying to unify a system. And at the end
of the day, when that call is placed and somebody
needs help, critical time is wasted because you have
one call-taker doing the same thing as the previous
call taker did. When study after study shows getting
it over to the right dispatcher is the quickest way
to get emergency help to be seen at the emergency.

[applause]

[background comment]

CHAIRPERSON CROWLEY: And the direction--
the direction of the Administration--

COMMISSIONER PETERS: [interposing]

[laughs]

CHAIRPERSON CROWLEY: is the same
direction that Bloomberg was going in.

COMMISSIONER PETERS: Well, several
things, if I may. I understand that you are opposed
to a unified call system. As I explained, I'm not--I
don't do policy. I don't decide unified call system
or not. I decide once the experts know these things
and decide a unified system or not, are they
implementing it properly--

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CHAIRPERSON CROWLEY: [interposing]

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Right.

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COMMISSIONER PETERS: --and that's what
our report is about.

6

CHAIRPERSON CROWLEY: Right.

7

COMMISSIONER PETERS: So I'm reluctant to
get into a debate about whether a unified system is a
good or bad idea since bluntly I'm not an expert.

10

CHAIRPERSON CROWLEY: [interposing] Okay.
I agree. We won't get into that discussion. I don't
want to waste any further time. But you did say
there's one boss, right? So the one boss is going to
be Anne Roest of DOITT--

15

COMMISSIONER PETERS: [interposing] Uh-
huh?

17

CHAIRPERSON CROWLEY: --but ultimately
the real boss is the Mayor and whoever the Deputy
Mayor is and then that is pretty much the same as
what was there during the Bloomberg Administration.
It's not different and however, and with much due
respect to the new boss, the Fire Department and the
Police Department are not going to like always agree
with how the Department of Technology is telling them
the best way to respond to emergency is. And that's

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why it didn't work in the past because they're
clearly distinct and different city agencies. And
part of your whole investigation says they didn't get
along.

COMMISSIONER PETERS: [interposing] Uh-
huh.

CHAIRPERSON CROWLEY: They didn't do what
they were supposed to do. It wasn't working as
planned and--and so that I don't think you could
answer the question to it. It's just a point I'm
making.

COMMISSIONER PETERS: Right.

CHAIRPERSON CROWLEY: Council Member
Vacca.

CHAIRPERSON VACCA: [off mic] Thank
you. [on mic] Thank you, I think. Commissioner, I
thank you for your testimony, and I appreciate the
chance to speak, too. I wanted to go into this a
little further. You know, we on the Council deal
with such large amounts of money when we talk about
the City Budget. But when I think of \$500 million,
that's a lot of money.

COMMISSIONER PETERS: It is with me, too.

CHAIRPERSON VACCA: I'm sure. We will never see that money in our lifetime, and the average person works so hard everyday. We are going to protect the taxpayers, and \$300 million of that \$500 million is basically spent on a building my district that many of us had said was not needed from the very beginning. Your report does indicate that there was an opportunity not to even build PSAC2, but to use another facility. And that it would have saved the money--it would have saved the City a lot of money. Where--did you identify the location where the City could have built PSAC2 that would have saved the city this money? Was there a location that was overlooked or not pursued, or was not even considered?

COMMISSIONER PETERS: Well, the way that it--the chronology here is as follows: Originally PSAC2 was going to be built in an existing building on a different location that bluntly we did not get into because we're not technology experts, the experts at the time in the Bloomberg Administration made the decision that that building would not work. And that, in fact, no existing building would work. They needed to build a new building. And that's when they decided to build PSAC2 in your district either

1 congratulations or condolences depending. We did
2
3 not go and do a site survey to see whether there was
4 any place else it could have been built, or whether
5 it could have been built for less money. As it is,
6 it took us seven months to do this. If I had spent
7 another two or three months having people do site
8 surveys it would have taken up a delayed process
9 getting this report out and be--would have kept
10 investigators--who were presently looking at lost of
11 other things, including the prevailing wage that
12 Councilwoman Gibson and I talked about--from doing
13 that.

14 So I can't answer your question as to
15 whether there's another site they could have used
16 that would have been cheaper. What I can tell you is
17 that when they first sat down to do this, they
18 clearly didn't think through it. I mean everybody
19 agrees that you need a second redundant location
20 because God forbid something happens. And the first
21 one you don't want to suddenly-- So I don't think
22 there is anybody who says you don't need a second
23 location. Where there was a better site for the
24 second location, we simply didn't look at. What we
25 did look at, and did acknowledge is they ended up

deciding after they were quite a ways through it that they hadn't thought through what they wanted for the second location. And that's the kind of thing you need to figure out at the start.

CHAIRPERSON VACCA: What I do think the Council should be privy to, and I think your office should be privy to would be those emails and those criteria that said that this PSAC2 had to be built and that no other site was acceptable. I want for the sake of transparency, I want to know why other sites were denied, and what into those denials? And I think that the public is entitled to know. This is a \$300 million overrun that did not have to be based on your report.

COMMISSIONER PETERS: I would be happy to get back to you on the question. I cannot sitting here now, and I don't believe--

[background conversation]

COMMISSIONER PETERS: One of the secrets to doing my job is to hire people who are a lot smarter than I am.

[pause]

COMMISSIONER PETERS: There is a footnote in our report, which I had forgotten, which I'll read

1 to you which is, The best explanation I can give you
2 sitting here, which is not to say that I'm not happy
3 to give you a better one, and a fuller one when we
4 get out of here. Which is DOI reviewed records
5 indicating that the City considered at least nine
6 additional sites for PSAC2. Many of these potential
7 sites were ruled out because they failed to meet one
8 or more of the site selection criteria such as access
9 to public transportation, proximity to main arterial
10 roadways, available utilities, the location of
11 technology, radio propagation, and security
12 requirements. I can't sitting here now tell you
13 whether (a) those were valid reasons, or (b) whether
14 they gone to a different site it would have cost
15 less. I would be happy, however, to have my staff go
16 take a look at whatever document-- And by the way,
17 one of the problems is we are trying to figure out
18 what people did ten years ago with incomplete
19 documentation.
20

21 Some of the--some questions that you
22 asked--you're going to end up asking me, we will
23 never know the answers to because they happened ten
24 years ago. The documents don't exist any more. But
25 having said that, I am happy to have my staff go back

and look at the documents relevant to footnote 44,
and get-- And to the extent that from that we can
figure out the answer to your totally legitimate
question, which is were these valid reasons. They
may have been. I don't know. And if they were not,
would we have saved money by picking a different
site. To the extent that the records still exist to
answer that question, we will go back and take an
look, and I will get back to you on it. How is that?

CHAIRPERSON VACCA: That's fine.

That's fine, Commissioner. Thank you.

COMMISSIONER PETERS: Sure.

CHAIRPERSON VACCA: Commissioner, you
stopped the work but I wanted to ask you has the
scope changed based on your stoppage? For PSAC2 has
the scope at all changed base on your findings?

[background conversation]

COMMISSIONER PETERS: I mean our findings
did not recommend a change to the scope of PSAC2. I
believe DOITT has made some recommendations about the
scope of work vis-a-vis PSAC2. We did not. Our
report did not specifically suggest changes in the
way that-- In the design and construction of PSAC2.

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CHAIRPERSON VACCA: Okay. If there are
design changes, I would like the Commissioner of
DOITT to get back to me, and let me know.

COMMISSIONER PETERS: I'm sure she would
be happy to.

CHAIRPERSON VACCA: Okay. I want to
get into the issue of accountability, and I'm not
asking for heads to roll because I don't know whose
head I would ask for. But that may be a job that you
would want to undertake. Over this long period of
time based then on your report coming out and the
findings that it came out with, was anyone fired or
any consultants taken off the list. So that they
cannot consult with the City of New York ever again.
Were any inspector generals that we have for every
agency ever asked where the hell were you? I think
the public has a right to know what was done from an
accountability point of view based on your findings.

COMMISSIONER PETERS: I agree, and by the
way, part of the reason for writing a report of the
length that we did, and in the detail that we did and
releasing it as publicly as did is because I agree
with you. I happen to know that a number of
contractors have been removed from the program. On

1 the fired piece, part of the problem is that most of
2 the people who were involved with this and who one
3 might want to have fired--I'm trying to choose my
4 words carefully here--in fact, left when the
5 Administration changed. Do remember that this was
6 all that was done up until, you know, midnight of
7 2013. Indeed one of the issues that we note in the
8 report is that up until December 2013, all of the
9 status reports were basically all green-lighted.
10 Meaning everything is fine, right. And then suddenly
11 we get to January 2014 and all the green lights turn
12 into red and yellow. So, there are not--the problem
13 is we are a little late in the game for as much head
14 rolling as might otherwise occur with a project such
15 as this. But there certainly are contractors who
16 have been removed from this project. I don't know if
17 I can get back to you as to whether any of those
18 contractors have now also been flagged on Vindex. Do
19 I need to clarify how Vindex works?

21 CHAIRPERSON VACCA: No, I'm aware--I'm
22 aware of Vindex.

23 COMMISSIONER PETERS: I don't know
24 sitting here, but I'm happy to get back to you as to
25 whether of any of those contractors have been flagged

in Vindex, which is the way in which you punish
people prospectively.

CHAIRPERSON VACCA: Commissioner, I would
like you to look into this further.

COMMISSIONER PETERS: Happy to do it.

CHAIRPERSON VACCA: I'm sure that there
are people who as of December 31st with the advent of
a new administration left. But I'm sure that there
are people have to still be in place. If there were
consultants who did not perform, they should be
disqualified. If they screwed up a major project
like this, I don't want them bidding on other city
work, and we have to identify--identify them through
Vindex or whatever method we have. I want to know
about inspector generals. Where were the inspector
generals? DOITT is the agency that has oversight--
that had oversight over the years, over this project.
Am I correct over the years DOITT had oversight and
responsibility?

COMMISSIONER PETERS: Not--not entirely.
In fact, part of the problem was DOITT had it for a
while. They--DOITT had it for a while. Then OCEC
had it for a while. Then, DOITT had it for a while,
OCEC had it for a while. I think, yeah, then it only

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transferred back to DOITT essentially last year. So,
in fact, DOITT didn't have this during a big chunk of
the problems. OCEC did, which was small mayoral
agency. If your question to me is why didn't the
Department of Investigation do a better job of
investigating the prior administration while the
prior administration was going on, I cannot-- Beyond
suggesting to you that this is a remarkably
complicated thing to do, and beyond pointing out that
we have not over the last 14 months been shy about
criticizing City programs. I think the number-- You
know, the fact that we arrested 50 people the week
before last from-- Many of them from the Department
of Buildings. The fact that we've now released two
reports demonstrating serious problems at Rikers.
The fact that we released not only this report but
the earlier report on the problems with the Fire
Department's response system. The fact that we've
arrested as many people as we have. The fact that a
report talking-- We released a number of other
report. I won't bore you with one. I'm sure you've
seen them all. I think demonstrates that this
Administration and DOI under--while I am Commissioner
has not been shy about criticizing the way government

1 programs are run, even government programs run by the
2 person who nominated me. I took--this Council you
3 all confirmed me on February-- I started February
4 18th, so you all confirmed me about a week before
5 that. It's a little hard for me, and I think not
6 productive honestly for me to speculate on the world
7 prior to February 18th, 2014. I feel very confident
8 in the oversight we have been engaging in since then.
9 I think the number--the sheer volume of reports on
10 failed government programs, the sheer number of
11 arrests including, as I said, 50 people in one day.
12 The investigations that I can tell you where I'm
13 going now about a lot of different things, give me
14 great confidence that we're doing it right now. And
15 I'm more anxious to look forward at the moment than
16 to try to figure out backwards.

18 CHAIRPERSON VACCA: I appreciate your
19 work, and believe me anything I say is not meant to
20 deter from that. But we need you to assure us that
21 going forth we have controls in place. We understand
22 we can't go backward But if going forward means that
23 we have a little--that we have to be a little
24 aggressive in making sure that everything is done
25 correctly then this Council wants your assurance that

you are going to stay on top of this even if that means you stay on top of this integrity monitor in a very, very personal way. Because I take it personally that I represent the taxpayers. This is a lot of money, and this is a project that was boondoggle and a runaway train. And I don't think there is any other way to describe it.

COMMISSIONER PETERS: I agree with you. It was. We've certainly--we've gone to great lengths to document that. I agree with you. It was. The City has now agreed to have integrity monitor. We're going to put out an RFP. I--as I have been with other integrity monitor on large projects, I intend to be personally meeting with that person. As I said to Council Member Gibson, I assume six months from now, you will have me back and ask me to tell you how that integrity monitor is doing. You know, frankly I was--you know, we pushed very hard for the integrity monitor. I said in our first report and we've said it in the first 60-day letter, and we've said consistently ever since there must be an integrity monitor, and a non-negotiable--

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CHAIRPERSON CROWLEY: And we all agree.
Thank you Commissioner. I thank you Council Member
Vacca for that--

CHAIRPERSON VACCA: [interposing] No, no
I have one more quick question. One more quick
question. Commissioner, have you see the building?
Have you seen PSAC2? Have you been there to see it?

COMMISSIONER PETERS: My staff has been
there, sure.

CHAIRPERSON VACCA: I want you to see it.
It is--it dwarfs my entire community.

CHAIRPERSON CROWLEY: [interposing]
Right.

CHAIRPERSON VACCA: It's gigantic.

CHAIRPERSON CROWLEY: It's a public
safety command center that says look at me, and it
is--

CHAIRPERSON VACCA: [interposing] Oh, my
God, commissioner--

CHAIRPERSON CROWLEY: --really a part of
the entire--

CHAIRPERSON VACCA: --it is gigantic,
Commissioner. If the Design and Art Commission
approved this, I'll eat my hat. [laughter] They

1 have to approve every newsstand, but if they approved
2 this I don't understand this. My entire community is
3 upset with what was done, and how it was done. And
4 when I was--when this center was proposed for my
5 district, PSAC2 I was basically told no other
6 community in the city wanted it. Jimmy, this is
7 essential to New York City. It is s backup center
8 for our 9-1-1 call up, and if we're ever hit again we
9 need this facility. And on that basis, my community
10 said we understand. We want to protect the entire
11 city, but what was done here is just totally
12 unacceptable. And I would appreciate one day that
13 you look at what was done.

14
15 CHAIRPERSON CROWLEY: Right, and
16 Commissioner, when looking into why we needed to
17 build PSAC2, if you could also take it into
18 consideration the fact that there are five emergency
19 fire command centers that were operating at the time
20 PSAC2 was developed. And there was also one in
21 Police Plaza. So there was six different locations
22 that could have operated as a backup. So why were
23 they not chosen? It would be good to find out that.
24 We were briefly joined by Council Member Koo, Council
25 Member Wills, Council Member Deutsch, and Council

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Member Dickens as well as Council Member
Constantinides, Council Member Torres and Council
Member Greenfield. And I would like to now recognize
Council Member Rosenthal

CHAIRPERSON ROSENTHAL: Thank you, Chair.
I have two quick questions. First, I want to follow
up on your point about the definition of criminality,
and how, you know, we found criminality in the City
Time contract, but not necessarily criminality here.
If we--if the City has over--initially decided to
spend \$1.2 billion, and that eventual cost will end
up being \$2.3. I'll call it \$2.2 or \$2.3. Of that
change of \$1 billion, did your report, which I did
not read. I'm sorry. Did it specify which of that
can be attributed to costs that we did not plan for,
but should have planned for, and costs that are
attributable to markups that were unexpected?

COMMISSIONER PETERS: Sure. We did not
break-- Well, we don't break the full figure down in
part because it's still ongoing. But to give you
some sense of the scale of that--

CHAIRPERSON ROSENTHAL: [interposing]
yes.

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COMMISSIONER PETERS: --so \$300 million
of the \$700 million, which is the initial run over
figure is due to the fact that we're building PSAC2
as a new building, as opposed-- The original plans
called for taking an existing building--

CHAIRPERSON ROSENTHAL: [interposing]
Yes.

COMMISSIONER PETERS: --and retrofitting
it for PDSAC2. \$300 million of the \$700 million is
due to that. So that falls into the category of we
decided midway through we needed something different.

CHAIRPERSON ROSENTHAL: So
hypothetically--

COMMISSIONER PETERS: [interposing] But,
if I could just--

CHAIRPERSON ROSENTHAL: Uh-huh.

COMMISSIONER PETERS: On the other hand,
we also spend \$200 million roughly--we're not done
yet so these numbers are going to change--on a new
systems integrator. That's basically the general
contractor. After we paid \$300 million to the first
systems integrator, and that was really just to
finish the job the first systems integrator was
supposed to not-- In other words, we always knew we

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were going to have PSAC2. We always knew it needed
to be integrated whether it was built anew or not,
and we always knew the first systems integrator was
supposed to do it. They couldn't. They didn't. So
we had to get a new one. So that's \$200 million
that's not-- We changed the specs so it costs more.
That \$200 million is just we didn't manage the
project right, and costs ran away. So it's
something. So it's some of each.

CHAIRPERSON ROSENTHAL: Yeah. [coughs] I
would appreciate as you continue to peel back that
onion, reports to the Council, information to the
Council about that.

COMMISSIONER PETERS: Uh-huh.

CHAIRPERSON ROSENTHAL: I think that
differentiation is important, and it sounds like when
you described it, the numbers went by very quickly.
But the piece where when the decision was made to
build a new building then anything that was spent on
renovating an old building would hypothetically be
money that didn't have to be spent, right? So you
would go back to that number instead of, you know,
when you think about--

COMMISSIONER PETERS: [interposing] Yeah.

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CHAIRPERSON ROSENTHAL: --that
calculation.

COMMISSIONER PETERS: I think that
that's--that's basically right with the caveat, that
as you can imagine, the details are immensely
Byzantine.

CHAIRPERSON ROSENTHAL: Sure, and without
putting a league-- But that's the job of the data
analysts. I mean that's--that's what--

COMMISSIONER PETERS: [interposing]
Right.

CHAIRPERSON ROSENTHAL: --But I assume
you're asking them to do that this ancient [sic]
research.

COMMISSIONER PETERS: We are-- quite
frankly, we are not--we are for this reason. The
Department of Investigation has 400 some odd staff to
monitor the entire City of New York. We did this
report. It is not the Department of Investigation's
job. It is the job of an integrity monitor of the
City's Controller, and various other people--

CHAIRPERSON ROSENTHAL: [interposing] All
right.

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COMMISSIONER PETERS: --to be auditing
city projects. If I was going to do that full audit,
either the Council would have to increase my budget
by--

CHAIRPERSON ROSENTHAL: [interposing]
\$200 million.

COMMISSIONER PETERS: --\$200 million.

CHAIRPERSON ROSENTHAL: [interposing]
It's not worth it. So my point is--

COMMISSIONER PETERS: [interposing] Or, I
would have to shut down every other investigation I'm
doing for the next year, which--

CHAIRPERSON ROSENTHAL: [interposing]
Please, I'm--I'm not--

COMMISSIONER PETERS: --you know.

CHAIRPERSON ROSENTHAL: --I'm not asking
for silliness here. I actually am trying to make the
point that when we--and not a legal point because I
don't want to go down the legal road at all. But
that when we define criminality, I would argue that
without it being by definition criminal, the loss of
\$200 million because of poor management or \$200
million because we had to redo the work of somebody
else, means a loss of services to the seniors in my

district who are getting the full complement of
meals.

COMMISSIONER PETERS: Uh-huh.

CHAIRPERSON ROSENTHAL: So, while it may
not be technically criminal, I don't--I--it's-- You
know, it's criminal.

COMMISSIONER PETERS: It's a shonda [sp?]
as my grandmother would say. Yes, I agree--I agree.

CHAIRPERSON ROSENTHAL: [interposing] And
the problem is that-- Maybe the problem is that we
don't have good enough clawback features. We don't--
I mean I look to the Administration to figuring out
how we don't get us down this path again, which leads
me really to my second question. Which has to do
with the contractors or the subcontractors that were
found to be not doing good work. And how we flagged
that in our Vindex system. And whether or not you
feel that as the DOI investigator whether or not you
feel that the flagging that happens today in Vindex
captures or would--would stop another agency from
hiring a vendor that had ripped off the City through
the first agency? Sorry. I have jet lag if that
didn't come out as clear--

COMMISSIONER PETERS: [interposing] No,
no, no, I was following it. I'm just--I'm getting
over a cold and losing voice, and rallying through
the last of this. So, Vindex you need to separate
out because there are two things. There are the
contractors-- Well, there are three things. There
are the contractors who literally engage in criminal
behavior, which is as you pointed out a very
technical thing. You know, I read the Penal Code. I
read the elements of the Penal Code. Either I can
satisfy them or I can't. Second, there are the
contractors who engaged in some kind of obviously
shady practices, such that they should be flagged in
Vindex. And then there are the contractors who are
just incompetent. Vindex, and this is--we are now
straying way far afield from this report. Vindex
does a good, if not great, job of tracking the fraud.
But this is--and this is--this could be another
entire hearing. And the way Vindex works is, in
theory, if an agency wishes to hire somebody with a
flag in Vindex they let us know, you know, that a
decision-- We do not have the power to tell somebody
you can use them. It's rare that agencies want to
use somebody over our objections. Although, what

1 happens is at times, as you know, is you have a
2 situation in which this is the only vendor who does
3 this particular thing. And that's one of the reasons
4 we've got all of these integrity monitors because
5 what we'll say in those circumstances is, Fine, you
6 can hire this person, but given their past history,
7 they have to pay for an integrity monitor who will
8 report to us. So we know that we don't have that
9 problem again. I am not going to sit here and
10 suggest that the Vindex system is perfect. It is,
11 however, well beyond the scope of this report.

13 CHAIRPERSON ROSENTHAL: Sorry, but I'm
14 going to just continue it one more time.

15 COMMISSIONER PETERS: Go for it.

16 CHAIRPERSON ROSENTHAL: Is it possible if
17 a company changes its name, changes its-- I don't
18 know, some significant piece, but it's essentially
19 the same company. Is that captured in Vindex as
20 being the same company, do you know?

21 COMMISSIONER PETERS: Yeah, the way
22 Vindex works is you not only have to list-- It's a
23 great question, and it's something fraud
24 investigators spend a lot of time on. The company
25

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has to list not only its name, but its principal
officers. So, if the officers-- In other words if--

CHAIRPERSON ROSENTHAL: [interposing] Got
it.

COMMISSIONER PETERS: --John Doe is the
president of both company, it will ping up. Now, the
problem is-- Do you really want to know? What
happens when John Doe appoints his brother-in-law as
the president of the company, and he has no formal
title in the company. But the brother-in-law is
really just a figurehead doing what John Doe tells
him to do. So he changes the name--

CHAIRPERSON ROSENTHAL: [interposing]
And Vindex doesn't pick that up?

COMMISSIONER PETERS: Well, and again
this is-- If you do it--if you're--if you do it
right, and you really have absolutely no involvement,
and you pick-- That brother-in-law is actually
tricky. You pick a friend, then no Vindex won't pick
that up. That's right.

CHAIRPERSON ROSENTHAL: Okay. Was that
part of one of your recommendations to ask MOCS to
find a way to tweak Vindex to--

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COMMISSIONER PETERS: We've--we've talked
with MOCS about it, and it's, of course, always a
struggle between the desire not to make any-- And,
in fact, one of the issues that I suspect some day
somebody will ask me at a Council Hearing is that
aren't the Vindex forms incredibly burdensome--

CHAIRPERSON ROSENTHAL: [interposing]
Yeah.

COMMISSIONER PETERS: --it takes forever.
A private small business can't compete because they
can't fill out the Vindex forms. So we're constantly
balancing don't make Vindex so difficult that, you
know, only IBM can apply.

CHAIRPERSON ROSENTHAL: [interposing]
Yeah, I'm---

COMMISSIONER PETERS: --versus-- I will
tell you that folks in My Shop and folks at MOCS have
spent considerable time talking about balance that.
I'm not going to suggest that it's perfect, but it's--
-

CHAIRPERSON ROSENTHAL: [interposing] I
guess--

COMMISSIONER PETERS: --it is--it is a
subject that is under constant consideration and

constant tweaking as we learn more, and as time goes on. But it's not as simple as it sounds because I could design a system in which there was never any fraud. But it would be a system in which nothing ever happened either.

CHAIRPERSON ROSENTHAL: Okay. I'm going to wrap up. I just--

COMMISSIONER PETERS: [interposing] Sure.

CHAIRPERSON ROSENTHAL: --I have to say I'd like to have a continued conversation about the items that fall in your Category No. 2.

COMMISSIONER PETERS: Uh-huh.

CHAIRPERSON ROSENTHAL: I would argue that those are very analogous to how society used to think that driving while drunk was just an accident. And now society has moved on to say you're liable if you're driving when you're drunk.

COMMISSIONER PETERS: Uh-huh.

CHAIRPERSON ROSENTHAL: I would call your Category No. 2 the way we used to--to consider a DUI. And that at some point we have to move it along and put it in the spectrum of criminality to say that it is something that City is responsible for in its oversight. And there needs to be some consequence

when we're spending our taxpayer dollars in--for that category of thing. And I'd like your help in trying to fix that.

COMMISSIONER PETERS: Right. I can tell you there is actually a very simple fix. So, well, I agree with you. I absolutely agree with you. There are any number of prosecutors other than myself, who agree with you. This one, you know, we need yes--you would need to amend the Penal Code. There are any number of prosecutors who have argued at length about a number of different changes to the Penal Code that would allow us to more easily prosecute some of what we see. Amending the Penal Code requires a majority vote in both the State Assembly and the State Senate, and signature by the governor. But I would be happy to discuss it with you at a future time any number of amendments to the Penal Code that I think would be profitable. Thank you.

CHAIRPERSON CROWLEY: Thank you, Chair Rosenthal. We are going to have one last set of questions from Council Member Williams, and then we're going to call Commissioner Roest up to testify.

COUNCIL MEMBER WILLIAMS: Thank you, Madam Chair, and thank you for your testimony. I

1 have four questions. I'm not sure if they're perfect
2 for you or for DOITT, but I'm going to ask them
3 anyway. As was cited in the summary that received,
4 "Though DOITT was meant to supervise the project
5 throughout its implementation, FDNY and NYPD resisted
6 their authority and DOITT did not have a clear
7 mandate to lead daily operations of the program. The
8 crucial differences between these agencies were not
9 resolved. Gartner recommended repeatedly that an
10 independent 9-1-1 agency be established to help
11 resolve these differences. But the City felt this
12 was unnecessary. And my assumption is that the City
13 still feels it's unnecessary. Is that true, and what
14 crucial differences exist between these agencies?

16 COMMISSIONER PETERS: [coughs] As I
17 said, I'm losing my voice. So, to some extent, this
18 is a question for Commissioner Roest. What I will
19 say is that the level of cooperation between-- I
20 mean there is no doubt there was a real problem of
21 lack of cooperation between NYPD and FDNY on this
22 project. The sense that our folks got in our
23 conversations is that this is getting better. And
24 there is no doubt--but there is no doubt that on any
25 project of this size it is important to make sure

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that you and everybody are going in the same
direction, and that clearly wasn't what happened
here.

COUNCIL MEMBER MILLER: So you don't--you
don't feel that independent NY--a 9-1-1 agency is
needed to be established so that we don't have the
same mistakes that we did?

COMMISSIONER PETERS: No, honestly I
think--and I would leave this to Commissioner Roest
to talk about--I think that given where we are now,
given how far down the road we have gone, it's no
longer on the realm of-- [sneezes]

COUNCIL MEMBER MILLER: God bless you.

COMMISSIONER PETERS: It's no longer on
the realm--excuse me--of options that are really
available to us. The amount of tearing down what's
been done and rebuilding makes it not a-- And that
would have been a tremendously important debated to
have had ten years ago. There should have been that
debate ten years ago. We're ten years past that
that now.

COUNCIL MEMBER MILLER: [interposing]

Okay.

COMMISSIONER PETERS: It--it just--

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COUNCIL MEMBER MILLER: Okay, another.

The DOI also found that ECTP used contractors to perform tasks that the City could have accomplished by using City employees. Proceeding forward, how will such tasks be identified as in the capability of City employees to be completed, and they have been assigned to them? Is that a question that you can answer?

COMMISSIONER PETERS: I think to some extent it's a question for Commissioner Roest because she's the one in charge of running it. I will note that a number of contractors have already been removed from the process. But I think that, yeah, so first things first. Remove a bunch of the top-level contractors who are really being pass-throughs but that's a question that I would defer to others.

CHAIRPERSON CROWLEY: Well, great. We'll get--we'll get the Commissioner up.

COUNCIL MEMBER MILLER: So the other two?

CHAIRPERSON CROWLEY: Yeah. They're all questions for Commissioner Roest.

COUNCIL MEMBER WILLIAMS: Okay.

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CHAIRPERSON CROWLEY: Thank you,
Commissioner Mark Peters. If we need you back, we'll
ask

COMMISSIONER PETERS: [interposing] I
will be coming back.

CHAIRPERSON CROWLEY: --for you to come
back.

COMMISSIONER PETERS: Thank you.

CHAIRPERSON CROWLEY: The Department of
Information Technology and Telecommunications I would
invite the Commissioner up. Commissioner Roest, and
if the Commissioner doesn't have a problem with
representatives from the Fire and Police Department
to come with her? Do you?

COMMISSIONER ROEST: Well, based on the
questions I think it would be most appropriate if we
had the Director of the Mayor's Office of Operations,
Mindy Tarlow joining me who has been coordinating the
operation review. And we do have representatives
from NYPD and FDNY here to answer questions that come
up. But if we could have Mindy Tarlow join me I
think--

COUNCIL MEMBER MILLER: All those
testifying, can you raise your right hand and swear

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and affirm that the testimony that you will give to
this--these committees will be truth and honest, and
that you will also answer all questions asked by the
committee and council members honestly. Do you
affirm that?

COMMISSIONER ROEST: I do.

MINDY TARLOW: I do.

COMMISSIONER ROEST: Okay.

CLERK: Can I take your testimony?

COMMISSIONER ROEST: This is not my
testimony. She has-- Do you have it up there?

CHAIRPERSON CROWLEY: [off mic] Yes. And
we hope that you can condense your testimony, and in
about ten minutes we're going to have council members
ask questions. We're going to limit the time council
members can ask question. We have to be out of this
room by 1 o'clock and we want to hear from everybody
who has signed up to testify. Unfortunately, we're
under those types of time constraints.

COMMISSIONER ROEST: Understood. I'll do
my best to condense it. I think there's parts that
are responsive to questions I've heard. No? Okay.
I'll get through it as quickly as possible. Sure.
Well, good morning first of all to Chairs Crowley,

Gibson, Rosenthal and Gentile and to members of your committees. I appreciate the opportunity to be here today. I will skip the history of the project. I think we've heard that today already, and talk about the City's review. So the City's Comprehensive Review for the first time included representatives of all stakeholder agencies, and revealed a number of root causes for repeated program challenges and delays. Including, as you've heard, over-reliance on external consultants and lack of communication with and input from stakeholder agencies. The report that DOITT published in collaboration with those partner agencies include dramatic recommendations to improve deficiencies and chart the path forward. We pulled the data in from the projected 2018 date to 2016 and 2017. The assessment was further able to add key requirements and removes those no longer needed allowing from ECTP to be completed within the remaining capital budget of \$2.03 billion and not to escalate the costs as we heard early in the Administration.

Since releasing the 60-Day Assessment in August of last year, DOITT has been actively pursuing ECTP reform, and making real progress in meeting or

goals. We've forward on many of the recommendations that resulted from our 60-Day Assessment, which I'll focus the testimony on. Many of these recommendations were validated by the DOI's investigation as best practices that should be in place to ensure success. And DOI's report had still other recommendations that we support and are working to implement, which I will also address in the testimony. So one of the deficiencies in our review of ECTP exposed was the lack of clear governance principles. There were many stakeholders involved in the project, but no clear mechanism for managing progress and ensuring accountability. A plan that offers clear accountability or direction for stakeholder decision making and escalation is a critical success factor for any project such as ECTP. It should enable and require sustained participation from all stakeholder agencies for the duration of the program, and include executive level oversight with active and committed participation from agency heads.

So we have fundamentally changed the project governance. We've created an ECTP Steering Committee responsible for directing and advising ECTP management. The steering committee is comprised of

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City Hall, FDNY, NYPD and DOITT. We meet weekly. In short, the steering committee was created and was used to monitor program progress, and relay decisions to the program. The committee's role is to understand key issues, risks, requested changes, and approve our escalated budgetary related changes. And to provide advice and decision-making for escalated items. Create an executive committee chaired by the First Deputy Mayor, which includes Commissioners from the NYPD, Fire Department and DOITT, as well as the Mayor's Office of Operations. That committee meets quarterly, and deals with any items that need escalation. As far as scope and schedule, the steering committee has also taken on the task of clearly defining the program's scope. And has for the first time broken the project into distinct work streams each with distinct goals. Breaking the project into work streams has allowed us to restructure how components will be delivered. Delivering in phases will allow us to deliver sooner and with less risk. In short, we have a better plan that clearly lays out the program's scope and direction. A work stream, by the way, is a

subproject for ECTP. For example, Network,
Telephony, and PSAC2 are examples of work streams.

Empowered Leadership. Okay. So, as
noted in the DOI Report, it's important that there is
a centralized authority over ECTP. Prior to the
completion of DOI's report, the Mayor charged me as a
single point of accountability for ensuring the
program's success. While the governance that I
described earlier is intended to enhance
communication and collaboration, I am responsible for
managing ECTP, and have the authority to make
decisions that could affect scope, schedule and
budget. It is vital that I maintain an open line of
communication with the stakeholder agencies, and that
the agency executives are engaged and support of
final determinations. It is also worth noting that
I'm in the process of hiring an associate
commissioner for ECTP to report directly to me, and
that's replacing the ECTP Director position, which
has been vacant for some time.

Our findings in the 60-day review also
indicated the value of appointing a vendor and
contract management lead, and providing staffing
necessary to effectively oversee the numerous vendor

engagements, and contracts associated with the program. We've eliminated layers of vendors so that the vendors responsible for delivery are in turn directly communicating with stakeholders and city program management. Not with other vendors. The City has reduced subcontractor involvement, including the removal of a number of consultants managing the delivery of PSAC2 from 137 to 23. And for the first time, shifting much of the responsibility to City staff. We're filling all vacant and funded ECTP positions, and have approval to add 17 more City positions to the project. These City employees continue to work--continue the work that was being performed by outside consultants. Standardizing Program Reporting is also an area that we sought to improve in ECTP. ECTP management now receives clear and concise weekly reports from each work stream, which are substantially shorter than earlier reports. Also, critically, these reports are prepared by City management staff. Not by consultants.

The DOI Report also recommended the use of an integrity monitor that can independently assess the risk of large-scale projects such as ECTP. We agree with this recommendation, and DOITT is

currently working with DOI on the procurement of the integrity monitoring service. To further support a focus on improving quality, DOITT has received approval to fill additional positions in our quality management unit. These internal staff will focus on equality review and reporting on ECTP management, program deliverables, and program processes. As far as recordkeeping, DOITT is retaining all documents related to the ECTP program. ECTP is using a document management system within SharePoint. Which includes all project management documents, such as management plans and processes; vendor and resource management docs--documents, risk and issues repository; change control documents; action item status reports, et cetera. We are effectively using this site. [bell] So, really by fundamentally altering the management approach to ECTP by establishing the City as the program lead, integrating stakeholders into the governance process. And by eliminating layers of consultants, breaking a large project down into smaller more manageable ones, we have the ingredients for successful completion of this initiative. I look forward to continuing collaboration with stakeholder agencies, and with DOI

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to deliver the modern updated 9-1-1 system New
Yorkers deserve, which we intend to do on schedule
and within budget. I thank the committee members for
their time today, and I'm happy to take any
questions.

CHAIRPERSON CROWLEY: Commissioner, back
in 2004, the City had an admirable role. They wanted
to make the 9-1-1 call-taking system more reliable,
and ultimately reduce response times to critical
emergencies, but as they said earlier the Mayor
recently released his Preliminary Budget and stated
that the response times are higher than ever before.
Now, with the investment of over \$2 billion and all
the ten years that it's taken to make this system
better, if our response times are longer, is that an
indication that the system is no more reliable today
than it was ten years ago?

COMMISSIONER ROEST: I think it would be
helpful if I talked a little bit about the system and
ECTP and the scope of ECTP because I do think that
the systems are more reliable and will become more
reliable as ECTP moves forward.

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CHAIRPERSON CROWLEY: Right. I

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understand that the system, what's really technology-

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COMMISSIONER ROEST: [interposing] Right.

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CHAIRPERSON CROWLEY: --that we're

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relying on rather than people would make sense that

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computers can do things faster. But ultimately, it's

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somebody making that phone call, using technology to

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make a phone call. But the person needs to speak to

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another person--

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COMMISSIONER ROEST: [interposing] Right.

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CHAIRPERSON CROWLEY: --and then often if

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it's a critical emergency such as medical or fire

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they need to speak to somebody who is trained to deal

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with that particular emergency. However, you know,

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we had this hearing a few months ago. And ever since

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I became a council member right around the same time,

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the previous Mayor instituted the unified call-

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taking. And it's really at the heart of the problem.

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Now, if a 9-1-1 call comes into a police call-taker,

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and it can be transferred to a fire or medical

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dispatcher, it doesn't have to be in the same

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building. But a big part of the goal, and a huge

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part of the \$2 billion plus expense goes to building

two centers where they can all be in the same building. Was that necessary? I haven't been convinced so far. Yet, that's a lot of the \$2 billion. But it's towards the goal of unifying the system. Ultimately, the previous mayor wanted to reduce headcount in call-taking whether you're able to admit that or not.

He looked at other cities and said if it can be done here, we can do it in New York City. If it can be done there, we can do it here. And what we saw right away when they instituted this unified call-taking where you increase the amount of time a 9-1-1 police call-taker is on the line for a fire or medical emergency, more mistakes started to happen. The length of time started to increase, and we knew back then in 2009. We had hearings. We showed the Administration. They tried to make changes. So what's frustrating for me is that when I read this long report that the Department of Investigation and Commissioner Peters has spoken to. But the overarching goal of unifying the system has not been abandoned. Yet, here we are today sitting in these Council Chambers looking at response times that are greater than ever before. And knowing that critical

time is wasted when a 9-1-1 call-taker is asking certain questions that then get repeated when a call gets passed onto a medical dispatcher or fire dispatcher.

Furthermore, the fire dispatcher once they get that call, they're like 10 to 15 seconds on the call. They already have units on their way. They're experts in where the units are located and how to dispatch that. And a lot of the same is true for EMS, but they're not dispatching. You don't see ambulances closer to the scene of an emergency. They can't because of the reliance on the computer, and often the computer is doing the dispatching leaving the medical dispatcher out. They're able to do their triage. Critical time is wasted. I just feel like it's a never ending story. Here we are again back at talking about unifying--unifying a system that time and time again they've tried to unify. They see that they lose time in the process that people's lives are lost because of the mistakes brought on by the unification of the system. But there's no changes. There are no changes that the Administration is putting in place to stop wasting the critical time.

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COMMISSIONER ROEST: So I hear your
frustration. I do need to say that I came here today
prepared to speak to ECTP, which is an implementation
program. It's about building the PSACs and about
implementing the technology that's needed by the fire
and police operations. Not about running that. I
think I heard someone say that fire and police would
not want to DOITT telling them how to run their
operations. I agree. I would never--I would never
assume to do that. And so, my role is--

CHAIRPERSON CROWLEY: [interposing] I
agree, too, Commissioner, but the previous
Commissioner and I'm not sure where he went,
Commissioner Peters testified that you're the new--
you're the new boss. So you're going to have to try
to make sure that the Police Department and the Fire
Department are working well together at this center,
PSAC and PSAC2, and that-- What all New Yorkers
ultimately want is that when they need help, when a
fire is happening or they need an ambulance they get
there as quick as possible. No time is wasted. Time
is getting wasted every single day as we sit here,
and as calls come into the 9-1-1 centers.

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COMMISSIONER ROEST: So I am the new boss
of ECTP, which is really a project through that
building. But I will say that what we're seeing in
ECTP about building the PSACs and implementing the
technology has shown that we can, in fact, build a
good governance model where we all work well
together. And in the scope of what I'm charged with
doing, I would say that that's happening. We're in a
room together all the time working together on the
decisions around ECTP.

CHAIRPERSON CROWLEY: Commissioner, last
year we passed in the Council that measured end-to-
end response time.

COMMISSIONER ROEST: [interposing] Uh-
huh.

CHAIRPERSON CROWLEY: We now know how
much time gets wasted when a 9-1-1 call-taker is
asking questions that prior dispatchers should be
asking or a medical emergency dispatcher. So we know
that is process is not working. When you rely too
much on technology, we see with the medical
dispatchers. It takes too long, 9-1/2 minutes
through a critical emergency. It's not--it's
certainly not acceptable. I don't feel like you're

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answering my questions, but you're the boss. Time is
getting wasted. We can make a change. We see it.
We see it broken down in area to area now because of
this law that we passed.

COMMISSIONER ROEST: I do think that that
would be a different conversation, an ECTP
conversation, which was about the project of
implementing--

CHAIRPERSON CROWLEY: [interposing] It's
about the project.

COMMISSIONER ROEST: PSAC2.

CHAIRPERSON CROWLEY: Now the medical
dispatchers are looking at their CAD system. They
see an ambulance very close to the emergency. They
can't move that ambulance there because the computer
is doing it from another battalion or another
station. It's happening. You need to just go down
there and see what's happening at the center. And, I
just don't-- You know, there's only so much time I
could ask my questions to try to get my point across.
May, you know, the Fire or the Police rep may want to
talk about it. But, you know, we've invested a lot
of money and time in this study. And ultimately it's
just telling us we're continuing to go in the same

1 direction Bloomberg has gone. But this
2 Administration is only going to do something
3 different by putting an integrity monitor in. There
4 was already a monitor before. Now, this one is going
5 to be more on the accounting of spending. So it
6 doesn't balloon and spiral out of control. We all
7 know the last increase in spending had lot to do with
8 PSAC2, which wasn't in the original plan. And that
9 report found that there was no criminal behavior.
10 All we want as public representatives is to make sure
11 that our communities are safe. And that when they
12 call 9-1-1 for help somebody picks up, and that
13 emergency help gets sent as quickly as possible. And
14 that's not happening. I want to recognize my
15 colleagues who have questions.

17 CHAIRPERSON GIBSON: [off mic] Madam
18 Chair, I do. [sic]

19 CHAIRPERSON CROWLEY: Okay. Vanessa
20 Gibson.

21 CHAIRPERSON GIBSON: [on mic] Thank you
22 again, Madam Chair, and thank you Commissioner for
23 being here today. So a lot of the questions we
24 directed to Commissioner Peters, but certainly since
25 DOITT is the agency that's in charge of this entire

operation, a lot of the questions that we had for the Commissioner I will raise to you. While this report really looked at the process of the system, I have to bring up the workforce again. Because in the report I didn't see any recommendations in terms of what's happening right now with our 9-1-1 call-takers where there's mandatory overtime. So I'm wondering if we have had conversations about this process moving forward, are we looking at making changes to that. And how is the workforce going to be impacted by this system moving forward.

COMMISSIONER ROEST: So I think I should mention again that the ECTP program was about the building and the technology. At the same time, though, that there was a discussion about a review of the ECTP program, there was a request for an operational review. And I think Mindy Tarlow, the Director of the Mayor's Office of Operations has been coordinating that operational review, and could more appropriately answer that question.

CHAIRPERSON GIBSON: Okay.

MINDY TARLOW: Good afternoon. I think the most important thing about the operational review and direct this to Council Member Crowley as well, is

1 that we were able to use the end-to-end response
2 times, which have only been available since 2013 to
3 do a comprehensive review of the 9-1-1 call-taking
4 system. That would allow us to look at staffing in
5 all agencies, deployment in all agencies, times
6 during the day across boroughs, across call type.
7 And we were able to come up with a series of
8 initiatives that we are implementing, some of which
9 involve staffing. As you know, the preliminary
10 budget included a significant increase in emergency
11 medical dispatchers as well as ambulance of tours,
12 and that came directly as a result of the in-depth
13 analysis that we did. It also resulted in increased
14 quality assurance across the whole system. Which
15 includes things like looking at workload, looking at
16 individual productivity, et cetera all across the
17 system. And it resulted in a governance structure
18 that Commissioner Roest mentioned earlier around the
19 executive committee associated with that governance
20 structure. But there's also an Operating Committee
21 that's meeting monthly that includes my office, the
22 Police Department, Fire Department, DOITT, the First
23 Deputy Mayor's Office. So that we can continue to
24 address operational issues over time, both as these
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initiatives get implemented. But also as other
issues emerge.

CHAIRPERSON GIBSON: Right, and I
appreciate and applaud the Mayor for the decision on
including, you know, the EMS and Fire dispatch in the
preliminary. I think that's great, but there's
nothing that addresses the 9-1-1 NYPD call-takers.
And so my concern is with starting our budget
process, and that needs to be a part of the
conversation. I do know last year, as I was here, we
talked about 150, as a number of an increase. But,
you know, what always tends to happen is a lot of the
9-1-1 call operators don't last beyond orientation,
and many of them don't make it. So that 150 is not
an actual number to actually raise the headcount,
which I understand right now is about 1250.

MINDY TARLOW: Right.

CHAIRPERSON GIBSON: So my question is
are we looking at increasing headcount and are we
going to have a conversation about the mandatory over
time?

MINDY TARLOW: Right. I'm going to defer
on the specific question around headcount for NYPD
PCTs to my colleague, Inspector Richard Napolitano.

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RICHARD NAPOLITANO: Good afternoon.

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Just to address that question, the actual--

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CHAIRPERSON GIBSON: Can you state your
name for the record?

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RICHARD NAPOLITANO: Yes. I'm Inspector
Richard Napolitano, Commanding Officer of the
Communication Division. We actually did increase the
headcount by 18%.

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CHAIRPERSON CROWLEY: Commanding Officer,
I apologize, but we need to swear you in.

12

RICHARD NAPOLITANO: Of course.

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CHAIRPERSON CROWLEY: Do you affirm to
tell the whole truth, and nothing but the truth in
your answering the questions of this committee?

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RICHARD NAPOLITANO: I do.

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CHAIRPERSON CROWLEY: Thank you.

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RICHARD NAPOLITANO: Approximately a year
and a half ago just to cut right to the question, we
had about 1,050 PCTs. We were under-staffed at the
time. And when I say that, we were under the
allotment. We were actually allotted 1,094. So we
were slightly below. We have been fortunate where
they did give us an incredible amount of resources.
We increased that to like you said, Madam Chair, to

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1,250 approximately, which is almost a 20% increase.
Since we've increased the personnel to that degree,
it has showed substantial benefits. Such as you
said, mandated overtime has dramatically dropped. We
almost cut overtime in half for 2014. We've also due
to the number of call-takes we had handling 9-1-1
calls, we dramatically reduced delays in service.

I'll just give a brief definition of what
a delay is. A delay is any time someone calls 9-1-1,
and it takes us 30 seconds or more to answer that
call. We reduced that by 94% from 2013 to 2014, and
that was the lowest number of delays in record, in
history with New York City 9-1-1. In fact, the next
closest year was nearly five times as many delays in
the last 20 years. And the worst of those years in
the last 20 years was nearly 100 times more delays.
So we have made tremendous strides in improving the
9-1-1.

CHAIRPERSON GIBSON: Okay, you know, I
appreciate, you gave a lot of numbers. I just really
want to make sure any delay--anything over zero is
one too many for me.

RICHARD NAPOLITANO: Of course.

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CHAIRPERSON GIBSON: And, you know, I had
a chance to visit the center, and I spoke to a lot of
the call-takers, the PCTs, the supervisors, the
dispatch. I was with FD. I was with EMS. A
tremendous amount of work is done. And, you know,
what I think we always have to keep in mind is that
regardless of the decisions that we're making if a
tragic unfortunate occurrence happens, you know, a
lot of times it's blamed on the 9-1-1 call operator.
And that's not--that's not fair. So I want to make
sure that when we have these conversations EMS and FD
are very important. But the majority of the 9-1-1
calls that come in are not FD or are not EMS, and
I've gotten figures from that. The majority of the
calls that come in are true emergencies that the
police ultimately respond to. So I want to make sure
if we're looking at, you know, the headcount, the
mandatory overtime, and I appreciate the we're
addressing it. I want us to just go a step further.

MINDY TARLOW: And Councilman, just to
talk about the preliminary budget that just came out,
there are 151 heads and \$6.3 million added in Fiscal
'16 and going forward.

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CHAIRPERSON GIBSON: Since you're here,
Chief, I wanted to ask-- I asked Commissioner Peters
about the recordkeeping and retention, and he
mentioned that there is no ultimate proposal right
now, but the recommendations said that there should
be a policy that NYPD ultimately would adopt. So I
want to know the conversations that are being had,
and the relationship with DOITT as far as our
recordkeeping.

RICHARD NAPOLITANO: We are absolutely
mandated now to keep our own records in regards to
ECTP. So the Police Department is mandated to keep
all records. What happened in the past that really
was not my-- I was not too involved with that, and
that has changed since we've corrected it.

CHAIRPERSON GIBSON: In addition, the
report also cited a lack of partnership with PD and
with FD. Has there been conversations over the
Computer Aided Dispatch, the CAD system? What are we
looking to do with that based on the recommendations
in the report?

RICHARD NAPOLITANO: We have
conversations almost daily, myself, Chief Napoli,
Jerry Nevel [sp?], my counterparts from FDEMS. We

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have several meetings. I meet quite often with
Commissioner Roest, and Director Tarvo, and we're
continually--constantly working together to address
any issues.

CHAIRPERSON CROWLEY: I think it would be
good to hear from FD, too, like how--what their
perception is.

CHAIRPERSON GIBSON: [interposing] Or
when we could expect to hear.

CHAIRPERSON CROWLEY: Who is here as a
representation from the-- I think that you could
say, Commanding Officer Napolitano, but whomever it
is to answer we have from that Fire Department.

[pause]

CHAIRPERSON CROWLEY: And you have to be
sworn in as well. Do you swear to tell the truth in
your testimony in answering any questions that the
council members may have?

MICHAEL FITTON: I do.

CHAIRPERSON CROWLEY: Thank you. Please
identify yourself for the record?

MICHAEL FITTON: I'm Chief Michael
Fitton. Until six weeks ago, I was the Chief of
Emergency Medical Dispatch.

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CHAIRPERSON CROWLEY: Oh, good. So you
have a lot of experience with EMD.

MICHAEL FITTON: Sure.

CHAIRPERSON GIBSON: Okay, good.

CHAIRPERSON CROWLEY: So are there any
problems that have been expressed to you or that
you've seen happening from when a 9-1-1 call is
transferred over to EMDs

MICHAEL FITTON: Well, I'll tell you that
certainly over the last couple of years, we've
improved dramatically in our ability to work as
cohesive team with NYPD. As Inspector Napolitano
discussed, there are daily discussions. Initially,
it was somewhat informal, but now they are mandated
everyday that the Dispatch Commander and the Duty
Captain that's on duty. At that level they speak
each and every tour.

CHAIRPERSON CROWLEY: They're indirect.
Which is important? And not to cut you short, but
we're short on time.

MICHAEL FITTON: Okay.

CHAIRPERSON CROWLEY: And just a follow-
up from Council Member Gibson's questions. I've
spoken to workers who've taken the 9-1-1 calls, and

they're overworked. So, we've been able to decrease the amount of overtime. I'm hearing that it's still too high. Do you know what the average overtime is?

MICHAEL FITTON: They cut the overtime in half.

CHAIRPERSON CROWLEY: I mean, it was ungodly how many hours they were working in the past. So how many hours are they working now overtime?

MICHAEL FITTON: Broken down by--

CHAIRPERSON CROWLEY: [interposing] And they have a base without a break?

MICHAEL FITTON: No, that's not true. That's not the case at all. Overtime is very infrequently even mandated any more. We usually take volunteers. The time that we do have to mandate overtime is usually in snowstorms, holidays and weekends. Other than that, we take volunteers. So I'm not sure, you know, who's providing--

CHAIRPERSON CROWLEY: [interposing] But your members-- You know, the staff that works under you they've expressed that they're still stressed out, and there needs to be more relief. And Ms. Tarlow, you mentioned more funding. The Mayor wasn't clear on how that was going to go to 9-1-1 call-

1 takes, and these are fire dispatchers. However, what
2 I am seeing in end-to-end response time is that when
3 your members, when the 9-1-1 call-takers have the
4 call, sometimes it's a minute. Sometimes it's two
5 minutes before it gets transferred over. I want them
6 to be available and free to answer and to work with
7 the 9-1-1 police calls as much as possible. The
8 Police Department needs that, and the Fire Department
9 needs to get those calls so that they can dispatch
10 them quickly. But there is too much delay. And
11 there is still too much delay from the numbers I've
12 seen in January. There's no delay when the fire
13 dispatchers get it. There's still some delay with
14 the EMDs. I think that it's not just a staffing
15 issue. There's a lot of reliance on technology. Can
16 you speak to why they can't dispatch the closest
17 unit? Why they have to rely on the computer system
18 that NYPD is transferring over?

20 MICHAEL FITTON: And actually, when
21 Emergency Medical Dispatch dispatches an ambulance or
22 a medical resource, the EMS CAD system that's
23 currently in place does take into account ambulance's
24 GPS location. And, in fact, if an ambulance is en
25 route to a low priority call, which would be 4 to 7

1 or a 4 to 8, something that's not deemed life
2 threatening, while we're still en route to that call,
3 it will still come up recommended for high priority
4 calls, 1 to 3s, life threatening calls. So that
5 while they're still traveling, if they're closer to
6 one of those 1 to 3 calls, they will come off of that
7 call and be dispatched to that call. So, that's a
8 fact. That's the way the MS CAD System works, and I
9 think that since the implementation of GPS on the
10 ambulances, it's really assisted us in making sure
11 that that closer ambulance gets there.

12
13 CHAIRPERSON CROWLEY: [interposing]

14 Well, that's broken down to a police grid, correct?
15 And there could be times when you have an ambulance
16 that is closer, and not in that grid, square or
17 whatever.

18 MICHAEL FITTON: [interposing] Atoms
19 [sic] they call them. Yes. They're actually called
20 Atoms and they're--they're similar to police precinct
21 sectors. But most recently, one of the things that
22 we've been doing to address that is actually what we
23 call splitting the atom.

24 CHAIRPERSON CROWLEY: Okay, at least
25 you're addressing it.

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MICHAEL FITTON: Yeah.

CHAIRPERSON CROWLEY: I don't want to
spend any more time on the issue, but in looking at
the two and a half minutes of what I see as too long
of a time before an ambulance is dispatched or
sometimes over three minutes. There is more we've
got to do, and it's not just that we need more EMDs,
which we need. It's just that we need to cut the
amount of time that the 9-1-1 call-taker happens to
have the call, when it's not an 9-1-1 emergency. And
have you done anything to improve that?

MINDY TARLOW: Yes. So the Operational
Overview that we engaged in collaboratively with our
uniformed partners and the Office of Operations and
the First Deputy Mayor's Office used the end-to-end
times specifically so that we could analyze the
system thoroughly and really look for ways we can
improve what is already a very good system. But, as
you said earlier, perfection is really what you
strive for in a system that's this life critical.
And we did do numerous things. One, by just focusing
on the most life critical calls, and following the
data. This was completely data-driven analysis.
That was how we were able to identify the EMS and EMD

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needs that were addressed in the preliminary budget.

But, we also looked all across the system and looking
at handoffs all across the system. Looking at how to
improve quality assurance, all across the system--

CHAIRPERSON CROWLEY: [interposing] And
not to interrupt you--

MINDY TARLOW: Those are all in flight
now.

CHAIRPERSON CROWLEY: --but the last time
that we had--

CHAIRPERSON VACCA: [interposing] Can I--
-can I ask a question when you get a chance?

CHAIRPERSON CROWLEY: Yeah, we'll--

CHAIRPERSON VACCA: I mean I'm a-- I'm a
co-chair here, you know--

CHAIRPERSON CROWLEY: [interposing]
Yeah, we're--I want to, you know, I know.

CHAIRPERSON VACCA: --and I have a
question.

CHAIRPERSON CROWLEY: Well, we recognize
that Council Member Miller and Council Member Weprin
have joined us. And just--the last time you
testified you were going to change-- You were going
to do a pilot program, and ask the question what is

your emergency rather than getting all the details of
the addresses? Has that changed? Have you done that
pilot?

MINDY TARLOW: We implemented a full
operational review, which we announced at that time
when we last met. And looking at every aspect of the
system, and we are now implementing a series of
initiatives that based on the evidence that we
uncovered, we believe will have a significant impact
both on response times, accuracy, speed, consistency
of the system, as I've discussed. The quality
assurance all across the system, the governance
structure that we've put in place as well as the
focus on the most life critical emergencies. And as
I'm sure you know, about 85% of the life critical
emergencies are in EMS. And we were able to really
pinpoint that as an area we needed to focus on. In
parallel to that, we were planning at that time--we
were planning at that time an initiative that would
look at the sequence of questions that are asked when
someone makes a call. We've done a tremendous amount
of work in parallel with the overall operational
review to put the technology in place and test it.
So that we can address that question. The Operating

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Committee that was formed as a result of this
governance structure agreed that we would put the
initiatives from the operational review in place
first, which includes a lot of hiring. Wanting to
make sure we're up where we need to be, and we can
then turn our attention to other initiatives
including that.

[pause]

CHAIRPERSON GIBSON: Ms. Tarlow, I just
wanted one--one final point that I wanted to make.
The operational review that you talked about is that
still a work in progress? Because you mentioned the
Mayor has baselined the 150 PCTs, the 9-1-1 call
operators. So all that's going to do is maintain our
number at 1250. So I guess I emphasize again in the
future and current conversations, that's still not
raising the headcount of 9-1-1 call operators. So
we're still flat at 1,250. So I wanted to make again
that urge that we have to look at raising it. If
we're looking at overtime, overtime going down, and I
believe you that it's going down. But I'm also
concerned about the current workforce that we have.

MINDY TARLOW: The operational review was
completed in December, as we had promised. That

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said, looking at 9-1-1 operations is an ongoing process that never stops. The Operating Committee that we have put in place, which is now meeting monthly with my office, with Commissioner Roest, with the Fire Department, with the Police Department, with the First Deputy Mayor's Office, we are constantly looking to address operational issues as we go. That's part of the reason we put that committee in place. Because we always need to seek to improve the system, and we always need to be in a constant state of review.

CHAIRPERSON VACCA: Can I ask some questions? I wanted to talk about across-agency expenditures. The Commissioner of DOI testified before that basically at this point we're \$700 million over, and it may go to \$900 million. But that much of it was because there was money across agencies that was spent, but never accounted for in the total expenditure that we were given for PSAC2. So if there is money still being spent in more than one agency, if there is money across the various agencies that is being spent, when will we get a total number of how much money is being spent, and who will be giving us that information and when?

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COMMISSIONER ROEST: So there's a couple
of questions in there and I'll do my best to answer
and answer all of them. So looking backwards at what
was spent in the good hands of DOI, I can tell you
that when we walked into this project we had clear
capital budget for completing the scope of ECTP and
we are tracking that, and we'll continue to track it.
So anything spent on ECTP scope is being carefully
tracked, and will be reported by us and we will stay
within budget. That said--

CHAIRPERSON VACCA: [interposing]
Commissioner, I'm sorry to interrupt you. But when
you say us, you're tracking your agency or are you
talking in your capacity as head of the overall
working group or task force? Are you tracking all
agency expenditures?

COMMISSIONER ROEST: [interposing] So--

CHAIRPERSON VACCA: Is that--is that your
duty now, your responsibility?

COMMISSIONER ROEST: No it's not but--but
going forward so what we've done is we've taken the
scope of ECTP, and that's my role, and we're tracking
the ECTP expenditures. ECTP is not all 9-1-1
operations, but we are committed to, as a group,

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getting together and making sure that we have a full
accounting of what it's costing the City to run the
9-1-1 operations now going forward. So although it's
not technically part of ECTP, we are working on
accounting for what are the costs and expenditures
that will be required going forward to maintain the
9-1-1 operations in PSAC1, PSAC2 and across the
agencies.

CHAIRPERSON VACCA: I want to make sure
that what happened before does not happen again.

COMMISSIONER ROEST: Uh-huh.

CHAIRPERSON VACCA: I want to make sure
that we don't have across-agency expenditures not
included in any type of report the Council gets or
the Department gets. Can you--can you tell me that
we have controls in place that will make sure that
any money any agency spends on this project is
accounted for as part of the total budget, and that
there will be a report issued at a certain point
detailing that type of budget analysis?

COMMISSIONER ROEST: So--so again, I want
to be clear. One of the things the DOI
recommendation included was that we create a clear
scope for ECTP. And ECTP is about building PSAC2 and

1 implementing those technologies. It's not about
2 running the 9-1-1 operations. So breaking those into
3 two pieces, yes, for the ECTP project I can assure
4 you that we will be fully accounting for any money
5 that's spent to build PSAC2, and to implement the
6 technologies around that. And further, we're working
7 together. The purpose of the Governance Committee
8 that the Administration put in place was to ensure
9 that we're all in the room and we're working
10 together, and we have a cohesive plan and tracking of
11 the 9-1-1 operations. So it's really two buckets,
12 but yes to both.

14 CHAIRPERSON VACCA: Can you answer my
15 question before about whether or not PSAC2 was
16 approved by the Design Commission?

17 COMMISSIONER ROEST: I can't. I'm sorry.
18 We can look into that.

19 CHAIRPERSON VACCA: I'd like to know.
20 Maybe in this case we should have called upon the
21 Design Commission. They--they tended to delay
22 projects for many, many years. So maybe we would
23 have had a better outcome.

24 COMMISSIONER ROEST: Next time we will.

25 CHAIRPERSON VACCA: Next time we will?

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COMMISSIONER ROEST: I promise.

CHAIRPERSON VACCA: Because I would like
to know if this was approved by the Design
Commission.

CHAIRPERSON CROWLEY: Thank you, Council
Member Vacca. Council Member Rosenthal has a
question. It's only going to be two minutes in
length because we have to be out of this room
shortly, and we have five members of the--

CHAIRPERSON ROSENTHAL: [interposing] Two
quick questions. Thank you, Chair. First, to
anyone. In terms of the cost, I'm trying to get to
the cost overruns. Did OMB play a role? Did any OMB
staff play a role in noticing the cost overruns,
number one. And number two, given, you know, the
Commissioner's answer about Commissioner Peter's
answer about it would take-- He doesn't have the--
he's not equipped with the staff to understand the
nature of the cost overruns and dissect those
details. Is there any way that OMB, and I'm just
guessing that would be the place, the Budget Office,
who can understand the nature of the cost overruns,
and which is attributable to bad planning. And which

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is attributable to, you know, 600%, you know,
markups.

COMMISSIONER ROEST: So OMB was a very
active member of the committee as we took on the ECTP
project. But again, it was a look--go forward
assessment that we did. Looking back, we would have
to talk to OMB to see what information they have, and
what they can pull together about the overruns. That
wasn't our focus. It was where are we, and how do we
get to a good place and complete the project?

CHAIRPERSON ROSENTHAL: Okay, is there
someone from OMB here or is there some way we can get
at that question? Is there someone who can put that
back, but that back to OMB?

CHAIRPERSON CROWLEY: I believe that if
Mark Peter was still here--he said that he was going
to stay--it would be the Department of Investigation
who investigates OMB, but I don't see him.

CHAIRPERSON ROSENTHAL: I don't know. I
mean I just would like to know the answer to that and
the second--

CHAIRPERSON CROWLEY: Well, for the
purpose of the Committee we will request an answer to
that.

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CHAIRPERSON ROSENTHAL: Thank you, and
secondly in terms of the markups whether or not
there's any opportunity for clawbacks?

COMMISSIONER ROEST: So the--the markups
that I've read in the report, one was an estimate.
It wasn't an actual procurement. We will be working
with DOI to examine if there were anything in the
report or any of their findings that we need to react
to.

CHAIRPERSON ROSENTHAL: Okay. I'm
interested in clawbacks.

COMMISSIONER ROEST: Right.

CHAIRPERSON ROSENTHAL: Thank you.

CHAIRPERSON CROWLEY: Thank you, Council
Member Rosenthal. We've been joined by Council
Member Cornegy. I want to thank-- Oh, and we were
joined earlier by Corey--Council Member Corey Johnson
as well. At this point, in the interest of time we
have no further questions. We would like to continue
this discussion. I've got more questions. Council
Member Vacca has questions, and the same with all the
Chairs. I want to invite the next panel up, and
thank you again for being here and testifying. The
first panel, or the first person up to testify is

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Steve Cassidy, UFA, the United Firefighters
Association President.

[pause]

CLERK: Do you have any copies of the
statement?

STEVE CASSIDY: They're right there.

CLERK: Okay.

CHAIRPERSON CROWLEY: Mr. Cassidy, since
you're a member of the public and not the
Administration, we don't have to swear you in.

STEVE CASSIDY: I'll be happy to be sworn
in.

CHAIRPERSON CROWLEY: Do you swear to
tell the whole truth to this committee and answer any
questions that we ask of you with truth? Do you
affirm that?

STEVE CASSIDY: I do.

CHAIRPERSON CROWLEY: Please begin your
testimony.

STEVE CASSIDY: Thank you. Thank you for
having these hearings. I think they're critically
important. I want to go back and touch on what is
the main issue that wasn't addressed in my view. I
know you were talking about money, and that's

important. But in terms of delivering emergency services as quickly as possible, the Bloomberg Administration in 2009 went to UCT. And prior to that, as soon as a call came in for the Fire Department, whether it was a reportable fire or medical emergency, the operator would say, What is your emergency? And the caller would say I want to report a fire. The would say, Hang on. Where are you calling from, what borough? And transfer the call to the fire alarm dispatchers of the appropriate borough. That took five or six seconds. Now, the Bloomberg Administration didn't have the ability to count those five or six seconds. So they were never part of the quote, unquote "total response time." They decided in their wisdom, Let's have the 9-1-1 operators do the interrogation because since we don't count that time, it doesn't matter. And as soon as UCT took place, response times being reported by the New York City Fire Department dropped 30 seconds. Now, of course, at the time I said that's not true, and they're probably 30 or 40 seconds higher than what they originally were. And minute higher than what they were reporting. As it turned out, I was right. The reality is very simple. There's a new

Administration. They're 14 months in and they still haven't figured out a way to say, What is your emergency? And when that answer comes that it's the Fire Department, dispatch immediately transfers that call to fire alarm dispatchers.

I want the committee to know that they currently have two people handling one phone call. The 9-1-1 call, the 9-1-1 police call-taker does the interrogation, then sends the information to the Fire Department dispatcher. It takes them about a minute and 20 seconds, which is way too long. And then, the fire alarm dispatcher gets conferenced in. The fire alarm dispatcher has to look at the information, and send it out, and send the appropriate units. It's not working, and why would you ever have two people, two City employees handling one phone call? Right? Fourteen months in, they still haven't answered that question. If they simply have a pilot program that says what is your emergency? And the Fire Department only gets 9% of the 100% of calls that come in. Transfer those 9% of calls to the fire alarm dispatchers. I don't represent them, but they are experts and specialists in dealing with fire and medical emergencies. Transfer them immediately. You

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will lower response times. The firefighters will be responding with better information, which is critical to us, and we need to get there sooner to save lives. And, by the way, to make our jobs a little bit less dangerous. Yet, nobody from the Administration is even here. They're not even here. It's a disgrace. They say they care about public safety. Why aren't they here?

CHAIRPERSON CROWLEY: I could--I could understand your outrage, and I'm outraged for my constituents and the people in the City of New York. They seem to be continuing in the same path on the same mission that the Bloomberg Administration had, and a lot of time gets wasted in critical emergencies. I saw the breakdown from when the call is taken, the call is dispatched, and then the emergency help arrives. When you dispatch, it's a very tiny--it's only 10 or 15 seconds. So they have absolutely know the units, where they're located and how quickly to dispatch that. They're experts, as you said. It doesn't make sense to me to make the difficult job of a 9-1-1 police call-taker any more difficult. I couldn't agree with you more. I tried to convey that to both Commissioner Peters and

Commissioner Roest. I hope that the Administration sees the problem and, you know, we're going to hold them to that. [sic]

STEVE CASSIDY: Just so you know, I would like the entire Council to tell the Administration that they should at an absolute minimum have a pilot program, and it's--it's very simple. You can look at response times before UCT. They were lower. You can listen to phone calls that took place back then, and listen to the 9-1-1 operators say, What's your emergency? And when somebody says, I want to report a fire, where are you? What borough are you calling from? Manhattan? Hold on and transfer the call. That's five seconds. Let's say it's seven seconds. Seven seconds handoff, and then the fire alarm dispatchers, who are trained to quickly dispatch the appropriate resources. And by the way, the appropriate resources is critical. Let's not send one engine to a report of a fire when you need three. And let's not send three to a gas leak when you need one. It's a waste of time. It's a waste of resources. It compromises public safety and firefighter safety, and it's inexcusable. It's inexcusable. The Bloomberg Administration instituted

1 this in my view simply because they wanted to get rid
2 of the Fire Alarm Dispatchers Union. They weren't
3 able to do it. Why this Administration, the de
4 Blasio Administration does not see the light of day,
5 and make a simple pilot program to see if what
6 everybody-- Not just me. Many, many other people in
7 this community that know about fire and public safety
8 are saying the same thing. No one will lose their
9 job. The police call-takers do a great job, but 90%
10 of the calls should be immediately slid over to the
11 people who are specialists. It's that simple. I'll
12 take any questions, if there's anybody out there.

14 CHAIRPERSON CROWLEY: Council Member
15 Vacca followed by Council Member Vacca and then
16 Council Member Miller.

17 CHAIRPERSON VACCA: I did refer to this
18 in my opening statement, and when I was Chair of this
19 committee we brought this up originally to the
20 Bloomberg Administration. I cannot understand how
21 this recommendation that the president is making
22 here is--why it's not implement. This is a loss of
23 time, critical time, and seconds could mean someone's
24 life. So we as a Council I know have had oversight
25 and we even enacted some legislation. Do you have

1 any recommendations? Is there further legislation
2 that you think would be helpful in this regard or is
3 this strictly an administrative matter? I, too, am
4 concerned that nobody is here to listen to this
5 because I think your testimony is really--it really
6 hits the--it hits the nail on the head.

8 STEVEN CASSIDY: Well, they know what I'm
9 going to say because I told them yesterday. I had
10 this conversation with Tony Shores [sic], and I told
11 him exactly what my point is. They know what--they
12 know why I'm angry. This has been something that was
13 promised to be done last year, and you heard them
14 really dodge this question. They didn't even say
15 they're going to have a pilot program on what is your
16 emergency versus what they currently do, which is
17 where are you calling from? And anybody who has ever
18 dialed 9-1-1 since UCT has been implemented, realizes
19 that if you need the Fire Department, it's a waste of
20 time. And I've done it many times for emergencies
21 that I see a car accident. You call up 9-1-1 and
22 they want to know where is your emergency. You give
23 them the address. Then they want to know the color
24 of the car. Like the color of the car matters. What
25 is the color of the taxicab? Like most taxicabs,

1 it's yellow. Why is this relevant? The answer is
2 it's not relevant, and if that call was transferred
3 to the fire alarm dispatchers, they would immediately
4 have units responding. Listen, seconds count whether
5 it's a heart attack or a medical emergency of some
6 kind or a fire. Why would we even consider doing
7 something that wastes time, and all they have to do
8 is have a pilot program. By the way, virtually
9 everybody in the New York City Fire Department knows
10 that the old system was better, right? They're not
11 allowed to say that, but virtually everybody in the
12 Fire Department knows that, right? You can't get
13 them up here to say. No, administration will allow
14 their team to contradict what they're saying. But,
15 I'm saying to all of you a pilot program, back to the
16 way it used to be will get better results. I don't
17 even think it's a debate, but you should insist that
18 it happen so that we can quickly decide whether or
19 not we're right or wrong. And by the way, if we're
20 wrong, which I don't think there's one chance in a
21 thousand, then they can stick with their program.
22 But I want to see the results.

23
24 CHAIRPERSON CROWLEY: Council Member
25 Miller.

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COUNCIL MEMBER MILLER: Good afternoon,
President Cassidy. Thanks for being here.

STEVEN CASSIDY: Thank you.

COUNCIL MEMBER MILLER: The previous
panel testified right here about some of the
committees that they had put together to resolve some
of these issues. They're mostly obviously
administrative, and they did not talk about what
you're talking about now, the most important the
operational portion. That at any point whether it's
administrative or operational, these committees that
they mention are you, your members of any of the
bargaining units represented a part of these
committees--

STEVEN CASSIDY: [interposing] No.

COUNCIL MEMBER MILLER: --that make these
decisions?

STEVEN CASSIDY: And by the way, I don't
represent any of the members who are answering phone
calls whether the police operators. I don't
represent the fire alarm dispatchers. I don't
represent them. This isn't about me trying to get
jobs for my people. This is simply that my
firefighters are responding to emergencies, and they

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should be responding quicker. They should be going
out the door quicker, and if they go out the door 30
seconds-- Listen, I had a firefighter jump out a
window on fire four years ago. Okay. And when you
look at the videotape in Brooklyn, and you look at
the videotape of Firefighter Weidman going out the
window on fire, less than 10 seconds later, water was
put on that fire and the fire in that room was out.
Ten seconds. Nobody can tell me seconds don't count.
We know that seconds count. And why this
Administration refuses to undo the Bloomberg error, I
don't know, but you should get an answer.

COUNCIL MEMBER MILLER: But to your
knowledge, are there any unions involved in any of
the committees that were aforementioned?

STEVEN CASSIDY: Not to my knowledge, but
I wouldn't know. Certainly, the UFA is not involved.

COUNCIL MEMBER MILLER: Okay. Thank you.
Thank you, Madam Chair.

CHAIRPERSON CROWLEY: No further
questions Thank you, Mr. Cassidy for being here
today to testify. I want to mention that we were
joined by Council Member Paul Vallone. Next, we have
James Lemonda up from the United Uniformed Fire

Officers Union. Oh, and Ritchie Alice both coming
from UFOA. [bell]

[pause, background comment]

JAMES LEMONDA: Thank you, Madam Chair.

Before I read my testimony, I just would like to
point out that the Council two years ago passed a law
that end-to-end response times must be reported. If
you look at the Fire Department's official website,
they show structural fires reported at 4 minutes and
11 seconds. But you have to go to the Mayor's
Management Report to see that the three-month average
is actually 4 minutes and 51 seconds, and that chimes
in with what President Cassidy had said in his
testimony.

Ladies and gentlemen, Chairs of the five
City Council Committees, thank you for the
opportunity to once again offer the thoughts of every
single fire officer, 2,700 strong who have been
suffering for five years from this broken and
mismanaged new UCT system. I have very little to
offer about the 105-page report of the Department of
Investigation on the cost overruns, and mangled
technology, and huge amounts of wasted City funds.
Most of what we saw in the DOI Report was a rewrite

of what we've been reading in the newspapers since
2009. The UFOA hoped that DOI was also looking into
the approximately 10,000 complaints from fire
officers in the field. 10,000 incidents that
included wrongful deaths, untold numbers of injuries
that could have been prevented. Loss of property
that has run into the hundreds of millions that might
have been avoided if the people in charge of UCT had
listened to a consultant who reported in 2011 that
the system was dangerous to the 8.2 million citizens
of New York City, and dangerous to the City's public
safety personnel.

Apparently, the safety of the residents
and their firefighters and police officers will have
to wait a little longer. Over and over the UFOA
working with your committees, and also with the
Public Advocate made the case that UCT was wrong for
the city, wrong for its residents, commuters and
visitors, and wrong for its firefighters and police
officers. No one has heard our appeal for help.
That is for sure. The solution is so simple that it
cries out for adoption immediately. When a person
calls 9-1-1, and specifies the emergency is a fire or
a medical emergency, the call-take should turn the

1 call over to a Fire Department dispatcher who would
2 be located in the Fire Department borough dispatch
3 office. So I will say it once more. The
4 Administration needs to issue an order to return to
5 the system that worked for all the years prior to
6 2009.
7

8 The previous administration refused to
9 admit a monumental mistake. We hoped this
10 administration would be more attentive to this
11 monumental scandal, but so far the problem does not
12 seem to be one of a priority. And I will say
13 something more--even more troubling to the people of
14 the City of New York. Over the last 13 years, the
15 Fire Department has been dangerously downsized even
16 as fire incidents have skyrocketed. In 2002, fire
17 incidents totaled 426,000. In the year that just
18 ended, 2014, the FDNY responded to more than 519,000
19 incidents, a new record in the long and honorable
20 history of your Fire Department. That is almost
21 100,000 more annual incidents.

22 On the morning of the attack on the World
23 Trade Center, the FDNY had 11,332 firefighters and
24 fire officers during a terrorist attack. Today, we
25 are operating with only 10,600 uniformed personnel.

1 In the interim, we have lost six engine companies and
2 the fifth firefighters, engine companies in high-risk
3 neighborhoods. Why is that high-risk neighborhoods
4 are always targeted. Thank you for allowing me the
5 UFOA to sound the alarm. Our experience over the
6 years has convinced us that the only elected
7 officials who listen to our pleas are the members of
8 the City Council, the Public Advocate and the City
9 Controller. We believe that's because that's because
10 you are closer to the people and neighborhoods where
11 mayors rarely tread.
12

13 In conclusion, I would like to state that
14 I, along with every member of the UFOA Executive
15 Board, have spent most of our careers in some of the
16 busiest neighborhoods in the City with the highest
17 incidents of fire. We have first hand witness of the
18 devastation of property, the loss of life. Women,
19 children, the elderly. Those images have been seared
20 in our minds forever. I would like to ask the
21 members present here today to close your eyes for a
22 minute. Imagine being awakened to a blinding,
23 choking smoke, searing heat, being paralyzed by
24 fright. The air being ripped from your lungs.
25 Imagine that it was your mother, your father,

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grandmother, sister, daughter or son. Imagine if it
was you. Would you not want the fire apparatus
dispatched within second? Many times within
government when problem exist, the solution is
expensive. The solution to this problem will cost a
penny. The solution is free. I urge you to please
help us to serve and protect the citizens of our
great city. Their lives depend on it.

CHAIRPERSON CROWLEY: Thank you and thank
you Mr. Alice and thank you for what your members do
each and every day, as well as Mr. Cassidy's members.
I want to recognize Council Member Miller who has
quick, brief question.

COUNCIL MEMBER MILLER: Good afternoon,
and thank you for coming out. Again, I'm going to
basically ask you what I asked the previous panel,
which is about any union involvement in said
committee that was mentioned before? And/or is there
any labor management operations going on that address
the issues that you were talking about today?

JAMES LEMONDA: None. None whatsoever,
Council Member.

CHAIRPERSON CROWLEY: And have you had
any conversations with people in the Fire Department

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as a union representative saying like what you're
doing now is putting my members in harm's way?

JAMES LEMONDA: Yeah, yeah. Yes, yes we
have, Madam Chair. Also we were led to believe that
there would be a pilot program that would institute
what we've been calling for. And now, from what we
hear that has been dropped. I don't have the answer
to why. If the Department was here, you know, it
would be great if they could answer to that.

CHAIRPERSON CROWLEY: Thank you. Thank
you for testifying today. I'm sorry we're short on
time. We have two people from the public who would
like to testify. Ralph Palladino, Second Vice
President of Local 1549 of DC 37. Is anyone from
that Local here to testify?

[background comment]

CHAIRPERSON CROWLEY: No. Okay, and then
we have Rachel Fauss from the Citizens Union, who is
the final person to testify.

[background comments]

CHAIRPERSON CROWLEY: And neither of
those two people are here today. Wait, wait.

RACHEL FAUSS: [off mic] Oh, yes she's
here. [laughs]

CHAIRPERSON CROWLEY: Okay, good. So Rachel, you'll be our final person of the public to testify today.

RACHEL FAUSS Yes, and I know you have my written testimony so I will be brief knowing that I am running up to your end date--end time here. Good afternoon, Chair Crowley and I think you might be the only-- And Chair Gibson. You're the two chairs left and Chair Vacca. My name is name is Rachel Fauss, and I'm the Director of Public Policy for Citizens Union of the City of New York. We're a non-partisan good government group dedicated to making democracy work for all New Yorkers. We're very happy you're holding this oversight hearing today. It's really critical as far as the role of the Council in providing this important oversight. You know, we testified at the December hearing on the City Time contract, and DOI's report for that issue. And there are a lot of parallels, and I think it's important to keep this oversight continuing and ongoing.

There are a few things we'd liked to highlight from our analysis of the DOI Report. First, inefficiencies related of interagency--a lack of interagency coordination. I know that's something

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that you touched on over and over again during the
hearing, and think it's very important. And I want
to be clear that we're not here to endorse either UCT
model versus the previous model. That's not where
our expertise is, but I think the DOI Report does
highlight a lot of inefficiencies.

CHAIRPERSON CROWLEY: [interposing] And
you believe that if a contracts are a certain amount
that they should have an integrity monitor or
something like that?

RACHEL FAUSS: Yeah. No, I think that's--
-that's one of our pieces. We do think the integrity
monitor for ECTP makes a lot of sense, and I think
it's something that you should continue to follow up
on. But I was just--when I speak about
inefficiencies and the need to save government
resources and taxpayer dollars, I just want to be
clear that we're not endorsing one model over
another.

CHAIRPERSON CROWLEY: [interposing] No,
no, I know but--

RACHEL FAUSS: I think that's the work of
ECTP. [sic]

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CHAIRPERSON CROWLEY: --you know, but
this was a \$2 billion project--

RACHEL FAUSS: [interposing] Right.

CHAIRPERSON CROWLEY: --that may not have
needed to be built.

RACHEL FAUSS: Fair enough. [laughs]

CHAIRPERSON CROWLEY: So when you're
talking about resources, it's important to every--
That hasn't been proven today in today's hearing.

RACHEL FAUSS: Sure. And then as far as
the lack of internal city resources and experience to
conduct proper oversight of this matter--of this
project, I think that's critical. And I think move
to outside contractors and subcontractors is
something that as we seen the amount of money that
was wasted. Perhaps resources would have better been
spent have expertise within the City government. So
to this end, we recommend that you in the budget
process this year [bell] perhaps something to look at
is the exact level of resources that DOITT and other
agencies are committing to oversight of this project.
How much staffing is available? Because rather than
relying on DOI and the City Comptroller and others

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later to audit, and find mistakes, why not have
better oversight in the beginning?

CHAIRPERSON CROWLEY: I think that is a
very good recommendation right down to the
commissioner. We should understand how much of the
Commissioner's time is on this project--

RACHEL FAUSS: [interposing] Sure.

CHAIRPERSON CROWLEY: --as we with all
the projects. So I want to thank you for being here
today. And we'll have your testimony as part of the
record.

RACHEL FAUSS: Sure. There's just one
really quick point I want to make, and that is
transparency. That's the core of Citizens Union's
mission. One thing I'd really encourage all the
committees to look at is the transparency of
subcontractors. There was an agreement in 2013
between the--Mayor Bloomberg and Comptroller Liu to
put subcontractor data online, put more of it online.
The Comptroller just released last week through
Checkbook more data on subcontractors. But it's very
clear that a lot of that is missing. Not all prime
contractors. They're the ones self-reporting the
information about their subcontractors. It's not all

1 being out there, and it's not complete. I think
2 that's a really critical thing for the Council to
3 follow up on, and it could be the subject of a
4 completely separate oversight hearing. But I just
5 wanted to flag that because I think it ties in very
6 clearly to the problems mentioned in the DOI Report
7 of the cost overruns. If the Council had in the
8 public journalists watch our groups like Citizens
9 Union had more data about subcontractors and could
10 use tools like Checkbook to do our own independent
11 verification that would be really important. But
12 otherwise, you have my testimony, and I just wanted
13 to flag that--that transparency part, which I think
14 is critical.

16 CHAIRPERSON CROWLEY: But I think that we
17 should schedule a meeting because I like a lot of the
18 ideas that you brought up in your testimony.

19 RACHEL FAUSS: Great. Well, thank you so
20 much. I appreciate it.

21 CHAIRPERSON CROWLEY: This concludes the
22 Fire and Criminal Justice, Public Safety, Technology
23 Oversight and Contracts hearing of February 25, 2015.
24 Thank you to all my Co-Chairs, and thank you to all
25

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the staff that worked so hard on putting this
committee hearing together. [gavel]

C E R T I F I C A T E

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



Date March 3, 2015