

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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January 25, 2016
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HELD AT: Council Chambers - City Hall

B E F O R E: Vanessa L. Gibson
Chairperson

COUNCIL MEMBERS:

Vincent J. Gentile
James Vacca
Julissa Ferreras-Copeland
Jumaane D. Williams
Robert E. Cornegy, Jr.
Chaim M. Deutsch
Rafael Espinal, Jr.
Rory I. Lancman
Ritchie J. Torres
Steven Matteo
Andrew Cohen

A P P E A R A N C E S (CONTINUED)

Elizabeth Glazer
Director of Mayor's Office of Criminal Justice

Alex Crohn
MOCJ

Allie Meizlish
MOCJ

Thomas Taffe
Deputy Inspector for NYPD Office of Management
Analysis and Planning

Matthew Drury
Parks Department

Alessandro Olivieri
Parks Department

Michael Dockett
Assistant Commissioner Parks Department

Donna Lieberman
New York Civil Liberties Union

Tina Luongo
Legal Aid Society

Nick Malinowski
Brooklyn Defender Services

Craig Levine

Bronx Defenders

A P P E A R A N C E S (CONTINUED)

Kate Rubin
Youth Represent

Fabian Cancel
Picture the Homeless

Michael Vilardi
Communities United for Police Reform

Husman Drame [sp?]
Picture the Homeless

Nikita Price
Picture the Homeless

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2 CHAIRPERSON GIBSON: Good morning, ladies
3 and gentleman. Welcome to City Hall. I am Council
4 Member Vanessa Gibson of the 16th District of the
5 Bronx, and I welcome each and every one of you to
6 today's hearing of the Committee on Public Safety,
7 and I am proud to Chair this Committee, and I want to
8 acknowledge the presence of our Speaker, the
9 Honorable Melissa Mark-Viverito, our Public Advocate,
10 the Honorable Letitia James, Minority Leader Steve
11 Matteo, Council Member Antonio Reynoso, Council
12 Member James Vacca, Council Member Andrew Cohen, and
13 Council Member Ydanis Rodriguez. We will be joined
14 by other members throughout the day and they will be
15 acknowledged at that time, and now without further
16 ado I'd like to turn this hearing over to our Speaker
17 of the New York City Council, Melissa Mark-Viverito.

18 SPEAKER MARK-VIVERITO: Thank you so much
19 Chair Gibson for holding this important hearing and
20 all the work that you and this committee, definitely
21 all the staff, have been putting into this effort.
22 Before we start, obviously I just want to--I
23 personally wanted to acknowledge and I know the Chair
24 does too that we've gone through a very challenging
25 time in the last couple of days with the extreme

1 weather that we have witnessed and the snow blizzard,
2 and I think I really want to take a moment to thank
3 all of the city workers that are putting in overtime.
4 We understand there's always challenges with this in
5 certain communities that are still expressing
6 concern, but there has been a great level of effort
7 and work that our city workers have engaged in and
8 want to acknowledge that at this moment. I'm
9 actually really proud of this day, of this hearing,
10 of the moment that we've arrived at. Some of that
11 has been expressed in a New York Times editorial this
12 morning. The package of bills being heard today, the
13 Criminal Justice Reform Act are of vital importance
14 to our city. The policing and enforcement of low-
15 level, nonviolent offenses impacted over 350,000
16 lives in 2014. These numbers are staggering. The
17 number of criminal summonses issued is more than the
18 number of felony and misdemeanor arrests combined.
19 As you can see from the chart to our right, as the
20 Stop and Frisk winds down dramatically, criminal
21 summonses are by far the most common way in which
22 police enforce the law, particularly Local Laws. It
23 is therefore among our most important duties to make
24 sure we get the enforcement of these low-level, non-
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1 violent offenses right, to make sure we enforce these
2 laws proportionately. I said in my State of the City
3 Speech almost one year ago that we need a
4 comprehensive approach to criminal justice reform
5 that ensures a fair system. The package of bills
6 being heard today, the criminal justice reform act is
7 just that, a comprehensive approach to the
8 enforcement of low-level non-violent offenses that
9 will ensure a fairer system, a system of more
10 proportional penalties, a system in which those
11 accused of low-level non-violent offenses do not face
12 a permanent criminal or jail time--criminal record or
13 jail time for behavior as minor as violating a Parks
14 rule. So, let's take a prime example of this, right?
15 Right now, as it stands, being in a park after dark
16 is a misdemeanor. So, if anyone, I'm sure that
17 people that might have found themselves in a park
18 after dark, and so right now a police officer can
19 charge you with a misdemeanor for being in a park
20 after dark, and the consequences can be a permanent
21 criminal record for being in the park after dark.
22 This is what we're talking about. That means that
23 when you apply for a job or for professional license,
24 maybe when you even apply for a home or an
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1 application to fill out for a lease, you have to
2 disclose your criminal record, and you may be barred
3 for getting a job, and again, just for being in a
4 park after dark, and these are societal consequences.
5 People cannot get employed, and people are also being
6 denied other abilities to succeed, that is something
7 that we've done wrong, and we're trying to create
8 proportionality in the system. These bills are the
9 culmination of almost a year's worth of discussions
10 with the Administration, including the Mayor's Office
11 of Criminal Justice and the NYPD. I strongly believe
12 that the Criminal Justice Reform Act is a significant
13 step towards justice and proportionality. Let me be
14 clear by just what the Criminal Justice Reform Act
15 does and does not do, because early in our
16 discussions with the Administration there was a lot
17 of misinformation reported in the media about our
18 efforts. What the Criminal Justice Reform Act does
19 not do is legalize anything. It does not remove or
20 reduce the NYPD's power to enforce these low-level
21 offenses. Penalties will still be enforced. What it
22 does do is change the way in which the NYPD enforces
23 these low-level offenses by sending tens of thousands
24 of cases to civil tribunals instead of to criminal
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1 court. These tribunals are not just a more
2 appropriate venue for handling these low-level,
3 nonviolent offenses, they will actually be a more
4 effective venue for these cases. The reality in
5 Criminal Summons Court is that a punishment is
6 imposed in just 21 percent of cases sent there, and
7 when a penalty actually is imposed in 99.6 percent of
8 cases, that penalty is a fine. So, the fine is being
9 imposed either way. What is the real difference
10 between sending a case to a Civil Tribunal instead of
11 a Criminal Court? The unfortunate reality is that
12 the real difference between these courts is the
13 massive number of warrants that are being created in
14 Criminal Court. There are now 1.5 million active
15 warrants that come from our city's Criminal Courts.
16 The majority of these warrants are for offenses such
17 as violating parks rules, as I exemplified before, or
18 having an open container of alcohol in public, the
19 offenses we're targeting in these bills. The
20 presence of 1.5 million open warrants is simply
21 unacceptable, and the impact of these warrants goes
22 beyond the simple fact that these people will have to
23 spend the night in jail for these low-level,
24 nonviolent offenses. For example, according to the
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2 NYPD's policy on turnstile jumping, most people
3 receive a civil summons for jumping a turnstile, but
4 those with warrants are issued--are instead arrested,
5 booked, spend a night in jail and are charged with a
6 crime for this same behavior, and the number of
7 warrants is so huge that this has a massive impact on
8 the criminal justice system as a whole. Turnstile
9 jumping is the second most common charge in all of
10 Criminal Court including all misdemeanors and
11 felonies, and this unfortunate reality is being
12 driven largely by summons warrants. Ultimately,
13 sending cases away from Criminal Court and into Civil
14 Tribunals for these low-level, nonviolent offenses
15 should actually increase the percentage of offenders
16 who will have to pay some kind of price, but decrease
17 the number of people who paid far too high of price.
18 That price will no longer include a permanent
19 criminal record. It will no longer include the
20 possibility of jail. It will create a system in
21 which the punishment fits the crime, and that is why
22 I'm so proud to support all of these bills here
23 today, and the other reality that we know that too
24 often it is low income communities of color that bear
25 the burden of these ineffective policies. So, I look

1 forward to hearing from all stakeholders here today
2 about how best we can address these vitally important
3 issues. And again, this is a continued--a
4 conversation that we continue. This is not the end
5 of the conversation. Definitely we are on a path to
6 continuing to challenge the way things are done to
7 bring greater equity and to lessen the negative
8 impact on the lives of our young people in particular
9 here in the city. So with that, I want to turn it
10 back to Chair Gibson. I'm very proud of the work of
11 this Council. I'm very proud of this hearing, and
12 I'll be even more proud today when we vote these
13 bills into law. Thank you.

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15 CHAIRPERSON GIBSON: Thank you very much,
16 Madam Speaker. We appreciate your presence and
17 certainly your commitment and your leadership on this
18 very critical issue that is very important to all New
19 Yorkers. I too echo the sentiments of our Speaker in
20 recognizing the Administration for their swift
21 response to the snow storm 2006 [sic] one of the most
22 severe snow storms we've had in the history of the
23 city. I certainly want to thank our Mayor for
24 traveling to each of the boroughs, all of our city
25 agencies and our city workers, Sanitation, the NYPD,

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2 FDNY, EMS, Emergency Management, the MTA, New York
3 City Transit, TWA, Corrections, the Housing
4 Authority, Homeless Services, Transportation, and I
5 certainly want to recognize the New York City Council
6 and our Emergency Services Unit for their diligence
7 and their responsiveness. I particularly want to
8 recognize Youseff [sp?] and Walter. They were around
9 the clock notifying Council Members to make sure that
10 we could address those particular issues in our
11 district, and we know that we still have a long way
12 to go. There's a lot of clean-up that's being done
13 throughout the day, so I really want to recognize our
14 city officials for responding so swiftly during this
15 snow storm. As the Speaker has said, today's hearing
16 is certainly an opportunity to talk about a very
17 critical issue, and that is amending the
18 Administrative Code of the City of New York in
19 relation to the enforcement of criminal and civil
20 offenses. This hearing this morning is the
21 culmination of over 10 months of collaboration and
22 negotiation with the Administration. All of us have
23 come together this morning with the common goal of
24 making our criminal justice system much more fair for
25 low-level, nonviolent offenses. Today is a large

1 step towards that common vision in this Criminal
2 Justice Reform Act of 2016. For far too long the
3 summons system has resulted in disproportional
4 outcomes for low-level offenses. Failing to answer a
5 simple open container ticket could result in a
6 warrant for your arrest and pleading guilty for
7 violating a park sign would result in a permanent
8 criminal record. Sadly, the summons system has
9 resulted in and has preyed upon many of our
10 communities of color and specifically our young New
11 Yorkers. A recent John Jay report that was published
12 last year reports 18 to 20-year-olds were
13 consistently issued the highest rate of summons over
14 an 11-year period ending in 2013. Today, through the
15 Criminal Justice Reform Act we are taking a major and
16 large step towards making this system more equitable
17 and fair. This reform is about creating proportional
18 penalties for low-level offenses in an effort to
19 create consistency among our laws. No one should
20 fear the threat of a permanent criminal record for
21 violating a park sign or risk a warrant for their
22 arrest for missing a court date for a simple
23 littering ticket. Let me be clear, this reform act
24 is not about legalizing unwanted behavior.
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1 Everything that was unlawful yesterday remains
2 unlawful today. It remains unlawful tomorrow. The
3 bill package being considered today maintains all of
4 the tools that our NYPD officers have today to police
5 unlawful behavior and continues to keep our city the
6 safest city in America. Instead, through our
7 legislation the Commissioner of the NYPD will be
8 required to create guidance and policy regarding the
9 limited circumstances that officers can use to issue
10 a criminal summons. It is the Council's preference
11 that officers favor the use of civil enforcement.
12 Furthermore, by moving the adjudication of some of
13 these summonsable [sic] offenses to the civil system,
14 it will reduce the potential of warrants and will
15 alleviate the burden on summons and criminal courts.
16 It will free up the criminal summons courts to focus
17 on more serious crimes while diverting offenses like
18 littering and some park rules violations to civil
19 adjudication. Today, we will be hearing a package of
20 eight bills relative to our Criminal Justice Reform
21 Act. The first preconsidered bill which I proudly
22 sponsor along with our Speaker relates to having an
23 open container of alcohol in public. In 2014, the
24 NYPD issued 116,000 open container summons. That one
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1 offense is higher than the next four summoned
2 offenses combined, 116,000. Currently, the offense
3 carries a penalty of up to five days in jail and can
4 only be adjudicated through the criminal system.
5 Legally, offices today do not have the option to send
6 an individual to a civil adjudication under the
7 existing law. This piece of legislation eliminates
8 the threat of jail and pursuant to guidance drafted
9 by our Police Commissioner, offices will primarily
10 issue a civil summons for this offense. Given the
11 disproportionately high number of summons issue for
12 this offense, open container, adding a civil penalty
13 option and allowing this offense to be adjudicated in
14 OATH, which is the Office of Administrative Trials
15 and Hearings, will have a substantial impact on
16 decreasing the caseload of our overburdened summons
17 courts. The second preconsidered bill relates to
18 littering, spitting and public urination, which is
19 sponsored by Council Member Rory Lancman and our
20 Speaker. Council Member Lancman will provide more
21 details on this bill, but generally it will create
22 only a civil penalty for littering and spitting. In
23 addition, under this legislation, offices will not be
24 able to charge a misdemeanor for public urination.
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1 The remaining four preconsidered bills are sponsored
2 by our Speaker. The bill relating to noise would
3 make the first offense of unreasonable noise a
4 violation, and the second offense within 24 hours a
5 misdemeanor. The bill relating to parks will reduce
6 most park rule offenses to violations while keeping
7 certain serious park offenses misdemeanors. The bill
8 relating to community service, which I proudly am a
9 co-sponsor of, will allow those individuals unable to
10 pay a civil penalty in OATH the option of performing
11 community service. Finally, the bill relating to
12 summons enforcement will allow the NYPD to draft
13 guidelines specifying the limited circumstances I
14 which officers can issue a criminal summons instead
15 of a civil summons. In addition to these six
16 preconsidered bills we are also hearing two reporting
17 bills, Intro 662 sponsored by Council Member Mark
18 Levine and Proposed Intro 639 sponsored by Council
19 Member Jumaane Williams. I am interested in
20 continuing this conversation with all of our
21 stakeholders, the Administration, our advocates, and
22 members of the public and legal service providers
23 regarding this package. I know we have a lot of
24 detail to get to. I truly first thank the
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1 Administration for their support and collaboration on
2 these bills as well as the advocates and stakeholders
3 who are also a part of this and are here to testify
4 this morning. I want to thank all of the committee
5 staff for their hard work. It's not easy putting
6 these hearings together, but they have done an
7 incredible job and I'm proud to work with them, my
8 Legislative Counsel, Dipa Ambicar [sp?] and Beth
9 Goleb [sp?], Policy Analyst Laurie Wen [sp?], our
10 Financial Analyst Ellen Ang [sp?], Legislative
11 Counsel Brian Crow [sp?], Deputy Director for
12 Government Affairs, Rachel Corderro [sp?], our Deputy
13 Chief of Staff Laura Popa [sp?], and my Government
14 Staff Dana Wax [sp?] and Kaitlin O'Hagan [sp?]. I
15 truly am thankful that we are having this hearing
16 today. I think it's very critical when you look at
17 the inequity that we've faced across our city,
18 particularly in communities of color. They have felt
19 the most difficult brunt of these enforcement
20 actions, and our work today is to equalize the
21 process and to make sure that the crime and penalty
22 is proportional to the actual offense. As I have
23 said at the beginning of my statement, anything that
24 is unlawful yesterday is unlawful today and it
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2 remains unlawful tomorrow. So, I want to be very
3 clear for members of the media, that this is not our
4 effort to take anything off of our Local Law. We are
5 adding a civil option and a civil offense option
6 because these low-level, nonviolent offenses New
7 Yorkers simply do not belong in jail. That is the
8 bottom line, and I'm happy that we have a lot of
9 advocates and others who are here, because this is
10 truly, truly a great step of progress, and I'm
11 thankful that we're holding this hearing today. I'd
12 like to also announce that we've been joined by
13 Council Member Rafael Espinal, and we will have
14 others joining us later on this morning. And now
15 we're going to start with our first panel of the
16 Administration. We have Elizabeth Glazer, the
17 Director of the Mayor's Office of Criminal Justice.
18 We have Alex Crohn also from the Mayor's Office of
19 Criminal Justice, Allie Meizlish as well from MOCJ.
20 We have Deputy Inspector Thomas Taffe of the NYPD
21 Office of Management Analysis and Planning. We have
22 Oleg Charnavaski [sp?] from the NYPD Director of
23 Legislative Affairs, as well as sitting in the
24 audience we do have representatives from the New York
25 City Parks Department, Matthew Drury as well as

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2 Alessandro Olivieri from the Parks Department, as
3 well as our Assistant Commissioner of the Parks
4 Department, Michael Dockett. And those of you who
5 are providing testimony, if you could just raise your
6 right hand for the affirmation of oath. Thank you
7 very much for being here today.

8 COUNCIL CLERK: Do you affirm to tell the
9 truth, the whole truth and nothing but the truth in
10 your testimony before this committee and to respond
11 honestly to Council Member questions?

12 CHAIRPERSON GIBSON: Thank you very much.
13 You may begin, Ms. Glazer. Thank you.

14 ELIZABETH GLAZER: Thank you, Chair
15 Gibson. Good morning, Speaker Mark-Viverito, Public
16 Advocate James, Chair Gibson, and members of the
17 Committee on Public Safety. I'm Elizabeth Glazer.
18 I'm the Director of the Mayor's Office of Criminal
19 Justice, and I appreciate the opportunity to testify
20 here today. As Chair Gibson mentioned, I'm joined by
21 my colleagues from my office, Alex Crohn and Allie
22 Meizlish, and from the Police Department, Deputy
23 Inspector Tom Taffe and the Director of Legislative
24 Affairs, Oli Charovski [sp?], and from Parks, General
25 Counsel Olivieri, Assistant Commissioner Dockett, and

1 the Director of Government Relations, Matt Drury. The
2 Mayor's Office of Criminal Justice advises the Mayor
3 on public safety strategy and together with partners
4 inside and outside of government, develops and
5 implements policies aimed at reducing crime, reducing
6 unnecessary arrests and incarceration, and promoting
7 fairness in building safe and strong neighborhoods.

8 Over the last 20 years, New York City has experienced
9 the sharpest drop in crime anywhere in the nation.

10 Every type of major crime has plummeted with the
11 number of murders dropping by 83 percent and grand
12 larceny by 93 percent. The trend towards greater
13 public safety has continued over the past couple of
14 years with crime continuing to decline, and these
15 declines have been matched by similar declines in
16 low-level enforcement and the use of jail. Marijuana
17 arrests have fallen by almost half since 2011.

18 Criminal summonses have declined 34 percent since
19 reaching an all-time high in 2009, and although in
20 the rest of the country jail and prison populations
21 have increased 11 percent since 1996, New York City's
22 jail population has fallen by over half. I am citing
23 these numbers not just as a matter of chest thumping
24 or bravado, but because they are evidence of a crime

1 context in New York City that is just different from
2 the rest of the country. New York City is proof that
3 we can have both more safety and a lighter criminal
4 justice touch. The package of bills the Council and
5 the City have worked to develop over the last year
6 continues this approach to public safety. The
7 approach calibrates a response to the seriousness of
8 the incident, and I want to thank the Speaker and the
9 Council for their leadership which has made this
10 process possible. The key to driving down crime,
11 arrests and the unnecessary use of jail even further
12 is matching the appropriate enforcement response to
13 the situation. That is the principle that undergirds
14 the reforms being discussed today, enhancing the
15 spectrum of options available to police to match
16 their response to the unique facts of each case and
17 reserving the most serious enforcement responses for
18 the cases that present the greatest danger.

19 Currently, for many low-level offenses such as
20 excessive noise or littering, police officers issue a
21 criminal summons or make an arrest. The vast
22 majority of these offenses result in a police
23 officer's issuing a summons, a ticket that requires
24 and individuals to appear in Summons Court six to
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1
2 eight weeks later. A very few of these low-level
3 offenses currently result in arrest, mostly because
4 the individual has an open warrant is not carrying
5 ID. In 2014, approximately 310,000 summonses were
6 handled by the criminal court system, but only about
7 a quarter of these summonses resulted in a
8 conviction, and for those convicted, the penalty was
9 almost always a fine, and the single largest category
10 as Chair Gibson noted in open containers, which is
11 about 25 percent. The fines were about 25 dollars.
12 One of the pressing problems with the current Summons
13 Court process is the almost 40 percent warrant rate
14 for failure to appear in court. This high warrant
15 rate is troubling. It signals that something is not
16 working if people do not show up for court, and it
17 has consequences, both individual consequences for
18 those issued warrants, and for the criminal justice
19 system's use of resources. Warrants can only be
20 vacated if an individual physically appears before a
21 Criminal Court Judge, and in practice this often
22 means being arrested by an officer and brought to
23 court, an expensive experience that for the
24 individual can mean missed work or childcare
25 commitments and time diverted from policing public

1 safety threats for the officer involved. It can also
2 mean a police encounter for a low-level offense
3 escalating to arrest, leaving individuals with a
4 dampened sense of the fairness and effectiveness of
5 the criminal justice system. To address this
6 problem, the city is already implementing various
7 changes to the summons process to ensure that when
8 summonses are issued individuals easily understand
9 where and when they need to appear in court, and
10 we're also preparing to pilot reminder systems such
11 as text messages and flexible court appearance dates,
12 all changes we believe and will test ensure we'll
13 decrease the warrant rate for failure to appear in
14 Summons Court. The bills we're discussing today will
15 make important improvements to the enforcement of
16 low-level offenses. The Administration supports
17 creating the option for officers to issue a civil
18 ticket in response to low-level offenses such as
19 littering, and in appropriate low-risk cases, this
20 will bypass Criminal Court altogether, avoiding the
21 possibility of a warrant for failure to appear or a
22 criminal conviction that could affect things like
23 public housing eligibility. The city also supports
24 removing the possibility of jail time for many low-
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1 level offenses and reclassifying many low-level
2 offenses as violations instead of misdemeanors.

3 Taken together, these changes will effect hundreds of
4 thousands of New Yorkers every year, avoiding undue
5 collateral consequences and improving the fairness of
6 the system. As you know, many of these bills are the
7 product of extensive discussion between the Council
8 and the City, and this partnership has been

9 productive, and although some issues remain, we're
10 confident we can reach consensus. It's important
11 that the plan we ultimately adopt retains criminal
12 sanctions for all these offenses, giving the police
13 the ability to make an arrest according to clear
14 guidelines when necessary to protect the public.

15 Police discretion wisely exercises the foundation of
16 a fair criminal justice system. Creating a spectrum
17 of available enforcement options which can be
18 calibrated to the specific risks and needs of a given
19 individual in a situation balances protecting safety
20 and promoting fairness, and this is at the heart of
21 good law enforcement. Effective implementation of
22 the changes we're discussing today will advance the
23 City's larger goals of promoting fairness and
24 concentrating law enforcement resources on the narrow
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1 category of individuals driving the City's violent
2 crime. The City Council under the leadership of
3 Speaker Mark-Viverito has proposed smart and sweeping
4 changes to how the city responds to low-level
5 offenses and improves the quality of justice system
6 wide. We appreciate your partnership in developing
7 these reforms and look forward to our continuing work
8 together in creating a city in which every New Yorker
9 is safe and treated with respect. Thank you for the
10 opportunity to testify here today, and I'm very happy
11 to answer any questions.

12
13 CHAIRPERSON GIBSON: Thank you very much,
14 Mrs. Glazer. We appreciate your presence and your
15 testimony. I also want to acknowledge the presence of
16 Council Member Mark Levine, and now I'll turn this
17 over for questions from our Speaker, Melissa Mark-
18 Viverito.

19 SPEAKER MARK-VIVERITO: It's a pleasure.
20 Thank you so much for the testimony, and I think
21 we're all trying to arrive at the same point here,
22 and I appreciate the support that you've expressed in
23 your testimony. I just want to kind of go over a
24 couple of statistics that just keep kind of
25 reinforcing what we're dealing with here, right? So,

1 according to data, official data, as of 2015,
2 December 2015, there were 1.5 million open summons
3 warrants dating back to 1980. So we're talking about
4 decades that potentially the impact, and basically
5 we're talking about 1.1 million of those belong to
6 unique individuals. So, of the 1.5 open summons
7 warrants since 1980, 1.1 are unique individuals here
8 in the City of New York. Now, you do say in your
9 testimony that we have seen a decline also in the
10 enforcement of low-level offenses, but let's be clear
11 about those numbers. In 2014 we're still talking
12 about 360,000 initial, right, contacts and initial
13 enforcement actions that were taken. So, that's
14 still a large number, and I'm hoping to continue to
15 whittle that down with the reforms we're talking
16 about here, and continued work that we'll be engaged
17 in moving forward. And I think a prime example, and
18 this is what I want to kind of get at, is what has
19 been done when it comes to the bicycle offenses,
20 right? People riding on the sidewalk, for instance,
21 which right now as it stands you still have the
22 ability or a police officer has the ability to, you
23 know, do a "C" summons [sic] or to do it into the
24 civil way, and we've seen an incredible change in the
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1 way that those summonses have been issued, correct?
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3 Right? So we have data, and I think we had made
4 copies available that people can look at. When you
5 look at 2013 where it was prior to the policy change
6 versus after, how many were being considered as a
7 moving violation versus a criminal summons, and it
8 really has been a complete flip, right? So, now most
9 of those cases are being taken into the civil courts,
10 right, or OATH, which is basically what we're trying
11 to do with the laws, right, and that we're trying to
12 put forth today, correct?

13 ELIZABETH GLAZER: Correct.

14 SPEAKER MARK-VIVERITO: And so, we know
15 that the policy has graduated, you know, in terms of
16 the enforcement for biking. So, how was the--how was
17 that policy changed, communicated to police officers?
18 What internal changes were implemented, although they
19 still have the criminal option, right? Officers are
20 now leaning more to the civil. How did that change
21 take place internally? If we can speak a little bit
22 to that because it obviously will speak to how we're
23 going to move forward as well with these other
24 issues.

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2 ELIZABETH GLAZER: So, I think the
3 overall point is the critical one, which is providing
4 the range of options, permits, officers to exercise
5 their discretion. We've seen it in the bike issue
6 that you've just raised. We saw it in the marijuana-
7 -

8 SPEAKER MARK-VIVERITO: [interposing]
9 Right.

10 ELIZABETH GLAZER: effort, and that's
11 really sort of the headline I think in this whole
12 effort that you've led here. With respect to
13 specifically how it was communicated on bike offenses
14 with marijuana, obviously there was a direction
15 through the parole--patrol guide that permitted the
16 officers to take those, to exercise their discretion
17 in certain incidences, and with the bike change I'll
18 defer to Inspector Taffe.

19 THOMAS TAFFE: Good morning. It's
20 basically the same as with the marijuana and several
21 of our policies when it comes to the low-level
22 violations. It's a patrol guide procedure. We make
23 the change. It's usually delivered to every member
24 of the service through the internet and actually our
25 FINEST messages. It's like a telefax to all of the

1 patrol commands, and it's read out to the roll calls
2 and all the commands about 10 times so they get an
3 understanding of what the change may be.
4

5 SPEAKER MARK-VIVERITO: So, then those
6 that are expressing doubt about us allowing still
7 some discretion, from year to the next you already
8 saw significant shifts. So this is--these changes
9 implemented and can go into effect rather quickly?

10 THOMAS TAFFE: Yes.

11 SPEAKER MARK-VIVERITO: And we see the
12 effects rather quickly?

13 THOMAS TAFFE: We just--we issued probably
14 in the middle of this year we issued the one for
15 urination, where we told police officers do not use
16 the health code misdemeanor when you observe somebody
17 violating--

18 SPEAKER MARK-VIVERITO: [interposing]
19 Right.

20 THOMAS TAFFE: the urination code, just
21 use the violation, and we've seen the drop, almost a
22 50 percent drop in the use of the health code
23 violation this year alone. So that means--I haven't
24 looked at it since the order was created, but you can
25

1
2 just see in the year-to-year number that it's
3 already--it takes--

4 SPEAKER MARK-VIVERITO: [interposing] But
5 and one of the things that as part of our
6 conversations and negotiation we have an agreement
7 from the Department of Health to eliminate that.

8 THOMAS TAFFE: Yes.

9 SPEAKER MARK-VIVERITO: So that in that
10 way again we're streamlining and making it easier,
11 right, in terms of how these things are implemented.
12 So, that's part of the conversations that we've had.
13 So, I think that--I think this is an example of
14 success that we can arrive at with these other issues
15 that we've raised, whether it's the park rules that
16 we've talked out, right, and the open container,
17 etcetera. So, I see a definite light at the end of
18 the tunnel here. So, what do you envision
19 potentially as the most challenging, the challenges
20 in implementing these changes?

21 ELIZABETH GLAZER: I think the main
22 challenge will be the shift to another tribunal. So
23 we need to be able to prepare. OATH needs to be able
24 to prepare for what we imagine will be an influx of
25 maybe about 200,000 cases, and that will require, you

1 know, a whole array of logistical things including
2 judges and hearing officers and technical changes. I
3 think that's really where the major effort will be.
4

5 SPEAKER MARK-VIVERITO: And then in terms
6 of the current cost of OCA to process and hear these
7 cases, do you have any sense of that?

8 ELIZABETH GLAZER: We don't have those
9 numbers of the OCA budget.

10 SPEAKER MARK-VIVERITO: But it would
11 probably be substantial.

12 ELIZABETH GLAZER: It would be
13 significant. I--

14 SPEAKER MARK-VIVERITO: [interposing] So,
15 now obviously, that's one of the aspects too is
16 looking at increasing the resources for OATH,
17 obviously, as we're shifting and looking at this.
18 And what other, what costs do you think you foresee
19 with the training, you know, to enforce these changes
20 in what's laid out in this legislation? Do you have
21 any sense of the--

22 ELIZABETH GLAZER: [interposing] I think
23 there will be some training efforts, but I think to a
24 large degree, and the Police Department can address
25 this if I have this wrong, but I think to a large

1 degree as Inspector Taffe has sort of laid out, this
2 is part of the regular way the police guides its
3 force and guides the exercise of the discretion of
4 its officers.
5

6 SPEAKER MARK-VIVERITO: Right, and I
7 think, I mean--I don't know if you--yes, go ahead.
8 And then specifically add on--answer your question
9 but then add on to it if you have an idea in terms of
10 the overtime costs to the NYPD, you know, in
11 enforcing things the way they are right now, right?
12 The issuing of open warrants, you're having to act on
13 those, right, when you stop somebody for, again,
14 another low-level, nonviolent offense? There's a lot
15 of cost attached to that, if you can speak to that as
16 well.

17 THOMAS TAFFE: To the cost, yes, there is
18 a lot. I don't have it broken down here, but too when
19 you arrest somebody for the warrant you have to take
20 them down to court. There's a lot of extra work that
21 you do rather than to just issue a person a summons.
22 An average arrest is five ours. A summons could be 15
23 minutes in the street. So, there definitely is cost
24 with that. For the training purposes, I think the
25 issuances of civil summonses and the possibility that

1
2 we may have to change the actual summons themselves
3 to address some of the reporting factors, there's
4 going to be a lot of training on that. Most officers
5 don't issue the civil summonses, even with the
6 bicycle on the sidewalk you can see that. That's
7 actually moving--it went from a civil summons to a
8 moving violation. They're used to issuing moving
9 violations or Criminal Court summonses. The civil
10 summons itself, which is a completely separate
11 summons, they'll need to be trained on how to issue
12 that summons. The return date [sic] policy is all of
13 the different issues when it comes to that.

14 SPEAKER MARK-VIVERITO: Right. So just
15 walk down, walk people through this. So, let's say
16 for instance somebody has received a C summons for
17 being in a park after dark. They get a court date.
18 They don't go. Now they have an open warrant.

19 THOMAS TAFFE: Yes.

20 SPEAKER MARK-VIVERITO: Now, that same
21 person gets stopped for an open container, another
22 low-level, nonviolent offense that we're dealing with
23 here. If that officer runs that person's name, sees
24 they have an open warrant. They now have to get
25 processed. They have to get arrested. They have to

1
2 get processed. That's all the time--this is consumed
3 by the police officer. Obviously then the impact
4 that this has on the individual, you have to spend
5 time in jail and obviously the costs that are
6 attached to that. So, this is what we're talking
7 about that with these changes we can limit that and
8 start seeing a change. Am I--is that the way I
9 would--am I fol--the way I'm follow--

10 THOMAS TAFFE: [interposing] Yes.

11 There's just this--there's strange borough
12 fluctuation sometimes where the person actually won't
13 get arrested. They'll get returned but they won't
14 get charged on an arrest report. They'll be just
15 returned on the warrant self [sic]. They'll print
16 out the warrant and bring it back to the court. That
17 more likely happens in the Bronx as in other
18 locations.

19 SPEAKER MARK-VIVERITO: Okay.

20 THOMAS TAFFE: But it's the same process.
21 It's still you're brining the person in. You're
22 still going through the same checks. You're still
23 bringing back to court. The still timeframe is the
24 same.

1
2 SPEAKER MARK-VIVERITO: Okay. So, those
3 are my questions for now. I appreciate it. I'll
4 give it back to Chair Gibson. I'm sure other
5 colleagues have questions as well.

6 CHAIRPERSON GIBSON: Thank you very much,
7 Madam Speaker. We've also been joined by Council
8 Member Vincent Gentile, Council Member Helen
9 Rosenthal and Council Member Jumaane Williams. Thank
10 you colleagues and welcome. Mrs. Glazer, I just had
11 a couple of questions, and the Speaker alluded to
12 identifying any significant challenges that we must
13 be cognizant of in implementing this initiative. I
14 also wanted to know policing of these low-level
15 offenses, would that change for the NYPD, and would
16 the NYPD still be able to enforce low-level offenses?

17 ELIZABETH GLAZER: Definitely.

18 CHAIRPERSON GIBSON: So, I guess that's
19 the question everyone's been asking.

20 ELIZABETH GLAZER: Yeah, yeah. So, I
21 think as your testimony said, what is illegal
22 yesterday will be illegal once this bill has been
23 passed or this set of bills has been passed. What
24 this does is expand the number of options given to
25 the Police Department so that they can exercise their

1
2 discretion depending on the kind of offense that
3 they're seeing.

4 CHAIRPERSON GIBSON: Okay. When you say
5 expanding options, I want to be clear to the public
6 that we're talking about a civil option.

7 ELIZABETH GLAZER: Correct.

8 CHAIRPERSON GIBSON: No other options
9 other than adding a civil option where there
10 currently exists only criminal options, right?

11 ELIZABETH GLAZER: Correct.

12 CHAIRPERSON GIBSON: Okay. The civil
13 summons, the civil offense form itself, will there be
14 any changes to what the form asks for in terms of
15 information through implementing these bills?

16 ELIZABETH GLAZER: So, I think that
17 that's--there are some, the reporting requirements
18 that we've seen and that will likely require some
19 adjustment of the forms once we figure that out.

20 CHAIRPERSON GIBSON: Do you know a
21 specific? Would it be race, ethnicity, telephone
22 number, etcetera?

23 ELIZABETH GLAZER: I think it's the
24 demographic information.

1
2 CHAIRPERSON GIBSON: Okay. So, the
3 message to the public is still that there is a
4 consequence for your actions. Essentially we're
5 changing the court in which an individual has to
6 answer for that particular penalty, right?

7 ELIZABETH GLAZER: That's right.

8 CHAIRPERSON GIBSON: The conversations
9 with OATH, has it been positive in terms of their
10 administering of these new proposals and what that
11 would entail in terms of cost, head count, resources,
12 capacity? What has the conversation been with OATH?

13 ELIZABETH GLAZER: Yeah, we've been
14 discussing this with OATH over the past couple of
15 months, and they're quite eager to enter into this
16 effort, and have been focused on what exactly it
17 would mean logistically for them to accommodate the
18 increase in the number of cases before them.

19 CHAIRPERSON GIBSON: Okay. I know some
20 of the concern that I've receive directly has been
21 the expansion of discretion for police officers.
22 Obviously we are in a very difficult conversation of
23 what many describe as over-criminalizing in
24 communities of color with young New Yorkers,
25 teenagers and young adults. So I want to allow you a

1 chance to expand on what the discretion would be for
2 officers. So, if you have officers that enforcing
3 these five low-level offenses in one neighborhood,
4 right, a low income community of color neighborhood
5 versus a non-minority community would that
6 enforcement still be equal across the board, and what
7 type of discretion will officers engage in?

9 ELIZABETH GLAZER: Officers are to
10 enforce the law equally no matter what neighborhood
11 they're in. I think that what we've seen over the
12 past couple of years has been to the sense of past is
13 prologue. We've seen what happens when officer's
14 discretions expanded. We've seen a huge drop in Stop
15 and Frisk. We've seen a big drop in marijuana. The
16 Speaker just raised the issue of the bike offenses.
17 Inspector Taffe has raised the issue of how the
18 public urination laws have changed. So we're pretty
19 confident that adding options to police officers will
20 permit them to calibrate their response to the
21 offense that's in front of them and to lighten the
22 touch where that's appropriate.

23 CHAIRPERSON GIBSON: Okay. I also wanted
24 to ask about what particular circumstances would an
25 individual be given a criminal summons rather than

1
2 the civil option. So we've talked about adding a
3 civil option in addition to some of the existing
4 criminal offenses, but what types of limited
5 circumstances would officers have to use at their
6 discretion. So are we talking about someone who was
7 a repeat offender? Inspector or Mrs. Glazer, could
8 you identify what those circumstances could be?

9 ELIZABETH GLAZER: Sure, I think it's
10 pretty straight forward, and you've already touched
11 on probably the primary thing, but Inspector, do you
12 want to?

13 THOMAS TAFFE: We're still working on
14 that specific to these bills. In the past we would do
15 like a staff wait [sic], like you said, if they're
16 repeat offenders, and I think with the technology
17 today it's going to be helpful for us to do that on
18 the street where an officer will be able to identify
19 the type of person he's dealing with, whether they're
20 a repeat offender. The civil, once again, with the
21 civil option and it has been something that we've
22 used before. We're going to have to stand up some
23 sort of system that allows the office to under--to
24 know that he has civil--that he also has civil
25 summonses that he did not--that he has not

1 adjudicated or he didn't show up on. Basically, we
2 got a transit--we have a Transit Adjudication Bureau
3 policy. It's basically the same thing. We would have
4 to look at something like that where if we issue a
5 civil summons in transit and they don't show up, the
6 Transit Adjudication Bureau sends us over the names
7 and the names are put into a data base that the
8 officers can then identify that person, that they
9 have prior--they have prior issuances of these
10 summonses and they have not returned on the summons.
11 So, it's going to--basically, like that precision
12 type of what is this offender, not the offense at
13 that point, but who is this offender that we're
14 dealing with and what is his past history.

16 CHAIRPERSON GIBSON: Okay. So the
17 person's past history would obviously be a major
18 factor in that officer determining what type of
19 infraction they would get, civil versus criminal.

20 THOMAS TAFFE: This is--

21 CHAIRPERSON GIBSON: [interposing] Right?

22 THOMAS TAFFE: If we have the technology
23 to do that and in the past is what we've used, that's
24 what we use, yes. And also the circumstances of the

25

1
2 actual incident of itself if it's egregious in any
3 way.

4 CHAIRPERSON GIBSON: Okay. Is that
5 similar to what's done now with riding your bicycle
6 on the sidewalk?

7 THOMAS TAFFE: In a way. In a way we
8 have--if you look at the policy, if they're on the
9 sidewalk it's one summons. If they actually are
10 recklessly doing something, it's the step up. If
11 they actually touch somebody, it's the step up from
12 that. So, it's in that manner, yes.

13 CHAIRPERSON GIBSON: Okay, okay. I
14 definitely want to move on. I know my colleagues have
15 other questions. I did want to ask a quick question
16 about the civil preference, our legislation that we
17 have for OATH, are for community service for those
18 individuals who are financially unable to pay this
19 particular fine, what our conversations are with OATH
20 in terms of determining the guidance and the factors
21 that we're using in the level of community service.
22 Is there a graduated level? Because obviously civil
23 penalties have consequences as well just like
24 criminal, but I think taking the threat of jail and
25 bench warrant and going to Criminal Court is an

1 important one, but I also want to be clear that civil
2 penalties also would result in a civil judgment,
3 right? And so that's, you know, credit report and
4 other factors. So there are consequences for these
5 civil penalties, but for those individuals who are
6 subjected to a civil offense, those that are unable
7 to make that payment, what types of community service
8 are we looking at? Is there going to be a series of
9 criteria by which an individual is found eligible?
10

11 ELIZABETH GLAZER: We think that the
12 notion of having an option for community service is
13 extremely important. It responds to the ability to
14 have a swift and certain consequence. The
15 consequence doesn't have to be a financial
16 consequence. This is a response that has been very
17 successful in other areas, even in this city. We've
18 had some experience with that. So, exactly how that
19 community service option will be structured and who
20 will be provide it and how we graduate it and make it
21 available to the judges. That's all part of sort of
22 the ongoing conversations and what we need to be able
23 to plan for in a thoughtful and effective way.

24 CHAIRPERSON GIBSON: Okay. Thank you very
25 much. I'll have more questions throughout the

1
2 arraigning individuals, and as a former Legal Aid
3 Attorney there was times when all I did was arraign
4 individuals for low-level offenses, which to me was a
5 complete waste of time. And I am hopeful that we
6 have finally reached a turning point, that our
7 nation, our state and our city finally recognized
8 that the over-reliance on incarceration is not simply
9 unhelpful, it is downright dangerous. And across
10 this country we are seeing states and localities
11 decriminalize many actions that simply should not
12 land a person in jail without delving into the
13 rationale for the overall reliance on arrest for
14 public safety. I think we can all agree that many
15 lives are irreparably harmed because of an overuse of
16 an arrest. In addition to the harm that it causes to
17 the individual, it also causes harm to tax payers.
18 We have to ask ourselves whether the financial burden
19 of paying to keep so many people in jail is
20 justified, especially if the damage it causes
21 outweighs the benefit. The overuse of arrest is
22 depicted annually in the Mayor's Management Report.
23 We have witnessed the number of arrests tick up even
24 as the crime rate goes down. Most of these low-level
25 arrests have been the overwhelming majority of the

1
2 arrests in the City of New York are for low-level
3 offenses or violations and the vast majority of them
4 are individuals of color. And while for some this
5 passes as public safety, I think we have entered a
6 new and enlightened phase of city government where we
7 understand that those actions have serious collateral
8 impacts for the individuals involved and their
9 families. If we are serious about improving the
10 lives of young people of color, then we must take a
11 hard look at our city's policy on arrest for low-
12 level offenses. Furthermore, I think it bears
13 mentioning that this discussion should include a
14 conversation about providing more mental health
15 services, drug treatment and alternatives to
16 incarceration, including but not limited to expanding
17 access to educational and vocational training
18 programs in our prison system. But I want to state a
19 point of disagreement. Offenses that impact the
20 quality of life of the general public in meaningful
21 ways that I think should continue to carry criminal
22 penalties includes public urination. It's an issue
23 of basic decency. It represents behavior that
24 literally sullies our city. In addition to that I am
25 concerned about repeat, repeat, turnstile jumping

1 officer make every effort he can. We expend--extend
2 the number of types of identification they can use
3 including the municipal ID. We bring them back to
4 the station house. We have them call people. We try
5 and identify them within our own system, if they've
6 been in there before, just by picture alone if we
7 have to. We take many steps to ensure that we're not
8 putting somebody through just on the lack of
9 identification.
10

11 PUBLIC ADVOCATE JAMES: So, let me just
12 say my experience has been individuals without photo
13 identification are invariably arrested and take
14 through the system. I would hope that we could
15 address that issue as we move forward. Two--

16 SPEAKER MARK-VIVERITO: [interposing] If
17 I--I would like to clarify, Madam Public Advocate. I
18 think you made a misstatement before on the issue of
19 public urination.

20 PUBLIC ADVOCATE JAMES: Yeah.

21 SPEAKER MARK-VIVERITO: You can still use
22 a criminal penalty. What we're talking about here is
23 that you will not have a permanent criminal record as
24 result. That is important. You will not have a
25

1 permanent criminal record. Police officers still
2 have the criminal option available to them.

3 PUBLIC ADVOCATE JAMES: So, the arrest for
4 a public urination will be a violation, correct? Yes?

5 THOMAS TAFFE: Yes. If the health code
6 misdemeanor is removed it'll be a violation of the
7 administrative code.

8 PUBLIC ADVOCATE JAMES: But the police--
9 but police officers will still maintain the
10 discretion to arrest individuals for criminal vi--for
11 a criminal offense?

12 THOMAS TAFFE: I'm not--I'm not sure.

13 PUBLIC ADVOCATE JAMES: Okay. My
14 understanding is that on the crime of public
15 urination we are reducing it from A misdemeanor to a
16 violation, yes?

17 THOMAS TAFFE: There--public urination
18 has two separate charges right now--

19 PUBLIC ADVOCATE JAMES: [interposing]
20 Right.

21 THOMAS TAFFE: as we stand. One is a
22 health code misdemeanor. One is an initiated code
23 violation. I believe this bill is just removing the
24 health code misdemeanor, and we'll have the
25

1
2 administrative code violation which is a criminal
3 charge, and we'll have a civil option.

4 PUBLIC ADVOCATE JAMES: So you'll have a
5 civil option and you'll still have the criminal.

6 THOMAS TAFFE: Yes.

7 PUBLIC ADVOCATE JAMES: Okay. And it'll
8 be up to the discretion of the police officer to
9 determine which offense they will prosecute under.

10 THOMAS TAFFE: Based on the guidance that
11 we give them in--

12 PUBLIC ADVOCATE JAMES: [interposing]
13 Based on?

14 THOMAS TAFFE: The guidance that we give
15 them in our policy.

16 PUBLIC ADVOCATE JAMES: Okay. Okay.
17 Okay, that's significantly different. Okay. What
18 about repeat civil violations? What about if
19 individuals have continued to get arrested for civil
20 violations, what happens?

21 THOMAS TAFFE: I think, well, they would
22 be issued summons for civil violations. I think we
23 have to stand up some sort of system to identify
24 them. That's what we'll have to work with OATH to
25 create a system to identify people who--

1
2 PUBLIC ADVOCATE JAMES: [interposing]
3 Will it ever escalate to a crime is my question?

4 THOMAS TAFFE: I don't--

5 ALEX CROHN: And just to clarify, the
6 violation is technically not a crime.

7 PUBLIC ADVOCATE JAMES: Right.

8 ALEX CROHN: It's dealt with in the
9 criminal system, and so it'll never get to a
10 misdemeanor. It'll never become a crime.

11 PUBLIC ADVOCATE JAMES: Right.

12 ALEX CROHN: It'll just become an offense
13 that's dealt with in the criminal system.

14 PUBLIC ADVOCATE JAMES: So it'll be a
15 repeat civil violator.

16 ALEX CROHN: Correct.

17 PUBLIC ADVOCATE JAMES: Okay. And two,
18 will there be additional resources that will go to
19 OATH to handle these cases?

20 ELIZABETH GLAZER: Yes, that's what we're
21 in discussion with OATH right now to understand
22 exactly how that will be crafted, but they'll need
23 additional judges in order to--and other things in
24 order to handle the increased flow of cases.

1
2 PUBLIC ADVOCATE JAMES: And the violation
3 of--and civil violations will result in fines and
4 community service or just fines?

5 ELIZABETH GLAZER: Either. Under Chair
6 Gibson's bill, either would be an option.

7 PUBLIC ADVOCATE JAMES: And my experience
8 has been that individuals are often charged with what
9 I call "catch-all crimes." Disorderly conduct which
10 is a violation and not a crime, resisting arrest and
11 obstructing administration, what are we doing to
12 address that? The vast majority of the cases that
13 I've seen have those catch-all crimes. Usually it's
14 a violation and then to again justify an arrest, the
15 charges of resisting arrest and obstructing
16 governmental administration is usually tacked on.

17 THOMAS TAFFE: We've had drastic reduction
18 in the use of disorderly conduct arrest and
19 summonses, and I think that's a result of not only
20 just general order in the city becoming better, but
21 officers being trained better when it comes to fixing
22 that on the street through warnings rather than to
23 actually arrest or summons somebody for disorderly
24 conduct. And just--just alone, disorderly conduct
25

1
2 has been reduced 34 percent from this year to last
3 year.

4 PUBLIC ADVOCATE JAMES: What about the
5 crime of resisting arrest or obstructing governmental
6 administration?

7 THOMAS TAFFE: Those crimes are usually
8 charged when the person does resist arrest or a
9 person is obstructing the officer as he's attempting
10 to do his job. The--I don't have the exact numbers
11 with me right now.

12 PUBLIC ADVOCATE JAMES: If you could look
13 into that.

14 THOMAS TAFFE: Yes.

15 PUBLIC ADVOCATE JAMES: Most of the time
16 my experience has been those cases are usually plea
17 bargained down to a violation, and those charges are
18 often times dropped and they're not warranted.
19 Lastly, when you--police officers will basically
20 exercise discretion with respect to public urination,
21 but when will public urination be prosecuted as a
22 crime under the health code versus a violation?

23 ALEX CROHN: It will never be enforcement
24 of the health code. The health Department has agreed
25

1
2 to get rid of the health code misdemeanor. So it'll
3 just be a violation.

4 PUBLIC ADVOCATE JAMES: So it'll just be
5 a violation?

6 ALEX CROHN: Correct.

7 PUBLIC ADVOCATE JAMES: So it will not be
8 a misdemeanor?

9 ALEX CROHN: That's correct.

10 PUBLIC ADVOCATE JAMES: Okay, and a
11 violation is tantamount to a traffic ticket, right?

12 ALEX CROHN: It's dealt with in the
13 criminal system, so a person could get a C summons
14 for it.

15 PUBLIC ADVOCATE JAMES: So, again, I
16 restate my position. So, and lastly, you know, as
17 someone who was involved in working with the former
18 District Attorney of Brooklyn to craft a program to
19 address this million--the over one million
20 outstanding warrants in the borough of Brooklyn and
21 continue to work with this District Attorney as we
22 move forward on a program to address outstanding
23 warrants. What are we doing citywide to craft or
24 create a safe surrender program so that individuals
25 can surrender in a setting which is conducive to

1
2 resolving an outstanding relatively low-level
3 misdemeanor?

4 ELIZABETH GLAZER: So, this is an issue
5 that we're working on right now, the issue of old
6 offenses for very low-level crimes, and we hope to
7 make some good progress on that shortly.

8 PUBLIC ADVOCATE JAMES: I look forward to
9 working with you in regards to again crafting a
10 citywide safe surrender program. I thank you, Madam
11 Chair, and I thank you Speaker, and I thank you.

12 CHAIRPERSON GIBSON: Thank you very much
13 Public Advocate James. We've also been joined by
14 Council Member Robert Cornegy and Council Member Rory
15 Lancman, and before I call my next colleague who is
16 one of the prime sponsors of one the bills on
17 reporting on desk appearance tickets, I want to
18 remind my colleagues that for the purposes of this
19 Criminal Justice Reform Act, again, as specified in
20 multiple conversations, this is focused on open
21 container, public urination, littering, unreasonable
22 and excessive noise, and violation of park rules.
23 While I know there is a lot of other details that we
24 really want to get to, but I really want to make sure
25 that we are focused on these bills because these are

1 the bills that we're talking about today and we want
2 to make sure that we continue to have conversations
3 on, and obviously focusing on some of the other
4 infractions is equally as important, but I want to
5 make sure we get to a lot of detail from the
6 administration on what this Criminal Justice Reform
7 package will do. So, I thank you all, and I want to
8 get to one of our prime sponsors, Council Member Mark
9 Levine.
10

11 COUNCIL MEMBER LEVINE: Thank you, Chair
12 Gibson. Good morning. Our bills today really deal
13 with two questions as pertained to minor infractions.
14 One is what's the level of offense, and another is
15 what is the method of enforcement, and one of the
16 bills dealing with level of offense has to do with
17 park rules. Currently, any violation of any park
18 rule is a criminal offense in New York City. It's a
19 misdemeanor criminal offense potentially punishable
20 by jail time, gives you a criminal record for life.
21 I'm not sure that the average New Yorker actually
22 knows everything that's listed among our park rules.
23 So I'm going to give you just a few examples. These
24 are prohibited under our park rules, and again,
25 they're considered criminal acts: Walking on newly

1 seeded grass, unauthorized possession of gardening
2 tools, entering or leaving a park outside of a
3 designated entry-way, allowing a pet to jump in a
4 fountain, blocking a park bench including by having
5 one's belongings occupying space, spitting a park,
6 erecting a tent, and perhaps the most egregious of
7 all, climbing a tree. Now, to repeat, every one of
8 these actions is currently considered a criminal
9 offense, which could give you a criminal record for
10 life. Now, we're not proposing that these actions be
11 removed from the park rules. We don't think they
12 should be allowed in parks. There are safety concerns
13 and other concerns that justify them being in the
14 list of park rules. We just want proportional. We
15 want proportional level of enforcement, and we think
16 that demands that in some cases it needs to be
17 treated as civil offenses, not merely as criminal
18 acts. As for the method of enforcement, most of our
19 bills today with--actually, all of our bills today
20 deal with how we are enforcing city laws. Of course,
21 there are many state laws that apply in the five
22 boroughs, and in those cases we're going to have less
23 flexibility, and in those cases often officers will
24 be compelled to at least right a desk appearance
25

1 ticket, which does require that someone be taken to
2 the precinct and fingerprinted and booked. That
3 would apply if someone steals a five or ten dollar
4 item from Target, alright? That at least will get a
5 DAT, a desk appearance ticket. A minor drug
6 possession would at least be a DAT. So, we have a
7 bill that I'm pleased to sponsor, Intro 662, which
8 would bring to light statistics related to the use of
9 desk appearance tickets or DAT's in the five
10 boroughs. Information that we don't have,
11 anecdotally I think we understand without a doubt
12 that there are far, far, far more DAT's issued in low
13 income communities and communities of color relative
14 to other parts of the city. Now, there could be
15 various explanations for that, and we want to
16 understand why that is, because we do want
17 proportional enforcement. So, Intro 662 would
18 require that the city boost demographic data on the
19 use of DAT's of citywide, by precinct, by various
20 demographic indicators. And to tell you just how
21 little information we currently have on these today,
22 before this hearing I asked one of our central
23 staffers how many DAT's the city gave out last year,
24 and his response was, "We don't have that
25

1 information." So, if a policy professional to City
2 Council doesn't have that information, the general
3 public certainly doesn't have it. We as policy
4 makers don't have it. So, our bill would rectify
5 that and give us the kind of quantitative and
6 demographic information we need to judge whether
7 there is fair, consistent and judicious use of DAT's.
8 I think I can ask a question or two, is that right
9 Madam Chair? So, I'd like to know if you can offer
10 us an answer to any of those questions. How many
11 DAT's did we give out last year?

12 THOMAS TAFFE: Seventy-two thousand, five
13 hundred and twelve.

14 COUNCIL MEMBER LEVINE: Could you say
15 that again, 72,000?

16 THOMAS TAFFE: Seventy-two thousand, five
17 hundred and twelve.

18 COUNCIL MEMBER LEVINE: Got it. Do you
19 know the demographic breakdown for example by race?

20 THOMAS TAFFE: I don't.

21 COUNCIL MEMBER LEVINE: Does the
22 Department gather that information?

23 THOMAS TAFFE: Yes.
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25

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2 COUNCIL MEMBER LEVINE: It's just not
3 publicly available?

4 THOMAS TAFFE: I would assume it's not.

5 COUNCIL MEMBER LEVINE: Okay. Well, this
6 is what we're trying to change. Do you have
7 information on variation of issuance of DAT's by
8 precinct or by Community Board or other geographic
9 indicator?

10 THOMAS TAFFE: I have--I don't have it
11 with me, but we have--the Department has that.

12 COUNCIL MEMBER LEVINE: So, the Department
13 does collect it. Can you tell me based on your
14 understanding whether there's a wide variation from
15 precinct to precinct, neighborhood to neighborhood?

16 THOMAS TAFFE: The use desk appearance
17 tickets is actually it's--a lot of it is based on
18 state, what the state does. We send the fingerprints
19 to the state and request that a DAT be issued and
20 usually it's like a yes or no come back, and that's
21 really it. There's other--there's other factors.
22 There's way to override DAT's if we have to, or
23 there's DAT's that we could be--that could be given
24 even though the state says--or we can deny a DAT even
25 though the state says that they can be done, but the

1
2 general consensus is basically or the policy is when
3 the person is brought into the station house, and
4 this is for misdemeanors and very few felonies, most
5 felonies you don't get a desk appearance ticket. A
6 desk appearance ticket is basically just allowing
7 them to leave the station house instead of having to
8 be arraigned by the judge. Violations that we're
9 talking about today, very few if any people get
10 arrested for the violations and given a DAT. Usually
11 the reason why we arrested them is because they have
12 a warrant or they don't have identification so they
13 won't be given DAT either. But back to the policy,
14 the policy really is is just a computer check. They
15 put their information into the computer and it's sent
16 up to the state through the--with their fingerprints,
17 and the state basically does a yes or no, and that's
18 how the cops--and we've, recently we've updated the
19 computer system, made it a lot easier for the cops to
20 use and there has been a general increase in the use
21 of desk appearance tickets. It's almost at a little
22 over 40 percent now of the misdemeanor arrest or DAT.

23 COUNCIL MEMBER LEVINE: Okay, thank you.
24 I'm on the clock now so I want to just get a couple
25 other questions in. Concerning the role of PEP

1 Enforcement Personnel, PEP officers versus NYPD
2 personnel in enforcing park rules, could you explain
3 the varying roles of each of those two law
4 enforcement bodies?
5

6 ELIZABETH GLAZER: I think probably our
7 Parks folks should come up on that one.

8 CHAIRPERSON GIBSON: Just state your name
9 please for the record from the Parks Department.

10 MICHAEL DOCKETT: Sure. I'm Michael
11 Dockett, Assistant Commissioner. I oversee the Park
12 Enforcement Patrol and Emergency Management for
13 Parks. Park Enforcement Patrol and Parks as a whole,
14 our Park Managers or our Borough Commissioner or
15 Managers work very closely with the NYPD to address
16 any security-related issues in parks. There's
17 coordination on special events, planning. There's
18 coordination around the concerts and the events in
19 the park. As far as the enforcement goes, our PEP
20 officers work closely with their NYPD counterparts as
21 well. PEP's normal philosophy in enforcing rules in
22 parks is pretty much to correct the condition, right?
23 So we enforce the spirit of the park rules. So, if
24 they're noticing an infraction they educate the
25 person about the park rule, why it's there, why it

1 was created, and typically that's good enough. So,
2 we're not even writing the initial civil summons.
3 That's the goal. When it escalates beyond that,
4 typically they will go to the civil summons first,
5 the ECB, and then there are those occasions where
6 they write Criminal Court summonses as well. So, our
7 PEP officers can write Criminal Courts. They can
8 write moving violations. They can write parking
9 violations. They write Local Law violations related
10 to Pedicabs. So they have a wide tool kit in
11 enforcing rules, but basically it's education first.
12 That's what we'd like to see as a general philosophy.

14 COUNCIL MEMBER LEVINE: So, they currently
15 have the ability to write civil summonses, is that
16 right?

17 MICHAEL DOCKETT: They do. We write
18 about 16,000 summonses a year. It kind of breaks
19 down half civil summonses toward the Environmental
20 Control Board, which is becoming OATH. The other
21 half are typically the parking violations. Those are
22 people parking on the grass, issues in our parking
23 lots.

24 COUNCIL MEMBER LEVINE: And does the
25 Police Department ever enforce park rules?

1
2 MICHAEL DOCKETT: They do, yes,
3 absolutely.

4 COUNCIL MEMBER LEVINE: When they're
5 called in as back-up by the PEP officers?

6 MICHAEL DOCKETT: No, just on their own.
7 They can enforce park rules throughout the City.

8 COUNCIL MEMBER LEVINE: So, the training
9 of NYPD officers includes education on park rules, is
10 that right?

11 MICHAEL DOCKETT: NYPD should answer to
12 that better, but I believe so, and then where police
13 are working closely with Park Enforcement Patrol we
14 extend that education. Like, the enforcement
15 officers are experts in writing the civil summons.
16 That's kind of their bread and butter. So we've
17 developed code cards, cheat sheets for writing these
18 ECB's. We've shared those with police officers that
19 are coming into a jurisdiction like for seasonal
20 details, like at Coney Island on the beach, at
21 Orchard Beach when they have the summer details. So,
22 I know Parks has helped in that effort.

23 COUNCIL MEMBER LEVINE: Alright. Thank
24 you very much. I don't know if the PD had anything to
25 add on that. Yeah?

1
2 THOMAS TAFFE: You were asking if the
3 officers are trained on Park rules. Yes, they
4 generally--when you look at the number of violation
5 summonses that they write citing the park rules it's--
6 --the main one is the park after the dark or the
7 disobey the sign. The minor ones that you speak of
8 or even--you know, we look through this list. You
9 rarely see them. Even, you know, some of the--the
10 consumption of alcohol in the park, we only wrote
11 about 500 of them out of the 297,000 C summonses that
12 we wrote last year. It's a very small number. The
13 big number is the park disobey the sign. So that's
14 the one that they're generally trained on also. It's
15 about the safety of being in the park, being in
16 locations, the children's park, if you're an adult,
17 things like that. The minor stuff they get specific
18 training on once they're there if they're there for a
19 specific reason.

20 COUNCIL MEMBER LEVINE: Thank you.

21 CHAIRPERSON GIBSON: Thank you very much
22 Council Member Levine, and next we'll have one of the
23 prime sponsors of reporting data on summons, Council
24 Member Jumaane Williams.

1
2 COUNCIL MEMBER WILLIAMS: Thank you, Madam
3 Chair, and I thank you, Speaker, for your leadership
4 and for having this hearing. Thank you to all of
5 those who are testifying. Thank you, Mrs. Glazer for
6 the work that you're doing. I really appreciate the
7 thinking of MOCJ. I do have to say I wish the
8 Commissioner of NYPD could have been here as well to
9 talk about what he thinks the impact on the ground
10 would be for the officers. But I did want to say this
11 for people who are constantly detracting what we're
12 doing here in the Council that is nobody who
13 represents these communities want more crime. We are
14 the ones that actually get the complaints of things
15 that are going on in our communities. Not most of
16 the people who constantly try to detract as we're
17 dealing with the situation that they don't have to
18 deal with. The fact of the matter is it's a very
19 paternalistic thinking to think that they know more
20 about our communities than we do, or that they would
21 think for some reason we like seeing and going to
22 funerals of people getting shot, that we want to see
23 people urinate. That's not things that we want to
24 see, and so we wouldn't do anything that increases
25 that. What we are trying to deal with is both the

1 impact of what's happening with the criminal justice
2 system on the community and the disproportionate
3 enforcement of many policing things, policing tactics
4 in our community. One of the problems is many of
5 these conversations come at a heightened time, where
6 something has happened, everyone's nerves are on
7 edge. It would be better if this conversation was
8 just considered a part of how you police someone.
9 You have discussions consistently about how to make
10 these things better, and I would suggest that people
11 instead of standing on the outside screaming at us
12 really begin to embark on this conversation in
13 earnest so that we can move further. It is a
14 difficult conversation to have, but when you tell
15 lies about what we're trying to do here and try to
16 invoke fears about what we're trying to do here, it
17 is not helpful one bit, not for anybody in the city,
18 much less the communities that we represent. I
19 believe that these bills deal with as well they
20 should the impact of much of the enforcement that
21 goes on, and so I'm happy that we are proportionately
22 trying to deal with punishment so that if you are
23 summonsed for urination or open container you don't
24 have to have a warrant for the rest of your life. I
25

1 don't necessarily consider that decriminalization. I
2 consider that proportional justice, and everyone
3 should support that. There was one of the rags [sic]
4 that are now calling it effective decriminalization
5 because they know it's not really true to say
6 decriminalization. It doesn't however deal with the
7 disproportionate enforcement, which is something that
8 we have to get at and hopefully we'll continue to
9 drive that down. I'm happy that summonses are down
10 across the board. My guess is that disproportionate
11 enforcement, there's still going to be
12 disproportionately amount of blacks and Latinos in
13 that number, but I'm glad that we are going the right
14 way, and my bill as well as Council Member Levine's I
15 think tries to get some data so we can see where
16 these things are happening, where the
17 disproportionality is. And lastly, when it comes to
18 Broken Windows, that seems to be the catch phrase
19 now. My hope is that we do not attack whatever is the
20 policing tactic of the day, whether it's Broken
21 Windows, whether it's Stop and Frisk, but we deal
22 with the issue, which is disproportional enforcement
23 of law in this city and across the country. So,
24 that's my opening statement, and I think I can ask
25

1
2 some questions now? Thank you very much. One of the
3 concerns I have is the discretion that's allowed.
4 I'm happy now that I think we'll be having some
5 agreement with the Police Department about how to do
6 the discretion. My understanding, though, is it'll
7 be a policy change, not necessarily a legal change
8 and admin down the line would be able to change it.
9 So, one, I wanted to know if that's correct, and
10 second, I know for some jurisdictions, for example,
11 in New Orleans--this may have been asked already.
12 They have actually completely decriminalized open
13 container, which is not what we're doing, but is
14 there any evidence that decriminalizing things like
15 open container have a negative impact on the rate of
16 crime or the ability of police officers to carry out
17 their work?

18 ELIZABETH GLAZER: So, as far as the
19 shaping of the policy, you're right that that is
20 something that within the law will be given to the
21 discretion of the Police Department to shape, within
22 their patrol guide, and that's the way we anticipate
23 going forward with it. What the relationship is
24 between open container, between alcohol and crime is
25 something that has been studied actually quite a bit.

1
2 What the best way to address what the effect is of
3 alcohol and crime is a question, and I think what
4 we're doing here today is something that we begin to
5 address that issue, and it's probably the beginning,
6 but not the end.

7 COUNCIL MEMBER WILLIAMS: There is some
8 concern about shifting it now to fines, which I
9 actually think is appropriate so people don't have
10 warrants for the rest of their life, but there was
11 some concern about whether we have some controls. We
12 know in Ferguson and Saint Louis one of the
13 complaints was that these communities became
14 basically banks for the city, because there is some
15 controls to make sure that type of thing doesn't
16 happen here.

17 ELIZABETH GLAZER: I think it's a very
18 important question. I think the proposal to ensure
19 that judges have the option of community service is a
20 very important piece and has to be considered as part
21 of whole of this shift to civil enforcement option.
22 We don't want to see fines become burdensome, and the
23 notion here is just have a swift and certain
24 response, and that response doesn't just have to be a
25 fine.

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COUNCIL MEMBER WILLIAMS: What's the timeframe do you think rules and policy will be promulgated after hopefully these bills are passed?

ELIZABETH GLAZER: As far as the guiding of police discretion, I think that's something that the Police Department is considering and working on right now, and I think we all want to, you know, move forward as swiftly as we can on this.

COUNCIL MEMBER WILLIAMS: Alright. I only have two minutes so I can't drill down on some of the responses, but hopefully we'll have some timeframe sooner than later of when that would occur. Is there any plan to have people who have been adversely affected by the system that's currently here whether themselves or advocates to be a part of the conversation of how these rules and policies are put forth?

ELIZABETH GLAZER: I'm sorry, I missed the first part of the--

COUNCIL MEMBER WILLIAMS: [interposing] Is there any system in place to make sure the voices of people who have been adversely impacted whether themselves or through advocate organizations to be a

1
2 part of the discussion of how the policies are put
3 out?

4 ELIZABETH GLAZER: So, my understanding
5 is that there's already been outreach, and certainly
6 we want to make sure that the policy is informed by
7 as many voices as possible.

8 COUNCIL MEMBER WILLIAMS: I've spoken to
9 some people who don't think that's happened, so my
10 hope is that we can correct that and really have a
11 palpable system of making sure that happens, and for
12 those who think it's crazy even George Kelling [sp?]
13 who was one of the proponents of Broken Windows also
14 says how much he believes the people who are affected
15 by policing should have a huge voice in the way they
16 are policed. So I hope we've taken one part of what
17 he said. My hope is that we take the other part,
18 which we think is very germane to the conversations
19 that we're having now. My last question some can
20 view as controversial, but I would like to know how
21 you would respond to advocates who believe that low-
22 level offenses such as open container are charged
23 improperly to get communities of color actually into
24 the criminal justice system.

1
2 ELIZABETH GLAZER: I reject that. I think
3 that when I--when you look at--to a large degree
4 summonses are issued in response to complaints. I
5 think that we've seen sort of enormous reduction in
6 the numbers of summonses that are issued, and that
7 the notion that there is unequal enforcement is
8 obviously something that we need to take extremely
9 seriously and do take seriously.

10 COUNCIL MEMBER WILLIAMS: Thank you. I
11 don't know if it's done as it was before as
12 intentionally, but I think the unintentional perhaps
13 consequences of a system that was designed this way
14 does have the impact of seeming that communities of
15 color are targeted for this reason, but I'm very
16 happy that we're having this discussion. I'm very
17 happy that the leadership of the Speaker and the
18 Chair as well as MOCJ and the NYPD are trying very
19 hard to change that system. So, thank you very much
20 for your testimony. Thank you very much.

21 CHAIRPERSON GIBSON: Thank you very much,
22 Councilman Williams. I just had two very quick
23 questions. I know that MOCJ is leading the
24 conversation on C summons forms itself including
25 race, ethnicity, having the pilot reminder mechanism,

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2 text messages, with the civil offense form are we
3 going to also look at options to make sure that we
4 provide incentives for individuals to respond to
5 those civil offenses? So, are we going to have
6 comparable information on both the C summons as well
7 as the civil offense form? Are we looking to do
8 that?

9 ELIZABETH GLAZER: So, I think we're
10 going to learn a lot in the next couple of months. We
11 anticipate that the reminder system, the new form,
12 all the things that we think will make responses
13 better, we'll have answers to what works and what
14 doesn't, and we want to be able to fold the knowledge
15 that we have into the way that we develop the civil
16 summons.

17 CHAIRPERSON GIBSON: Okay, because you--

18 THOMAS TAFFE: [interposing] Could I just--

19 -

20 CHAIRPERSON GIBSON: [interposing] Sure.

21 THOMAS TAFFE: stat also that the current
22 C summons for urinating in public and for drinking
23 have a mail-in option. We hope that we don't lose
24 that also. It's a big part of it. That's 40, almost
25 40 percent of our C summons that we write you could

1 just mail in your fine. It's usually like 25
2 dollars. So, hopefully that will transport, transpose
3 over to the civil option.
4

5 CHAIRPERSON GIBSON: So, with the mail-in
6 option right now that you have for C summons, when
7 you mail in that particular amount, are you
8 considered guilty of that infraction? That carries
9 on your record, right?

10 THOMAS TAFFE: I think you have to plead
11 guilty. I don't know if there's a no contest option,
12 and then you can mail in that. That was done by the
13 courts. We just tell the person that we're giving
14 the summons to that they're allowed to mail it in.

15 ALEX CROHN: You are pleading guilty
16 under the C summons.

17 CHAIRPERSON GIBSON: Okay.

18 ALEX CROHN: But obviously if this was
19 extended to the civil context, the consequences would
20 be much different.

21 CHAIRPERSON GIBSON: Right, but--okay. So
22 essentially I get the penalty would be different. So
23 it wouldn't be a criminal offense. It would be a
24 civil offense that you would ultimately be pleading
25 guilty to.

1
2 ALEX CROHN: Correct. I don't want to say
3 guilty, but you--

4 CHAIRPERSON GIBSON: [interposing] Right.

5 ALEX CROHN: would be admitting that you--

6 CHAIRPERSON GIBSON: Admitting.

7 ALEX CROHN: Correct.

8 CHAIRPERSON GIBSON: Okay. Being that
9 there's a 38 percent warrant rate for failure to
10 appear in court, we certainly don't want the message
11 to be that that 38 percent now in Criminal Court is
12 transferred to civil. So, I think, you know, the
13 message has to be if you are given a civil offense,
14 you have to answer it and respond to it. So, those
15 incentives are going to be very critical in the
16 conversation because I think we want the message to
17 be clear that there is still a consequence, it's just
18 a different consequence that you still must answer
19 and must respond do, right?

20 ALEX CROHN: Absolutely, and you know,
21 putting things in like text messages just sort of
22 reiterates that message. So, we're very much in
23 agreement with that.

24 CHAIRPERSON GIBSON: Okay. Are we going
25 to wait for the implementation of these texts and

1
2 pilot programs for the summons data before we have a
3 conversation on civil, or can we do it simultaneous?

4 ALEX CROHN: I think well, it's going to
5 happen simultaneously, but I think we'll end up
6 having the luxury of having the three months to wait,
7 because there's so many different steps that need to
8 go into getting this civil system up and running in a
9 good way, and we predict we'll have the results of
10 the criminal reminders in about three months. So, I
11 think it'll work very well for us to then shortly
12 introduce those into the civil system.

13 CHAIRPERSON GIBSON: Okay, and just
14 expanding on words by Council Member Williams as far
15 as the new policy and the new guideline that will be
16 derived, how would that be available to the public so
17 once we are at a point where there is a final draft
18 or version and we are ready to share, how would that
19 be publicly shared with New Yorkers?

20 THOMAS TAFFE: If it's promulgated into
21 our patrol guide or out from our patrol guide, it's
22 basically public knowledge. So you'd be able to--we
23 can give it to you. We can give it to the public.

24 CHAIRPERSON GIBSON: Would it be
25 accessible on the website?

1
2 THOMAS TAFFE: I'm not sure if as of right
3 now our whole patrol guide is on the website, but if
4 not, maybe there would be a link to that section.

5 CHAIRPERSON GIBSON: Okay, okay. Let me
6 get--

7 SPEAKER MARK-VIVERITO: [interposing] And
8 just to clarify the legislation, one of the pieces of
9 legislation, right, that I have is to make that
10 public, publicly available online--

11 THOMAS TAFFE: [interposing] Patrol guide.

12 SPEAKER MARK-VIVERITO: and we want to
13 make sure that that's something that is readily
14 available, correct?

15 THOMAS TAFFE: Yes.

16 SPEAKER MARK-VIVERITO: Okay. So that's
17 definitely something that we're committed to as well.

18 CHAIRPERSON GIBSON: Okay. Thank you.
19 Let me get to one of the other sponsors of this
20 package of Criminal Justice Reform, Council Member
21 Rory Lancman.

22 COUNCIL MEMBER LANCMAN: Thank you,
23 Madam Chairwoman and Madam Speaker, and good morning
24 Liz Glazer and everyone else on the panel. It's good
25 to see you. I'm very excited about these bills and

1 what it means for our continued contribution to this
2 nationwide conversation that we're having about over-
3 criminalization of low-level quality of life offenses
4 in particular but it touches many aspects of our
5 society, and I know it's been said, but I feel that I
6 must say it, that without Speaker Melissa Mark-
7 Viverito's leadership and putting herself on the line
8 and out front and bearing the brunt of the slings and
9 the arrows, and I still remember vividly your State
10 of the City Address last year and here we are after
11 many, many months of conversations, product
12 conversations, at a point where we're trying to move
13 forward in cooperation with the Administration is
14 something that is very, very commendable. And again,
15 we're doing many, many things in this city to address
16 this over-criminalization issue. Some of the things
17 that we're talking about this morning, I remember
18 talking about with you at my committee's hearing on
19 summons court reform last year about this time.
20 Also, you know, it just cannot be ignored that we are
21 having this conversation in the context of
22 extraordinary racial and ethnic disparity in policing
23 in New York City. My favorite statistic of the month
24 is that in the 40th precinct in the Bronx, which
25

1 includes communities of Motthaven, there are an
2 average of 271 summonses issued per hundred
3 residents. In the 111th precinct in Bayside,
4 Douglaston, Littleneck, Northeast Queens, that number
5 25 per 100 residents, and that's just one example.
6 So, this is a really, really important conversation.
7 And then the last big point I'd made before I ask a
8 couple of questions is I know that this effort we're
9 having is very often put in the context of the issue
10 of Broken Windows, but for me, this legislation,
11 these bills, this effort stands alone regardless of
12 what one thinks about Broken Windows or not. I care
13 about quality of life in my community. I know every
14 other Council Member does as well. I want quality of
15 life offenses to be dealt with, to be addressed and
16 to be--for people to be held accountable. You call
17 it Broken Windows, you call it whatever you want. I
18 care about quality of life. We are trying to find
19 what is the right and appropriate level of
20 accountability and deterrents to preserve that
21 quality of life. With that, let me just ask you a
22 couple of questions, and they focus on the policy
23 guidelines that the NYPD will promulgate and which
24 officers will follow in determining whether or not
25

1
2 for these hybrid offenses whether or not someone's
3 going to put through the civil justice system or the
4 criminal justice system. I don't want to repeat
5 questions that were asked earlier or anything that I
6 might of missed because of the travails of getting
7 from Queens to Lower Manhattan two days after a snow
8 storm, but what are some of the things that you are
9 going--first of all, Mrs. Glazer, are you going to be
10 part of that conversation? I certainly hope so. I
11 certainly hope that it's not going to be something
12 that is only going to be done, you know, within One
13 Police Plaza with all due respect to, you know, the
14 wonderful leaders over there.

15 ELIZABETH GLAZER: I think this is an
16 issue that obviously the Administration takes
17 seriously and we always work very cooperatively and
18 well with the Police Department.

19 COUNCIL MEMBER LANCMAN: Good. So, what
20 can you share on your current thinking or where you
21 might end up in terms of issues like on the issue,
22 for example, of recidivism and its impact on whether
23 or not someone gets a criminal charge or a civil
24 offense? You know, using the model for fair beating
25 [sic]. I know that recidivism is a factor there.

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2 Are you--do you think we're going to be looking at
3 just commissions of that offense? Like, if someone's
4 stopped for littering, how often have they been
5 stopped for littering in the past? Is it appropriate
6 to look at other offenses? Like if someone was
7 arrested for something completely unrelated, are they
8 now when they litter going to be a criminal litterer
9 when they otherwise would be a civil litterer? The
10 issue of is there a time limit? Like, if someone
11 littered 10 years ago, does that indicate that
12 they're recidivist, or will there be some limit on
13 the look-back period? Also on the issue of
14 recidivism, you know, I confess I've gotten parking
15 tickets from time to time. I pay them. Sometimes I
16 forget, and thankfully there's no bench warrant
17 issued for my arrest. I just get an additional fine.
18 I get another notice, and I eventually pay it. Will
19 recidivism--will having littered in the past but duly
20 paid your fine count as recidivism? Because no matter
21 how many parking tickets I get, no matter how many
22 times I mistakenly put my garbage out on my curb
23 before I'm supposed to and I get a ticket, it doesn't
24 at some point convert me into a criminal, and I don't
25 think that's what we're trying to do here either.

1
2 So, on the issue of recidivism, can you just tell me
3 what your thinking is on those issues?

4 ELIZABETH GLAZER: So, I think this is a
5 conversation that's beginning not ending. I think
6 that we have a little bit of experience in some other
7 arenas in setting recidivist policy, and certainly I
8 think Police Department in the first instance will be
9 guided by that. All of these things, as you mention,
10 there are many, many different facets, and hopefully
11 what good policy will do is identify some sort of the
12 key touch zones, but ultimately will have to depend
13 upon the discretion of a police officer, because not
14 every incident is going to be able to be anticipated.

15 COUNCIL MEMBER LANCMAN: See let me
16 challenge that. I'm very uncomfortable with giving
17 the cop on the beat, as heroic and courageous and
18 excellent judgment as he or she might have, the
19 discretion about whether or not to run someone
20 through the civil or the criminal justice system,
21 they should be following clear and detailed
22 guidelines, and we should put a lot of thought into
23 what those guidelines should be, but one could easily
24 imagine the problems that will occur if we are giving
25 a cop on the beat choice depending on factors that we

1
2 haven't clearly enumerated. It's a recipe for
3 disaster.

4 ELIZABETH GLAZER: Right. I think it's a
5 balance and I don't think it's an either or. I think
6 the reason why we're eager to engage in this process
7 is because we want to have clear guidance. I'm just
8 flagging that not every single shape of the facts
9 that going to be before officers is going to be able
10 to be detailed in a policy. So, I think there's been
11 an effective use of recidivist policies in the Police
12 Department. I think there's been learning from that,
13 and I think these issues of how old is the offense,
14 what kinds of offenses count, and all the things that
15 you've raised and many more need to go into the mix.

16 COUNCIL MEMBER LANCMAN: Well, let me just
17 conclude, because I know my time is up, by saying
18 that I think it is very, very important that the
19 officer for everybody's interest, the officer, the
20 person getting stopped, that the discretion of that
21 officer at that moment be as narrow as possible, and
22 in the absence of checking certain boxes in that
23 guideline, that person should be getting the civil
24 offense. And otherwise we're going to be asking
25 ourselves for additional problems, and it does

1 highlight my concern before we have to immediately
2 pass these bills, that I see what those guidelines
3 will be in black and white, but I look forward to
4 that conversation with you. It's been a real treat
5 working with you, and I think we're making a lot of
6 progress here. Thank you very much.

8 ELIZABETH GLAZER: Great. Thank you.

9 CHAIRPERSON GIBSON: Thank you very much,
10 Council Member Lancman. Next we'll have Council
11 Member James Vacca followed by Council Member Antonio
12 Reynoso, and we've also been joined by Council Member
13 Chaim Deutsch and Council Member Brad Lander. And
14 just a reminder to all of my colleagues, we have a
15 time limit, so I just ask if you could just be clear,
16 concise with your questions and comments out of
17 respect to everyone. Council Member Vacca followed
18 by Council Member Reynoso.

19 COUNCIL MEMBER VACCA: Thank you, Madam
20 Chair. I'll be quick, and if your answers can be
21 quick I appreciate, because I have many questions. I
22 wanted to speak on process and administrative issues
23 more than anything else right now. I'm concerned
24 about OATH and the capacity of OATH to administer a
25 program like this. OATH is an agency that's been

1 under the radar for many, many years. It's not been
2 under my radar. I've had a history with ECB
3 violations and similar violations, violations that
4 are issued that don't mean the paper they're written
5 on, violations that are issued where fines cannot be
6 collected. ECB is the main entity that issues
7 Building Department violations. You can go into any
8 building in the City of New York and you can see ECB
9 violations pending in default for years and nothing
10 done. Let me ask you some questions quickly. I'd
11 like to know how many ECB violations are now pending,
12 because I can gather that most of the legislation
13 we're considering today would involve OATH and ECB
14 namely. How many ECB violations are pending in the
15 City of New York? And I'll toss out a number to you.
16 Am I correct in saying that it's approximately
17 400,000?

19 ELIZABETH GLAZER: Go ahead.

20 ALEX CROHN: Pending, unfortunately, we
21 just don't have those numbers handy. We know what
22 they give in a given year, but not sort of
23 outstanding or pending.

24 COUNCIL MEMBER VACCA: Okay. I would say
25 there's 400,000. In 2010 in Manhattan alone there

1
2 177,518. These are violations that are pending that
3 we have not collected and we seem to be stuck trying
4 to get money. So, there's an enforcement issue.
5 Right now, when you are given a Criminal Court
6 summons it is acted upon through a warrant. A
7 warrant is sent to the individual. We now have one
8 million warrants in New York City that are pending,
9 and my statement is to you is, so if you go to OATH
10 and you get a violation and you do not pay, what will
11 happen?

12 ALEX CROHN: So, that's part of the
13 discussions we're undertaking now and are eager to
14 undertake with the Council. Of course there are
15 options like docketing a judgment if somebody fails
16 to pay or fails to appear, but part of that can also
17 be addressed through the recidivist policy. So, in
18 the transit recidivist context, if somebody fails to
19 appear for their civil transit adjudication, the next
20 ramp up is then a C summons. So there are sort of
21 escalating degrees of enforcement depending on
22 people's compliance with policy.

23 COUNCIL MEMBER VACCA: If we keep having
24 escalating degrees of an enforcement and even as we
25 escalate the degree of enforcement we can't enforce

1 what we do. That worries me. I think for us to
2 consider acting when we don't have, in my opinion
3 yet, the administrative wherewithal to implement what
4 we're proposing means that we have work to do. I
5 wanted to go into technology for a second as Chair of
6 the Committee as well, but I wanted to red flag
7 something because we were discussing before about
8 your ability to issue summonses and whether or not
9 there was technology existing to determine if the
10 person getting the summons under the legislation
11 proposed had a long rap sheet, so to speak. Can you
12 elaborate on that, because I want to know? I want to
13 know the answer to that question. Why is--is there a
14 technology issue that's being worked out or is there
15 something we don't have the capacity to do right now?
16 Should we go into this venue?

18 ALEX CROHN: So, NYPD will of course, you
19 know--Deputy Inspector Taffe can correct me if I'm
20 wrong, but as far as criminal history there is no
21 technological issue there with, you know, coming up
22 with a recidivist policy. The biggest technological
23 issue we have to overcome is sort of the merger
24 between OATH IT systems and the NYPD's IT systems.
25 So, that if somebody failed to show up to OATH, the

1
2 officer on the street will know that the next time
3 they're issuing a summons. So, that's the primary
4 technological area we have to overcome.

5 COUNCIL MEMBER VACCA: So therefore even
6 under this proposal if you were to issue a summons
7 you would know that person's criminal record based on
8 that.

9 ALEX CROHN: Who?

10 COUNCIL MEMBER VACCA: A police officer
11 may use other discretion rather than a summons
12 because if he sees a long rap sheet of someone who
13 has a violent crime history that would be a red flag
14 to that officer? That's where I'm going.

15 THOMAS TAFFE: Yeah, I think the
16 technology issue is the marrying of the databases.
17 Even right now if somebody's issued a Criminal Court
18 summons, that doesn't show up on their rap sheet.
19 Even if they're arrested for these unclassified
20 misdemeanors in the Parks Department, they're not
21 finger printable [sic] offenses. So it doesn't show
22 up in their rap sheet. So, a rap sheet, a state
23 check on somebody is not going to show any low-level
24 violation, whether it be an arrest or an unclassified
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2 misdemeanor in the park rules or for the issuance of
3 a C summons or a violation.

4 COUNCIL MEMBER VACCA: No, but--excuse
5 me. Let me finish.

6 THOMAS TAFFE: So what we try and do--

7 COUNCIL MEMBER VACCA: [interposing] My
8 concern is that when you have a low-level offense
9 it's going to show that you have had previous high-
10 level offenses, that's my concern.

11 THOMAS TAFFE: We can see that now, yes.

12 COUNCIL MEMBER VACCA: Okay. And my last
13 point is we have a million pending warrants. You
14 know why we have a pending, pending a million
15 warrants? We have one million warrants pending
16 because people do not answer the summonses. So why
17 are we not correcting that problem? We haven't
18 corrected it for years, and I brought this up when
19 Commissioner Bratton was on the stand, and I brought
20 it up to Commissioner Kelly when he was on the stand,
21 and it seems to me that when you have warrants issued
22 that don't mean the paper they're written on, and yet
23 we are now going to transfer that jurisdiction to
24 OATH, an agency that for years has been ineffective,
25 and I'm not taking away from some of the reforms I'm

1
2 sure that have been implemented recently, but an
3 agency that for years has been ineffective, I'm
4 concerned. So there's some administrative and
5 process issues that we have to work through prior to
6 this, and I want to work with you on the legislation
7 if that's the case, but if we're just going to do
8 this and it's going to be more paper and more
9 meaningless paper, then I think we're heading in the
10 wrong direction. There needs to be a plan.

11 CHAIRPERSON GIBSON: Thank you, Council
12 Member Vacca. Sorry, we have to move forward. I'm
13 going to have our Public Advocate James has one more
14 question and then we'll get to Council Member
15 Reynoso. Thank you.

16 PUBLIC ADVOCATE JAMES: Will individuals
17 in OATH be entitled to counsel?

18 ALEX CROHN: So currently there is no--
19 they do not have counsel, but that is something we're
20 actively looking at. So it's a very good question,
21 and of course we want to hear sort of what all the
22 opinions are on that.

23 PUBLIC ADVOCATE JAMES: Thank you.

24 CHAIRPERSON GIBSON: Council Member
25 Reynoso followed by Council Member Cohen.

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2 COUNCIL MEMBER REYNOSO: Thank you, Chair.
3 I want to ask a couple. How many of these summonses
4 were given to African-Americans and Latinos?

5 THOMAS TAFFE: We don't have that data.
6 The summons, the current summons we issue don't have
7 race on them.

8 COUNCIL MEMBER REYNOSO: They have--so
9 outside of the violations, I guess, the criminal
10 summonses, you don't have that information?

11 THOMAS TAFFE: Yeah, we don't record race
12 data on our current Criminal Court summonses. The
13 court summonses that we have are issued by the court.
14 We're updating summonses as we speak. We're training
15 officers on the newer summonses, but these current
16 summonses that we have do not capture race data.

17 ALEX CROHN: And so the new one will be
18 out in the next few weeks, and we've ordered hundreds
19 of thousands of them and they will track race and
20 ethnicity.

21 THOMAS TAFFE: It's the same as a moving
22 violation. We don't have race data. There's no race
23 data on a license either, so we'd have to ask the
24 person.

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COMMITTEE ON PUBLIC SAFETY

COUNCIL MEMBER REYNOSO: So, can we at least get, I guess, geographic data of exactly where it is that these summonses are given?

THOMAS TAFFE: Sure.

COUNCIL MEMBER REYNOSO: Because that you have, and then we'll just figure that if they're largely communities of color or not we could kind of tell through the geographic data that we receive, we'll do our best.

THOMAS TAFFE: Yeah, we can give you precinct based.

COUNCIL MEMBER REYNOSO: Sure.

THOMAS TAFFE: I can tell you there's a large number actually in Lower Manhattan, but that once again--once again, when you look at bedroom communities verse, you know, tourist locations or locations where people come and work, the demographics of a location may not matter.

COUNCIL MEMBER REYNOSO: Right.

THOMAS TAFFE: So there's a large number in Lower Manhattan that may or may not be issued to the people living in Lower Manhattan.

COUNCIL MEMBER REYNOSO: Alright. And then you guys said it's a 25 dollar--most of these

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summonses are just 25 bucks. Are there any court fees attached to that?

THOMAS TAFFE: If you mail in a fine for drinking in public, it's 25 dollars. There's no other court--

COUNCIL MEMBER REYNOSO: [interposing] There's no fees attached to that.

THOMAS TAFFE: There--

COUNCIL MEMBER REYNOSO: [interposing] Just 25 dollars?

ALEX CROHN: In the criminal, if you do show up to court, there are court fees. There are state fees, but obviously--

COUNCIL MEMBER REYNOSO: [interposing] And how much are the court fees and the state fees?

ALEX CROHN: I don't have them handy, but obviously those fees won't apply in the civil context.

COUNCIL MEMBER REYNOSO: They won't apply.

ALEX CROHN: Will not apply.

COUNCIL MEMBER REYNOSO: Okay. And we don't know what the repercussions of not paying these violations are going to be?

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2 ALEX CROHN: In the civil context, in
3 many cases failure to pay that they can end up in
4 collections, but again, it's part of sort of us--

5 COUNCIL MEMBER REYNOSO: [interposing] So,
6 it could go into--

7 ALEX CROHN: developing how we're going to
8 address these issues. So this is a conversation we
9 want to start having now.

10 COUNCIL MEMBER REYNOSO: Well, we need to
11 have that conversations because what ends up
12 happening is that we're going to end up saddling poor
13 communities with debt and just continue a systematic
14 disenfranchisement of mostly minority communities. I
15 want you to be very mindful of that, that we're
16 transferring from a place where we're arresting
17 people and taking them out of the Criminal Court
18 system, which I appreciate and I think is a very
19 valuable thing to do. When we just economically
20 disenfranchise them that's still a systematic way of
21 mostly--that's going to affect mostly minority
22 communities. But you don't have that information, so
23 I'm just talking in generalities, right? You don't
24 know that most of these violations are going to
25 people that are in poor communities?

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2 ALEX CROHN: That's correct. We have the
3 geographic breakdown.

4 ELIZABETH GLAZER: I think the provision
5 of the community service alternative it was
6 intentionally a piece of how this set of bills was
7 structured--

8 COUNCIL MEMBER REYNOSO: [interposing]
9 It's still time.

10 ELIZABETH GLAZER: so that we don't have--
11 -

12 COUNCIL MEMBER REYNOSO: [interposing] I
13 hear you, but it's still time that people mostly in
14 poor communities are going to be doing, right? It's
15 still poor people that are going to be out there in
16 the streets doing community service. It's still
17 people that are going to have to lose a day of work
18 because they might have to do that community service,
19 or time that they might want to do something else,
20 right? Maybe they don't want to be picking up
21 garbage on a weekend. Whatever it is, it's going to
22 disproportionately affect the people that are getting
23 most summonses or most tickets. So I just want to
24 make sure we get that information, and so if we don't
25 get it, I can't say that that is fact, but I still

1 think this is just burdening poor people from
2 removing them from jail time into just a summons
3 offense. And I just want to say that the reason--I
4 feel like the Commissioner should be here,
5 Commissioner Bratton and he is not, and that just
6 speaks to the fact that this is truly Criminal
7 Justice Reform and not police reform, and I want to
8 make sure that the general public really gets that
9 and that that's something that they're seeing. This
10 is not police reform, but it is criminal justice
11 reform, that there is a difference between the two,
12 and I just wanted to make sure that I made that
13 statement, because I thought if it was police reform
14 situations, the Commissioner would probably be here.
15 And then, and this is with all due respect, the panel
16 that we have in front of us influencing policy that I
17 believe is going to largely effect communities of
18 color is large--is all white, and that is also a
19 concern that I have. So, just want to make sure that
20 we have as much input as possible in the
21 Administration or the Administration have as much
22 input as possible from people that are--would be
23 largely effected. Thank you very much.

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2 CHAIRPERSON GIBSON: Thank you very much,
3 Council Member Reynoso. Next we'll have Council
4 Member Cohen followed by Council Member Gentile.

5 COUNCIL MEMBER COHEN: Thank you, Chair
6 Gibson. Thank you for your testimony. If I'm
7 encountered with an open container, I'm going to get
8 a C summons? Is that right now under the current
9 regime the only option?

10 THOMAS TAFFE: Well, more likely than not
11 you may get a warning. Actually, that's the
12 discretion of the police officer to actually give you
13 a summons and not--it's not--there is no policy that
14 says you must issue a summons to somebody if they're
15 drinking in public, and I think that's something
16 that's being overlooked. There's plenty of times, and
17 I myself being a police officer and growing, living
18 and working in the city for many years, that is what
19 I did the most often. I actually issued, you know, a
20 warning. So, as of right now, the other option would
21 be to give a Criminal Court summons and I would tell
22 them that they could mail in a 25 dollar fine.

23 COUNCIL MEMBER COHEN: If I do mail in the
24 25 dollar fine, I'm pleading guilty?

25 THOMAS TAFFE: Yes.

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2 COUNCIL MEMBER COHEN: What is the
3 consequences for my record if I do that?

4 THOMAS TAFFE: There is no--it's
5 depending on what you want to call a record. There's
6 no actual--you're not being fingerprinted. There's
7 no permanent record that the state would know about.
8 It's local within the city itself.

9 ALEX CROHN: For something like drinking
10 which is a violation, the collateral consequences are
11 relatively minimal due to the lack of a criminal
12 record and it's a violation and not a misdemeanor,
13 which some of the crime offenses we're talking about
14 are misdemeanors and it is greater concern there, but
15 for the violations--and changed a lot of these to
16 violations, that's sort of the goal of what we're
17 doing here today.

18 COUNCIL MEMBER COHEN: Alright, so then
19 the main thing that I'm concerned about I guess is
20 really this legislation--people are getting arrested
21 not for the underlying offenses, but people are
22 getting arrested because they're not answering these
23 summonses and then a warrant is issued for their
24 arrest or failure to answer the summons. No one--
25 people and New Yorkers are not getting arrested for

1 open container or for these other violations.
2 They're getting arrested for not answering the
3 summons. I mean, I guess ultimately we think that not
4 answering a summons is not that big a deal. I mean,
5 to me, I--and again, maybe my perspective as an
6 attorney I take the law very seriously, but to me, it
7 seems like a serious thing. If someone doesn't
8 answer a summons that there should be consequences
9 for that, and I agree with my colleagues, I don't
10 think anybody should spend a day in jail for an open
11 container or for smoking a joint. Like, I don't
12 think the people should spend a night, you know, and
13 when I worked for the courts I sat in criminal
14 arraignments with my judge and I saw people, and I
15 thought it was outrageous, but what I do take
16 seriously is that I think that if someone--if we
17 issue a summons asking people to come to court, I
18 think--we're not asking them, we're telling them to
19 come to court. They're being summoned to court. I
20 think that that's serious and I'm not sure that we
21 should just disregard those consequences. I'm
22 curious as to why you think otherwise.

24 ELIZABETH GLAZER: I don't think
25 otherwise. I think that people should come to court,

1 and I think that's what's behind a whole number of
2 reforms that we put into place. Why are people not
3 coming to court? Is it because eight weeks have
4 passed and they've forgotten that they've gotten
5 essentially a ticket? Is it something else that's
6 going on? So, I think in the first instance we want
7 to make sure that people come to court and it's not
8 because of inadvertence, and that's what reforming
9 the summons forms so that you can actually see at
10 first glance where you're supposed to be and when
11 you're supposed to be, opening summons court late so
12 that people who work and have other obligations can
13 actually come to court, doing text reminders and
14 other kinds of reminders to ensure that people come,
15 which have been very, very successful in other court
16 contexts, all of these we think will actually drive
17 down the number of folks who don't show up to court
18 and who thus have warrants out on them. So, I think
19 we need to figure that out first. We're going to
20 figure that out in very, very short order, but this
21 issue of having people respond to court processes
22 whether it's civil or criminal is a critical piece,
23 and we hope to make this sort of swifter and
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1 certainer [sic], and to provide the opportunities for
2 people to comply with court obligations.
3

4 COUNCIL MEMBER COHEN: You said there was
5 a relatively low conviction rate, something like 20
6 percent of people. What happened to the other 80
7 percent of the people?

8 ALEX CROHN: So there's a--the court does
9 its sort of initial prima facie review and we'll toss
10 out some that are just missing a date or missing some
11 very basic information. Many of the cases are sort
12 of they appear before the judge, and the judge
13 decides to say, "Hey, don't do that again, you know,
14 get out of my courtroom," sort of thing. So, it's not
15 necessarily indicative of the sort of the weight of
16 the offense. It just might be the way the judge
17 decides to deal with the case that day.

18 COUNCIL MEMBER COHEN: Thank you.

19 CHAIRPERSON GIBSON: Thank you, Council
20 Member Cohen. Next, we'll have Council Member
21 Gentile followed by Council Member Cornegy if he
22 arrives.

23 COUNCIL MEMBER GENTILE: Thank you, Madam
24 Chair. Director Glazer, you had mentioned the drop in
25 crime across the city, that we're one of the safest

1 cities in America and all those good things. So,
2 would you agree with the proposition that the quality
3 of life, the reality of the quality of life is
4 directly related to how we deal with quality of life
5 offenses? Would you agree with that proposition?
6

7 ELIZABETH GLAZER: I think it's important
8 to deal with quality of life offenses. I think
9 Councilman Williams sort of made the point pretty
10 eloquently that everybody cares about their
11 neighborhoods, and whether it's, you know, excessive
12 noise or urinating in the street, that's something
13 that everyone cares about and we need to respond to.

14 COUNCIL MEMBER GENTILE: So, that being
15 the case, are we saying here that the enforcement of
16 the quality of life crimes as we have them today have
17 not been effective?

18 ELIZABETH GLAZER: I think what we're
19 saying is that we can do better and that we can do
20 better if we have a range of options and those
21 options include issuing summonses that may result in
22 a Criminal Court appearance, but it also should
23 include the option to appear in Civil Court.

24 COUNCIL MEMBER GENTILE: Okay. Let me
25 take it another way, then. If we take all of these

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2 quality of life offenses, noise, littering, public
3 urination, the parks offenses, and we take all of
4 them, we no longer make them misdemeanors, we no
5 longer give a permanent criminal record in most of
6 those cases, and we minimize the monetary penalties
7 that we're imposing. If we do all those things, how
8 are we sending a message or deterring the behavior
9 that degrades the quality of life?

10 ELIZABETH GLAZER: So, I think the issue
11 always is how swift we respond and whether or not
12 people take those responses seriously. Right now,
13 we're seeing that in criminal court we have a
14 relatively low conviction rate and we have a
15 relatively high warrant rate, and the question is
16 whether or not that's the best response for every
17 single offense, and what this legislation does I
18 believe wisely is it broadens the ability of the
19 Police Department to have an appropriate response to
20 an appropriate--to a situation in front of them, and
21 it gives us more tools to respond to whatever the
22 offenses are. So, to me, this is additive and this
23 expands and sort of shapes the ability of the Police
24 Department to respond to complaints by neighborhoods
25 of quality of life offenses.

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2 COUNCIL MEMBER GENTILE: What evidence do
3 you have, and I think some of my other colleagues
4 asked this in a different way, but what evidence do
5 you have to suggest that imposing a fine instead of a
6 summons that results possibly in warrant? What
7 evidence do you have that suggests that imposing a
8 fine will result in higher compliance?

9 ELIZABETH GLAZER: So, I think we just
10 need the range of options. We need to ensure that
11 there's compliance on the criminal side, and I've
12 outline already sort of a number of things we're
13 doing in order to ensure that we have that
14 compliance, and we're going to have to do the same
15 kind of thing on the civil side. I think it's less
16 of question of will people comply more with one kind
17 of option than another, then we need to sort of make
18 efforts to make sure that people comply across all
19 these options and that that ultimately will be the
20 best approach to ensuring that every neighborhood has
21 good quality of life.

22 COUNCIL MEMBER GENTILE: So, you're saying
23 in effect that there may very well be that the
24 compliance may not be any better by making it a civil
25 penalty as opposed to having something in criminal

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2 court that would issue, that would result in a
3 warrant.

4 ELIZABETH GLAZER: We think the things
5 work pretty well right now. We've seen in the
6 transit recidivist policy and some other areas in
7 which we have civil compliance, that it's a swifter
8 form of justice which results in sort of better
9 compliance, but I think that there are sort of a
10 couple of things going on here. One has to do with
11 will we have better compliance. Another has to do
12 with are the results of our efforts of compliance
13 proportional to what it is that has happened on the
14 street, and I think what you've heard from a number
15 of the speakers here and your colleagues is that by
16 having only one option, by only having a criminal
17 option we are incurring a kind of collateral
18 consequences that are just much greater than what the
19 original offense was for, and so I think that's
20 really the thing that's driving these reforms here.

21 COUNCIL MEMBER GENTILE: I don't know how
22 realistic it is, it may be a feel good measure, but
23 certainly I'm taking a close look at it. Thank you.

24 CHAIRPERSON GIBSON: Thank you very much.
25 Thank you, Council Member Gentile, and certainly I

1 don't think it's a feel good measure. I think it's a
2 loud message that we're sending when we are still
3 imposing consequences on infractions, but we're
4 saying that you don't deserve to be in jail and have
5 a criminal record that can prohibit you from
6 financial aid, access to public housing, getting into
7 college, and all the other amenities that we know
8 ultimately are inhibited when you do have a criminal
9 record. So, I think it is a good step in the right
10 direction. While I understand some questions still
11 remain outstanding, but I do think this package is a
12 good step forward. It is a message to say that
13 individuals who are a part of this low-level,
14 nonviolent system do not belong in jail for some of
15 these infractions. So, I appreciate your response.
16 We have one question from our Speaker.

18 SPEAKER MARK-VIVERITO: You know, one of
19 the--and this is where I may differ very publicly
20 with my colleague. There is this assumption that
21 somehow allowing for the criminalization of these
22 types of behaviors deters that behavior in the
23 future. What proof do we have that that's the case,
24 that imposing a criminal penalty actually deters the
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1 behavior? Is there scientific or any sort of proof
2 of that?
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4 ELIZABETH GLAZER: I think that's the
5 64,000 dollar question and more, and I think when
6 we're thinking about deterring behaviors, we should
7 think about a broad range of responses beyond simply
8 regulatory and criminal responses. We've managed to
9 make people comply with laws to buckle their
10 seatbelts, to reduce smoking by doing messaging
11 campaigns. So I think that there are a broad array
12 of responses beyond simply enforcement responses that
13 we need to think about.

14 SPEAKER MARK-VIVERITO: Right, and I
15 think that that's definitely the conversation we're
16 heading in, and allowing--this has been clearly laid
17 out. We don't want to create challenges to people
18 being able to fulfil their potential, whether it's
19 getting a fulltime job or being able to house,
20 provide housing for themselves and their families,
21 right? So, again, having proportional actions and
22 measures being implemented as disproportionate, and
23 again, that this proportionality falls on communities
24 of color and lower income communities I think would
25 be born out if we really do dig down into that data

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and look particularly on the zip code level or even the precinct level. You can see those disparities very clearly. So, again, thank you very much for your partnership as we move forward in this direction. I know that there's a lot more work to do.

CHAIRPERSON GIBSON: Quick question.

Would there be a mail-in option for civil offenses? I think we talked about that before, but I didn't get clarification.

ALEX CROHN: So, currently OATH has a wealth of different ways of paying. You can pay online. You can pay by mail. So these are all things that we hope we can carry into the civil system--will carry into the civil system.

CHAIRPERSON GIBSON: Okay. And the Public Advocate had asked the question about having counsel. So if you get a civil penalty, a civil ticket and your report to OATH, you can come with your own counsel--

ALEX CROHN: [interposing] Correct.

CHAIRPERSON GIBSON: right? That wouldn't be prohibited or against the law.

ALEX CROHN: Correct.

1
2 CHAIRPERSON GIBSON: But I think the
3 future conversation and a lot of concern that has
4 come to us with this proposal is will we allow
5 individuals that need counsel to have that available
6 just as we do in criminal proceedings?

7 ALEX CROHN: And it's an issue that's
8 been raised to us by the Defense Bar as well and one
9 we take seriously.

10 CHAIRPERSON GIBSON: Okay. Thank you.
11 Next we'll have Council Member Deutsch.

12 COUNCIL MEMBER DEUTSCH: Thank you, Madam
13 Chair. At the end of the day I believe its colonel
14 [sic] summonses to punish the individual for what
15 they did. If it's public urination, open container
16 out on the street. So, I believe that the end result
17 is not to arrest that individuals or to have them
18 into criminal court. So, I have seen from my past
19 experience that the reasons why people end up in jail
20 from having a C summons is number one, when they
21 issue the C summons they are told to appear in court
22 on that date. They're not explained exactly that if
23 you don't appear to court then there's a warrant out
24 for your arrest, that's number one. Number two is
25 that if there's a court date written on the criminal

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2 summons, my question to you is, is that if you appear
3 in criminal court two days or three days before that
4 date, does the Judge see that case?

5 ALEX CROHN: So, to the first question,
6 the new form very, very explicitly says, you know,
7 "Failure to appear will result in a warrant for your
8 arrest," you know, in big bold letters so people
9 don't miss it, and the reminders that they're going
10 to get will also indicate that, you know, failure to
11 appear will have a warrant, and following if they
12 don't appear they'll get a subsequent reminder that
13 says, "You have failed to appear. There is now a
14 warrant for your arrest." And so there's also an
15 expanded time to respond. So, you'll be able to come
16 within a week. So, if you know, that day doesn't
17 work you can come the day before or the day after.
18 Currently right now if you show up into summons
19 court, it's three days before your case. They most
20 likely will hear the case.

21 COUNCIL MEMBER DEUTSCH: So does a
22 criminal summons say that you can appear on or before
23 this date?

24 ALEX CROHN: Yes, there'll be an
25 additional form that's handed out that says, you

1 know, you may appear within a week, and on Tuesdays,
2 you know, it's open 'til eight or nine or whatever
3 the time is.

4
5 COUNCIL MEMBER DEUTSCH: Does it currently
6 say that on the criminal summons?

7 ALEX CROHN: The old one, no, but the new
8 one that's coming out in the next couple of weeks it
9 will.

10 COUNCIL MEMBER DEUTSCH: Great, okay.
11 So, I appreciate it. Thank you.

12 CHAIRPERSON GIBSON: Great. Thank you.
13 Just one last question. Do you happen to know what
14 the current rate is in OATH of individuals who are
15 found liable in violating the offense? I know we
16 have figures for summons in criminal court. Do we
17 have any data on OATH currently?

18 ALEX CROHN: Not with us, but that data
19 does exist and we can certainly get it to you.

20 CHAIRPERSON GIBSON: It's something that
21 can be given to us? Okay, great. So, we have a lot
22 of panels that are following you. We certainly want
23 to get to our advocates and civil rights
24 organizations, but certainly on behalf of the Speaker
25 and the Public Advocate and all of my colleagues, we

1 really thank you for your presence here today, your
2 testimony, and really answering a lot of questions.
3 Obviously we have a lot more questions, but we know
4 that the conversations will continue, but I do think
5 this is a great start and really appreciate you being
6 here today. Thank you very much.

8 ELIZABETH GLAZER: Thank you.

9 CHAIRPERSON GIBSON: And before you
10 depart, I ask that we could have someone remain from
11 MOCJ, from the NYPD as well as the Parks Department
12 if you could remain, because it's really important
13 for you to hear the testimony behind you from members
14 of the public and the advocacy groups. Thank you
15 very much. Our next panel that we will call forward
16 is Donna Lieberman from the New York Civil Liberties
17 Union and Tina Luongo from the Legal Aid Society.
18 Please come forward. If there is anyone here that
19 still wants to testify and provide testimony, please
20 do so by signing up with our Sergeant at Arms at the
21 front. Please do not let this opportunity pass you
22 by. Thank you very much. Ms. Lieberman, whenever
23 you're ready. Thank you again.

24 DONNA LIEBERMAN: Okay, I'm ready. I want
25 to introduce my colleague, Michael Sisitzky who is

1
2 our in-house policy counsel and an expert on these
3 bills. So, I've asked him to join me up here. So I
4 want to thank you for holding this hearing, for
5 inviting us to testify. We'd be here anyway. I
6 especially want to thank the Speaker for your
7 leadership on this issue in proposing a framework to
8 reduce the phenomenon of mass incarceration and
9 replace it with the framework for smart justice. I
10 remember sitting there during your speech a year ago
11 when you promised to decriminalize a whole bunch of
12 offenses. I couldn't believe what I was hearing.
13 More important, I couldn't believe that it would
14 really happen, and low and behold these bills are
15 before the Council now and that's just really
16 wonderful. So, thank you. Decades of over-
17 criminalizing minor offenses and excessive
18 enforcement in minority communities have had
19 devastating lifelong consequences that are harmful to
20 individuals, families and entire communities. It's
21 also undermined police/community relations, something
22 that is bad for public safety and really shouldn't be
23 happening in an era where crime is at historic lows.
24 Broken Windows policing has resulted in hundreds of
25 thousands of criminal summonses each year, most of

1 which require an appearance in Criminal Court for
2 non-criminal, quality of life violations such as
3 littering or consuming alcohol in public, and as a
4 result, hundreds of thousands of New Yorkers are
5 thrust into the criminal justice system each year.
6 Between 2002 and 2014 that number has been almost
7 seven million New Yorkers. The Criminal Justice
8 Reform Act provides the enforcing quality of life
9 offenses through the criminal justice system should
10 be the exception, not the rule. Public consumption
11 of alcohol, littering, public urination, unreasonable
12 noise, and most parks offenses don't pose a threat to
13 public safety and they should not be treated as a
14 crime. Nobody, nobody should spend time in jail for
15 carrying an open container or for being in the park
16 after closing time. These bills eliminate the
17 possibility of imprisonment under the city code for
18 all offenses reformed by the laws, and this is a
19 major accomplishment, and this will be a major
20 accomplishment when it's passed. It will mitigate
21 some of the devastation to communities that bear the
22 brunt of Broken Windows policing, we mean communities
23 of colors. So, for that in anticipation of its
24 passage, which we hope to see soon, bravo. Of the
25

1 specified acts covered by these bills, civil
2 enforcement options already exist for everything but
3 public consumption of alcohol, and for the others,
4 T2016401 declares a legislative preference for
5 utilizing civil enforcement, with criminal
6 enforcement being reserved for use in limited
7 circumstance. This preference is an important step,
8 but we have to recognize that it's up to the Mayor
9 and up to the Police Commissioner to ensure that it
10 is fully implemented in both letter and spirit.
11
12 Currently, civil enforcement is an option for lots of
13 these offenses, but it is rarely used. In 2014 alone
14 nearly 60,000 Criminal Court summonses were issued
15 for those big offenses like littering, unreasonable
16 noise, presence in the park after hours, and
17 disobeying park signs. The Criminal Justice Reform
18 Act should minimize some of the most serious
19 collateral consequences of Broken Windows policing.
20 In addition to the base fines, criminal summonses
21 will often carry huge fees and it's in the
22 neighborhood of a couple of hundred dollars when you
23 go to court on a criminal summons, and severe
24 collateral consequences far out of proportion to--am
25 I on--I didn't see the time. Am I on the clock? Did

1 that--was that up there all this time? I didn't even
2 know I was on the clock. Well, I just say a few more
3 things. The civil process needs to be less onerous
4 and offer more flexibility. The most important
5 change is that with civilizing--ooh [sic], I like
6 that. Civil--I just thought of it. Civilizing all
7 these minor offenses eliminates one potential
8 devastating harm, and that's the possibility of a
9 bench warrant, not to mention all the multiple
10 appearances in the court that are required in the
11 criminal process. An important part of this bill is
12 transparency. Transparency is the key to good
13 policy, and we know now that we have very, very, very
14 limited data on who gets summonses, are they black or
15 are they white, are they Latino, and but we know that
16 based on information from OCA and on very limited
17 data that the vast majority of people who get
18 summonses for these minor offenses are people of
19 color. Of the 1.5 million summonses that we were
20 able to find out about from data from OCA, 81 percent
21 were people of color. We have heard the promise of
22 MOCJ of the Mayor's Office of Criminal Justice that
23 the summons form is about to roll out with that
24 includes information about the race and ethnicity of
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1 the person who gets the summons. We have to see that
2 happen. We've been hearing that for quite a while,
3 and it's up to the Council to ensure that that really
4 does happen. We think that the transparency
5 provision of these bills are really, really
6 important, and we would add strengthening them in one
7 particular way, actually two, by adding data on
8 whether a custodial arrest was made in conjunction
9 with the Criminal Court summons and also to add
10 information about whether force was used when a
11 criminal summons was issued. Just quickly on the
12 implementation. It's up to the Police Department to
13 provide guidance to police officers. It is
14 absolutely essential that that be an open and
15 transparent process and that there be input from
16 effected communities as to what that--what that
17 consists of. There has to be training and the
18 Council has to, I think, exercise it's over-
19 responsibility to make sure that the guidance is
20 happening, that the training is happening, and that
21 it's right. With regard to the provision for an
22 option for community service in lieu of fines, the
23 only way the fines don't become another less onerous
24 but another enormous burden on already vulnerable and
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1 people who are stretched to the limit living paycheck
2 to paycheck is if the community service is
3 reasonable, viable and available. You know, we just
4 passed--we all supported a 15 dollar an hour minimum
5 wage. We should not be exploiting people in
6 community service because they have to pay a fine.
7 So, I think it's really important that there be
8 oversight and input on that as well. And finally,
9 well almost fi--

11 CHAIRPERSON GIBSON: [interposing] I'm
12 sorry, I need you wrap up--

13 DONNA LIEBERMAN: [interposing] Okay, I
14 will wrap up.

15 CHAIRPERSON GIBSON: because there's a
16 long list behind you.

17 DONNA LIEBERMAN: OATH, OATH needs to be
18 watched. It needs to be reformed. It really needs
19 to be respectful of people's time. There has to be
20 at least as many options for a civil summons as there
21 are for a parking ticket.

22 CHAIRPERSON GIBSON: Okay, thank you.

23 DONNA LIEBERMAN: Okay.

24 CHAIRPERSON GIBSON: Ms. Luongo?
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1
2 TINA LUONGO: Good afternoon. Thank you.
3 I'm Tina Luongo, and I'm the attorney in charge of
4 the Criminal Practice at the Legal Aid Society. We
5 are the primary public defender for over 200,000 New
6 Yorkers that are brought to the criminal justice
7 system. We also have the benefit of having a civil
8 practice that actually sees not only what we see in
9 the criminal practice when a warrant is issued, but
10 they see the severe and life-altering consequences
11 that these warrants be fail [sic] things like
12 employment, housing, benefits, and so what this is
13 doing is raising the conversation. And I must say,
14 first and foremost, that's the first thing that this
15 set of legislation allows us. We're actually here in
16 this room for close to two and a half hours
17 discussing the effects that police--decades of
18 policing policies have caused and how we start to
19 undo them. This is clearly not going to be the only
20 step we should be taking, but it is a big step, and
21 the fact that we're talking about poor people and
22 bringing that conversation to the forefront of
23 criminal justice reform is important. It's also
24 important to recognize that yes, this probably is not
25 going to undo Broken Windows. In fact, many have

1 made the point that they should be treated
2 separately, but I actually ask you to think of them
3 actually together, because we must actually recognize
4 that we can have a very big step here and take steps
5 backwards. If we don't start to heal the rift
6 between police and colors--communities of color
7 because of the decades of disproportional policing.
8 So, it is without framework that I make a few
9 suggestions given our experience with the number of
10 people we represent. So, I want to talk first about
11 these guidelines, because I think the guidelines are
12 crucial. I think Councilman Lancman you sort of
13 certainly reinforced this point in your questioning
14 to MOCJ. We cannot start this set of reform off
15 using past data to deem somebody a recidivist. Even
16 if a police officer on the street right now has the
17 best intentions to preface, give a preference to
18 issue a civil summons, if we actually start off this
19 set of reforms, utilizing past criminal history we
20 are factoring in race whether we like it or not,
21 because for decades we have been over-policing
22 communities of color in unbelievably wrong and unjust
23 [sic] ways. So perhaps we should say hey, let's draw
24 a line. Let's draw a line and not use the past, but
25

1 let's look forward. Let's assume that everybody
2 should get a civil sanction and then let's figure out
3 the proper and appropriate guidelines to then say if
4 you don't answer what happens. So, I ask you to
5 consider that. I ask you to consider this and the
6 Right to Know Act as sort of a whole set of ways in
7 which to move the conversation forward. So now we've
8 talked about sort of when somebody does get a civil
9 fine all the effects. Civil judgements have 20-year
10 life altering consequences. We must be mindful that
11 that cannot be the knee-jerk reaction to civil
12 summonses. Otherwise, we are going to disenfranchise
13 people at the same rate we have in the criminal
14 justice system. So, I'm going to ask you to consider
15 also in addition to an alternative to be sort of
16 community service, to actually let's think a little
17 bit forward. What if the person who responded to the
18 civil summons was not only given an option to either
19 pay a fine or do community service, but actually sit
20 with a social worker right then and there to actually
21 intake the issues that they face. I'm going to
22 suggest that you use the Red Hook model or the
23 Midtown model from the Center for Court Innovation as
24 the model. There, if somebody reports, they instead
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1 of doing community service or paying a fine, or--it's
2 actually something that helps the person. We have a
3 model that works. Why not take that model and
4 implement it at the OATH hearing so that a person who
5 is a low-wage worker who might need their
6 identification doesn't have to now take a day off to
7 go respond to the summons, and now go take a day off
8 to go clean a park, but how about right then and
9 there on the day that they respond meet for an hour
10 and talk to somebody and set up an appointment to get
11 their municipal ID. I think we need to look outside
12 the box if we really want to sort of reform, really
13 reform the way we do this. It's been raised, and I'm
14 very glad it's been raised by several people--one
15 last thing. You know, I'm going to make my pitch for
16 Right to Counsel. I have to. I'm a public--

18 CHAIRPERSON GIBSON: [interposing] It's in
19 your testimony.

20 TINA LUONGO: It's in my testimony, and
21 it's a--I'm a public defender. But the real
22 importance here is if we are going to use failures to
23 show up for fines or failure to pay for fines or
24 failure to do community service as a way in which to
25 create a recidivist system, then a person has a right

1 to notice, and we must actually implement that, and
2 this City Council has actually created with the NYFOP
3 [sic] Right to Counsel where there was no right to
4 counsel that existed, and I ask you to take that same
5 step and create a right to counsel or legal advocate
6 so that people who are showing up at these hearings
7 leave understanding what their responsibilities are.
8 And finally, I ask you to reconsider and de-
9 criminalize all of the parks reg. Those are the
10 single most ones that affect homeless people who
11 often, unfortunately have to make the life-altering
12 choice when they don't have a home. So, I ask you and
13 I thank you for your time.

14
15 CHAIRPERSON GIBSON: Thank you. Thank
16 you. So, to all of the panels that are coming up
17 behind Ms. Luongo and Ms. Lieberman I apologize. I'm
18 going to extend the time because I know this is a
19 very important issue. So, instead of three minutes
20 I'm going to give you all four minutes, because I
21 know you have a lot to say, but all I ask is that you
22 please respect the time. It's helpful for those
23 coming after you and it's just helpful for my
24 colleagues and I altogether. So, thank you so much
25 and both of you have submitted testimony and provided

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2 a lot of input and suggestions particularly for OATH,
3 which I appreciate. This is something new that they
4 will be undertaking, so we want to make sure they
5 have the proper tools. So I appreciate that, and I'm
6 going to go to Council Member Williams, because I
7 know that he had a very quick question.

8 COUNCIL MEMBER WILLIAMS: Thank you very
9 much, Madam Chair. Thank you all for the work that
10 you do and for testifying. I did want to mention
11 before that for people who are thinking that we are
12 against punishment by these changes, just reminder
13 that in MOCJ's testimony only 27 percent are
14 convicted of a crime in Criminal Court, and they
15 almost always have a fine. So we are not really even
16 adjusting much that happens currently, and on top of
17 that, 38 percent have a warrant. That 38 percent
18 destroys lives and is not a proportional impact for
19 the original summons, and that is what we are trying
20 to effect. We are not trying to effect the police
21 officer's ability to stop someone from doing the
22 things that no one wants done in our society. I did
23 have a couple of questions. I'll ask both of them.
24 What do you vision to be the most significant
25 challenges in the implementation of this initiative?

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2 What do you think would be the best way to evaluate
3 the long-term effectiveness of this initiative?

4 DONNA LIEBERMAN: I think that perhaps
5 the biggest challenge is compliance by the Police
6 Department. Changing culture is a big deal, and what
7 this legislation does is create a preference. I worry
8 that the preference will be int--preference to issue
9 civil summonses, that instead of criminal ones, but I
10 worry that the preference will become a priority and
11 that we will see a--we may see ticket blitzes [sic]
12 from the Police Department just in terms of another
13 set of burdens. So, I think that's the problem which
14 goes along with the problem of really getting the
15 Police Department to do the training that's necessary
16 and to having a process in place that makes this part
17 of a whole de-escalation of interactions between the
18 police and our communities, particularly communities
19 of color.

20 TINA LUONGO: I mean, I think Donna's
21 sort of instinct is right. It's really going to boil
22 down to the guidelines and sort of where you draw the
23 line. You can't--you can't make it so broad that
24 discretion allows for somebody in the field with a
25 whole host of lenses making that decision. It also

1 must sort of be recognized that the people are
2 getting targeted, young people, homeless people, they
3 have life struggles, so to make identification a
4 requirement otherwise you're going to get a criminal
5 summons sort of forgets that it's really difficult to
6 get an identification and hold an identification.
7 And so maybe sort of that's why I'm sort of signaling
8 that we should be looking forward and sort of first
9 say our first instinct should be given a civil
10 summons regardless and then let's roll out guidelines
11 that are appropriate once we understand all the
12 issues that are effecting the populations that are
13 being ticketed.

14
15 DONNA LIEBERMAN: And I think that, you
16 know, the issue of, you know, accountability, you
17 know, in the Police Department is an important one.
18 You know, one of the challenges that we face, you
19 know, is how you replace the old COMSTAT system of
20 accountability based on Stop and Frisk and arrest,
21 collars [sic], you know, is with something that
22 rewards good behavior, and I think this has to be
23 part of good behavior in terms of how police officers
24 deal with minor offenses. It's something that has to
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1
2 be part of the evaluation process for the Police
3 Department.

4 COUNCIL MEMBER WILLIAMS: Thank you.

5 CHAIRPERSON GIBSON: Thank you, Council
6 Member Williams, and very quickly, Council Member
7 Lancman before we go to the next panel? Kudos to you
8 guys, you got it all.

9 DONNA LIEBERMAN: Kudos to you too.
10 Thank you.

11 CHAIRPERSON GIBSON: Thank you both. We
12 appreciate it. Thank you all. Thank you all for
13 your testimony. Our next panel is Nick Malinowski
14 from Brooklyn Defender Services, Craig Levine from
15 the Bronx Defenders, and Kate Rubin representing
16 Youth, Youth Represent. Okay, yes, whoever wants to
17 start?

18 KATE RUBIN: Sure.

19 CHAIRPERSON GIBSON: Ladies first.

20 KATE RUBIN: I'm Kate Rubin from Youth
21 Represent. I'm the Director of Policy. Thank you so
22 much for the opportunity to testify. Youth
23 Represent, we've represented hundreds of youth
24 charged with low-level offenses in criminal and
25 summons courts and hundreds more dealing with the

1 civil repercussions of those arrests. So, from our
2 perspective these bills are a fantastic step in the
3 right direction towards addressing some of the harms
4 of disproportionate low-level policing. We could not
5 agree more with the importance of reducing permanent
6 criminal records, warrants and collateral
7 consequences of low-level arrests, and we appreciate
8 the huge amount of work that's been done. That said,
9 we're advocates so of course we have concerns. We
10 lay them out in our written testimony in detail, but
11 I just wanted to highlight a couple of them here in
12 less than four minutes, I promise. One, while it is
13 better than criminal enforcement in many ways, civil
14 enforcement brings its own challenges to ensuring
15 fairness and due process, and it does put low income
16 litigants at risk of severe financial penalties Given
17 the high rate of criminal summonses dismissed or
18 found legally insufficient, it's critical that people
19 facing civil charges have an opportunity to fight
20 them, ideally with the counsel or at least with legal
21 advice. We don't want our young people, our young
22 clients to find themselves buried in civil justice
23 debt before they even begin their adult lives. We
24 also need data not just from NYPD but from OATH about
25

1 the penalties that are levied. So, that's a
2 suggestion that we have for in addition to the
3 reporting bill. I don't know if it has be a separate
4 bill, but to add OATH reporting about who appears,
5 how many of them get community service, who gets
6 fines, what are the fines. Two, we worry that
7 justice youth of color have been disproportionately
8 targeted for everything from marijuana possession to
9 disorderly conduct. They'll also be
10 disproportionately targeted with criminal as opposed
11 to available civil enforcement. A lot of other
12 people have raised that, Council Members as well as
13 advocates. So, we just want to echo that really
14 explicit measure have to be taken to avoid this in
15 the implementation. Three, setting the eligibility
16 criteria for community service at the poverty
17 standards excludes thousands of working poor people.
18 So, our suggestion is a minimum of 200 percent of the
19 poverty line, the New York City poverty threshold set
20 by the Center for Economic Opportunity or to look to
21 the Federal Legal Services Corporation, which set
22 standards for free legal assistance and allows for--
23 accounts for things like seasonal income variation,
24 medical expenses, fixed debts, a whole range of other
25

1 things very useful, I think, model. Number four, the
2 proposed enhanced penalty for some noise violations,
3 the thousand dollars and imprisonment up to 20 days
4 is severe, especially given that it can be charged
5 not just based on a prior conviction, but a prior
6 just instruction by a police officer, which doesn't
7 require any proof that there really was a noise
8 violation. So we have concern about that. And the
9 number five, most importantly, the Council can't stop
10 here. This is a great step in the right direction. I
11 think also great beginning of the conversation, but
12 as you know doesn't address the underlying problems
13 of racial disparity and enforcement of low-level
14 offenses or the persistent gap in trust between the
15 NYPD and communities of color. So, we urge the
16 Council to pass the Right to Know Act in conjunction
17 with the Criminal Justice Reform Act and to fully
18 decriminalize the lowest level offenses in the
19 Administrative Code. Thank you.

20
21 CHAIRPERSON GIBSON: Thank you very much.

22 CRAIG LEVINE: Thank you, Madam

23 Chairperson, Madam Speaker, Committee Members. My
24 name's Craig Levine. I'm the Managing Director for
25 Civil Practice and External Affairs the Bronx

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2 Defenders, a position in which I have enormous shoes
3 to fill, those of my predecessor Kate Rubin whom I
4 thank for her help. On behalf of the Bronx Defenders
5 we thank you all for the opportunity to participate
6 in this important process. The Bronx Defenders is a
7 community-based public defender office that provides
8 holistic criminal defense, family defense, civil
9 representation, and social services to about 30,000
10 people every year. I start where Kate began. We
11 want to make clear at the outset that we welcome the
12 change in policy approach and direction embodied in
13 these bills. New York's longstanding approach to the
14 policing of so-called quality of life offenses has
15 been excessively punitive and has life altering and
16 lifelong negative consequences that many of those
17 consequences likely were not intended by those who
18 drafted the laws or the currently prevailing
19 enforcement regimes doesn't make them any less real
20 for our clients and as some of you and others have
21 mentioned, these pervade all aspects of one's life
22 from housing and thus potential homelessness to
23 licensure to the realistic ability to obtain a job or
24 get higher education or potentially be deported.
25 These issues could not be more serious. As a result

1 of civil enforcement tools, fewer New Yorkers will be
2 entangled in the criminal justice system thereby
3 mitigating both these collateral consequences and the
4 enormous expense to all of us resulting from warrants
5 and additional process in the criminal courts. We
6 have also several concerns we'd like to offer for
7 collective consideration. I'll set them forth very
8 briefly. They're set forth more fully in our written
9 testimony and we'd be pleased to follow up. First,
10 is the need for fair FORA [sic] and due process of
11 law. The administrative FORA under consideration
12 here which would likely receive tens if not hundreds
13 of thousands of additional cases each year should the
14 bills now pending be adopted as envisioned by the
15 Council. There's very little due process there.
16 Individuals who wish to challenge the charges against
17 them, and remember the presumption of innocence
18 applies there no less than elsewhere. They have to
19 navigate a confusing and unfamiliar system on their
20 own. We stronger proffer consideration of the right
21 to counsel in these FORA in conjunction with the
22 reforms embodied in these bills, and if upon
23 reflection and collective consideration that should
24 be deemed a bridge too far at this point in history,
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1 perhaps provision of well-trained, non-attorney legal
2 advocates could be a viable interim step. Another
3 short coming in prevailing practice is that the
4 hearing officers in the administrative FORA believe
5 that they have no discretion to either mitigate a
6 fine or dismiss a case in the interest of justice no
7 matter how strong the exigent circumstances may be.
8 We would urge that the bills be adopted to clarify
9 that otherwise prevailing statutory or administrative
10 fines can be mitigated under particularly compelling
11 circumstances and that any case may be dismissed in
12 the interest of justice. Cookie cutter justice is
13 injustice. Two more quick points. Allowing police
14 officers to exercise their discretion to direct cases
15 into civil rather than criminal FORA, as I mentioned,
16 is a terrific thing if exercised, but with every
17 opportunity for discretion comes an opportunity for
18 discrimination, and thus, passing in conjunction with
19 these substantive bills, the data reporting bills is
20 essential. Those data must be made public quarterly.
21 They must break things down geographically and
22 demographically for obvious reasons that history
23 informs us all too well. Finally, we think several
24 of the lowest level offenses should not have, with
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2 respect, a criminal option at all, and here we would
3 proffer failure to comply with an order of a police
4 officer, unlawful solicitation, basically
5 panhandling, which criminalizes homelessness and
6 destitution, and unlawful fires, which despite its
7 name is not really that-- campfire is not a big issue
8 in New York, but about throwing a cigarette butt to
9 the side. Thank you all very much for your
10 attention--

11 CHAIRPERSON GIBSON: [interposing] Thank
12 you.

13 CRAIG LEVINE: and consideration.

14 CHAIRPERSON GIBSON: Thank you very much.
15 Thank you.

16 NICK MALINOWSKI: My name is Nick
17 Malinowski. I'm here representing Brooklyn Defender
18 Services, which represents about 40,000 people a year
19 in Brooklyn Criminal, Family and Civil Courts. On
20 behalf of the organization, thank you very much for
21 including us in this important conversation. Most of
22 what we'd like to say is written on our testimony, so
23 I'll just go through a few things quickly. Overall,
24 we view this as a very positive proposal. The
25 numbers of people affected can't be overstated. It's

1 hundreds of thousands of people every year. In
2 Criminal Court we represent thousands of people each
3 year who come through on summonsable [sic] offenses
4 because they have a summons warrant or through
5 transit recidivism. So we hope that those cases will
6 all be moved to Civil Court. We hope this is a start
7 of a longer push towards larger decriminalization and
8 fewer interactions with the police, which we've seen
9 this year as a real positive step. The concerns that
10 we have as other people have mentioned, particularly
11 relate to right to counsel, about the volume of civil
12 summonses, about ID's and information sharing with
13 the NYPD, and we're worried that we'll be back here a
14 year from now talking about racial
15 disproportionalities in OATH because of inequities in
16 enforcement haven't been addressed. But with that,
17 I'll--the rest of it is in the testimony, and we're
18 happy to answer any questions going forward. Thank
19 you.

21 CHAIRPERSON GIBSON: Thank you very much.
22 Thank you, Kate, Craig and Nick. We appreciate it. I
23 just want to clarify something. I think Kate it's in
24 your testimony from Youth Represent. And I'm sorry,
25 when you came forward I really looked at you from

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2 Bronx Defenders, too. Sorry. I didn't get the memo
3 that you had moved on. I wanted to just specify.
4 When you were talking about spitting, the Health
5 Department has agreed to repeal their health code,
6 Section 181 that relates to spitting. So, under our
7 proposal it would only be a civil offense under the
8 Administrative Code.

9 KATE RUBIN: That's great.

10 CHAIRPERSON GIBSON: So, I just wanted to
11 make sure you were aware of that.

12 KATE RUBIN: Thank you. Thank you.
13 That's good.

14 CHAIRPERSON GIBSON: Okay, thank you very
15 much. Thank you all. We don't have any further
16 questions, and we will certainly keep your testimony
17 and have further conversations. Thank you once again
18 for being here. Next panel which we're calling
19 forward is Michael Vilardi from Communities United
20 for Police Reform, Fabian Cancel representing Picture
21 the Homeless, as well as Husman Drame [sp?] from
22 Picture the Homeless, and Nikita Price also from
23 Picture the Homeless. If you're here please come
24 forward. Okay, I'll call it again. Michael Vilardi,
25 Fabian Cancel, Husman Drame [sp?], and Nikita Price.

1
2 Yes, anyone, you can start if you like. Thank you
3 once again for being here.

4 MICHAEL VILARDI: Good afternoon.

5 CHAIRPERSON GIBSON: Your mic is not on.
6 Make sure there's a red button.

7 MICHAEL VILARDI: Good afternoon. My
8 name's Michael Vilardi. I am the Director of
9 Organizing and Policy at Communities Untied for
10 Police Reform. Thank you City Council and thank you
11 to Council Member Gibson for recognizing the need for
12 community members and advocates to weigh in and
13 present here on the summons reform process. Thanks
14 as well to Speaker Mark-Viverito for identifying the
15 need to address disproportionate and unjust criminal
16 justice impacts of Broken Windows policing. Led by
17 grassroots, legal, policy, faith and other
18 organizations from across the city, Communities
19 United for Police Reform is a campaign to end
20 discriminatory policing, practices and promote the
21 public safety rights and dignity of all New Yorkers.
22 For too long, New Yorkers of color, including low
23 income LGBT gender non-conforming women, immigrant
24 youth, homeless and other have been forced to
25 experience discriminatory policing that targets

1 certain communities for the enforcement of non-
2 criminal, low level infractions while other
3 communities have been exempt from such enforcement
4 despite identical infractions occurring. This
5 disparate treatment and the disproportionately harsh
6 legal penalties and ramifications after enforcing
7 such infractions do not contribute to public safety
8 and have resulted in the severe harm of New Yorkers.
9 The new proposals within the Criminal Justice Reform
10 Act include some good first steps with laudable
11 intentions, though concerns about the details within
12 some proposals need to be addressed to ensure the
13 legislation has enduring positive impact for New
14 Yorkers. We appreciate the Council's introduction of
15 these new proposals as a recognition of some of the
16 disproportionate negative consequences of Broken
17 Windows policing and disparate criminal justice
18 enforcement, and we hope this marks the beginning of
19 a productive and inclusive conversation that can lead
20 us to comprehensive solutions to the challenges
21 within our legal system. As part of moving towards a
22 comprehensive resolution of harmful policies, it also
23 remains critical that the CJRA summons reform be
24 advanced together with police reform proposals, such
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1 as the Right to Know Act. The problematic policing
2 practices that drive the disparities in who faces
3 low-level enforcement in the first place must be
4 simultaneously tackled in order to resolve the root
5 of the problem. Failing to address the front-end
6 problems with policing reform and solely relying on
7 backend reforms would only perpetuate disparities
8 into a newly expanded civil enforcement structure
9 offered by the Criminal Justice Reform Act.

10 Requiring the NYPD to formally provide guidance to
11 officers related to when civil enforcement should be
12 the preference over criminal enforcement as well as
13 requiring the guidance be made public is a positive
14 step for transparency. However, given the lack of
15 public trust for the Police Department to hold itself
16 accountable or to discipline officers who abuse their
17 authority, and the reality that the NYPD's role is to
18 enforcement the law rather than legislation
19 enforcement options, there are significant concerns
20 related to the Department maintaining policy-making
21 discretion over enforcement guidelines related to
22 noncriminal offenses. Given the existing and
23 historically discriminatory manner in which Broken
24 Windows policing has been implemented, there are also
25

1 deep concerns that there will be discriminatory and
2 abusive aspects of daily implementation by NYPD
3 officers, particularly since the option of criminal
4 misdemeanors and/or violations are generally not
5 being removed as a result of this CJRA. Significant
6 protections are necessary to avoid this discretion
7 resulting in the perpetuation of racial and other
8 disparities with civil penalties. To ensure that
9 such guidance result in daily practice that supports
10 the intent of the legislation will require the
11 following. Development of the guidance with input of
12 directly affected communities, police reform
13 advocates and criminal justice advocates. Guidance
14 should specify disciplinary outcomes in instances
15 where officers do not follow departmental guidance,
16 and there should be public reporting of disciplinary
17 actions. Guidance should include civil preferencing
18 [sic] for a broad range of nonviolent minor
19 infractions not limited to only those in the current
20 bill. Robust data collection, regular public
21 reporting of data, and oversight. You know, I'm just
22 over time. So, in conclusion, advancing policing
23 reforms at the same times as these summons reforms is
24 a priority for communities. To address the lack of
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2 accountability and transparency within police
3 encounters, policies and practices that have
4 historically driven and continue to promote the
5 disproportionality of criminal justice outcomes,
6 reducing the legal ramifications at the end of police
7 encounters is important, but legislative reforms like
8 the Right to Know Act are equally essential to
9 reducing abuses that continue to harm New Yorkers and
10 undermine trust within communities. Thank you.

11 CHAIRPERSON GIBSON: Thank you very much.

12 You may begin.

13 FABIAN CANCEL: Good day, Committee on
14 Public Safety City Council Members. Thank you for
15 allowing me to speak to you today. My name is Fabian
16 Cancel. I am a member of Picture the Homeless and
17 also street homeless. I have been undomiciled [sic]
18 for a few years now, and I'm also a true New Yorker
19 born in Manhattan, raised in Bushwick and lived in
20 the Bronx. I am of Puerto Rican descent and will be
21 47 years young February 22nd. I'm here today to
22 address the Council on its proposal to implement
23 eight pieces of legislation that is to make my life
24 and other New Yorker's life easier. I myself think
25 that changing criminal offenses to civil penalties is

1 great as we look at the big picture. My issue may be
2 minor to some, but are major to me. I've been
3 targeted by the NYPD on several occasions, and this
4 has hindered me in continuing my goal of being
5 treated like a human being, a New Yorker and someone
6 deserving the resources and respect offered to other
7 New Yorkers because of their status. The laws you are
8 focusing on changing such as open container,
9 littering, are all good steps going forward. I have
10 issues with the changes for violations, for the
11 violations of park rules and community service. When
12 I was targeted like many so many other people like
13 myself, there wasn't a lot of cases for being
14 undomiciled [sic]. I was arrested when I should have
15 been given a ticket and sent on my way. I lost
16 personal property such a portable DVD player and two
17 cell phones that were never vouchered. I know of
18 people that have lost personal documentation and
19 could not prove who they were when they had their
20 next encounter with the law. This was I feel due to
21 officers having the discretion to either give me a
22 ticket or get overtime or meet his quota. I say all
23 of this because it's important, that making these
24 criminal offenses civil penalties is very good, but I
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2 can't replace my property and those other folks can't
3 and won't replace their documents. We must take this
4 discretion, the discretion away from the officer and
5 be fair to all. I was--I want this Council to go
6 farther in making sure that we are not targeted for
7 being undomiciled, black, brown, Latino, needing help
8 in getting our lives together, and the only real way
9 to do this is not to let an officer that does not
10 like me continue to victimize people. Excuse me. You
11 should also know I'm here with other members from
12 Picture the Homeless, most of whom are living in the
13 street and are and will be affected by the
14 conversations. Please keep that in mind when you
15 vote on this reform legislation. I hope God will
16 answer my prayers and others in my situation. God
17 bless all [sic]. Thank you.

18 HUSMAN DRAME: Good day City Council
19 Members, Committee on Public Safety. Thank you for
20 having me here today. My name is Husman Drame [sp?]
21 and I am here to talk to you about the good and the
22 bad. I live in the streets and I am also a member of
23 Picture the Homeless who some of you know. Picture
24 the Homeless is allowing me to tell you my story and
25 my belief be heard by you today. You should know

1 that as far as I'm concerned I think that is a good
2 thing that you are trying to change the law for open
3 containers, public urination and being in the park
4 after closing. To move these offenses to civil
5 penalties is a little bit better. For all of these
6 things I know something about, and because I was not
7 arrested or given a ticket for all of them, some of
8 my friends were. A summon over jail time is a little
9 bit better and what we have been asking for a long
10 time. I have been in the shelter program RWA, ready
11 willing and able, and I was doing good at first.
12 Everything was okay. When I left [sic] they call
13 themselves showing me tough love. They took my bed
14 and they were trying to force me to start the program
15 from zero again, going to a 28-day program, and after
16 that stay about two weeks indoors. I was not ready
17 so I asked them to transfer me, and they did not want
18 to do so. I never got housed. Then they would call
19 the cops to remove me from the building every night
20 to the streets. I did not know nowhere to go, and I
21 slept outdoors. I have been on the street for a long
22 time. I ended up getting frostbite that cost me eight
23 of my toes and almost two years in the hospital and a
24 lot of pain that I have to live with for the rest of
25

1 my life. I don't tell everybody this. I blame all of
2 them, the people in the program for kicking me out,
3 the people on the street who called the police
4 because they think I am a crazy homeless man, and I
5 blame the police for not caring that I left [sic] and
6 got kicked out on the street. No, I don't want to go
7 back to the shelter, and I don't want to get locked
8 up for they think I am crazy and smokey [sic] too, or
9 because I'm told I'm black. I drink, give me a
10 ticket. Sometimes they do--sometime they tell me I
11 got to move because they don't want to see me around
12 no more. They know who we are on Park Avenue and on
13 125th, and they know that we're not breaking the law,
14 but they keep moving us, and when we ask why they
15 give us tickets or they take us to the hospital. We
16 are street homeless, but they still write [sic] under
17 someone that we live and seek shelter at 125th
18 Street. Anyway, Picture the Homeless look that
19 address up for me, and that's the Manhattan Psychotic
20 [sic] Center. I am not crazy, and I don't live there
21 and I live in the streets. And if you let the police
22 officers be the judge, you may have to pay over 1,000
23 dollars to lock me up or take me to the hospital
24 because he wants me to talk back to him. So, I am
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1 talking to you. Don't arrest me. Don't give me a
2 ticket. So, let me say that I feel that some people
3 are going to be arrested because of their race,
4 gender, belief or origin. I have been targeted
5 because I am street homeless, my skin color and my
6 location, 125th Park Avenue. I don't want to sleep
7 in no shelter. I don't' want to sleep in the street.
8 Somebody should give me housing. Thank you for
9 listening and God bless you.
10

11 CHAIRPERSON GIBSON: Thank you very much,
12 Council Members. My name's Nikita Price and I'm not
13 going to speak. I'm here to uplift [sic] the members
14 of Picture the Homeless, and I thank you for allowing
15 us to be here before you today.

16 SPEAKER MARK-VIVERITO: I want to thank
17 you for your testimony. Obviously people impacted by
18 decisions are ones that we want to hear from first
19 and foremost, and so I appreciate your advocacy, and
20 obviously I'm well aware of Picture the Homeless.
21 You're in my district, and we've worked together on
22 many issues, and some of the concerns raised in the
23 testimony are ones that we would like to follow up
24 on. Overall, I appreciate the understanding that
25 we're trying to just move the dial in the positive

1 direction and that there's an acknowledgement that
2 this will be a positive step forward, and as we've
3 indicated before, we're nowhere near done the
4 conversation. There's a lot more work that we need to
5 do in coordination with the NYPD and in coordination
6 with the Mayor's Office of Criminal Justice. So, all
7 the feedback that is provided is ones that we do take
8 into account as we continue the conversations and
9 figure out what our next steps are. So, it really
10 means a lot to me personally that you are both here
11 to testify, and we are listening. So, thank you very
12 much for that.
13

14 CHAIRPERSON GIBSON: And I guess its okay
15 for me to say we saved the best for last. You are
16 last panel today, but obviously the most impactful.
17 A lot of times we have many conversations as elected
18 officials with stakeholders, advocacy groups, Picture
19 the Homeless, many organizations that you work with,
20 but the most powerful voice is always those that are
21 impacted, and we certainly recognize a lot of the
22 challenges you face every day, and that is why you're
23 here to share with us your story. Your story is
24 similar to many other stories across this city. They
25 look like you. They come from communities like us,

1 and we understand a lot of the magnitude of what
2 we're attempting to do. While we want to make sure
3 that there's equal respect for the law, we also want
4 to make sure that the law has equal respect for
5 everyone, regardless of your race, your ethnicity,
6 your zip code, even if you have an address or not.
7 So that has been our vision throughout this process,
8 throughout this conversation, because we know
9 communities of color have struggled with the over
10 criminalization being victimized in a broken criminal
11 justice system. That's a fact. Many residents in
12 our communities live that every day, and so if we can
13 turn the tide and make a significant step of progress
14 forward, which is what this package is serving to do,
15 we know that it's a long journey ahead, but every
16 journey has its challenges, but the fact of the
17 matter is that when you look at all these numbers and
18 statistics we see there are people behind those
19 numbers, and whether we want to look at data or not,
20 the people are the ones that we must always keep in
21 mind, and those are you. And so I thank you. I thank
22 Picture the Homeless. I thank the organization for
23 the work it does every day to make sure that there's
24 always a message from homeless New Yorkers and other
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2 vulnerable New Yorkers as well. We don't do this
3 work to penalize you or put you in the limelight
4 unless it's to tell a story of significance, and
5 there are a lot of New Yorkers out there that are
6 struggling. They don't feel anyone is listening to
7 them, and we want to assure all of them, and we need
8 you to help us in that regard. You talked about
9 making sure that someone's listening, answering your
10 prayers, we want to make sure that you can help us in
11 that conversation to let your colleagues and your
12 neighbors know that we are here trying to solve a lot
13 of those problems you face every day, and that's what
14 this hearing was about. So, I thank you for coming
15 this afternoon. I just want to check and make sure
16 my colleagues don't have any questions, and also want
17 to acknowledge that we've been joined by Council
18 Member Ritchie Torres, and we now will turn to
19 Council Member Williams.

20 COUNCIL MEMBER WILLIAMS: Thank you so
21 much. I just had a comment. Just want to thank you
22 very much for being here and sharing stories and
23 supporting that people see faces and not just
24 numbers. So, it's very important when people come
25 out to testify [sic]. So, thank you, and I just

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wanted to ask the clerk to add my name to all the rest of the bill packet, the bills in the package. Thank you so much.

CHAIRPERSON GIBSON: And before we close I just want to acknowledge that we received for the written record testimony from Five Borough Defenders who has submitted testimony for today's hearing, as well as the Marijuana Sentencing Project as well for the record, and as we are closing once again I thank all the members of the public. I am extremely grateful that our Speaker has stayed for the entire duration of our hearing, and we are grateful because this is a very important issue to her district, to all of our districts. So, we are grateful for her leadership and not only spearheading this package, but being a very significant part of the conversation. Thank you to the Sergeant at Arms. I always want to acknowledge you for your work in keeping our hearing moving as smoothly as possible, and thank you to all of our staff once again. This hearing of the Committee on Public Safety is hereby adjourned at 1:08 p.m. Thank you.

[gavel]

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COMMITTEE ON PUBLIC SAFETY

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 January 29, 2016