

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY JOINTLY WITH COMMITTEE  
ON OVERSIGHT AND INVESTIGATIONS

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May 3, 2016  
Start: 10:35 a.m.  
Recess: 01:17 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E:

VANESSA L. GIBSON  
Chairperson

VINCENT J. GENTILE  
Co-Chairperson

COUNCIL MEMBERS:

CHAIM M. DEUTSCH  
JAMES VACCA  
JULISSA FERRERAS-COPELAND  
JUMAANE D. WILLIAMS  
RAFAEL L. ESPINAL, JR.  
RITCHIE J. TORRES  
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RORY I. LANCMAN  
STEVEN MATTEO  
COSTA G. CONSTANTINIDES  
DANIEL DROMM  
HELEN K. ROSENTHAL

COUNCIL MEMBERS: (CONTINUED)  
INEZ E. DICKENS

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

Alex Crohn  
General Counsel  
Mayor's Office of Criminal Justice

Jennifer Scaife  
Executive Director of Prevention, Diversion, and  
Reintegration  
Mayor's Office of Criminal Justice

Thomas Giovanni  
Chief of Staff  
New York City Law Department

Nancy Savasta  
Deputy Risk Manager  
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Dan Tansky [sp?]  
Deputy Director of User Services and Education  
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Arelis Hernandez Cruz  
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Director of Policy  
Mayor's Office to Combat Domestic Violence

Ilana Turko  
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## A P P E A R A N C E S (CONTINUED)

Oleg Trinopski [sp?]

Hannah Pennington  
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Wesley Caines  
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Brooklyn Defender Services

Doctor Lisa O'Connor  
Deputy Program Officer  
Safe Horizon

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[gavel]

CHAIRPERSON GIBSON: Good morning ladies and gentleman I'm back. It's Council Member Vanessa Gibson of the 16<sup>th</sup> District of the Bronx. I welcome each and every one of you to City Hall. Today is our joint hearing of the Committee on Public Safety and the Committee of Oversight and Investigations and I'm proud to serve as one of the chairs of this hearing. I welcome all of you here to the city council. Today's hearing focuses on a number of bills that our speaker Melissa Mark-Viverito addressed in her recent state of the city address regarding criminal justice reform. In her speech she highlighted a number of robust criminal justice agendas which ranged from increased services for crime victims to increase transparency and accountability for lawsuits against DOC officers. Specifically, these proposals included legislation to create an office of crime victim services, a division for transitional services for individuals recently released from our city's jails, the reporting of legal actions pending against corrections officers and the implementation of neighborhood support teams. In addition to these

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1  
2 four bills we are hearing a bill this morning  
3 related to the NYPD's reporting of sex crimes.  
4 Speaker Mark-Viverito is the prime sponsor of two  
5 of today's bills; Intro 1135 in relation to  
6 neighborhood support teams, and Intro 1136 in  
7 relation to the collection and evaluation of civil  
8 actions and other complaints alleging misconduct by  
9 correction officers. Intro 1135 would create  
10 neighborhood support teams in three or more  
11 neighborhoods each year that have been identified  
12 as areas that are especially deserving of great  
13 attention. These neighborhood support teams would  
14 use cross agency collaborations to address  
15 persistent and pervasive quality of life issues.  
16 Intro 1136 requires the law department to report  
17 publically on civil actions that have been filed  
18 against the Department of Corrections or employees  
19 of the department and provide details including the  
20 nature of the claims filed and the resolution.  
21 These two bills are putting additional attention on  
22 communities who are too often unnoticed. In  
23 addition, we are hearing two bills which will  
24 create new offices to serve crime victims and  
25 individuals recently released from incarceration in

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1  
2 our city's jails. Intro 1150 sponsored by Council  
3 Member Johnson creates a municipal division of  
4 transitional services. The majority of individuals  
5 released from city jails enter back into our  
6 community without a discharged plan which would  
7 connect individuals to services and programs in our  
8 communities. This office would provide services for  
9 those individuals that have been recently released  
10 from jail to help ease their transition and  
11 reintegration back into society. Intro 1147  
12 sponsored by Council Member Cumbo and I which I  
13 proudly co-sponsor establishes an office of Crime  
14 Victims Services. This office would serve as a main  
15 point of contact for all crime victims who are  
16 seeking services. In addition to Intro 1147 Council  
17 Member Cumbo is also the prime sponsor of Intro 869  
18 which would require the NYPD to expand on their  
19 reporting of sex offenses. These five bills take a  
20 holistic approach at strengthening public safety  
21 and truly achieving justice for all New Yorkers  
22 across our city. I'm extremely proud that we have  
23 our speaker here with us, Speaker Melissa Mark-  
24 Viverito. And now I will turn this hearing over to  
25 my co-chair for the morning Chair of the Committee

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1  
2 of Oversight and Investigations, Chair Council  
3 Member Vincent Gentile.

4 CO-CHAIRPERSON GENTILE: Thank you. And  
5 good morning everybody. And good morning Madam  
6 Speaker. Good morning ladies and gentleman. I want  
7 to thank my co-chair Council Member Gibson, Chair  
8 of the Committee on Public Safety for conducting  
9 this hearing with me and thank the speaker and my  
10 colleagues for sponsoring the important legislation  
11 we are going to hear this morning and for the  
12 leadership.. for their leadership on criminal  
13 justice reform. As Chair Gibson mention I'm Council  
14 Member Vincent Gentile, Chair of the Committee on  
15 Oversight and Investigation. While we are hearing  
16 several bills today Intro number 1136 which is  
17 sponsored by the speaker is pending in the O&I  
18 committee. This bill which amends New York's  
19 administrative code would require the law  
20 department to post on its website and provide the  
21 controller, Department of Corrections, Department  
22 of Investigation and the Board of Corrections  
23 specific information detailing civil actions  
24 brought against New York City alleging misconduct  
25 by corrections officers. According to a recent



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1  
2 report more than 28 hundred personal injury  
3 correctional facility claims were filed against the  
4 city in fiscal year 2015 which is a 27 percent  
5 increase from the prior fiscal year. Settlements  
6 and judgements from this type of claim rose 66  
7 percent in fiscal year 2015 to 13.1 million  
8 dollars. As a result... as of February 2016  
9 preliminary FY '16 data showed a 39 percent  
10 increase in the number of claims filed as compared  
11 to the same period in FY '15. And these numbers  
12 keep going up. In spite of far reaching reforms  
13 that the administration and the department of  
14 correction have been attempting to implement for  
15 the past several years... Some of those reforms  
16 include adding additional corrections officers,  
17 additional improved training, and sharply reducing  
18 the number of individuals in solitary confinement.  
19 Ever year these cases are costing the city and its  
20 taxpayers millions of dollars. This bill would  
21 require the law department to report biannually on  
22 civil lawsuits filed against the Department of  
23 Corrections and its employees... officers. The report  
24 would include the number and nature of such  
25 lawsuits as well as whether and how they have been

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1  
2 resolved. For lawsuits against individual DOC  
3 employees the report would include the rank and  
4 years of service of each named DOC employee and  
5 whether each such employee has been the subject of  
6 civil actions providing DOC with an opportunity for  
7 proactive intervention where necessary. The  
8 information will also be reported to the Department  
9 of Investigation for further analysis.  
10 Additionally, although current reporting mechanism  
11 provides a snapshot of the number of personal  
12 injuries civil lawsuits filed with the city Intro  
13 number 1136 will greatly expand the information  
14 being collected and will include any allegations by  
15 a prisoner of his or her civil rights violations,  
16 something that is not currently available. Inmates  
17 should be safe when they're in our jails and have  
18 their civil rights protected. Legislation such as  
19 that being heard today will allow for greater  
20 transparency and oversight... and oversight agency  
21 investigation and ultimately lead to safer jails  
22 for those incarcerated and those guarding them and  
23 will help ensure inmates' civil rights are  
24 protected and that the taxpayer money isn't spent  
25 to pay for litigation when inmates are abused or

2 have their rights violated. This bill will allow us  
3 to consider not only individual cases but to review  
4 data in the aggregate so that it can determine  
5 whether patterns exist that might call for revised  
6 practices and procedures. Simply put the sooner the  
7 public elected officials and oversight agencies  
8 have pertinent information the sooner we can act to  
9 address wrongdoing, correct conditions, preserve  
10 rights, and improve our justice system. And with  
11 that I'd like to introduce the members of the O&I  
12 Committee. And we have that list right there. With  
13 us on the O&I Committee here today are Council  
14 Members Daniel Dromm, Council Member Chaim Deutsch,  
15 and Council Member Helen Rosenthal. And with that  
16 we can proceed with the hearing, thank you.

17 CHAIRPERSON GIBSON: Thank you very much  
18 Chair Gentile and I also would like to acknowledge  
19 the presence of committee members; Council Member  
20 James Vacca, Minority Leader Steve Matteo, Council  
21 Member Robert Cornegy, Rafael Espinal, Ritchie  
22 Torres, Corey Johnson, as well as Council Member  
23 Laurie Cumbo. Thank you all for being here and now  
24 we will have an opening statement from our Speaker,  
25 the honorable Melissa Mark-Viverito.

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2                   SPEAKER MARK-VIVERITO: So thank you  
3 very much Chair Gibson. So good morning to  
4 everyone. I want to thank you and Chair Gentile and  
5 your respective committees for holding this  
6 important hearing. I want to also thank the council  
7 members that are co-sponsoring the legislation  
8 we're going to hear today, especially Council  
9 Members Cumbo and Johnson who are taking the lead  
10 on three of the bills. I'd like to thank the  
11 members of the administration of the public and the  
12 advocates who are here and committed to improving  
13 our city and criminal justice system and will  
14 testify today. Earlier this year I deliver my state  
15 of the city address. In that speech I said that it  
16 is time to take our criminal justice system out of  
17 the shadows and finally address the institutional  
18 racism which has plagued it for far too long. The  
19 council has been on the forefront of criminal  
20 justice reform through the criminal justice reform  
21 act, legislation to crack down on the sale of K-2  
22 and in creation of a citywide bale fund just to  
23 name a few. In keeping with those efforts I  
24 announce the formation of an independent criminal  
25 justice commission which is being led by former

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1  
2 chair Judge Jonathan Lippman. This commission has  
3 already begun meeting to examine... reduce pretrial  
4 incarceration rates, enhance alternatives to  
5 incarceration, reform the bail system, explore  
6 moving certain populations off of Ryker's Island  
7 and adopting a community based justice model for  
8 New York City. Its work will create a blueprint for  
9 criminal justice in the city. But as you wait for  
10 the work of the commission to unfold we will  
11 continue to pursue legislation to improve the  
12 criminal justice system. As Chair Gibson mentioned  
13 Council Member Cumbo and Johnson have proposed  
14 legislation to improve services for survivors of  
15 crime and to help reintegrate those leaving our  
16 city jails back into our communities and I've  
17 joined them in that legislation. While the  
18 administration has and is increasing services  
19 provided to survivors of crime and reentry services  
20 for those leaving our jails these efforts need to  
21 be coordinated and these bills will do that. As  
22 Chair Gentile mentioned I'm sponsoring Intro 1136  
23 which requires the law department to post on its  
24 website and provide information regarding civil  
25 actions against the Department of Correction to

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1  
2 other agencies including the DOC, Department of  
3 Investigations, the comptroller, and Board of  
4 Corrections. The reported information will provide  
5 details of the civil actions such as the race and  
6 gender of the plaintiff, the summary of the  
7 incident and whether the action was resolved. Most  
8 of the people in our city jails have not been  
9 convicted of any crime. They are awaiting trial and  
10 to ensure they make their court appearances it is  
11 the duty of the DOC to ensure the safety of DOC  
12 personnel and those incarcerated while safeguarding  
13 their civil rights. Far too many people are not  
14 being protected and are having their rights  
15 violated. This bill seeks to shed light on how  
16 frequently that is happening by whom, against whom,  
17 alert the public and the appropriate agencies, and  
18 work collectively to see it as stopped. I'm also  
19 sponsoring Intro 1135 which will create targeted  
20 neighborhood support teams to improve the quality  
21 of life and areas of the city with the greatest  
22 need. These support teams will be modeled after the  
23 highly successful interagency effort brought  
24 together by the council in East Harlem where city  
25 agencies have responded in a comprehensive

1  
2 collaborative effort to bring about improvements to  
3 the cleanliness of our streets, create a new  
4 pedestrian plaza and attacked the K-2 epidemic head  
5 on. Through these interagency efforts and  
6 legislation, we passed last year we have seen a  
7 dramatic decrease in K-2 related emergencies. This  
8 bill will provide a holistic and sustained  
9 collaborative effort between a community and the  
10 agencies to address the areas with the greatest  
11 need. IT will allow community stakeholders to  
12 identify the geographic area that would most  
13 benefit from a coordinated agency effort to address  
14 quality of life issues while holding these agencies  
15 accountable. I look forward to working with my  
16 colleagues, the administration, advocates, and the  
17 public to move this legislation forward. Finally, I  
18 again want to thank the Mayor's Office on Criminal  
19 Justice, the NYPD, the administration for all of  
20 the work they have already done to address some of  
21 the criminal justice issues we are discussing  
22 today. And I look forward to working with them and  
23 hearing their testimony. So again I want to thank  
24 the chairs and I'll give it back over to Chair  
25 Gibson.

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2           CHAIRPERSON GIBSON: Thank you very much  
3 Madam Speaker. Thank you for your presence and for  
4 your leadership and really making sure we highlight  
5 the need for additional reform in our criminal  
6 justice system. We're going to have opening remarks  
7 from two of our prime sponsors. I'm going to begin  
8 with Council Member Corey Johnson, sponsor of Intro  
9 1150 relating to a municipal division of  
10 transitional services. Council Member Johnson.

11           COUNCIL MEMBER JOHNSON: Good morning.  
12 And thank you to Chairs Gibson and Gentile for  
13 convening this hearing and to Speaker Mark-Viverito  
14 for her leadership on Criminal Justice Reform. In  
15 New York and across America we have a tendency to  
16 call our prisons Correctional Facilities. It's a  
17 noble thought that we would be dedicated to  
18 actually correcting criminal behavior instead of  
19 simply punishing a person for it. I know this is a  
20 cause that we and the city council truly believe in  
21 but if we want to make real progress on it we have  
22 to invest real resources. Only when we  
23 substantially lower rates of recidivism will we  
24 know that we're actually investing the necessary  
25 resources in our correction system and the New



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2 Yorkers that are currently involved in our  
3 correctional facilities. To achieve that we need a  
4 well thought out system in place to provide the  
5 support and planning to recently released  
6 individuals and help prevent them from falling back  
7 into old destructive habits, habits that will hurt  
8 their own lives. They result in crime and strain on  
9 our overburdened jail system. To avoid this  
10 unacceptable outcome, we must provide these people  
11 with access to stability, security, and upward  
12 mobility. Intro 1150 would do just that by creating  
13 a municipal division of transitional services. This  
14 agency would coordinate with reentry service  
15 providers so that our system for individuals  
16 reentering society is deliberate and effective. It  
17 would report on the state of its efforts to the  
18 council and to the mayor and would be responsible  
19 for creating a long term strategy to ensure that we  
20 remain dedicated to addressing the barriers to  
21 success that face the formerly incarcerated. This  
22 bill is about our priorities. If we as a society  
23 are to spend an exorbitant amount of money to  
24 incarcerate people we must also seriously invest in  
25 making sure that they have the opportunities and

1  
2 resources to turn their lives around once they're  
3 released connecting them with job training, with  
4 housing, with GED classes, with substance abuse  
5 programs... this is what will truly set them up for  
6 success. It has been 14 years since the council  
7 established discharge planning for all those  
8 serving sentences greater than 30 days. But still  
9 84 percent of those incarcerated are released  
10 without planning or support. By making this  
11 investment in reentry we will ensure that all  
12 68,000 annual admissions to city jails have the  
13 tools they need to succeed. Thank you very much  
14 Madam Chair, Madam Speaker, and Chair Gentile for  
15 holding this hearing today and for hearing this  
16 piece of legislation. Thank you.

17 CHAIRPERSON GIBSON: Thank you very much  
18 council Member Johnson. And we also want to extend  
19 our you know thoughts and prayers on the recovery  
20 of our colleague who's a member of the public  
21 safety committee, Council Member Jumaane Williams  
22 recently had surgery so we want to just extend our  
23 love and prayers to him for healing and hoping that  
24 he gets well soon. If he was feeling well he would  
25 be here and certainly I want to thank his staff for

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1  
2 just working with us. He did have a resolution on  
3 the agenda but in his absence we decided to have it  
4 at a different date. So Council Member Williams get  
5 better and we miss you and we will see you soon. I  
6 certainly before we get to the administration want  
7 to just take an opportunity to recognize the staff  
8 that have really put together a lot of the work  
9 that's involved in allowing these hearings to  
10 happen. The Committee on Public Safety... I want to  
11 recognize our Committee Counsel Deepa Ambekar,  
12 Legislative Counsel Beth Golub, Legislative Policy  
13 Analyst Laurie Wen, Legislative Financial Analyst  
14 Ellen Eng, the Speaker staff Faiza Ali and Theodore  
15 Moore, the Committee on Oversight and  
16 Investigations our Committee Counsel Josh Hanshaft  
17 and our legislative financial analyst Sheila  
18 Johnson [sp?] as well as my staff Kaitlyn O'Hagan  
19 and Dana Wax. Thank you all for helping us to put  
20 together today's hearing. And with that we are  
21 going to get to the administration. Thank you for  
22 your cooperation and your patience while we had a  
23 hearing to vote out resolutions and now getting  
24 ready for this hearing. Thank you very much for  
25 being here and now I will turn to our counsel to

1  
2 administer the oath of office. Thank you once  
3 again. And with us we have on the panel from the  
4 NYPD Special Victims Division we have inspector  
5 Mark DePalo, our NYPD Deputy Commissioner for  
6 Collaborative Policing Deputy Commissioner Susan  
7 Herman, from the New York City Law Department we  
8 have Thomas Geovanni, from the Mayor's Office of  
9 Criminal Justice we have Alex Crohn, and from the  
10 Mayor's Office of Criminal Justice we have Jennifer  
11 Scaife. Thank you all for joining us this morning.

12 COMMITTEE COUNSEL: Do you affirm to  
13 tell the truth, the whole truth, and nothing but  
14 the truth in your testimony before this committee  
15 and to respond honestly to council member  
16 questions?

17 CHAIRPERSON GIBSON: Thank you very  
18 much. And you may begin. And I also want to  
19 acknowledge we've been joined by Council Member  
20 Inez Dickens. Thank you all for being here, you may  
21 begin.

22 ALEX CROHN: Good morning Speaker Mark-  
23 Viverito, Chair Gibson, Chair Gentile, and members  
24 of the Committees on Public Safety, and Oversight  
25 and Investigations. My name is Alex Crone and I am

1  
2 the General Council for the Mayor's Office of  
3 Criminal Justice. Thank you for the opportunity to  
4 testify today. Jennifer Scaife, Executive Director  
5 of Prevention, Diversion, and Reintegration from  
6 our office is here today to answer questions. The  
7 Mayor's Office of Criminal Justice advises the  
8 mayor of public safety strategy and together with  
9 partners inside and outside government develops and  
10 implements policies aimed at reducing crime,  
11 reducing unnecessary incarceration, promoting  
12 fairness and building strong and safe  
13 neighborhoods. The issues we are here to discuss  
14 today support of services from survivors of crime  
15 and targeted reentry strategies to help ensure that  
16 people returning from correctional facilities do  
17 not commit new crimes should be seen in New York  
18 City's larger crime context. Over the last 20 years  
19 New York City has experienced the sharpest drop in  
20 crime of any city in the nation. Every type of  
21 major crime has plummeted with the number of  
22 murders dropping by 83 percent and grand larceny  
23 dropping by 93 percent. The trend toward greater  
24 public safety has continued with 2015 showing the  
25 lowest yearly crime numbers ever in the modern

1  
2 CompStat era. Since January of 2014 index crime  
3 citywide has fallen 1.7 percent and overall... crime  
4 has fallen 5.8 percent. Burglary and grand larceny  
5 auto were at their lowest levels in more than 50  
6 years in 2015. And although in the rest of the  
7 country jail and prison populations increased 11  
8 percent between 1996 and 2013 New York City's jail  
9 population fell by over half. These trends provide  
10 proof that we can have both more safety and a  
11 lighter criminal justice touch. To continue  
12 improving safety while avoiding unnecessary arrests  
13 and incarceration our office is working to  
14 effectively match the right interventions to the  
15 right people at the right time. Central to this  
16 strategy is a comprehensive strategy of  
17 understanding the risks and needs of various  
18 populations, an array of effective interventions  
19 and the infrastructure to ensure that people are  
20 paired with the right service at the right time.  
21 The city supports the speaker's attention to  
22 reentry services in Intro 1150 and focus on  
23 services for survivors of crime; Intro 1147. As  
24 both bills seek to enhance connection to  
25 appropriate and effective services for eligible

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1  
2 populations. Each year roughly 45,000 people return  
3 to New York City from jail and prison. Last week  
4 our office announced strategy to continue safely  
5 reducing the Ryker's Island population by  
6 connecting eligible individuals to effective  
7 interventions before and after jail. This strategy  
8 aims to drive New York City's crime rate even lower  
9 by reliably assessing who poses a risk of  
10 recidivism appropriately addressing the issues that  
11 have led many into contact with the criminal  
12 justice system and connecting people with  
13 stabilizing services that helps ensure that they  
14 will not commit new crimes. Our new strategy will  
15 ensure that reentering diversion resources are  
16 being used as effectively and efficiently as  
17 possible to reduce jail use safely while promoting  
18 public safety. To meet this goal we have convened a  
19 multidisciplinary council of 54 organizations and  
20 agencies including city government agency  
21 representatives, the courts, district attorneys,  
22 defenders, providers, members of the faith  
23 community, formerly incarcerated individuals, and  
24 advocates. The council will review data on  
25 populations and available options and develop

1  
2 solutions to address unmet needs and improve  
3 program effectiveness. Over the next six months the  
4 mayor's office of criminal justice will work to  
5 comprehensively understand populations in need  
6 through conducting a deep analytic dive to  
7 understand risk, service need, and characteristics  
8 of the target population in order to identify  
9 opportunities for intervention, map available  
10 interventions across diversion and reentry points  
11 by creating an electronic catalog of New York  
12 City's justice and service providers. Identifying  
13 existing gaps will help determine what additional  
14 resources or partnerships were necessary and  
15 finally conduct direct outreach with currently  
16 incarcerated individuals to better understand  
17 reentry needs. These efforts will build on and  
18 strengthen our current effective programming. We  
19 look forward to working with the council and Intro  
20 1150's call for coordinator reentry system which  
21 will importantly advance this work. We also applaud  
22 the work to ensure that survivors of crime and  
23 those close to them are paired with the services  
24 they need. As just one example of the city's  
25 commitment of this area we have funded the urban



1  
2 justice center to better support victims of human  
3 trafficking. The urban justice center conducts  
4 intakes assessing clients' needs including safety  
5 planning, risk assessment, and provides 24 hour per  
6 day emergency services. As you know we also partner  
7 with the council to bolster the capacity of service  
8 providers in human trafficking intervention courts.  
9 We look forward to working together to expand  
10 available services and support for victims. To this  
11 end we look forward to working with the council to  
12 develop an office dedicated to crime service..  
13 survivors of services which will work closely with  
14 the mayor's office to combat domestic violence and  
15 the New York City Human Resources Administration to  
16 ensure that survivors have access to services. The  
17 administration does have concerns that the current  
18 crime victim services bill conflicts with the  
19 longstanding work of the office to combat domestic  
20 violence with survivors of intimate partner  
21 violence. Therefore, we look forward to discussing  
22 with the council possible adjustments to the bill  
23 to ensure there's no duplication of efforts. We  
24 appreciate your partnership in developing these  
25 reforms and look forward to our continuing work

1  
2 together in creating a city in which every New  
3 Yorker is treated... is safe and treated with  
4 respect. Thank you for the opportunity to testify  
5 here today and I'll be happy to answer any  
6 questions you might have.

7 CHAIRPERSON GIBSON: Thank you very  
8 much.

9 THOMAS GIOVANNI: Good morning. Thank  
10 you for inviting us. My name is Thomas Giovanni. I  
11 serve as the chief of staff and executive assistant  
12 for government policy at the law department. I'm  
13 pleased to be here to offer the law department's  
14 comments regarding Intro 1136 which is before you  
15 today. I'm also joined by Nancy Savasta who is  
16 right here and Dan Marget Tansky [phonetic]. Nancy  
17 is our Deputy Chief of the... Division for Risk  
18 Management, and Dan is our Deputy Director of User  
19 Services and Education in our Litigation Support  
20 Division. We'll be happy to answer your questions  
21 either now or later. Intro 1136 would require the  
22 law department to compile and post on its website a  
23 biannual report that lists pending civil actions  
24 filed against the Department of Correction and its  
25 individual employees. And it provides for each...

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1  
2 each... civil action detailed information including  
3 addresses of all plaintiffs, the names and law  
4 firms of their attorneys, the names of all  
5 individual defendants and if the law department  
6 determines not to represent any such defenders an  
7 explanation as to why. In addition, the bill would  
8 require that the law department provide a summary  
9 of each alleged incident, the nature of each legal  
10 claim as well as the rank in years of service for  
11 every individual defendant named in the action. The  
12 law department agrees with the council that civil  
13 suits against the Department of Correction and its  
14 individual employees are an important source of  
15 information that may reveal patterns of misconduct  
16 or operational deficiencies. Like a canary in the  
17 coal mine the law department is in a unique  
18 position to spot and report on such trends. This is  
19 information that can contribute to a safer  
20 environment at the facilities operated by the  
21 Department of Corrections. Moreover, we share the  
22 council goal of enhancing transparency so that the  
23 public can follow the trends that are affecting  
24 safety of individuals in the custody of the  
25 Department of Correction. However, Intro 1136 in

1  
2 its current form particularly in the case of  
3 actions most recently followed requires a  
4 publication of allegations and claims, the truth  
5 of... and merits of which haven't been tested by  
6 discovery or any legal challenge and that may not  
7 provide a basis from which sound conclusions about  
8 conduct or operations can be drawn. Now before I  
9 speak to the specifics of Intro 1136 I would like  
10 to share some of the work that the law department  
11 is already doing in this area. Our risk management  
12 unit was established to promote many of the values  
13 reflected in 1136 namely the use of litigation  
14 information to help agencies identify systemic  
15 problems and develop targeted solutions. Our risk  
16 management team regularly meets with the Department  
17 of Corrections to discuss patterns and trends and  
18 civil actions and to strategize ways to address  
19 widespread concerns. Our work with the Department  
20 of Correction continues to evolve and we look  
21 forward to strengthening our partnership through  
22 improved information sharing and problem solving  
23 practices so as to the substance of 1136 some of  
24 the data specified in this bill is currently  
25 available to the law department through our

1  
2 internal case management and tracking system. For  
3 example, our system contains information such as a  
4 court in which a civil action is filed, the name of  
5 the plaintiff's attorney and any monetary amount  
6 associated with an eventual settlement or a  
7 verdict. In contrast we can't provide other  
8 information specified in the bill. For example, we  
9 do have concerns that some of the information will  
10 be privileged or confidential such as the reasons  
11 why the law department may choose not to represent  
12 an individual officer. That is information that  
13 implicates strategic legal decisions that may  
14 involve also confidential personnel records.  
15 Additionally, our staff is no position to know the  
16 race of the plaintiffs unless it were somehow  
17 specified by the complainant. I should also note  
18 that the law department is currently managing about  
19 18 hundred active cases related to the Department  
20 of Correction. So if we were to provide this  
21 narrative style of information all descriptions of  
22 all... descriptions of all incidents associated with  
23 each claim and the nature of each claim for every  
24 civil action that would be essentially impossible  
25 because of the volume of the civil actions and also

1  
2 because any such descriptions that are input into  
3 our system likely contain privileged and  
4 confidential information intended for internal use  
5 only which could not and should not be public...  
6 posted publically. Before I close I want to offer a  
7 few insights about the nature of the data  
8 associated with civil suits and its ability to  
9 portray a full and accurate picture of what Intro  
10 1136 is intended to capture. Many factors  
11 contribute to the decision of whether or not to  
12 settle any given case. This reality renders the  
13 information required by 1136 a weak indicator of  
14 what the bill seeks to show, namely actual  
15 wrongdoing on the part of Department of Corrections  
16 or any individual employees. When an attorney files  
17 a complaint on an inmate's behalf its common to  
18 list as many causes of action as you can reasonably  
19 assert and to name any employee who possibly could  
20 have been involved. At the early stages of  
21 litigation, it may not yet be clear which claims  
22 the facts support and which individuals were  
23 actually involved in the incident in question. As a  
24 result, employees initially named as defendants may  
25 not have been present at the scene of an incident

1  
2 or even working at the jail on that particular day.  
3 On the other hand, a plaintiff may not know the  
4 identities of all employees who are involved and  
5 will commonly use the terms Jane or John Doe as  
6 placeholders. So this means that the list of named  
7 defendant in our internal case tracking system  
8 maintained at any given time are off... both overly  
9 inclusive and incomplete. If a case is settled the  
10 report generated by Intro 1136 may well show  
11 settlement amount next to names of employees who  
12 did not commit misconduct and may appear to  
13 substantiate claims that have no merit even though  
14 we settled the case overall. So we're concerned  
15 that the... the report may unfairly implicate  
16 employees who have done nothing wrong if that  
17 snapshot is taken at the wrong time. I'm confident  
18 that the law department though and the council can  
19 work together to craft a strategy to better achieve  
20 the ultimate objective of this bill. And I want to  
21 emphasize that the law department is deeply  
22 committed to inmate protection, transparency, and  
23 jail reform. We're grateful to the council for the  
24 support and partnership they've shown on this  
25 issue. And we're willing to answer questions and we

1  
2 hope to participate going forward in crafting a  
3 great solution to this issue. So thank you for the  
4 opportunity to provide comments on Intro 1136 and I  
5 and my team are pleased to answer questions and we  
6 look forward to working with you on this issue.

7 CHAIRPERSON GIBSON: Thank you very  
8 much. Is there anyone else on the panel that's  
9 providing testimony? Okay thank you Mr. Giovani,  
10 thank you Mr. Crohn And now we'll have our Speaker  
11 opening up with our first set of questions. Thank  
12 you again for being here. Speaker.

13 SPEAKER MARK-VIVERITO: Thank you Chair.  
14 And from what I heard in terms of the... the  
15 testimony... let me see if I can get... obviously the  
16 one that seems to have the most concerns on your  
17 end is the lawsuit accountability bill that... that  
18 I'm sponsoring. Did not hear testimony regarding  
19 the neighborhood support team... teams legislation.  
20 Is there any thought that any of you could provide  
21 on... on that. I know we have conversations ongoing  
22 and there's some recommendations but overall sense  
23 of the bill and it is something that could be with  
24 some reworking if we were to adapt some of the  
25



1  
2 recommendations... if it could be something that the  
3 administration could support.

4 ALEX CROHN: So our colleagues from  
5 community affairs are here and can speak to that...

6 CHAIRPERSON GIBSON: Sure.

7 ALEX CROHN: We'll play a little musical  
8 chairs if you don't mind.

9 SPEAKER MARK-VIVERITO: Do you affirm to  
10 tell the... tell the truth, the whole truth, and  
11 nothing but the truth in your testimony before this  
12 committee and to respond honestly to council member  
13 questions?

14 ARELIS CRUZ: I do.

15 SPEAKER MARK-VIVERITO: Please state  
16 your name for the record.

17 ARELIS CRUZ: Arelis Hernandez Cruz. I'm  
18 the Chief of Staff for the Community Affairs Unit.

19 SPEAKER MARK-VIVERITO: So... so the  
20 question about the overall sentiment on the... on  
21 1135 which is the neighborhood support teams... is  
22 that something that overall we could work with the  
23 admin on and... and get some support on. What are  
24 some of the concerns?

1  
2 ARELIS CRUZ: Yeah we overall support  
3 the bill. I think there were only just you know a  
4 few things that we thought could be tweaked,  
5 thought along the lines of exactly how broad this  
6 is going to be when it comes to quality of life and  
7 how we define it.

8 SPEAKER MARK-VIVERITO: Okay.

9 ARELIS CRUZ: The time period that  
10 you've stated in terms of reporting back and  
11 setting up the plans but also kind of there's a  
12 sunset that we'd like to also see in place to help  
13 us kind of evaluate the program after we've  
14 implemented it for at least a year but those are  
15 some of the things that we outlined.

16 SPEAKER MARK-VIVERITO: Okay. I  
17 appreciate that. I mean I know that we are in  
18 conversations so I just want to get an overall  
19 sense. It seems like that's something that we can  
20 work through. As indicated I think the one that  
21 seems to have most concerns being expressed from  
22 the admin is the lawsuit accountability bill. Let  
23 me just ask a couple of questions on the... on the  
24 transitional services one because I... I find that  
25 of... of great interest right now. Can you talk a

1  
2 little bit about what are the types of Mayor's  
3 Office of Criminal Justice obviously, what are the  
4 types of things that are included right now in an  
5 inmates discharge plan when they leave Ryker's?

6 JENNIFER SCAIFE: So I think that the...  
7 the primary focus of discharge planning is both  
8 life skills and... and preparation for really... so  
9 obtaining identification so that one can access  
10 benefits but then linkages to community based  
11 services including behavioral health treatment,  
12 employment, housing, etcetera. So it's a kind of a  
13 comprehensive look at what folks need upon release  
14 both near term and then in order to be self-  
15 sufficient and healthy productive community members  
16 long term.

17 SPEAKER MARK-VIVERITO: Is most of that...  
18 plan once the person leaves I guess most of that is  
19 referrals to organizations that work with...

20 JENNIFER SCAIFE: I think it's a...

21 SPEAKER MARK-VIVERITO: ...formerly...

22 JENNIFER SCAIFE: ...combination of both.

23 Some of...

24 SPEAKER MARK-VIVERITO: Okay.

1  
2           JENNIFER SCAIFE: ...the service providers  
3 provide services directly and then others... and... and  
4 then they might refer out to auxiliary services  
5 using a network of... of other community based  
6 organizations.

7           SPEAKER MARK-VIVERITO: Yes, I'm going  
8 to ask. And then what's the... in terms of the people  
9 that... that... inmates that are leaving Ryker's what  
10 percentage would you say do get a discharge plan?

11           ARELIS CRUZ: You know I'm not sure that  
12 I can answer a percentage. I think that there are...  
13 there are different eligibility requirements that  
14 entitle different individuals to different levels  
15 of care and discharge planning. So people with  
16 behavioral health disorders are entitled to a  
17 certain level of care and... and then others by  
18 assessed criminogenic risk and need. But I would  
19 say that probably 50 percent are eligible for some  
20 sort of discharge planning even if they don't  
21 accept those services.

22           SPEAKER MARK-VIVERITO: And what do you  
23 do in the cases that you know obviously in terms  
24 of... of reoffending or recidivism and all that, the  
25 issue that comes up a lot you know is... is... housing

1  
2 for instance. Obviously if you want people to not  
3 reoffend some stability housing is a big issue. Is  
4 that something that is considered in the plan? How  
5 do you handle that? How do you address it? I don't...  
6 in the case of myself that represents so much  
7 public housing. This is an issue that we constantly  
8 come across because there's banning, right people  
9 can't come back and live in public housing. They  
10 have some sort of a record, etcetera. So how... how  
11 does that factor into the planning process?

12 JENNIFER SCAIFE: I think a big emphasis  
13 of reentry planning is family reunification  
14 services that allow individuals to return to family  
15 members... [cross-talk]

16 SPEAKER MARK-VIVERITO: Right.

17 JENNIFER SCAIFE: ...who are housed. And  
18 then beyond that it's making use...

19 SPEAKER MARK-VIVERITO: Can you talk  
20 closer to the mic. I think we're having a hard  
21 time...

22 JENNIFER SCAIFE: I'm sorry. And then  
23 beyond that I think it's just an emphasis on  
24 canvassing what available transitional housing  
25 services may be available. Obviously individuals

2 who are eligible for supportive housing so a higher  
3 level of permanent housing that... that incorporates  
4 behavioral health treatment, primary health care,  
5 and case management, individuals who are eligible  
6 for that level of housing are... are enrolled and...  
7 and... or... or I should say are assisted in  
8 application processes for getting on wait lists.  
9 So... so there are a variety of efforts and  
10 understanding that housing is a... is a great problem  
11 for... for individuals both in and outside the  
12 criminal justice system and there's... there's not  
13 quite enough to go around. So it's a challenge for  
14 us.

15 SPEAKER MARK-VIVERITO: I know that  
16 that's something... that's a big public policy issue  
17 overall that I think we really have to tackle. I  
18 know that there's been some... something that HUD has  
19 done recently trying to address some of this... I  
20 mean we have to get deeper into it but I think that  
21 when you're talking about reentry that... that has to  
22 be a... I'm sure that's a critical challenge is being  
23 able to find stability and housing for... for people  
24 that want to get back on their feet. So that...  
25 that's an issue that I'm hoping that maybe through

1  
2 the division of transitional services that this  
3 office and... and the way we handle this issue we  
4 can... we can look at it more thoroughly. Just a  
5 couple of questions on the lawsuit accountability  
6 and then I'll pass it on to... back to the chair.  
7 Because I think you were talking about in the  
8 testimony, in the risk management tools that you  
9 already are implementing. Can you talk just a  
10 little bit more about what kind of information  
11 you're capturing. How it... what exactly is it that  
12 you're doing.

13 THOMAS GIOVANNI: Yeah sure I'm actually  
14 going to play musical chairs myself with our Deputy  
15 for Risk Management Nancy Savasta.

16 SPEAKER MARK-VIVERITO: Sure. And if you  
17 could... yeah.

18 COMMITTEE COUNSEL: Do you affirm to  
19 tell the truth, the whole truth, and nothing but  
20 the truth in your testimony before this committee  
21 and to respond honestly to council member  
22 questions?

23 NANCY SAVASTA: I do. The risk  
24 management program that we established at the Law  
25 Department has been in existence for about 14

1  
2 years. We meet regularly with the Department of  
3 Corrections to discuss what we consider lessons  
4 learned in litigation, everything from a pattern or  
5 a trend that we see from a facility standpoint to  
6 issues that arise that may suggest a pattern of  
7 behavior or conduct to the extent that it is  
8 developed through litigation. So we engage with the  
9 agency in defense of the litigation. A complaint  
10 comes in, we ask for information in order to  
11 understand the facts and circumstances that  
12 surround the individual complaint. And we study the  
13 cases across. So we're not in the risk management  
14 unit, we're not actively litigating the cases. We  
15 get the feedback of information regarding all of  
16 the cases that are being handled within the law  
17 department to assess whether or not there are for  
18 instance a particular facility where a lot of  
19 incidents are arising to see if there are repeat  
20 names, whether they be someone who...

21 SPEAKER MARK-VIVERITO: Mm-hmm.

22 NANCY SAVASTA: ...has had many stays with  
23 the Department of Corrections or a Corrections  
24 Officer whose name is coming to our attention  
25 frequently so we can share that information with



1  
2 the Department of Corrections for them to take  
3 further action.

4 SPEAKER MARK-VIVERITO: How long has...  
5 have you been implementing this risk management...

6 NANCY SAVASTA: We've been... the program  
7 for risk management has been in place since 2002  
8 and we've been working with the Department of  
9 Corrections since the beginning of the program  
10 through a variety of administrations. We are now  
11 meeting with them on a monthly basis if not more  
12 frequently. And we're currently in the process of  
13 developing better means of communicating  
14 information back and forth which has been somewhat  
15 of a challenge. Paper based systems, antiquated  
16 systems, and so we're trying to make communication  
17 about litigation and about underlying  
18 investigations smoother.

19 SPEAKER MARK-VIVERITO: And just... I... and  
20 I understand that between Department of Corrections  
21 and NYPD it's very very different settings  
22 understanding that. But I... I'm sure the NYPD  
23 probably... I mean we've heard a little bit about it  
24 before but they do have a risk management as well.

1  
2 Is there any conversations that you have with them  
3 as well or...

4 NANCY SAVASTA: I meet with them monthly  
5 as well if not more frequently. We have regular  
6 meetings, regular conference calls, and we share  
7 similar information with them.

8 SPEAKER MARK-VIVERITO: Now just in  
9 terms of the lawsuits and... and the amount of money  
10 that has been spent to settle these lawsuits  
11 involving corrections officers and misconduct for  
12 instance have you seen an increase or a decrease  
13 over the years. Well there's been an increase in  
14 litigation certainly... and that... that... those spikes  
15 are... are apparent from the claims reports and the...  
16 the numbers from the law department on increased  
17 litigation. Some of that litigation alleges  
18 facilities based so it's... there's a spike there as  
19 well... facilities based injuries, so everything from  
20 inmates falling down the stairs to slipping and  
21 falling in the shower or over water from a leaking  
22 toilet. And there is a significant amount of that  
23 as well as allegations of misconduct.

24 SPEAKER MARK-VIVERITO: Right.  
25

1  
2 NANCY SAVASTA: And they span the  
3 spectrum from an... a... an infraction that... and again  
4 may or may not have occurred, denial of access to  
5 something whether it's you know they didn't... they  
6 didn't get to go from A to B when they were  
7 supposed to an allegation of denial of access to  
8 the clinic or... you know or... again they span the  
9 spectrum.

10 SPEAKER MARK-VIVERITO: Go ahead, go  
11 ahead... finish this off.

12 NANCY SAVASTA: Yeah. So there... there's  
13 definitely been an increase. I can't speak to the...  
14 you know the voracity of all of the claims but  
15 there's definitely been increased filings.

16 SPEAKER MARK-VIVERITO: So I think in  
17 the testimony you... you indicated sir that there was  
18 1,800 active... I guess open cases?

19 NANCY SAVASTA: That's correct...

20 SPEAKER MARK-VIVERITO: I don't know how  
21 you would...

22 NANCY SAVASTA: Pending.

23 SPEAKER MARK-VIVERITO: ...identify them.  
24 Pending, okay. What on average is the length of  
25 time that it takes to close a case?

1  
2           NANCY SAVASTA: That differs depending  
3 upon whether the action is pending in federal and  
4 state court and is largely driven by the forum in  
5 which the action is pending. Federal cases move  
6 more swiftly. An average state court case can take  
7 three to seven years through the litigation  
8 process. We have an early intake system within the  
9 office to assess cases early and identify them and  
10 we work closely with the comptroller's office so  
11 that if we assess the case and have the records  
12 early and identify it as... as a case that should be  
13 disposed as opposed to litigated we settle it as...  
14 as swiftly as possible if settlement is  
15 appropriate. If we think that more discovery is  
16 needed, more investigation is needed we litigate  
17 longer. Some of that is dependent upon the  
18 plaintiffs themselves or council for the plaintiff  
19 and how fractious they may be during the litigation  
20 process. They may think that delaying longer might  
21 change the outcome. The facts are the facts. And  
22 the money tends to be injury driven.

23           SPEAKER MARK-VIVERITO: So it's 1,800  
24 cases. IS there any way of... of letting us know what  
25

1  
2 is the oldest case in... in that number, like how far  
3 back does it go?

4 NANCY SAVASTA: I believe so, yes.

5 SPEAKER MARK-VIVERITO: I mean be kind  
6 of curious to see how... how many years. But... and  
7 then do you categorize those cases? Do you have  
8 ways that you categorize them into... into different  
9 areas?

10 NANCY SAVASTA: Loosely categorize, yes.

11 SPEAKER MARK-VIVERITO: Like give me  
12 examples of categories.

13 NANCY SAVASTA: So we can... we can  
14 certainly parse out everything that involves an  
15 inmate that's involved in an incident when they're  
16 being transported. Motor vehicle accidents get  
17 segmented out. And those happen. And accidents on a  
18 corrections bus. So those... those are... those are  
19 pulled out. Trying to think of how... We categorize...  
20 some of it is based upon coding that we use in  
21 conjunction with the Office of the Comptroller.  
22 They have certain codes where they would indicate  
23 if something was facilities based versus some sort  
24 of interaction between individuals and that may be  
25 an interaction between inmates, an interaction with

1  
2 a corrections officer, etcetera. There are not  
3 sophisticated breakdowns of the different types of  
4 allegations within our case tracking system.

5 SPEAKER MARK-VIVERITO: So two things  
6 that you just raised, just to get clarity. And you  
7 had mentioned earlier that yet... you know you... do  
8 you track also by correction officer?

9 NANCY SAVASTA: Yes, we record every...

10 SPEAKER MARK-VIVERITO: ...see certain  
11 number of...

12 NANCY SAVASTA: Every officer that's  
13 named in litigation is listed in our case  
14 management system as being a party to the  
15 litigation. They're... they're listed in our case  
16 management system based on the fact that their name  
17 is a summons and complaint. That doesn't mean  
18 they've actually been served. It just means that  
19 they're listed in the summons and complaint. In  
20 fact, many... named defendants are never served. And  
21 so we never have an opportunity to make a  
22 determination as to representation. The plaintiffs  
23 list everybody but don't actually achieve service  
24 on the... on the defendants. There are mechanisms in  
25 place for them to serve the defendants but they

1  
2 don't. Then those that are served we make a  
3 determination individually as to whether or not the  
4 office of the cooperation counsel will represent  
5 them.

6                   SPEAKER MARK-VIVERITO: And  
7 understanding that these are... I mean you know not...  
8 a lot of... you know a lot of these are not resolved  
9 right, understood they're ongoing. But is there a  
10 certain... are... are alarms raised if you start seeing  
11 a pattern in some officer's name continuously  
12 showing up? Or is there anything that gives you...  
13 what... what causes red flags for you guys? What... in  
14 terms of looking at patterns then if... from the  
15 information you're gathering...

16                   NANCY SAVASTA: A red flag... [cross-talk]

17                   SPEAKER MARK-VIVERITO: ...and trying to  
18 correct it? I mean you obviously... right... you're...  
19 you're tracking in some ways. You're saying that  
20 this is to kind of correct systems or facilities or  
21 behaviors. So there's got to be a... a... an alarm  
22 system, something that triggers you to take a  
23 closer look right? How does...

24                   NANCY SAVASTA: If we saw repeat names  
25 over... you know over time we would absolutely raise...

1  
2 it would prompt an immediate discussion with the  
3 Department of Corrections and we share the  
4 information with them on a regular basis as to  
5 incoming lawsuits, names of officers who were  
6 identified in the lawsuits and so forth. That is  
7 information that's exchanged on a regular basis as  
8 well so that they can study as we study to see if  
9 we have anything that causes concern. If we saw a  
10 pattern of behavior that was repeating itself even  
11 independent of named officers we would raise that  
12 as well.

13           SPEAKER MARK-VIVERITO: Alright and this  
14 is my last question is... is the... you mentioned the  
15 comptroller right, so how do you... if you can  
16 describe the difference between the types of  
17 lawsuits that the law department... it takes on or  
18 addresses and the comptroller... how... what does that...

19           NANCY SAVASTA: So the comptroller gets  
20 claims before they're in litigation. So there are...  
21 there's a large... excuse me, a large body of claims  
22 that the comptroller has an opportunity to  
23 investigate and adjust, decline, or that... just  
24 drop... there is a... a body of claims that drop off,  
25 they get filed and they're not pursued. Then



1  
2 there's a subset, a much smaller subset of that  
3 that matures into litigation either because the  
4 comptroller didn't have enough information to  
5 adjust or because the... the claimant wasn't ready to  
6 have a sit down discussion with the comptroller, a  
7 fruitful discussion about the settlement or  
8 disposition of their claim, or because their claim  
9 has been denied by the comptroller for any of a  
10 variety of reasons. They then file litigation and  
11 then those cases come to us. And the comptroller  
12 and the law department work on the disposition as  
13 far as the financial... in connection with each  
14 lawsuit.

15                   SPEAKER MARK-VIVERITO: Alright. I think  
16 there's a lot more info but I'm going to hand it  
17 off to the chair I think. There's a lot of  
18 conversations obviously that we have to have on... on  
19 this matter and... and the concerns that you've... are  
20 raising here in terms of the bill obviously we will  
21 look into those concerns and see what we can... how  
22 we can work together on this. But thank you for  
23 that testimony and I'll give it back to the Chair  
24 Gibson.

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CHAIRPERSON GIBSON: Thank you. Thank you very much Madam Speaker. And thank you for really giving us a lot more insight into further understanding the work that the law department does. I just have a couple of questions because we will also hear from my co-chair as well as the two prime sponsors of other legislation. I wanted to ask a quick question about Intro 1135 which is a neighborhood support team. So this is probably to MOCJ. Recently with the establishment of the working group on 125<sup>th</sup> Street and East Harlem obviously it stemmed around the eruption of K2 and synthetic cannabinoids. I wanted to find out with this particular bill I see it as being a little bit of a model and a replica of that same working group but obviously having a much broader impact on overall quality of life. So are there any lessons that you have learned from the 125 working group or any best practices that you think would be good for this type of neighborhood support team that we're looking to develop?

ALEX CROHN: So I think there are two takeaways from that group. The first would be... and I think K2 is a really good example of agencies all

1  
2 really doing incredible work but then once  
3 discovering what each other are doing you know  
4 really doing it in a very coordinated way. So it  
5 wasn't just a public safety issue, it wasn't just a  
6 health issue, it wasn't just a bodega issue right?  
7 It was all these different agencies that had some  
8 sort of stake coming together and realizing oh wow  
9 we actually... we have some common knowledge here to  
10 share. So the... the... the taskforce really provided  
11 that forum and had some really great results I  
12 think. I think the other would be sort of early and  
13 often engagement with advocates and stakeholders on  
14 the ground because there's only so much we know  
15 from just you know our vantage point and... and  
16 people who are... who are serving individuals or are  
17 experiencing things there as well can really  
18 provide great insight. So I think both of those  
19 components are critical to sort of effective  
20 implementation of the bill.

21 CHAIRPERSON GIBSON: Okay. And in terms  
22 of resource allocation do you have an idea of what  
23 impact the 125 team had on the operations of each  
24 of the departments that were involved in... in  
25 working on this team.

1

2

ALEX CROHN: I can't speak of

3

specifically to resources. I know some of it was

4

done within existing resources. But some of it was

5

not. And so you know obviously the resources that

6

are necessary for this bill is just an ongoing

7

conversation that we'll be having with the council.

8

CHAIRPERSON GIBSON: Okay. And so in our

9

legislation establishing the neighborhood support

10

teams looking at a... a broad perspective around

11

quality of life, access to mass transit, parks,

12

transportation, health, etcetera we want to make

13

sure that you know we're including everyone and all

14

the stakeholders. And I think with the one to five

15

working group the greatest takeaway that I learned

16

was having the voices of many of the homeless

17

residents that were living in and around that area.

18

And I think sometimes the conversation was a little

19

diluted because many of them felt like they were

20

just being targeted because of their status. And so

21

recognizing in the neighborhood support teams much

22

of that conversation will still revolve around

23

homelessness. Are there any suggestions that you

24

could provide to us on some of the metrics that

25

we're going to obviously use to determine what the

1  
2 performance of... of our neighborhood support teams  
3 would be... anything that you would like to... to add  
4 for us?

5           ALEX CROHN: So my... my colleagues from  
6 homeless services aren't here but what I can say to  
7 that is I think it's important not just to measure  
8 you know how much reduced bad you have but how much  
9 increased good. So I think a key part of 125<sup>th</sup>  
10 Street is you know there were murals, there were  
11 farmers' markets, there were things that were  
12 positive that were happening there. So measuring  
13 both of those things I think is critical because  
14 it's not just trying to sort of sanitize an area as  
15 try to make it a real community that people can  
16 live in and enjoy.

17           CHAIRPERSON GIBSON: Mm-hmm, sure, of  
18 course.

19           SPEAKER MARK-VIVERITO: Yeah I think  
20 since... since there was... in my district let me just  
21 say in terms of some of the... the concerns... and I  
22 agree with you. It's not just about you know  
23 reducing the bad. It's about what improvements  
24 right. So some of the challenges that were raised  
25 through that working group were for instance not

1  
2 only the cleanliness which you could measure.  
3 Alright Sanitation could tell you how many tours  
4 they did, how many times they're cleaning up. But  
5 also with regards to you know Wards Island and  
6 Randalls Island, the homeless shelters that were  
7 there right. Bringing more services onsite to the  
8 residents of the shelter, something that an  
9 improvement that we made and I think the... the  
10 mayor's modeling that in other areas as well. Like  
11 you're saying bringing in pedestrian plaza. There's  
12 other tangible things that have... as a result of... of  
13 the conversation. So every... every area is different  
14 and I think the idea of... of this is not to say the  
15 exact same challenge. And K2 as you mentioned  
16 obviously that was a big part of it. But  
17 identifying areas that are maybe Hubs that may have  
18 similar... you know just challenges in general and  
19 that this team could identify what those particular  
20 needs are and then figure out what the relevant  
21 agencies that would need to be brought in. So as...  
22 as that conversation happens has there been a way  
23 that you could figure out how to identify other  
24 areas or other neighborhoods that maybe could fall  
25 under right that... that bill I think is a question.

1  
2           ALEX CROHN: So it... it will likely not  
3 be the Mayor's Office of Criminal Justice that  
4 will... spearheading this and that's... it's precisely  
5 because of the reason you raised which is these are  
6 multi-disciplinary efforts and... so our colleagues  
7 and community affairs are kind of experts at really  
8 figuring out alright who... knowing communities well  
9 and figuring out what agencies are sort of the  
10 right agencies to bring to the table to address the  
11 very specific needs. So there may not be very much  
12 criminal justice sort of element to it at all in  
13 certain neighborhoods. We really just started  
14 thinking about this so I don't think we're... we're  
15 there yet but it will obviously be really the... the  
16 panoply of available agencies out there because  
17 they all serve different populations and they all  
18 do different things.

19           CHAIRPERSON GIBSON: I think also what I  
20 really appreciated about the focus on the 125  
21 corridor was the level of attention it was being  
22 given. When we first had these level of  
23 conversations we had a lot of our agency heads and  
24 you know deputy chiefs and commissioners that were  
25 really responding because of the demand. And

1  
2 through the neighborhood support teams and the bill  
3 put forth I think it you know goes without question  
4 that we certainly want that same type of... of  
5 attention and priority given. I think in light of  
6 all the challenges we face there are many  
7 challenges that the 125 corridor faces that many  
8 neighborhoods face every day. And I... I guess I say  
9 that not only as a council member but representing  
10 the Bronx. Certainly recognizing that these  
11 neighborhood support teams is going to give a lot  
12 of attention where attention has not been given. So  
13 while I know MOCJ isn't overseeing the entire  
14 conversation and the... the teams I want to make sure  
15 that that's really understood from our perspective  
16 that we want to make sure these teams get the same  
17 level of attention as if it were K2 or any other  
18 issue that we deal with in the city.

19                   ALEX CROHN: Absolutely. And it  
20 certainly will and... and you'll have numerous sort  
21 of mayoral agencies involved in the process  
22 regardless. So we look forward to... to being a part  
23 of it.

24                   CHAIRPERSON GIBSON: Okay great. I have  
25 a question on the bill that focuses on the Office



1  
2 of Crime Victim Services. I wanted to ask about the  
3 current efforts. Now I think in the testimony it  
4 was alluded that some of the work of this  
5 legislation speaks to the work that the Mayor's  
6 Office to Combat DV currently does. So I wanted to  
7 find out any of the efforts right now to coordinate  
8 and streamline services. I think many of my  
9 colleagues and I when you look at victims' services  
10 and how violence impacts not only the victim but  
11 the families a lot of the issues that come out of  
12 these types of tragedies and incidence for me is...  
13 is multi-pronged. It's housing, it's immigration,  
14 it's access to social services, it's unemployment.  
15 And so how do we currently streamline and  
16 coordinate all of those efforts as it relates to  
17 any victim who is a victim of crime.

18           ALEX CROHN: So I'm not sure if my  
19 colleagues from OCDV... and... and actually I'd like to  
20 invite someone from my office who knows much more  
21 about this than I do.

22           CHAIRPERSON GIBSON: Okay...

23           ALEX CROHN: ...Ilana Turko So I mean I  
24 think what we do see is there is a little bit of a  
25 gap here when it comes to non-... domestic violence,

2 non-intimate partner violent services. And we do... I  
3 think that this... this bill does fill a gap there in  
4 the coordination and Ilana can speak a little bit  
5 more to that I think.

6 ILANA TURKO: Hi, good morning... [cross-  
7 talk]

8 COMMITTEE COUNSEL: Do you affirm...  
9 [cross-talk] let me just swear you in Alana. Do you  
10 affirm to tell the truth, the whole truth, and  
11 nothing but the truth in your testimony before this  
12 committee and to respond honestly to council member  
13 questions?

14 ILANA TURKO: I do.

15 COMMITTEE COUNSEL: Thanks.

16 ILANA TURKO: Good morning. So I... I  
17 think that you've hit a point that's really  
18 important that this bill does seem to address which  
19 is that there is seemingly a bit of lack of  
20 coordination as it stands right now for victims of  
21 crime other than intimate partner violence. My  
22 colleagues in the Mayor's Office to combat domestic  
23 violence as Alex just mentioned do tremendous work  
24 to coordinate the services for victims of intimate  
25 partner violence and domestic violence. But as

1  
2 things stand right now services for other survivors  
3 of crime it sort of scattershot what services are  
4 available to them and... and there are many services  
5 throughout the city for those survivors but knowing  
6 exactly where to go to find those services can be a  
7 little difficult. There is however a tremendous  
8 hotline that Safe Horizon runs for victims of  
9 crime. They also run a hotline for victims and  
10 survivors of domestic violence as well. But this  
11 bill I think would do a lot to sort of streamline  
12 the array of services that are available right now.  
13 And I could just give you an example in terms of  
14 human trafficking our office publishes for example  
15 a resource directory that... that indicates all the  
16 different services that are available for victims  
17 of those types of crimes. When it comes to other  
18 types of crimes have to sort of look around to see  
19 what is in fact available.

20           ALEX CROHN: And you know I would be  
21 remiss if I didn't recognize the... the tremendous  
22 work of the police department in... in having you  
23 know victim advocates be a part of the process. So  
24 I don't think we see a dearth of services but I  
25 think that coordination is... is really... be in... you

1  
2 know I don't know if the police department wants to  
3 speak any more about that. But there certainly is a  
4 lot of... of eagerness and... and... and work going on in  
5 this world.

6 CHAIRPERSON GIBSON: Okay did you want  
7 to add anything?

8 COMMISSIONER HERMAN: Sure... I think it's  
9 important to note that over the next three years  
10 the police department will be adding two victim  
11 advocates to every precinct and PSA in the city.  
12 And this is the first time in New York City. And  
13 it's rare in the country to have any advocates  
14 focusing on any victims of other than domestic  
15 violence or sexual assault. So each precinct in PSA  
16 will have one domestic violence specialist and the  
17 other advocate will be focusing on victims of all  
18 other crime. And this is true for every precinct  
19 and PSA except for six which will only have one  
20 advocate. So we will soon have a enormous capacity  
21 to respond to victims of crime at a very early  
22 state, something we've had only in a scattershot  
23 way in the city before. These advocates will be  
24 doing everything from you know immediate response  
25 to victims to help mitigate trauma, helping them

1  
2 access services, navigate the criminal justice  
3 system, and engage in safety planning to prevent  
4 repeat victimization. It's a pretty comprehensive  
5 program.

6 CHAIRPERSON GIBSON: Can you just tell  
7 me where the NYPD is right now in the process of  
8 implementing the victim services?

9 COMMISSIONER HERMAN: We had a several  
10 month RFP process...

11 CHAIRPERSON GIBSON: Right.

12 COMMISSIONER HERMAN: We selected Safe  
13 Horizon. We've had public hearing. The contract is  
14 going through the contract approval process,  
15 through the controller's office and OMB. But we  
16 have completed contract negotiations and once the  
17 contract is approved we'll begin the planning  
18 process and hope to have some advocates on the  
19 ground by the end of the summer.

20 CHAIRPERSON GIBSON: Great. Great,  
21 that's great to know. So I appreciate it in  
22 recognizing that you know we do have several gaps  
23 in the system when it comes to other victims of  
24 crime. And so I just have to mention because it's  
25 so important to the council and to all of us that

1  
2 we have a lot of victims of gun violence and it not  
3 just affects the victims but certainly the  
4 families. And you know we are working with the  
5 administration and Council Member Cumbo and... and  
6 Williams and myself and others. We're looking at an  
7 office to end gun violence because it's just so  
8 important to really provide a holistic response. So  
9 what I'd like to know is there is currently a state  
10 office of crime victim services. We work with them  
11 a lot. We have them on panels during crime victims'  
12 rights week and other forms. And I wanted to find  
13 out do you think that the state office has any  
14 level of services that we could incorporate in this  
15 bill that would fill some of those gaps? So anyone  
16 who is a victim of a crime that's not intimate  
17 partner that's not elder abuse, that's not DV  
18 related but many other forms of crime where we  
19 could model off of some of the work that the state  
20 office does right now.

21 COMMISSIONER HERMAN: So... can I take  
22 that?

23 CHAIRPERSON GIBSON: Sure.  
24  
25

1  
2                   COMMISSIONER HERMAN: I mean the.. the  
3 victim advocates in the precincts will be  
4 responding to victims of every kind of crime.

5                   CHAIRPERSON GIBSON: All victims, okay.

6                   COMMISSIONER HERMAN: Including victims  
7 of shooting, victims of assault, homicide  
8 survivors, victims of violence of all kind, as well  
9 as victims of property crime. I mean the State  
10 Office for Victim Services is both the  
11 administrator of the state victim compensation  
12 program and they're a grant making organization.  
13 They're not a direct service provider. So I don't...  
14 I don't know that if you're talking about filling  
15 gaps in services they're a grant maker just as the  
16 mayor's office is a grant maker.

17                   ALEX CROHN: I would just echo  
18 Commissioner Herman's comments and say you know  
19 through our cure violence work I'm not sure if  
20 you're familiar with Eric Cumberbatch in our office  
21 but right now you know he's working with people on  
22 the ground to sort of assemble the tool kit for  
23 victims of gun violence or you know what do you do  
24 in the aftermath of a shooting. So it's that direct  
25 services that I think we as a city really bring to

1  
2 bear which is you know a tremendous asset. We're...  
3 we're on the ground, we're able to interact with  
4 people that other layers of government just can't  
5 because of where they're situated.

6 CHAIRPERSON GIBSON: Okay thank you.

7 COMMISSIONER HERMAN: I just want to be  
8 really...

9 CHAIRPERSON GIBSON: Sure.

10 COMMISSIONER HERMAN: ...clear that we  
11 will serve every kind of crime victim. So while  
12 it's wonderful to have different programs that  
13 focus resources in different ways I don't want you  
14 to think that the victim advocates in the precincts  
15 are only going to serve X victim or Y victim. We're  
16 going to serve victims of every kind of crime.

17 CHAIRPERSON GIBSON: Okay. Well I'm glad  
18 you said that because I don't think when the RFP  
19 first came out it was made clear. I think many of  
20 us you know looked at domestic violence in the NYPD  
21 and wanted to expand on those services. And PSA... I  
22 represent PSA seven and I see the Safe Horizon  
23 staff every month at the monthly meetings so many  
24 of us probably didn't realize that this venture of  
25 victim services would focus on all victims of



1  
2 crimes. Because I think many of struggle with DV  
3 and that's been such a priority for all of us. But  
4 we recognize there are many other victims of other  
5 forms of crime that also need additional attention  
6 as well.

7 COMMISSIONER HERMAN: That's... that's  
8 been our intention since the outset.

9 CHAIRPERSON GIBSON: Okay great. Let me  
10 get to my fellow co-chair and then we're going to  
11 get to Council Member Cumbo, Chair Vincent Gentile.

12 CO-CHAIRPERSON GENTILE: Thank you..  
13 thank you Madam Chair. And thank you all for being  
14 here today. I actually had some questions for Mr.  
15 Giovanni and his testimony. Did he leave us? Unless  
16 Ms. Chief Savasta could... you want to... it's up to  
17 you... Okay whoever... whoever wants to take it that..  
18 that... that's fine. So of course I... I wanted to ask  
19 you about Intro 1136 and you know Mr. Giovanni said  
20 in his testimony that the law department is in a  
21 unique position to reveal patterns of misconduct or  
22 operational deficiencies in particular to the  
23 Department of Corrections. So despite the fact that  
24 you say that you're in that unique position you do  
25 have some concerns about 1136. But I'm curious if

1  
2 we were to move ahead a little bit, project ahead  
3 and some of the concerns have been addressed that  
4 you testified here to today in 1136. Could you  
5 foresee a situation where the information that's  
6 required by Intro 1136 be used as an addition to  
7 the risk management you now... you now conduct in  
8 regard to the Department of Corrections and make it  
9 an early intervention system similar to what 927 is  
10 requiring of the NYPD?

11           THOMAS GIOVANNI: I think the initial  
12 answer to that is probably not. Because if you were  
13 to think about our case management system as  
14 primarily that, a case management system for  
15 lawyers to conduct the work of the law department..  
16 As I said there's a... a great deal of privilege and  
17 confidential information in that piece. However, if  
18 we were to tailor what's in 1136 and talk about the  
19 risk management functions and also partner with the  
20 relevant agencies we could come up with different  
21 metrics that are useful. I think you've seen that  
22 in other structures and I think you've seen that in  
23 other... other departments at certain times. We've  
24 come up with ways of... of tracking particular  
25 instances and ways of tracking even individuals if...

1  
2 if we want to. But the business of the law  
3 department is representing the city. And a lot of  
4 the information that you're talking about... for  
5 instance the... the nature of the claim is one of  
6 the... one of the criteria. If I would ask one of our  
7 corporation councils to write up a summary of that  
8 case and then post it on the website as that case  
9 is ongoing that would severely jeopardize the  
10 negotiation of that case. I mean that would be  
11 inappropriate. And so in that sense some of the  
12 information from 1136 as currently structured  
13 doesn't quite fit with the goals that you're trying  
14 to achieve. But there are ways to partner and there  
15 are ways to tailor it so that you can get what you  
16 want which is why we're... we're offering and we  
17 would like to talk more about how to do that.

18 CO-CHAIRPERSON GENTILE: So am I correct  
19 in saying then that as it stands now the way 1136  
20 is written may actually endanger some of the risk  
21 management activities you're conducting at the  
22 moment?

23 THOMAS GIOVANNI: I don't want to  
24 overstate it. I mean we... we've never been in this  
25 world. And we would have to really determine in...

1  
2 in... in particular the privilege and confidentiality  
3 aspects of some of this. So I doubt that we would  
4 allow... and I doubt you would want us to do anything  
5 that we genuinely think will jeopardize us doing  
6 the work. So I... I don't want to say that as we go  
7 forward you know the sky is falling. It's not. We...  
8 we just need to talk about how to tailor this in a  
9 way that's... that's productive and gets at the  
10 goals.

11 CO-CHAIRPERSON GENTILE: Okay well  
12 let's... let's just take a look then at some of what  
13 you said particularly about 1136 and talk about  
14 that. You mentioned the... the fact that the reason  
15 why the law department is or is not representing an  
16 individual...

17 THOMAS GIOVANNI: Yes.

18 CO-CHAIRPERSON GENTILE: ...corrections  
19 officer is... can be a privilege then or  
20 confidential.

21 THOMAS GIOVANNI: Mm-hmm.

22 CO-CHAIRPERSON GENTILE: How so? How is...  
23 how so?

24 THOMAS GIOVANNI: Mm-hmm.  
25

1  
2 CO-CHAIRPERSON GENTILE: We're talking  
3 hypothetical now so tell us...

4 THOMAS GIOVANNI: Yes... okay.

5 CO-CHAIRPERSON GENTILE: ...tell us some  
6 specificity, what situation you would find yourself  
7 in.

8 THOMAS GIOVANNI: Okay hypothetically  
9 speaking if we were looking at an individual  
10 officer and we make a determination that we don't  
11 want to represent the officer because of some  
12 feeling that the conduct was outside the bounds of  
13 the law for instance. And so we would write down in  
14 a note somewhere that would say we're not going to  
15 represent this officer because we feel that that  
16 officer went too far to be represented individually  
17 although we're still representing him as the law  
18 department. If we publish that on the website  
19 clearly that's a... that... that ruins your negotiation  
20 to a large degree as you're trying to go forward  
21 with the case. That's not how... that's not how cases  
22 are conducted. Secondly we may also need to  
23 review that officer's disciplinary history to  
24 understand the context of this situation. That  
25 information is privileged under... is confidential

1  
2 under civil rights law 50-A. so we have both of  
3 those operating in ways that would be difficult to...  
4 to justify in this... in the context of being lawyers  
5 doing this work. And certainly it would be a  
6 violation of 50-A to publish for instance either  
7 their disciplinary history or our summary of a  
8 disciplinary history. So that would be a problem  
9 that we... we would have to work out and... and figure  
10 out how to work in this context.

11 CO-CHAIRPERSON GENTILE: So you're  
12 saying beyond just the denial...

13 THOMAS GIOVANNI: Right.

14 CO-CHAIRPERSON GENTILE: ...of  
15 representing...

16 THOMAS GIOVANNI: Yeah.

17 CO-CHAIRPERSON GENTILE: Beyond just  
18 the... the statement of denial but you... you've  
19 denied... that you've decided not to represent a  
20 particular...

21 THOMAS GIOVANNI: Right. The explanation  
22 is what is really problematic.

23 CO-CHAIRPERSON GENTILE: That... that...  
24 that can be... can contradict with the other law you  
25 just mentioned. Okay. That's interesting. Okay. You

1  
2 also mentioned an administrative type of a problem  
3 about the... the narrative style information that the  
4 bill requires in terms of the incidence. But you  
5 then go on to say that you have... you have internal  
6 data that's input which is in effect a... a narrative  
7 style...

8 THOMAS GIOVANNI: Yes.

9 CO-CHAIRPERSON GENTILE: ...explanation of  
10 the case.

11 THOMAS GIOVANNI: Yes.

12 CO-CHAIRPERSON GENTILE: That you put...  
13 you internally input.

14 THOMAS GIOVANNI: Yes.

15 CO-CHAIRPERSON GENTILE: We're talking  
16 about one paragraph. We're really just talking  
17 about one paragraph here. Why... why is it... why  
18 couldn't we take something that you've input  
19 internally and edit it in such a way so that it  
20 could be used to fulfill the requirement of 1136?

21 THOMAS GIOVANNI: I would say two  
22 things. In one instance we're not talking about one  
23 paragraph. Many claims that are brought are brought  
24 by lawyers who rightfully cite every possible  
25 violation of state or federal law that could be

1  
2 brought. So at the point of which we're doing a  
3 report on a new case if we were to... to adopt this  
4 the nature of each claim would actually involve us  
5 at least breaking it up into state and federal  
6 maybe force versus facilities. I mean that would be  
7 a lot of writing. It wouldn't just be a narrative  
8 of the entire case. That's not the way that we  
9 conduct the work now. So first of all that would  
10 require a lot of data input that's different in the  
11 data input that we do now. Secondly, again to the  
12 extent that you're summarizing or giving legal  
13 opinions or even giving information that suggests a  
14 legal opinion that's inappropriate to be placing on  
15 a website as you're conducting the case. So again  
16 there could be... in one sense if we just cut and  
17 paste the complaint and put that on the website  
18 which is already e-filed in most jurisdictions and  
19 certainly a publically available document we could  
20 do that. But if we're asking about a summary of a  
21 case that actually gives any opinion any view of  
22 what the claim is that would then again be a  
23 privilege document for us as we conduct the case.  
24  
25



1  
2 CO-CHAIRPERSON GENTILE: So... what you're  
3 saying is some of what you put on the website could  
4 compromise your negotiations about the case?

5 THOMAS GIOVANNI: You said it better  
6 than I did.

7 CO-CHAIRPERSON GENTILE: Mm-hmm, right.  
8 But you don't foresee a way that it could be done  
9 to fulfill?

10 THOMAS GIOVANNI: Absolutely. You... you...  
11 there are many early intervention or risk  
12 management systems that one could conceive that we  
13 could work on that wouldn't implicate these issues  
14 and could still get a good deal of this  
15 information. It is... why we said we can be a canary  
16 in the coal mine, we just have to make sure we  
17 construct this properly so that we can still do the  
18 main job of the law department up front which is to  
19 defend the city and then help with the risk  
20 management piece at the back ends or throughout the  
21 course of... of our... of our work. But it just has to  
22 not interfere with that first piece because we are  
23 responsible for that and we are lawyered. And I  
24 think that's one of the things that's difficult  
25 when you look at the... of law department versus you

1  
2 know the Department of Transportation. You know a  
3 lot of what we do is privilege by nature because of  
4 the fact that we're lawyers.

5 CO-CHAIRPERSON GENTILE: Right. Okay. No  
6 I... I understand and that... that's... but you're  
7 willing to work toward that goal?

8 THOMAS GIOVANNI: Oh absolutely.

9 CO-CHAIRPERSON GENTILE: Okay that's  
10 great. And you also mentioned that there's a myriad  
11 of factors that go into your decision whether or  
12 not settle a given case. Again let's talk  
13 hypotheticals here. What are some of those myriad  
14 of factors?

15 THOMAS GIOVANNI: Well I mean there... I  
16 mean the easiest factor is as... as Ms. Savasta said  
17 sometimes the injury...

18 CO-CHAIRPERSON GENTILE: I'm sorry.

19 THOMAS GIOVANNI: Injury.

20 CO-CHAIRPERSON GENTILE: Injury.

21 THOMAS GIOVANNI: Might be so severe  
22 even if you think the conduct was marginally  
23 justified where if you think you could perhaps  
24 justify it you can look at the injury and  
25 understand that the overall story that the person

1  
2 is going to tell might be too strong, to overcoming  
3 at the risk of a bad verdict and fake injuries  
4 makes you want to... to settle the case. It may not  
5 be that you think the officer did anything wrong.  
6 By the same token you can have a case where you  
7 think what was done was so bad that you have to  
8 settle this right now for as little or as much as  
9 you have to. Both of those look the same at the end  
10 of the day if you just write a report that says we  
11 settled. And neither one of those actually names  
12 the individual officer because as... as you  
13 understand about how the civil court system works  
14 when we settle the cases there is almost never an  
15 admission of liability on the individual officer,  
16 the city just settles the case on behalf of the  
17 department and the city.

18 CO-CHAIRPERSON GENTILE: Well isn't  
19 there... at the point of settlement you could...  
20 couldn't you do something so that those who are not  
21 implicated but were named could... would not be  
22 reflected in what you post?

23 THOMAS GIOVANNI: I was going to answer  
24 but I think I've been redirected. You're going to  
25 have to come over here. That was slick.

1  
2 NANCY SAVASTA: We can... we can work at  
3 the end of the litigation to dismiss out  
4 individually named parties. It's not always... it's  
5 not always that simple.

6 CO-CHAIRPERSON GENTILE: Well how about  
7 just redacting names making them Jane... John Doe or  
8 Jane Doe... were named but not implicated or not part  
9 of the settlement... or not reason for the  
10 settlement, just redacting names.

11 NANCY SAVASTA: Well the difference...  
12 The... the... when the city settles a case there are  
13 times when the law department settles a case where  
14 individually named city employees participate and  
15 contribute to the settlement and then... though it's  
16 not that frequent it does happen. And then there...  
17 the city settles on behalf of all defendants. So  
18 to... it would be just another process to remove the  
19 names. There's never an admission to liability so  
20 the settlement is on behalf of the city as a whole  
21 and any named defendants and with no admission of  
22 liabilities so that you just don't... the resolution  
23 of the... of the civil action doesn't get to fault as  
24 it were of individual employees. That's why as Mr.  
25 Giovanni said it's not the best indicator.

1  
2 CO-CHAIRPERSON GENTILE: Right. As you  
3 said that being so and... and you don't want  
4 somebody's name posted that... that would incorrectly  
5 reflect any wrongdoing on that person so why not  
6 take the next step and redact those names?

7 THOMAS GIOVANNI: Well the global answer  
8 is we could if we wanted to change the system... the  
9 subset of cases that you're talking about with  
10 Department of Corrections that perhaps with NYPD  
11 we... you certainly could impose another process.  
12 Every process comes at a cost of... of effort and of  
13 time. And in this case it would really greatly  
14 alter the way that liability and settlement is  
15 conducted not just in these cases. It would be a... a  
16 larger set of cases that this kind of theory would  
17 apply to. You could do it but it just isn't the way  
18 that the system works now. And that is not to say  
19 that the system by far is perfect it's just that  
20 the economy of settlement right now and of  
21 litigation includes this type of global dismissal  
22 and it actually excludes that extra work so we  
23 don't pay for another three months of litigation to  
24 determine which John Does are out, which John Does  
25 are in, who's actually responsible. So that's a

1  
2 part of the... the... the cost, it's part of the  
3 efficiency here to the extent that we consider it  
4 to be efficient. If we want to change the value  
5 there, we certainly could. I can imagine that there  
6 would be a budget ask for more people to do that.

7 CO-CHAIRPERSON GENTILE: You want... you  
8 want a bigger budget?

9 THOMAS GIOVANNI: Always. If you... if you  
10 make me do more work...

11 [laughter]

12 THOMAS GIOVANNI: If it's work... I'm not...  
13 I don't mean to be facetious though. It is true. If  
14 we have to do more work administratively or legally  
15 we will need more people.

16 CO-CHAIRPERSON GENTILE: I'm sorry say  
17 that again.

18 THOMAS GIOVANNI: I was saying I don't  
19 mean to be facetious about it but if we have to do  
20 more work administratively or legally we will need  
21 more people to do it. We are stretched thin as it  
22 is and if we had to do an entirely new process that  
23 would actually extract or input these particular  
24 names as a part of the settlement that would  
25 greatly increase the litigation. I know... I imagine

1  
2 plaintiff's counsel would care greatly, and I  
3 imagine Union counsel would care even more.

4 CO-CHAIRPERSON GENTILE: Mm-hmm. Okay I...  
5 I... I think this is going to take some more  
6 discussion as to how we proceed on this but I'm...  
7 I'm curious before I turn it back over about the  
8 controller's pre-litigation claims, Mr. Savasta I  
9 think you talked about that. Would we necessarily  
10 see any of those claims that are pre-settled? That  
11 are... that are settled pre-litigation if this 1136  
12 were... were passed?

13 THOMAS GIOVANNI: By its terms, no.

14 NANCY SAVASTA: No.

15 CO-CHAIRPERSON GENTILE: I'm sorry.

16 THOMAS GIOVANNI: By its terms... [cross-  
17 talk]

18 CO-CHAIRPERSON GENTILE: By its terms...

19 THOMAS GIOVANNI: ...No.

20 CO-CHAIRPERSON GENTILE: ...no.

21 THOMAS GIOVANNI: They... that...

22 CO-CHAIRPERSON GENTILE: But...

23 THOMAS GIOVANNI: ...only goes...

24 CO-CHAIRPERSON GENTILE: ...you don't... do  
25 you get that information from the controller's

1  
2 office, the... the claims that are... that are... are  
3 settled pre-litigation?

4 NANCY SAVASTA: We can, yes.

5 CO-CHAIRPERSON GENTILE: But you don't?

6 NANCY SAVASTA: I don't... I don't believe  
7 that we get a... a mass feed of all the information  
8 from them. We can be granted access to that  
9 information and we do work with them to understand  
10 you know if we have information suggestive of a  
11 pattern or information that's suggestive of a  
12 problem.

13 CO-CHAIRPERSON GENTILE: Well that's  
14 exactly my question. Wouldn't that be relevant to  
15 your risk management activities?

16 NANCY SAVASTA: Which is why we work  
17 with them. Yes, it is relevant. We just don't have  
18 it in our system. So if... if we... if the law  
19 department was going to be reporting from law  
20 department data that's not part of the law  
21 department data, it's part of the comptroller's  
22 data.

23 CO-CHAIRPERSON GENTILE: Right. But if  
24 you're doing a risk management you would want to  
25



1  
2 know what cases were settled pre-litigation before  
3 they came to you, wouldn't you?

4 NANCY SAVASTA: The claims that come to..  
5 the claims that come to us are not resolved by the  
6 comptroller. We can and do.. excuse me as part of  
7 our investigation obtain information from the  
8 comptroller's office about whether or not anyone  
9 that's involved in our litigation has been  
10 implicated in prior claims so that's part of our  
11 investigation as we're reviewing a case and working  
12 it up for litigation or disposition.

13 CO-CHAIRPERSON GENTILE: Part of your  
14 case, the case that you work on?

15 NANCY SAVASTA: Any case that we're  
16 working on and as part of the risk management  
17 efforts which are separate from individual case  
18 management, set a higher level of cross cases. We  
19 do look to the comptroller's data in their system  
20 versus our system. So we get information from them  
21 but it's not our information it's theirs.

22 CO-CHAIRPERSON GENTILE: It's their  
23 information, sure.

24 NANCY SAVASTA: Correct.  
25

1

2

CO-CHAIRPERSON GENTILE: Sure I

3

understand, okay. Well it looks like the data that

4

we're asking for in 1136 is not... is... is... is

5

relevant in many ways and... and it may be that the

6

reporting of the data may have to be later in the

7

process. I... I... I'm not sure but I think it's going

8

to... it's going to take some more discussion and I'm

9

happy to hear that you're open to...

10

THOMAS GIOVANNI: Absolutely.

11

CO-CHAIRPERSON GENTILE: ...having that

12

discussion on 1136 and we'll look forward to... to

13

working with you on it. Thank you.

14

THOMAS GIOVANNI: Excellent, thank you.

15

CO-CHAIRPERSON GENTILE: Okay thank you

16

Madam Chair.

17

CHAIRPERSON GIBSON: Thank you very much

18

Chair Gentile. And next we will have Council Member

19

Cumbo, the prime sponsor of Intro 869 which relates

20

to reporting on sex offenses by the NYPD as well as

21

Intro 1147 that relates to the Office of Crime

22

Victim Services. Council Member Cumbo.

23

COUNCIL MEMBER CUMBO: Thank you so much

24

Chair Gibson. Thank you so much for giving these

25

particular bills an opportunity to be heard today.

1  
2 And I want to thank all of you for your testimony  
3 and for coming. And I also want to thank you for  
4 your support on denim day. It was an incredible  
5 turnout to talk and bring greater visibility to  
6 issues around sexual assault in New York City and  
7 beyond. I'm also very pleased to hear about the  
8 expansion of our precincts and making sure that  
9 there are more services available particularly for  
10 victims of domestic violence and sexual assault and  
11 many other forms. Wanted to speak a bit more  
12 because in the testimonies and we continue to hear...  
13 and I'm very pleased about that about the decrease  
14 in crime throughout New York City. But what we also  
15 hear is that violent crime against women continues  
16 to be on the rise. And that was the discussion that  
17 took place in the beginning of the year, wanted to  
18 know how are we in that area. Our crimes against  
19 women, particularly violent crimes continuing to  
20 happen in the city of New York. And has that number  
21 decreased or does it continue to increase  
22 throughout this year?

23 MARK DEPAOLO: Good afternoon, and thank  
24 you for allowing me to be here today. My name is  
25 Mark DePaolo, and I'm the Executive Officer of

1  
2 Special Victims Division. Year to... year to date as  
3 it pertains to rates we've seen a... an increase of  
4 5.8 percent in rapes. A breakdown by category shows  
5 that the category of stranger rape we are down one...  
6 one incident per the year 35 versus 36 for a two  
7 percent decrease. Acquaintance rapes we've seen an  
8 increase 235 compared to 201 at the same time last  
9 year. And now with domestic incidents we've seen a  
10 decrease of about nine incidents, 163 compared to  
11 172.

12 COUNCIL MEMBER CUMBO: Could you repeat  
13 that number? Maybe... and I apologize my hearing may  
14 be off I think a little bit but if you could just  
15 speak a little bit more into the microphone and I  
16 didn't understand that decrease in the... in the  
17 last...

18 MARK DEPAOLO: Domestic related  
19 incidents.

20 COUNCIL MEMBER CUMBO: Domestic  
21 incidents. But does that include fatalities or not?

22 COMMISSIONER HERMAN: Let... let me just  
23 clarify I think. We're talking about different  
24 kinds of rape.

25 COUNCIL MEMBER CUMBO: Mm-hmm.

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COMMISSIONER HERMAN: We're not talking  
about... [cross-talk]

COUNCIL MEMBER CUMBO: Oh, okay.

COMMISSIONER HERMAN: ...domestic  
violence. We're talking about rape that either  
considered a domestic incident, an acquaintance  
incident, or...

COUNCIL MEMBER CUMBO: Understood.

COMMISSIONER HERMAN: ...a stranger  
incident.

COUNCIL MEMBER CUMBO: Thank you.

COMMISSIONER HERMAN: So he's breaking  
it down but he's talking only about rape.

COUNCIL MEMBER CUMBO: Thank you for the  
clarification.

MARK DEPAOLO: Okay. Overall as it  
pertains to rape we've seen an increase for the  
year 433 incidents compared to 409.

COUNCIL MEMBER CUMBO: Okay.

MARK DEPAOLO: So...

COUNCIL MEMBER CUMBO: Do you understand  
at this time why at this particular time we would  
have an increase as it pertains to rapes in the  
city of New York?

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MARK DEPAOLO: We really don't have a specific reason for it. We do work very closely with the advocacy groups as a department and as a division which I think plays out when you look at the acquaintance incidence that the advocacy groups are really working hand in hand with us and they're bringing confidence to victims who are... are more willing to come forward and report the incidents to the police department so that we can investigate them.

COUNCIL MEMBER CUMBO: Okay. Mm-hmm.

COMMISSIONER HERMAN: I would add to that and just say as... as you know from denim day we've done a tremendous amount of work in raising public awareness about the importance of reporting. So we're doing everything we can to encourage women and men who have been victims of sexual assault to come forward. We've distributed 32,000 cards encouraging people to report during the month of April which was sexual assault awareness month. We had a poster contest for college students that was... the winning poster was distributed to 100 colleges around the city.

1  
2 COUNCIL MEMBER CUMBO: I saw that it  
3 was... [cross-talk]

4 COMMISSIONER HERMAN: So we are getting  
5 the word out that not only do you want to report  
6 this crime but you now can report directly to the  
7 Special Victims Division which is again another  
8 incentive. You're going to more... you're more likely  
9 immediately going to be talking to someone who's  
10 specially trained to talk to sexually assault  
11 victims.

12 COUNCIL MEMBER CUMBO: I'm very  
13 impressed by that and I was very impressed with  
14 the... the graphic representation of that. And I  
15 think it's very important to... and we've seen this  
16 in terms of encouraging individuals to come forward  
17 and to report. And similar to the Mayor's Office to  
18 Combat Domestic Violence we may see a similar trend  
19 whereas the numbers are rising perhaps also because  
20 people feel more confident to come forward and know  
21 that there's a system in place so that it may not  
22 necessarily always be that there's an increase of  
23 incidents but there's now an increase of people  
24 reporting. Are you finding that that is potentially  
25 what's happening or do you feel that the actual

1  
2 incidences are... are continuing to occur at a higher  
3 rate than normal?

4                   COMMISSIONER HERMAN: We know that we're  
5 making great efforts to increase awareness and to  
6 increase reporting. There are really only a couple  
7 of ways to know whether the incidence level has  
8 gone up and that's by doing a victimization survey.  
9 That's the only way you know whether the... the  
10 prevalence has changed and the report... the  
11 prevalence has stayed the same and the reporting  
12 level has gone up or whether the prevalence and the  
13 incidence level has changed.

14                   COUNCIL MEMBER CUMBO: One of the things  
15 I've been very passionate about and you know is  
16 that when we talk about sexual assault we're also  
17 talking about the fact that the marketing  
18 promotions continue to discuss it in a way of  
19 saying should this happen, you should report it,  
20 and here's where you should report it and how you  
21 should report it. We've also seen discussions and  
22 campaigns around informing women in particular but  
23 also men, how to avoid being a victim of sexual  
24 assault. But I've never seen in the same way.. and  
25 does this happen, a campaign that focuses on not



1  
2 raping, not... not violating someone sexually. So  
3 similar when we see something like the Vision Zero  
4 campaigns it shows someone texting and then it  
5 shows a driver and then it says this person was not  
6 doing the wrong thing but look what happened to  
7 them because the driver was texting and the person  
8 was not. Or if you see something with drunk driving  
9 it will show an incident of you know if you do this  
10 you could wind up six feet under so why not just  
11 take the train. Has there ever been a campaign  
12 that's been very vivid and very clear about  
13 teaching the fact that rape is wrong, sexual  
14 assault is wrong, and it's all throughout our city  
15 and our educational systems so that we begin to  
16 teach and change behavior that this type of  
17 behavior is inexcusable and really has no place in  
18 New York City or beyond?

19                   COMMISSIONER HERMAN: I'm not going to  
20 steal their thunder. I think you have a lot of  
21 advocates in the room who will testify later and  
22 they've done terrific public awareness campaigns  
23 that deal not only with offending behavior but how  
24 to seek help if something has happened to you. So  
25 would they want more support to do more of those

1  
2 kinds of campaigns, probably. And... and they would  
3 be great.

4 COUNCIL MEMBER CUMBO: Have we done one  
5 on an administration in terms of saying rape is  
6 wrong?

7 COMMISSIONER HERMAN: OCDV you want to  
8 talk to that? Hannah?

9 COUNCIL MEMBER CUMBO: And also talking  
10 about where those campaigns live and where they  
11 exist. In my ignorance I may not have seen them.

12 COMMITTEE COUNSEL: Do you affirm to  
13 tell the truth, the whole truth, and nothing but  
14 the truth in your testimony before this committee  
15 and to respond honestly to council member  
16 questions?

17 HANNAH PENNINGTON: I do. Thank you.

18 COMMITTEE COUNSEL: Please state your  
19 name for the record.

20 HANNAH PENNINGTON: Sure. Hannah  
21 Pennington, I'm the Director of Policy at the  
22 Mayor's Office to Combat Domestic Violence and I  
23 think everybody knows that there is an incredibly  
24 strong overlap between the work that we do and the  
25 work that the special victims unit does and all the

1  
2 advocates who work either exclusively on sexual  
3 assault or both intimate partner violence and  
4 sexual assault. And what I would add to your  
5 question Council Member is that our academy which I  
6 think you know about, the New York City healthy  
7 relationship training academy works very hard, not  
8 exclusively, on the issue of sexual offenses but  
9 generally in providing an education forum for young  
10 people, for staff who work for... with young people  
11 and parents. And there definitely is a component in  
12 the academies peer led workshops to get to that  
13 prevention piece to make sure that we're not just  
14 talking about what to do after this happens but to  
15 try to actually as early as we can... and we work  
16 with middle schoolers, high schoolers, and all the  
17 way up through peoples' early 20s on how to engage  
18 with people about what a healthy relationship looks  
19 like. And some of that work does look at what a  
20 healthy sexual relationship looks like and that  
21 does go to the question of consent and you know  
22 it's... these are sort of fraught conversations with  
23 young people but something that we are working on  
24 and want to do more on and I would say the same for  
25 other folks and I don't know who's testifying today

1  
2 but you know the great work of day one, the... the  
3 sexual... the alliance against sexual assault are  
4 very very focused on prevention as well.

5 COUNCIL MEMBER CUMBO: I believe that  
6 public service announcements would be effective. I  
7 think those bus shelter ads and those train station  
8 advertisements and those sorts of things to get  
9 really into peoples' faces because from what I've  
10 seen a lot of what you're discussing it's almost...  
11 it's almost one of those things if you're fortunate  
12 enough to get... to be able to have those services  
13 have reached you... So when we talk about like things  
14 such as sex ed and those sorts of things some  
15 schools have it, some schools don't. And so people  
16 can fall through the cracks and those sorts of  
17 things. I'd really like to see almost a yes means  
18 yes or no means no campaign. Or really discussing  
19 what yes means and what no means in a way that  
20 particularly young people on our college campuses  
21 and all of those sorts of things see something  
22 visual and in their face the same way you see you  
23 know a person with the vision zero where someone's  
24 down and they're showing this is what happens. And  
25 sex is... and sexual assault can be something that's

1  
2 uncomfortable to discuss in the public sphere. But  
3 at the same time it's an issue similar to... to many  
4 other of the issues such as Vision Zero, such as  
5 gun violence, such as domestic violence in a lot of  
6 ways.

7 HANNAH PENNINGTON: And OCDV and  
8 Commissioner Noel would be in full support of what  
9 you're saying and we are definitely... all have in  
10 the past done really successful public awareness  
11 campaigns and we are looking to do more  
12 specifically in the area of intimate partner  
13 violence which as I said so... so often overlaps with  
14 sexual assault. But we're also eager to partner  
15 with a lot of the organizations I mentioned and I  
16 think you're absolutely right. The two go hand in  
17 hand. We can't get to every single you know...

18 COUNCIL MEMBER CUMBO: Mm-hmm.

19 HANNAH PENNINGTON: ...middle school or  
20 high school or in... in a city as large as New York.  
21 So I think you need to... you need to attack it on  
22 all fronts.

23 COUNCIL MEMBER CUMBO: I saw it and I  
24 just close on this one issue. I saw an  
25 advertisement yesterday. I can't even remember

1  
2 where it was and how I saw it but it was I believe  
3 a commercial and it was showing someone with a  
4 choice of taking the train home or driving their  
5 car home after drinking. And all these characters  
6 appeared and it said oh you're going to get  
7 arrested. Then a lawyer appears out of someone and  
8 says and my legal fees are X, Y, and Z, oh have you  
9 ever been to prison before, meet me. And then  
10 afterwards you're not going to be... you're going to  
11 have challenges with your job. And then another  
12 character appears and says well your insurance  
13 rates are going to go up by X, Y, and Z... so which  
14 showed this whole thing of what the ramifications  
15 are of drinking in that way. I think that that sort  
16 of dynamic needs to take place when it comes to  
17 issues around domestic violence, when it comes to  
18 issues around sexual assault. It has to be very  
19 visual for people what the ramifications are going  
20 to be in those instances. But wanted to get more  
21 specific into the bill with Intro 869. Wanted to...  
22 to talk a bit about your thoughts on this  
23 particular reporting bill because I know some of  
24 this work is beginning to happen already. Wanted to  
25 know what your thoughts were. Are you supportive of

1  
2 this? Because you never want any surprises in the  
3 legislative process and want to know what your  
4 thoughts are in terms of making this particular  
5 bill even stronger.

6 OLEG TRINOPSKI: Good afternoon.

7 COUNCIL MEMBER CUMBO: Good afternoon.

8 OLEG TRINOPSKI: Although we don't  
9 oppose the bill at all there are a couple of points  
10 of clarification that need to be made before the  
11 bill would be voted on. Namely it needs to be  
12 clarified with respect to what type of reporting...  
13 what type of data you're seeking to capture. Right  
14 now we know that you're looking to disaggregate the  
15 130, penal law 130.

16 COUNCIL MEMBER CUMBO: I'm so sorry. I  
17 feel like such a old lady.

18 COMMITTEE COUNSEL: Can I actually just  
19 swear you in...

20 COUNCIL MEMBER CUMBO: I mean I  
21 apologize.

22 OLEG TRINOPSKI: Sure.

23 COMMITTEE COUNSEL: Do you affirm to  
24 tell the truth, the whole truth, and nothing but  
25 the truth in your... [cross-talk]

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COUNCIL MEMBER CUMBO: Right.

COMMITTEE COUNSEL: ...testimony before  
this committee and to respond honestly to council  
member questions?

OLEG TRINOPSKI: I do.

COMMITTEE COUNSEL: Great. Just state  
your name for the record.

OLEG TRINOPSKI: Oleg Trinopski  
[phonetic].

COMMITTEE COUNSEL: Thank you.

COUNCIL MEMBER CUMBO: I apologize if I  
offended anyone who has hearing challenges.

OLEG TRINOPSKI: So the... the bill...  
although the bill seeks to capture the penal law  
130 offenses disaggregated by the type of offence  
in Article 130 it's not clear with respect to  
whether you're looking to capture complaints or  
arrests and we just would like to make that  
clarification in the bill. And also I believe it's  
on page two of the bill... one where speaking about  
predatory sexual assault I believe there's a type...  
typographical error where you're capturing 130.95  
and 130.80, I think you meant 130.96.



1  
2 COUNCIL MEMBER CUMBO: Oh yes, thank you  
3 for the clarification.

4 OLEG TRINOPSKI: Otherwise we don't have  
5 objections to the bill. We capture that type of  
6 data and we can report it as part of the..

7 COUNCIL MEMBER CUMBO: Let... let me ask  
8 another question in terms of clarity for this so  
9 that we can understand as well. In your reporting  
10 internally but as well as externally because it  
11 also talks about location of where an assault takes  
12 place. So in... in the work that you do, do you all  
13 have ways currently internally that you document  
14 when it's happening in a school, when it's  
15 happening in a park, when it's happening at a bus  
16 stop, where there are... when it's happening in the  
17 home? Do you have it currently so that it's  
18 available internally as well as externally how  
19 people can determine where sexual assault is  
20 happening and what type of sexual assault is  
21 happening and where it's happening?

22 COMMISSIONER HERMAN: So I'm not sure  
23 whether you're familiar with CompStat 2.0.

24 COUNCIL MEMBER CUMBO: Mm-hmm.  
25

1  
2           COMMISSIONER HERMAN: ...which is public  
3 CompStat. We have all crimes are up in terms of  
4 complaints, not arrests, but complaints. And there  
5 are pin maps up online right now for 28 day period,  
6 for year to date period. They do not show did it  
7 happen in a park or did it happen in a house, they  
8 show nearest intersection.

9           COUNCIL MEMBER CUMBO: Mm-hmm.

10          COMMISSIONER HERMAN: And the reason for  
11 that is to protect victim confidentiality.

12          COUNCIL MEMBER CUMBO: Right.

13          COMMISSIONER HERMAN: Particularly  
14 important because of extra obligations to maintain  
15 confidentiality for sexual assault crimes. If you  
16 hover over the dot in a rape one map you'll see  
17 whether it's a domestic rape, a stranger rape, or  
18 an acquaintance rape. There are a small percentage  
19 that are not on the map because they're perhaps in  
20 the middle of a park or they're on a beach or  
21 they're someplace else but we don't reveal  
22 publically for confidentiality reasons whether it's  
23 in a subway... you see a dot on a map you don't know  
24 whether it happened in a home...

25          COUNCIL MEMBER CUMBO: Correct.

1  
2                   COMMISSIONER HERMAN: ...underground or  
3 somewhere else. In a...

4                   COUNCIL MEMBER CUMBO: Mm-hmm.

5                   COMMISSIONER HERMAN: ...tall apartment  
6 building. And again that's for confidentiality  
7 reasons.

8                   COUNCIL MEMBER CUMBO: Because I had  
9 seen that ability to be able to navigate the map  
10 but wasn't coming away with the ability of learning  
11 as you said... is it happening most often in our  
12 transit system, is it happening most often in our  
13 schools because I feel that that would also be an  
14 important layer for us from a policy perspective  
15 but also knowing where we can and should deploy  
16 resources to have the most impact in that way.  
17 Because if something's happening and we see a trend  
18 of situations happening in our cabs as we're  
19 pushing forward legislation around that then we  
20 know that that's where we need to focus. Or if it's  
21 happening in our schools then we know that perhaps  
22 the focus we need to strengthen is around education  
23 and thinking about it from that perspective.

24                   COMMISSIONER HERMAN: We do have  
25 information about those trends. They're not on

1  
2 CompStat 2.0 and... and probably likely will not be  
3 for those reasons.

4 COUNCIL MEMBER CUMBO: Okay. Okay thank  
5 you. I don't have any further questions and I'll  
6 turn it back over to the Chair. Thank you for your  
7 testimony.

8 CHAIRPERSON GIBSON: Thank you very  
9 much. And next we'll have Council Member Inez  
10 Dickens.

11 COUNCIL MEMBER DICKENS: Thank you so  
12 much Chairs. And good morning and thank you for  
13 your testimony. Mr. Crohn am I pronouncing it  
14 correctly? Thank you. My question is really geared  
15 towards your testimony, page two dealing with Intro  
16 1150 and 1147 to be specific. And in your testimony  
17 you said comprehensively understand populations and  
18 lead to conducting a deep analytic dive to  
19 understand the risk, etcetera. And my question is  
20 geared towards the fiscal impact on the budget that  
21 this would cause considering that I notice in your  
22 testimony you referred to Urban Justice Center in  
23 particular. And I heard testimony about Safe  
24 Horizon that you would be... that the office would be  
25 working with in order to ascertain all of the

1  
2 information needed in order to combat the... or to  
3 help the crime victims and ATI and reentry programs  
4 to make them more efficient. I don't like to  
5 duplicate studies although I want the best  
6 assistance that's available in the city. Are you  
7 familiar with programs that currently exist that  
8 deal exactly with that... that's in East Harlem and I  
9 mention East Harlem because Chair Vanessa Gibson  
10 mentioned the 125<sup>th</sup> Street East Harlem. Well there  
11 are programs in particular, the Green Hope Services  
12 for women that deal with ATI particularly for  
13 women, domestic violence with women, and reentry  
14 programs for women. Are you familiar with them?  
15 They have done numerous studies. They built a new  
16 development to deal just with that so that we don't  
17 duplicate this... the... the studies and the services.

18 JENNIFER SCAIFE: I... I think that what  
19 Alex was referring to in his testimony is... is in  
20 our deep analytic dive that we want to really get a  
21 better understanding of what the criminogenic risk  
22 and need profile is of the population that we're  
23 trying to serve whether it's through diversion and  
24 alternatives to incarceration or through reentry  
25 services. So that's the work that our office is

1  
2 undertaking to allow us to with our partners across  
3 city agencies and the provider community who often  
4 serve people who are both justice involved and  
5 survivors of crime and other kinds of trauma that  
6 we are... are responding appropriately by developing  
7 the services that are going to be most responsive  
8 to their needs.

9 COUNCIL MEMBER DICKENS: I understand  
10 that but... but also we... this is budget time and we  
11 have to deal with fiscal impacts. And as... as deeply  
12 as concerned as I am about recidivism and crime  
13 victims and reentry programs we... we have something  
14 that's in the Speaker's District in East Harlem  
15 that deals a lot with that and may have a lot of  
16 work. Have you sought out what they have in  
17 existence and... and what they can do to be of  
18 assistance and doing just what you're doing...  
19 talking about doing?

20 JENNIFER SCAIFE: Yeah so they are part  
21 of the diversion in reentry council that we've  
22 recently convened and are working with us on  
23 informing our overall look at the system and the  
24 available services and the available information  
25 and research that exists on the population. And we

1  
2 have a particular interest in women and.. and.. and  
3 the special needs that they present in the criminal  
4 justice systems so we are engaged with them, yes.

5 COUNCIL MEMBER DICKENS: ...have been  
6 working with Green Hope.

7 JENNIFER SCAIFE: Yes, that's right.

8 COUNCIL MEMBER DICKENS: Okay great.  
9 That's... that's fine. Thank you. Thank you Chairs.

10 CHAIRPERSON GIBSON: Thank you very much  
11 and I'll turn it back over to Chair Gentile.

12 CO-CHAIRPERSON GENTILE: Thank you Madam  
13 Chair and I just had a few other questions on some  
14 of the other bills of Commissioner Herman on the...  
15 the bill that establishes criteria in determining  
16 what officers the NYPD... need early intervention... Do  
17 you... how does that... how would... do you foresee this  
18 bill working in conjunction with the new NYPD risk  
19 management bureau that's actually... Oh I'm sorry did  
20 I get the wrong person? Okay.

21 OLEG TRINOPSKI: I'm just... I'm not sure  
22 that this bill relates to P.D.

23 CO-CHAIRPERSON GENTILE: Oh it's... I'm  
24 sorry, then okay. Okay I'm sorry. Then let me get  
25 to the Quality of Life bill which is 1135. And is

1  
2 that the quality... who... who... neighborhood support  
3 team. Is that... are you up there or...

4 ALEX CROHN: Not sure if community  
5 affairs is... is still here but any questions you can  
6 direct to me.

7 CO-CHAIRPERSON GENTILE: Okay I'm... I'm  
8 just curious how you envision 1135. And you seem to  
9 have some experience with it in... in... already in  
10 what you've done. How is it different then  
11 individual district managers getting together as a  
12 borough service cabinet where they come together  
13 and they have multi agencies there in front of them  
14 and they talk about the different issues that...  
15 affecting their communities, and have these  
16 agencies right in front of them in front of the  
17 district managers. How is this different?

18 ALEX CROHN: So I think that's a part of  
19 it. But another part of course is... is you know  
20 government holding itself accountable and... and  
21 bringing all the agencies to the table and saying  
22 alright what are we doing and are we doing it well.  
23 So I think there's an input you know from... from  
24 people out in the world and then there's also just  
25 sort of government doing what it needs to do in



1  
2 order to... to effectively deliver the services. So I  
3 think it's just... it's complimentary. It's not in  
4 conflict... it's... it's just a part of it.

5 CO-CHAIRPERSON GENTILE: So it would... it  
6 would be part of the whole community quality of  
7 life team?

8 ALEX CROHN: I... I... I... unfortunately...

9 CO-CHAIRPERSON GENTILE: Okay.

10 ALEX CROHN: ...Community Affairs had to...

11 CO-CHAIRPERSON GENTILE: Okay.

12 ALEX CROHN: ...leave but I imagine that  
13 would be part of it.

14 CO-CHAIRPERSON GENTILE: Okay great...  
15 great. I just had a quick final question about...  
16 well actually two questions about the... the bill  
17 that creates transitional services. I think it's  
18 1150. Do you... is... is... do you foresee a minimum  
19 amount of time someone would have to be  
20 incarcerated in order to qualify for the reentry or  
21 transitional services with...

22 JENNIFER SCAIFE: So I think one of the  
23 challenges is that about half of the Ryker's  
24 population turns over within a week. And so what  
25 we'd like to do is try to envision services that

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could be provided as comprehensively as possible for as many people but... but taking into consideration that a substantial portion of the population is... is not going to be there long enough to have a real detailed plan developed. But... but we also think that discharge planning is so important that we wouldn't want to burden ourselves by setting strict time periods or eligibility criteria for services that are so desperately needed.

CO-CHAIRPERSON GENTILE: So you're saying you would take it on a case by case basis?

JENNIFER SCAIFE: I think that it... it remains to be seen based on the kind of operational challenge of... of frontloading the discharge planning services at intake when a lot of other things are happening that are necessary for jail operation. So it's just something that we're still working out with DOC and... and our partners.

CO-CHAIRPERSON GENTILE: I see. Okay. And that's... I... I can see that happening. I'm curious just as to the establishment of the crime victim services office and transitional service office within the mayor's purview. Has anyone

1  
2 estimated what a fiscal impact would be in terms of  
3 how big the offices would be under this bill?

4 ALEX CROHN: That's something we're...  
5 we're still working out and obviously as the bill  
6 changes over time you know it alters our... our  
7 calculations so it's certainly something we'll be  
8 in touch with you all about.

9 CO-CHAIRPERSON GENTILE: Okay so no  
10 estimate at this...

11 ALEX CROHN: No estimate at this time.

12 CO-CHAIRPERSON GENTILE: I see. Okay.  
13 Thank you all. Thank you.

14 CHAIRPERSON GIBSON: Okay. Just two  
15 final questions. I wanted to ask in relation to the  
16 Office of Crime Victim Services and what the police  
17 department is currently doing around victim  
18 services what types of partnerships do we have now  
19 with CUNY and our private colleges? There's been a  
20 major impact and increased focus on campus sexual  
21 abuse and sexual assaults against students. What  
22 has been your conversation and how do you see any  
23 of the additional services for the police  
24 department for PSAs and the... How do you see that  
25 translating onto our college campuses?

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COMMISSIONER HERMAN: In terms of sexual assault if that's what you're speaking about, we've had direct communication with campuses both through a new MOU process getting them to sign new MOUs that reflect the new state law and their reporting requirements, colleges and universities are now required by law to report serious felonies within 24 hours with the exception of any crime that has other legal restrictions. And that essentially means where a victim of sexual assault says that he or she doesn't want to report then they don't have to but every other serious felony must be reported to law enforcement, local law enforcement within 24 hours. So we have sent out new MOUs. Colleges are slowly signing onto them and that has generated conversation about mutual responsibilities. We also said that if we have any information that tells us that a college is actively dissuading victims from reporting that we'll consider them in violation of the MOU. We've also had great conversations around the poster contest encouraging students to contribute, compete in the poster contest and then the 100 colleges and universities who are posting these posters around campus. We've done some focus

1  
2 groups on college campuses to find out what... what  
3 makes it more or less likely for a student to  
4 report sexual assault to the NYPD. We have  
5 quarterly victim advocates meetings and regular  
6 sexual borough based sexual assault taskforce  
7 meetings that give us a lot of insight into what's  
8 going on in college campuses.

9 CHAIRPERSON GIBSON: Okay. And so that's  
10 been both conversations with CUNY as well as some  
11 of our private colleges as well in this city?

12 COMMISSIONER HERMAN: All of them. Sure.

13 CHAIRPERSON GIBSON: All of them? Okay,  
14 great. So we're not yet at full 100 percent but  
15 we're getting to the point of everyone having an  
16 MOU with the NYPD?

17 COMMISSIONER HERMAN: Yes.

18 CHAIRPERSON GIBSON: Okay great. I  
19 remember the governor's conversation and a lot of  
20 the work around the MOU being established in the  
21 state of New York specifically starting with SUNY  
22 and I'm really glad that a lot of those  
23 conversations are continuing. What we've also heard  
24 from a lot of college students as well as some of  
25 the departments on the various campuses is really

1  
2 the need to provide more support on rape crisis and  
3 counselling, and trauma services in terms of  
4 resources that we can equip on a lot of the college  
5 campuses as well.

6 COMMISSIONER HERMAN: Well you know that  
7 the... the governor's jurisdiction over SUNY and the  
8 climate that he talked about creating... a yes means...

9 CHAIRPERSON GIBSON: Right.

10 COMMISSIONER HERMAN: ...yes and no means  
11 no...

12 CHAIRPERSON GIBSON: Mm-hmm.

13 COMMISSIONER HERMAN: ...and creating a  
14 certain campus policy is distinct from the  
15 requirements from criminal law. So one of college  
16 campuses' internal policies regarding sexual  
17 assault might be do not necessarily reflect what  
18 criminal law is in the state. And they can be  
19 requirements about codes of conduct and how  
20 students may or must conduct themselves on a  
21 college campus that could result in expulsion or  
22 suspension or some other disciplinary action that  
23 may or may not result in criminal prosecution.

24 CHAIRPERSON GIBSON: Okay.

25 COMMISSIONER HERMAN: It's different.

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1  
2 CHAIRPERSON GIBSON: Right, okay. The  
3 information cards that you alluded to being  
4 distributed I think were in the thousands..

5 COMMISSIONER HERMAN: 30 thousands.

6 CHAIRPERSON GIBSON: 30, how much.

7 COMMISSIONER HERMAN: 32,000.

8 CHAIRPERSON GIBSON: 32,000.

9 COMMISSIONER HERMAN: They were  
10 distributed at transportation..

11 CHAIRPERSON GIBSON: Are we able to get  
12 a copy of that. And in terms of the network and  
13 expanding I think you know Council Member Cumbo was  
14 alluding to a lot of the PSAs that we currently  
15 have. So in my district in the Bronx I have bus  
16 shelters and I have ads all across many of my  
17 grocery stores around K2 just to really highlight  
18 that it is a dangerous drug. And so I think she was  
19 speaking to some of that level of awareness meeting  
20 every day New Yorkers where they are. So I would  
21 love to work with you and get those particular  
22 warning cards to my office so that we can also  
23 disseminate them as well to many of our community  
24 groups and providers and as well as my churches  
25 too.

1  
2                   COMMISSIONER HERMAN: We'll be happy to  
3 get you as many as you want...

4                   CHAIRPERSON GIBSON: Okay great.

5                   COMMISSIONER HERMAN: How many would you  
6 like.

7                   CHAIRPERSON GIBSON: Oh so my usual  
8 request is 500 English and 500 Spanish.

9                   COMMISSIONER HERMAN: So the cards... this  
10 is one of the rare cards that we have only produced  
11 in English because the design was the product of a  
12 design contest. And...

13                   CHAIRPERSON GIBSON: Okay.

14                   COMMISSIONER HERMAN: ...we didn't feel  
15 that we could tamper with the original award  
16 winning design. But typically we produce cards in  
17 English and Spanish. These are just in English. We  
18 are producing however a trifold pamphlet that has  
19 more information about sexual assault and that will  
20 be printed in several languages.

21                   CHAIRPERSON GIBSON: Okay.

22                   COMMISSIONER HERMAN: So you might want  
23 those.

24                   CHAIRPERSON GIBSON: Okay great. We'll  
25 keep having conversations around it. Okay. I wanted



1  
2 to ask one other question. In the current crime  
3 category and categorization of... of rape. Rape in  
4 the first degree, second degree, third degree. Does  
5 that also include rape where there are instances of  
6 other felony sex offenses? So I'm trying to say  
7 like is it double categorized based on what level  
8 of rape it is or is it just classified under one  
9 category? Does that make sense?

10 DAN TANSKY: We classify it by the  
11 highest category.

12 CHAIRPERSON GIBSON: Right.

13 DAN TANSKY: But the subcategories are  
14 also included. So when we give the crime  
15 classifications to... you know to put it out into the  
16 public the... the highest category will be the one  
17 that... that's identified. But as we investigate the  
18 case and as arrests are made all charges of all  
19 parts of that incident are you know charged with  
20 the DA's Office.

21 CHAIRPERSON GIBSON: Okay so can you  
22 give me an example of what other types of... like  
23 subcategories would be included in the  
24 classification of rape.  
25

1  
2 DAN TANSKY: You know in addition to  
3 that we would have sexual... sexual abuse...

4 CHAIRPERSON GIBSON: Right.

5 DAN TANSKY: ...forcible touching, sexual  
6 misconduct, things of that nature which would be  
7 less of... rape... criminal sex act, all those various  
8 categories.

9 CHAIRPERSON GIBSON: And that's already  
10 counted in the rape stat?

11 DAN TANSKY: No.

12 CHAIRPERSON GIBSON: It's not?

13 DAN TANSKY: No, rape is separate from  
14 the other categories.

15 CHAIRPERSON GIBSON: Okay. Okay. Just  
16 trying to understand a little bit of it.

17 DAN TANSKY: They're all... they're all  
18 different 130 crimes. There's rape, there's  
19 criminal sex act...

20 CHAIRPERSON GIBSON: Right.

21 DAN TANSKY: ...there's sex abuse, there's  
22 forcible touching, sexual misconduct. They're all  
23 part of the 130 crimes but different variations.

24 CHAIRPERSON GIBSON: Okay. And when you  
25 gave... when you gave us the year to date data I know

1  
2 in some categories we were in... on an increase by  
3 maybe one to five percent. Some we were decreased  
4 on. You have a geographical analysis of where some  
5 of these occurrences are... are happening. So with  
6 the victim services and that broad approach in all  
7 of the PSAs and all of the commands getting  
8 additional services is there anything that we're  
9 looking to do in areas where we may have a greater  
10 concern? So the numbers are increasing at a rapid  
11 rate more so than other areas... So what I'm asking  
12 is in addition to the additional services that  
13 we're already providing across the board in the  
14 police department in the category of rape and  
15 sexual assault are we looking at targeted services  
16 in areas where we have an increase for some reason?  
17 Does that make sense?

18 COMMISSIONER HERMAN: So I think it's  
19 important to distinguish between crime prevention  
20 efforts which we are definitely...

21 CHAIRPERSON GIBSON: Mm-hmm.

22 COMMISSIONER HERMAN: ...the police  
23 department is definitely...

24 CHAIRPERSON GIBSON: Right.

25

1  
2                   COMMISSIONER HERMAN: ...engaged in,  
3 trying to figure out how to get the numbers down in  
4 the subway...

5                   CHAIRPERSON GIBSON: Mm-hmm.

6                   COMMISSIONER HERMAN: ...how to get the  
7 numbers down in cars for hire, how to get the  
8 numbers down in parks. Those are crime prevention,  
9 quick response, effective investigation and  
10 prosecution, and getting more services to those  
11 victims of rape where we rely and will rely not  
12 only on the precinct based advocates but on the  
13 full panoply of victim service agencies in the  
14 city. And that's in some ways why I think CompStat  
15 2.0 should get a little bit more attention because  
16 it's not only good for the transparency for the  
17 public it's good for victim advocates and victim  
18 service agencies to have a sense of where they may  
19 want to deploy their resources. But you've got the  
20 New York Alliance Against Sexual Assault, you've  
21 got Safe Horizon, you've got Sanctuary, you have  
22 many agencies... Local you know Black Woman's  
23 Blueprint that are... that are very neighborhood  
24 focused and they are now able to take advantage of  
25

1  
2 CompStat 2.0 and figure out if they want to target  
3 and focus their resources even more.

4 CHAIRPERSON GIBSON: Okay. Do you have  
5 anything else? Okay thank you very much. So I  
6 appreciate your presence here. I don't have any  
7 further questions. I want to get to our next panel.  
8 But I do appreciate all of you being here from the  
9 NYPD to the Mayor's Office of Criminal Justice to  
10 the Law Department. We are making a lot of  
11 progress. I'm thankful that in concept I think the  
12 administration supports most of the bills put forth  
13 on the agenda. Obviously we need to make some  
14 changes and some minor tweaks. But I think you know  
15 recognizing that we have a goal of the legislative  
16 process providing a lot of the information that is  
17 going to be necessary to not only do a lot of  
18 preventative work but making sure that the  
19 accountability is there at DOC as well as you know  
20 transitional services and services for any victim  
21 of any crime throughout the city. So I thank you  
22 all for being here and look forward to working with  
23 you. Thank you once again.

24 CO-CHAIRPERSON GENTILE: Thank you all.

25 [background comments]

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CHAIRPERSON GIBSON: Okay let me just call the next panel. Our next panel that we're calling forward is Mary Haviland from the New York City Alliance against Sexual Assault, Sandeep Kandhari... Kandhari from the Legal Aid Society, Judy Kahan from the Center Against Domestic Violence, Lisa O'Connor from Safe Horizon, Wesley Caines from Brooklyn Defender Services. If you're here please come forward; Mary Haviland, Sandeep Kandhari, Judy Kahan, Lisa O'Connor, and Wesley Caines. And I'd also like to acknowledge for the record we have received written testimony from Joel Copperman on behalf of the Alternatives to Incarceration, the ATI, Reentry Coalition for the record. Okay, yeah. Good afternoon everyone. Thank you for being here and we'll begin from... to my right we'll begin with Ms. Mary. Thank you.

MARY HAVILAND: Thank you so much Council Member Gibson and Council Member Gentile. Thank you for holding these hearings. My name is Mary Haviland I'm the Executive Director of the New York City Alliance Against Sexual Assault. I just want to start with a little preface that in my career I worked in domestic violence from 1978 to

1  
2 2005. And in 2010 I was confirmed by the New York  
3 State Legislature as a Commissioner to the New York  
4 State Office of Victim Services. So where I worked  
5 for a year and a half... So I have some actual  
6 knowledge of the workings of the New York State  
7 Office of Victim Services. I've been working with  
8 the Alliance in Sexual Assault for the last four  
9 years. So I've... and at the state office of Victim  
10 Services I of course dealt with... I was Deputy  
11 Commissioner... I was Commissioner at first and then  
12 I was Deputy Director of Victim Services and as  
13 such I saw crime victims from all different types  
14 of crimes from gun violence to homicide, sexual  
15 assault, to domestic violence. So I think that  
16 council members are aware that there's a  
17 significant and large network of crime victim  
18 services in New York City. For example, OVS funds  
19 88 different programs in the five boroughs of New  
20 York City. They include community based  
21 organizations as well as family court programs,  
22 family justice center, and child advocacy centers.  
23 In addition, the New York State Division of  
24 Criminal Justice Centers are as we know it as DCJS  
25 funds crime victims programs in the city including

1  
2 enhanced prosecution in... in district attorney's  
3 office's, alternatives to incarceration, and  
4 community based and hospital based programs that  
5 assist victims of crime. According to the DCJS  
6 website they provide about 83 million dollars in  
7 funding to these programs citywide. So this appears  
8 to be a very complex system for crime victims. And  
9 it... it is in some ways. But there are some very  
10 clear areas of centralization. So my comments are  
11 getting to the... the bill that's proposing a  
12 criminal justice... I'm sorry a criminal crime  
13 victims coordinators office. Although I do see a  
14 need for... enhanced coordination and enhanced  
15 distribution of resources to crime victims I think  
16 we have to take into consideration the places where  
17 there are centralization of resources and... and... and  
18 when I was thinking about it I came up with  
19 several. First of all, Safe Horizon has three  
20 different specialized hotlines. They have one for  
21 domestic violence, one for sexual assault, and  
22 finally one for all crime victims. A lot of crime  
23 victims get their initial information through those  
24 three hotlines. The alliance also has a helpline.  
25 Now I acknowledge we don't have 24/7 services but



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we do have a helpline that assists survivors of sexual assault. And when sexual assault and New York City is googled the alliance is the first organization that comes up. We are a umbrella organization of all the rape crisis centers and so our job on this helpline is to refer survivors of sexual assault to rape crisis programs in the hospital. We also do help survivors who are having trouble getting access to systemic services so we provide advocacy and accompaniment to the police department, to DA's offices, and to hospital programs if somebody needs that. Also I think this has been mentioned, this is mentioned by the administration services such as the family justice centers are organized for one stop shopping. Another example is that most of the rape crisis city... centers in the city serve both domestic violence victims and rape... and rape survivors. So this means that where there is a rape crisis center in the hospital there are services for both domestic violence and... and sexual assault. And finally a third example of sort of co-located services and efficiency are... are the crime victim's assistance units in the district attorney's office.

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1  
2 There are also several websites that have service  
3 locators where you can put in your zip code and  
4 locate appropriate services. So the Office of  
5 Victim Services has one of those... New York State  
6 Coalition Against Sexual Assault. And soon the  
7 alliance will also have... have one of those. And  
8 although the bill is not specific about how to come  
9 up with a directory of services I would really  
10 suggest that... that the thinking be in that... in that  
11 direction. So I just have a couple more comments.  
12 There are a couple of features of the bill that do  
13 concern me. The first is the record... is the  
14 reporting requirements. Not for profits receive  
15 government funds and they have to report and... from  
16 my experience working in not for profits this...  
17 these reporting requirements have been consistently  
18 going upwards. So for example the alliance which  
19 has a one-million-dollar budget reports quarterly  
20 both programmatically and fiscally to nine  
21 different funders in six different formulas. It's...  
22 it's incredibly burdensome to a... to a staff of you  
23 know eight or nine people to be reporting in this...  
24 at this level of demand. So I worry about the  
25 reporting requirement. I also worry about the

1  
2 client level data to understand cross system  
3 involvement because that is not something that  
4 advocates normally ask crime victims; like to  
5 inventory where they've been previously. And that  
6 would be I think burdensome to programs and  
7 burdensome to... to the... to the helpers. I also am  
8 concerned about confidentiality of the data and  
9 whether... the bill does not state whether there...  
10 it's looking for aggregate data and... or whether  
11 it's looking for names of crime victims. Secondly I  
12 just... I wonder how this position is meant to  
13 interface with other city agencies and... and  
14 entities that cater to crime victim population. For  
15 example, the Office to Combat Domestic Violence is  
16 already working across city agencies to improve the  
17 services provided to survivors of domestic  
18 violence. Victims are often receiving services from  
19 HRA if they're in shelter, from ACS if there's  
20 child abuse taking place or suspected child abuse,  
21 from DHS if they're in shelters for the homeless.  
22 These are just a few examples of the problems that  
23 victims of domestic violence face so... And I know  
24 that the office has been working across agencies to  
25 try to make sure that the... the help that's given

1  
2 is... is adequate for the program... for the person  
3 who's affected by the crime. So I think that some  
4 thought has to be given to this position and how it  
5 would interface with important longstanding efforts  
6 to coordinate the services. And that's just one  
7 example that I can think of. So my suggestion and  
8 one of the suggestions that's come up in the  
9 community is to create a small working group of  
10 stakeholders and people from the city council to  
11 look at this legislation and iron out some of the  
12 places where there might be some issues. I... I did  
13 also... Council Member Cumbo left but I did want to  
14 mention that the alliance is working on a really  
15 insight... exciting campaign that's targeted for  
16 youth between the ages of 13 and 18. We are really...  
17 we are trying to bring the campaign to diverse  
18 neighborhoods in the city and we're also trying to  
19 bring youth ideas to the campaign. So we have  
20 organized three communities; the black, Latino, and  
21 South Asian community first and we are going to  
22 move to three other communities after. But we are  
23 trying to take the ideas of kids to... to the media.  
24 And we are designing campaigns that are... the South  
25 Asian campaign is going to revolve around consent;

1  
2 the idea of yes means yes or no means no and the  
3 role of bystanders and the role of parents. The  
4 black community has definitely keyed into offender  
5 responsibility which is... which is interesting. So  
6 we are... we are looking at a media campaign that is  
7 going to roll out in the fall. And we would like  
8 the council's support and help on trying to put  
9 pieces of the campaign up on bus shelters and... and  
10 phone to the extent that they still exist, phone  
11 shelters. And I do want to mention that with regard  
12 to the reporting bill the... the alliance and I think  
13 a lot of the advocacy community is very supportive  
14 of having NYPD report out all of the sex offences  
15 that take place in New York City in an aggregate  
16 way. I've looked fairly carefully at 2.0 CompStat.  
17 You can't really do that. Although the program is...  
18 is amazing and it's very interesting you can't  
19 really aggregate sex offences in New York City and  
20 look at it in a comprehensive way. Thank you for  
21 letting me talk.

22 CHAIRPERSON GIBSON: Thank you very  
23 much. Thank you.

24 DOCTOR O'CONNOR: Thank you for the  
25 opportunity to testify before you today regarding

COMMITTEE ON PUBLIC SAFETY JOINTLY WITH COMMITTEE ON  
OVERSIGHT AND INVESTIGATIONS

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1  
2 Intro 1147 which would establish an office of crime  
3 victim services in New York City. My name is Lisa  
4 O'Connor and I'm the Deputy Program Officer at Safe  
5 Horizon; the nation's leading victim assistance  
6 organization and New York City's largest provider  
7 of service to victims of crime and abuse. Overall  
8 we are pleased that the council is considering the  
9 need to create a centralized office within city  
10 government to quickly and efficiently help  
11 coordinate the delivery and services to victims of  
12 any crime. Currently this role is spread across  
13 several city agencies including the Mayor's Office  
14 of Criminal Justice, the Mayor's Office to Combat  
15 Domestic Violence, Human Resources Administration,  
16 and of course the New York City Police Department.  
17 The district attorneys in each borough also play an  
18 important role in delivering or helping to  
19 coordinate services to crime victims as does the  
20 Department of Youth and Community Development which  
21 oversees programs for homeless youth many of whom  
22 who are victims of crime. A centralized office  
23 might be a particular benefit to traditionally  
24 underserved victims of crime including young men of  
25 color and undocumented New Yorkers. It is

1  
2 imperative however that victims of crime and abuse  
3 can receive culturally and linguistically competent  
4 services that are client centered and which  
5 recognize and prioritize their stated needs. The  
6 local legislation that the community.. that the  
7 committee is considering today however includes  
8 language that would be problematic if not outright  
9 impossible intimate.. implement. My comments today  
10 will focus on specific areas of concern for Safe  
11 Horizon and we believe many other victim service  
12 providers throughout the five boroughs. The first  
13 is our concern around the definition of efficacy  
14 and efficiency. The city's definition of efficacy  
15 may not match that of providers or survivors. For  
16 example, the city may define efficacy for Domestic  
17 Violence Shelter programs as those providers most  
18 rapidly placed their.. in residents into permanent  
19 housing via publically funded subsidies. Providers  
20 and survivors however may point to a shelter  
21 provider's success in reducing trauma symptoms for  
22 the survivor and her children providing access to  
23 public assistance and other resources  
24 collaboratively developing safety plans to reduce  
25 future harm and so forth. How this term is defined

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then can have significant ramifications for both the provider who operate these programs and the domestic violence survivors who rely on them. Similarly, what material will the city coordinator use to determine if services are or are not being delivered effectively for crime victims, how much relies on the ability of crime victims to actually access items such as release in court, police reports from NYPD, housing through NYCHA or other publicly funded substances. The second concern is about preserving client confidentiality. The bill asked providers to give client level data to understand cost systems involvement and opportunities for intervention. Because of the strict rules governing our programs many if not all providers including safe horizon will not share confidential client information. Providers instead might be willing to share aggregate data and we urge the council to reconsider this language in light of our significant concerns around sharing confidential client information. The third is the reporting burdens. This section appears to add considerable reporting burdens on providers who already submit reams of data to the New York State



1  
2 Office of Victim Services and other funding  
3 entities. To avoid adding new reporting burdens to  
4 every provider who offers services to crime  
5 victims. We propose sharing data that's already  
6 provided to other funders such as OVS. Our next  
7 concern is the coordination with the Mayor's Office  
8 to Combat Domestic Violence. While we appreciate  
9 that the council's legislation considers  
10 victimization beyond family, intimate partner  
11 violence there may still be considerable overlap  
12 between the Mayor's Office to Combat Domestic  
13 Violence. And we are curious to know how the new  
14 office will incorporate data already collected by  
15 MOCDV. Our next concern is about the definition of  
16 assessment. Staff at Safe Horizon worry about how  
17 such assessments will be quantified and will urge  
18 the city to partner with providers and advocates  
19 regarding development and measures of these  
20 assessments to ensure that they are client  
21 centered. And finally our... the last concern is the  
22 outreach and education. The bill states that the  
23 new office will provide outreach and education on  
24 the availability of resources for crime victims.  
25 Many providers across the five boroughs already

1  
2 perform this function via hotlines, via outreach  
3 presentations, and trainings. Will they be... from  
4 doing this if this new office takes this role or  
5 will the office coordinate its efforts with  
6 providers. We look forward to the committee's  
7 response to these inquiries and respectively...  
8 respectively request that the bill sponsor consider  
9 convening a taskforce of providers and survivors in  
10 the weeks ahead to... understand more deeply what led  
11 to the council to draft this legislation and to  
12 provide feedback and guidance for legislation that  
13 will best meet the needs of crime victims  
14 throughout the city. Thank you.

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

17 JUDY KAHAN: Hi, on behalf of the New  
18 York City Coalition of Domestic Violence  
19 Residential Providers; a consortium of all 19  
20 providers licensed domestic violence shelters, my  
21 name is Judy Kahan and I am both the Executive  
22 Director of the Center Against Domestic Violence  
23 and Co-Chair of the Coalition. I WOULD LIKE TO  
24 OFFER FEEDBACK ON THE New York City Council's  
25 pending legislation to create a New York City

1  
2 Office of Crime Victim Services. While advocates  
3 and providers across the city appreciate efforts to  
4 raise awareness about the many kinds of services  
5 residential, nonresidential case management and  
6 legal services that are available to victims of  
7 crime. The coalition is concerned by the lack of  
8 community engagement prior to drafting the bill,  
9 the chance of redundancy with existing Mayor's  
10 Office to Combat Domestic Violence, the lack of  
11 confidentiality for victims of crime, and the very  
12 real responsibility of new providers reporting  
13 burdens to this new agency. As domestic violence  
14 service providers I know that our clients face a  
15 litany of challenges in obtaining all of the  
16 resources they and their children need to stay  
17 safe. Our clients regularly interact with courts  
18 criminal and civil or both as well as HRA for  
19 public assistance and housing vouchers, ACS for  
20 childcare and custody, district attorney for  
21 prosecution, the New York PD for domestic violence  
22 incident reports, and the Mayor's Office to combat  
23 domestic violence for services received through the  
24 family justice centers. We understand and respect  
25 the city council's desire to examine how each of

1  
2 these agencies coordinate their response to crime  
3 to ensure victims receive services that are  
4 seamless, immediate, and not judgmental. However,  
5 the bill as written seems to go far beyond the...  
6 instead it creates an entirely new city office with  
7 new and potentially burdensome reporting  
8 obligations for providers as well as a requirement  
9 that provides a deluge of confidential information  
10 about our clients. We also worry about how  
11 providers will be assessed and what measures will  
12 be used by a non-funding agency to grade the  
13 quality of our services. We respectfully urge the  
14 city council to convene small work groups of  
15 providers and survivors and possibly prosecution  
16 and police as well to better assess the gaps and  
17 services and what could be done to coordinate the  
18 response to crime victims. I'm happy to answer any  
19 questions you may have.

20 CHAIRPERSON GIBSON: Thank you very  
21 much. Thank you.

22 SANDEEP KANDHARI: Good afternoon. I've  
23 written a little bit more than I'm going to speak  
24 about today so I'm just going to highlight a few of  
25 the issues that I bring up in my written testimony.

1  
2 Thank you first to Chair Gibson and Chair Gentile  
3 for allowing me to speak. My name is Sandeep  
4 Kandhari. I'm from the Legal Aid Society's  
5 Community Justice Unit. I would first like to  
6 address Intro 1147 which looks to set up a crime  
7 victim services unit. I would like to say that the  
8 legal aid society supports such coordination as  
9 long as proper agencies are tabbed to provide these  
10 services. And based on my experiences with the  
11 community justice unit we believe the cure violence  
12 providers would be ideal fits for service  
13 provisions in this arena. First the work that we  
14 do. The Community Justice Unit is part of the Cure  
15 Violence Initiative that the New York City... the  
16 city council adopted several years ago. We are the  
17 legal service provider to all 17 Cure Violence  
18 partners around the city. And I have gotten  
19 personal first hand views of the kind of dedicated  
20 and committed work that all of the Cure Violence  
21 Providers provide across the city. And the role of  
22 the public defenders is expanding across the city.  
23 Some people would find it maybe not a natural fit  
24 because we are often the attorneys for the alleged  
25 perpetrators but our role is much broader than that

1  
2 now. We are now in the communities. We are going to  
3 the... going to the most affected and impacted  
4 communities on the daily basis. And provide access  
5 to Legal Counsel. We provide legal trainings and we  
6 are empowering the communities that have been the  
7 most forgotten and neglected. And so while we're  
8 proactively engaging our communities and trying to  
9 empower them we think the Cure Violence initiative  
10 is the perfect fit for such work. So a brief  
11 explanation for Cure Violence in case you need it;  
12 they use a healthcare approach for treating  
13 violence. So instead of looking at violence as  
14 individual actors they look at it as an epidemic.  
15 And so you look at the areas that are most impacted  
16 by violence and you treat it just like you would  
17 any sort of contagious disease. And Gary... a  
18 professor out of Chicago developed this model and  
19 so now Cure Violence has been rolled out in 17  
20 precincts across New York city which account for 51  
21 percent of all gun violence across the city. So we  
22 have these small catchment areas that are overly...  
23 disproportionately impacted by violence. So now we  
24 have agencies that New York City has vetted, that  
25 New York City has trained to provide violence

1  
2 interruption and outreach for the highest risk  
3 youth. Now it's important what... who are considered  
4 high risk youth. High risk doesn't just mean that  
5 you're alleged to be a perpetrator of violence.  
6 High risk means you're just as likely to be a  
7 victim of violence. And that's what's really  
8 important to understand here. Neighborhoods are  
9 disproportionately impacted by violence, there's no...  
10 we shouldn't look at this as a binary between  
11 perpetrators and victims. Everybody is impacted by...  
12 everyone is victimized by violence. And so we need  
13 to look at this through this healthcare model. And  
14 if we look at it that way we're going to have a  
15 very different approach than say a... the police  
16 department would. And so that's where I also don't  
17 want us to think that all of our victims are going  
18 to come out of precincts. The cure violence model  
19 has hospital responders at public hospitals. Not  
20 every victim is going to report their crime but if  
21 we have access to people who are trained to  
22 immediately intervene to someone who has been the  
23 victim of violence that doesn't mean that that  
24 person is... the only good outcome is that they go  
25 and testify in court and prosecute the case. What

1  
2 we're worried about is the best outcome for those  
3 impacted by crimes. And so if we have trained staff  
4 who know how to go to the hospital to address the  
5 needs of a victim we're looking at the ideal people  
6 to treat these... these kinds of issues. An important  
7 thing to also recognize is who is hired by Cure  
8 Violence. They hire who are... people who are deemed  
9 credible messengers. Credible messengers are people  
10 who were former gang members, who were formerly  
11 incarcerated, people who if they go out on the  
12 street and try to do intervention with the hardest  
13 to reach communities the young people who aren't  
14 easily to engage, who aren't necessarily going to  
15 school, who aren't engaged in... aren't employed at  
16 the time. They can connect much better than someone  
17 like I could. I'm a stranger, I'm an outsider. But  
18 if we have credible messengers who are engaging  
19 with victims are more likely to trust and work with  
20 then we're going to get... do a better job at  
21 providing the services that victims so badly need.  
22 And the other important thing about this is that a  
23 lot of the violence interrupters and outreach  
24 workers that I meet are so proud of the work that  
25 they do because they have gainful employment after



1  
2 being released from prison. The prison record is  
3 only... their criminal record is almost a plus in  
4 their favorite. And they have learned their lesson  
5 and they're trying to break the cycles of violence.  
6 So it is just a very important... as this... as this  
7 unit gets rolled out we just think it's really  
8 important that the city council consider how Cure  
9 Violence fits into this and how we look at this  
10 entire problem as a healthcare approach and we  
11 shouldn't look at it as a binary of perpetrators  
12 and... and victims. Then the other important thing is  
13 there... the Cure Violence staff has access to wrap  
14 around services and they all are partnered up  
15 already. We already have the infrastructure set up.  
16 They are... the legal service prong is set up through  
17 our unit. They have mental health services,  
18 employment services, and we can get them engaged in  
19 more services as they need. So we already have 17  
20 agencies perfectly situated to provide victim  
21 services. I would also briefly like to address  
22 Intro 1136. 1136 we believe is a good attempt at  
23 trying to bring accountability and transparency to  
24 the Department of Corrections. The language does  
25 need to be amended. If you look at my written

1  
2 testimony I have specific issues that I raise about  
3 the language. First and foremost, though I think  
4 everywhere it says the word plaintiff I would  
5 switch it to the word defendant. I think that  
6 simple switch... because asking for plaintiff's  
7 address and plaintiff's counsel doesn't seem to be  
8 nearly as important as the defendant. In fact,  
9 giving the plaintiff's address we believe could  
10 only lead to potential retaliation or harm to  
11 somebody who's trying to report misconduct. So the...  
12 the bill also if you look at page four of my  
13 testimony can be a little over inclusive and under  
14 inclusive. The language says civil suits against  
15 the Department of Correction and or individual  
16 employees of correction, that's too broad. That'll  
17 include suits against DOC employees that have  
18 nothing to do with their employment. And then the  
19 bill could be under inclusive as well because  
20 several civil rights litigation isn't brought  
21 against the Department of Correction but is  
22 actually brought against individuals. So we would  
23 change the language. And you... I have written all of  
24 it... all of it down but it... the language should be  
25 civil suits arising from actions arising from

1  
2 actions of the Department of Correction and/or  
3 individual employees of correction, that's too  
4 broad. That'll include suits against DOC employees  
5 that have nothing to do with their employment. And  
6 then the bill could be under inclusive as well  
7 because federal civil rights litigation isn't  
8 brought against the Department of Correction but is  
9 actually brought against individuals. So we would  
10 change the language. And you... I have written all of  
11 it down but the language should be civil suits  
12 arising from actions of the department of  
13 corrections and/or individual employees of the  
14 Department of Correction. We have another couple of  
15 points about clarity and just making sure that you  
16 have the right language in there. But this is a  
17 good attempt at improving transparency in a... the  
18 conduct of Department of Correction employees and  
19 I'm happy to answer any questions that you may  
20 have, thank you.

21 CHAIRPERSON GIBSON: Thank you very  
22 much.

23 WES CAINES: Good afternoon. My name is  
24 Wesley Caines and I am the Reentry Specialist at  
25 Brooklyn Defender Services. BDS is an innovative

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1  
2 multi-disciplinary and client centered criminal  
3 family and immigration defense as well as civil  
4 legal services, social work support, and advocacy  
5 for over 40,000 clients in Brooklyn every year. I  
6 thank the City Council Committee on Public Safety  
7 and the Committee on Oversight and Investigations  
8 for the opportunity to testify today, BDS support  
9 for the creation of a multi... a municipal division  
10 of transitional services, Intro number 1150 is what  
11 I wish to speak about today. An effective  
12 coordinated city response to reentry services is  
13 long overdue. On any given day more than 9,000 city  
14 residents are imprisoned in city jails. Every day  
15 hundreds of people are released from Ryker's Island  
16 back in their communities. While detained many  
17 people lose their jobs or shelter beds, face  
18 eviction, suffer the interruption of mental health,  
19 medical, or substance abuse treatment or lose their  
20 children to the child welfare system. Upon  
21 returning home they face significant barriers to  
22 employment, housing, licensing, and have  
23 immigration consequences. Many suffer trauma and  
24 violence on the inside that stay with them and  
25 negatively affect their relationships with family,

1  
2 friends, and colleagues when they return to their  
3 communities. BDS began our reentry project more  
4 than a year ago to ensure that BDS clients have  
5 from all of our practice areas have access to  
6 reentry support to minimize the impact of these  
7 collateral consequences. Our experience shows us  
8 that reentry work must not wait until the person is  
9 looking at imminent release from jail or prison but  
10 must begin immediately after arrest. It requires a  
11 coordination with the Criminal Defense Attorney to  
12 ensure that defendant's reentry is prioritized  
13 during their court involvement. As a nonprofit law  
14 office we are in a unique position to provide our  
15 clients with in house legal advice and  
16 representation and criminal family immigration and  
17 housing courts. Our specialized defense model at  
18 BDs ensures that all of our clients have access to  
19 comprehensive legal and social work support to help  
20 address their unique challenges. It is critical  
21 that our clients have access to civil legal  
22 services because people with criminal records are  
23 often excluded from free legal assistance programs.  
24 Most civil legal service providers in the city are  
25 unable to... are only able to serve a small

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2 percentage of potential clients who walk through  
3 their doors because of limited funding. Too often  
4 civil legal service providers must turn away  
5 clients with complicated criminal histories leaving  
6 clients like ours underserved. Public defenders  
7 then are in a unique place to advocate for court  
8 involved clients in all areas of their lives where  
9 they need legal assistance, all of which can and do  
10 impact reentry. We are deeply grateful for the  
11 continued support and funding from the city council  
12 to help us provide high quality specialized legal  
13 services to court involved New Yorkers. Because we  
14 are first and foremost a public defense office our  
15 reentry project seeks to connect our clients with  
16 programs and services in their communities. As BDS'  
17 reentry specialist I make substance abuse program,  
18 education, employment, and housing referrals daily.  
19 I also help clients navigate benefits programs,  
20 identify, and repair rap sheet errors, obtain  
21 certificates of relief from disability, and  
22 certificates of good conduct helping crafting  
23 resumes and cover letters as well as prepare  
24 clients for interviews. Programs like the fortune  
25 society, exodos transitional community and the

1  
2 Osborne Association to name a few also play a  
3 critical role in helping our clients who were  
4 formerly incarcerated get back on their feet. In  
5 addition, a wide variety of smaller providers do  
6 important reentry work though many of them might  
7 not call it that. Certainly mental health service  
8 providers are essential to successful reentry and  
9 greater access to care including prearrest  
10 diversion is needed. This legislation will provide  
11 long overdue coordination and hopefully increase  
12 allocation of resources among reentry organizations  
13 including legal service providers like BDS which  
14 can identify the needs of clients early in their  
15 involvement in the system. We also hope that this  
16 legislation provides for the foundation of an  
17 advocacy effort in the city council to end the  
18 statutory barriers to reentry maintained by the  
19 state and federal governments. We are grateful that  
20 the city is seeking to build on this important work  
21 through the creation of a municipal division of  
22 transitional services. We also note our support for  
23 the Close Ryker's campaign and Speaker Mark-  
24 Vivirito's call to close the jail. Ryker's Island  
25 creates structural barriers to reentry. It has

1  
2 shown that proximity to family and support networks  
3 positively impact reentry outcomes. The immense and  
4 often insurmountable barriers to families and  
5 others wishing to visit people detained at Ryker's  
6 Island phrase the support systems and make for a  
7 more challenging reentry. Many of our senior  
8 attorneys remember when the majority of our  
9 defenders were detained at Brooklyn House of  
10 Detention where it was much easier for families and  
11 attorneys to visit them. I would be remiss not to  
12 add that earlier this year BDS put in a request for  
13 speaker's funding to increase the capacity of our  
14 reentry team. We hope that the council will support  
15 our request for funding and allow us to improve the  
16 level of reentry service that we provide to BDS'  
17 40,000 clients each year. Again want to thank you  
18 for the opportunity to present today and I will be  
19 happy to answer any questions. Thank you.

20 CHAIRPERSON GIBSON: Thank you very  
21 much. And thank you to each and every one of you  
22 for your incredible work every day and your  
23 advocacy and certainly looking at your testimony, a  
24 lot of the suggestions that you have made in terms  
25 of enhancements on the bill how it can be



1  
2 strengthened. I do appreciate... I believe it's the  
3 coalition as well as Safe Horizon. It talked about  
4 establishing a working group for the Office of  
5 Crime Victim Services and certainly we want to  
6 consider that to make sure that we have all of the  
7 important voices that need to be at the table as  
8 the bill continues to involve... evolve and as we  
9 continue to have conversations. So I thank you very  
10 much and I'll turn it over to my co-chair. But I  
11 want to recognize the presence of my colleague  
12 Committee on Public Safety Council Member Rory  
13 Lancman thank you for being here. And now Chair  
14 Gentile.

15 CO-CHAIRPERSON GENTILE: Thank you Madam  
16 Chair and Councilman Rory Lancman gets a double  
17 shout out because he's also a member of the  
18 oversight investigations committee. So... okay... the...  
19 well thank you all for your testimony and  
20 particularly Mr. Kandhari from Community Justice  
21 Unit for your comments on 1136. And I understand... I  
22 see that... that Mr. Caines you also made some  
23 comments on 1136 in your... in your written  
24 testimony. Both I think particularly about using  
25 the word defendant instead of plaintiff and I think

1  
2 that is something that we have identified and... and  
3 you have also underscored for us and I think  
4 that's... that's something we're going to take a...  
5 take a look at. But thank you for your comments on...  
6 on 1136 which we will take into account. As for the  
7 Office of Victim Services I think what I heard from  
8 all the testimony was your opinion that it can be  
9 the reporting requirements can be burdensome and  
10 the efforts could be duplicative. Is that about  
11 what sums up the testimony on that? So the question  
12 I had for all of you was do you... do you support the  
13 bill in any form or... or not.

14 JUDY KAHAN: I think it's we would  
15 require more information about what it would actual  
16 entail. I mean there are many city agencies that  
17 are responsible for different pieces of the work.  
18 And so collaboratively coming up with what would  
19 this office have to offer for all of us to be able  
20 to engage in this work together. So I don't think  
21 it's a question about opposing or not. It's a  
22 conversation that we need to have to see what this  
23 bill would actually look like before we can say we  
24 oppose or not.

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MARY HAVILAND: Yeah I would say the same thing. I would say that there is a need for a centralization of the resources for the sake of crime victims that... that would be a worthy endeavor. I wonder whether that could be done by MOCJ without the creation of an office. But again I would like to think about this and talk about it with others to see whether there were ways in which OCDV and other agencies that are doing crime victim work could be in... you know in... engage in the conversation so that we could figure out whether we really need an office or a designee at MOCJ or you know some other mechanism of coordinating crime victim services.

CO-CHAIRPERSON GENTILE: Did you want to... right, okay so the... the jury's out on that one then I guess. The question I had also is... and I... and I'm not sure about your services and you can comment on this but often as a... in the years I spent as a prosecutor in the Special Victims Bureau I often came up against the need to have organizations help me with victim services. And... and although it was a long time ago I wonder if that still occurs today. For example if... if... if a

1  
2 child victim had to be prepared for testimonial  
3 capacity, to be... to show testimonial capacity is  
4 that something that your organizations would assist  
5 the... the DA's office in preparing or... or is that...  
6 or trying to establish it at least?

7           JUDY KAHAN: So we currently have five  
8 different child advocacy centers which are  
9 supporting young people who are the... severe  
10 physical and sexual abuse and in that is co-locator  
11 with all of the different departments that are  
12 responsible for taking care of that family. So it...  
13 it includes the prosecution's office, it includes  
14 child welfare, includes Safe Horizon to provide  
15 social work services. And it includes a medical  
16 examiner. So all of those people are engaged in the  
17 conversations to support this young person and part  
18 of what we do is have forensic interviewing say  
19 that a person who's interviewing the child is  
20 getting all of the information from this young  
21 person. And then all of the partners are actually  
22 watching the interview of the young person so that  
23 they can get what is the additional information  
24 that they need. The person doing the interview  
25 steps out of the room, steps out of the room, asks

1  
2 their team what else do you want me to know from  
3 this young person, goes back in, and continues the  
4 questioning for the young person. So in terms of  
5 helping prosecutors, prosecutors are a part of that  
6 initial conversation with the young people. So we  
7 work with prosecutors not only in our child  
8 advocacy centers but we are in all of the family  
9 courts as well as the criminal courts to be able to  
10 provide that service.

11 CO-CHAIRPERSON GENTILE: Right, okay.  
12 And in addition to just getting information for the  
13 prosecutors obviously if a prosecutor wants to  
14 introduce testimony of the child you have to  
15 establish the ability of the child to... to... to take  
16 an oath right? So I assume that's part of...

17 JUDY KAHAN: And that's part of a...  
18 that's part of the casework that happens at the  
19 child advocacy centers.

20 CO-CHAIRPERSON GENTILE: Right, okay  
21 great. Thank you for all of you... thank you for all  
22 of your good work, thank you.

23 CHAIRPERSON GIBSON: Thank you very much  
24 Chair Gentile. And I want to thank all of you for  
25 being here and providing your testimony and

1  
2 certainly a lot of your suggestions and.. and views  
3 of these particular bills. We certainly will take  
4 it into consideration and.. and work with all of you  
5 and.. and speak to our prime sponsors as well. Thank  
6 you again for being here today. Thank you. Anything  
7 else? Okay. Any closing remarks? As this hearing  
8 comes to a close I want to thank our Speaker  
9 Melissa Mark-Viverito and all of the council  
10 members on both the Committee on Oversight and  
11 Investigations and Public Safety for being here.  
12 I'd like to thank the administration and all of the  
13 advocacy groups who were here this afternoon. We  
14 are thankful for the collective support and a lot  
15 of the input that has been provided. And we thank  
16 all of you for the work you do each and every day  
17 in our communities. I want to thank the staff for  
18 helping us to arrange this hearing and certainly  
19 the Sergeant at Arms for all the work they do each  
20 and every day. This joint committee hearing of the  
21 committees on Public Safety and Oversight and  
22 Investigations is hereby adjourned.

23 [gavel]

24

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C E R T I F I C A T E

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



Date May 19, 2016