

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

Jointly with

COMMITTEE ON JUSTICE SYSTEM

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March 19, 2019
Start: 10:10 a.m.
Recess: 5:57 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Donovan J. Richards
Chairperson

COUNCIL MEMBERS:

Justin L. Brannan
Fernando Cabrera
Andrew Cohen
Chaim M. Deutsch
Vanessa L. Gibson
Rory I. Lancman
Carlos Menchaca
I. Daneek Miller
Keith Powers
Ydanis A. Rodriguez
Paul A. Vallone
Jumaane D. Williams
Helen K. Rosenthal

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

James O'Neill
NYPD Commissioner

Vincent Grippo
Deputy Commissioner of Management & Budget NYPD

William Morris
Chief of Personnel at NYPD

Theresa Shortell
Chief of Training at NYPD

Edward Delatorre
Chief of Transit at NYPD

John K. Donahue
Chief of Strategic Initiatives at NYPD

Rodney Harrison
Chief of Patrol at NYPD

Dermott Shea
Chief of Detectives at NYPD

Matthew Pontillo
Assistant Chief of First Deputy Commissioner at
NYPD

Thomas Chan
Chief of Transportation at NYPD

John Miller
Commissioner of Intelligence & Counterterrorism
at NYPD

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

Ann Prunty
Assistant Commissioner DCLM

Reverend Frederick Davie
Civilian Complaint Review Board Chair

Jonathan Darche
Civilian Complaint Review Board Executive
Director

Jeanine Marie
Deputy Executive Director for Administration at
Civilian Complaint Review Board

Ralph Palladino
Local 1549 DC 37

Shane Correia
Center for Court Innovation

Audacia Ray
NYC Anti-Violence Project

Kelly Price

MJ Williams

Towaki Komatsu

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2 CHAIRPERSON RICHARDS: Alright, I'm going
3 to ask everybody to take their seats. We're going to
4 get ready to begin. Alright, good morning and
5 welcome to the Public Safety Committee's Fiscal 2020
6 Preliminary Budget Hearing. Today we will hear
7 testimony from the Commissioner, from Commissioner
8 O'Neill and his staff followed by the Civilian
9 Complaint Review Board at 12:30 p.m., and lastly, we
10 will hear public testimony. Later in the afternoon
11 Public Safety will also hold a joint hearing with the
12 Committee on the Justice System, and we'll hear from
13 the District Attorney's, Mayor's Office of Criminal
14 Justice, HRA's Office of Civil Justice and Legal Aid
15 Society. The Police Department's Fiscal 2020
16 preliminary Budget totals 5.6 billion dollars, an
17 increase of six million from the Fiscal Year 2019
18 Adopted Budget. This represents a minimal change to
19 the Department. More than 90 percent of its budget
20 supports personnel services while less than 10
21 percent supports other than personnel services. The
22 Department's budget supports a budget headcount of
23 approximately 52,000 personnel which includes roughly
24 36,000 uniform personnel and 16,000 civilians. The
25 budget reflects new and enhanced initiatives such as

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2 new civilian personnel to manage body-worn camera
3 footage and increase funding for crisis intervention
4 training. I look forward to hearing about funded and
5 ongoing initiatives such as the Neighborhood
6 Coordination Officer Program, the Department's
7 internal disciplinary process, and the organization
8 of the Special Victim's Division and Domestic
9 violence Unit. As Chair of the Public Safety
10 Committee, I'm looking forward to working with the
11 Department on numerous issues over the next year.
12 Today, we look to working together with the
13 Department to improve budget transparency and
14 oversight. Today, I hope to learn more about the
15 Department's new initiatives, its capital
16 programming, and the budget priorities for Fiscal
17 Year 2020. I would like to thank the Committee staff
18 for their hard work, Nevin Sing [sp?], our Financial
19 Analyst, Aisha Wright [sp?], our Finance Unit Head,
20 Casey Addison [sp?], our Senior Policy Analyst, and
21 Daniel Attis [sp?], our Senior Counsel. As you can
22 see, we have a lot to discuss today and a lot to
23 consider, so let's begin. I'd like to welcome
24 Commissioner O'Neill and his staff. Thank you for
25 being here today. And let me just acknowledge my

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2 colleagues we're also joined by, Council Members
3 Cohen, Brannan and Lancman. Once again, thank you
4 for being here and you may begin when you're ready.

5 COMMITTEE COUNSEL: Do you swear to tell
6 the truth, the whole truth and nothing but the truth
7 before this committee and answer all questions to the
8 best of your ability?

9 COMMISSIONER O'NEILL: Good morning
10 everyone. Thank you for the opportunity to discuss
11 the Mayor's Preliminary Budget for the 2020 Fiscal
12 Year. It's a pleasure to be here and to testify
13 before the City Council's Committee on Public Safety
14 about the outstanding work, the members of New York
15 City Police Department have been doing and continue
16 to do around the clock each day and night. The
17 bottom line is we need the public to know that each
18 of us has a stake in keeping us all safe. Before
19 highlighting some key budget issues, I will update
20 you on our core mission and several significant
21 public safety initiatives. I'll be as brief as I can
22 so our team can field as many of your questions as
23 possible in the time we have available this morning.
24 First, I'd like to thank New Yorkers for the
25 outpouring of support they showed the NYPD following

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2 the February death of Detective Brian Simonsen of the
3 102 Detective Squad. Like all NYPD members who have
4 made the ultimate sacrifice on behalf of the people
5 we serve, Detective Simonsen was killed while doing
6 what we asked of him, and that was fighting crime and
7 keeping people safe. There is no more selfless act
8 than that. What Detective Simonsen did for this
9 great city and what his family, and all line-of-duty
10 families now must endure will never be forgotten by
11 any one of us. In 2019, with every New Yorker
12 entitled to safety, I believe the NYPD is at a
13 turning point, a moment of opportunity never before
14 seen in this city. We stand on the threshold of
15 taking our nation's safest big city, and making it
16 safe on every block, on every street, in every
17 neighborhood, a city in which every neighborhood is
18 as important as every other, where every child can
19 grow up free of the threat of crime. We can now do
20 this because Neighborhood Policing has been
21 institutionalized in every precinct, and every public
22 housing command and, as of last month, three-quarters
23 of all transit districts with the rest coming in the
24 spring. The NYPD also launched Neighborhood Policing
25 in New York City schools in the Bronx East sector at

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2 the start of the school year. We can now do this
3 because the NYPD-- we can do this now, because the
4 NYPD is ready to partner with every organization,
5 every agency, and every person in the city of New
6 York. In 2018, as you know, New York City
7 experienced another remarkable year in reducing
8 violence and property crime. Overall index crime is
9 at its lowest level here since 1957, more than 60
10 years ago. Robberies, burglaries, and auto thefts
11 have all continued their downward trends. 2018 was
12 the second year in a row we had fewer than 300
13 murders, again, less than any year in New York since
14 1951, when there were half-a-million fewer people in
15 our city. Our current murder rate of 3.4 per 100,000
16 residents is among the lowest in the nation. Also in
17 2018, we recorded the lowest number of shootings in
18 New York City's modern history for the third year in
19 a row. On five separate occasions, the city went
20 five or more days without a recorded murder,
21 including for nine consecutive days, spanning
22 November 25th to December 3rd. And for the first
23 time ever, the NYPD recorded three straight months,
24 October, November, December, below 20 murders. We
25 did see a substantial increase in reported rapes over

2 the last year. We know that part of this is
3 attributable to the NYPD's substantially increased
4 outreach efforts to help survivors report what
5 happened. We now have advocates inside every police
6 station house, specifically for domestic-violence
7 victims and victims of other crimes. Last year, we
8 saw an increase of more than 300 walk-in reports at
9 precincts for sexual assault complaints. We also
10 know that-- and this is a belief shared by survivors'
11 advocates with whom we regularly meet-- that rape has
12 been, and continues to be, our number one
13 underreported crime. In fact, about a quarter of the
14 rapes reported in 2018 took place prior to 2018. To
15 me, and to the entire NYPD leadership, that means we
16 are successfully building trust with survivors. And
17 it is crucial that we continue on that path; this
18 historic underreporting is beginning to be addressed
19 in a substantial, and vitally-important way. As you
20 know, last year we conducted a complete overhaul of
21 our entire Special Victims Division, now led by
22 Deputy Chief Judith Harrison. We are renovating and
23 upgrading facilities, adding more highly-trained
24 personnel, and fine-tuning our response to survivors
25 of these horrific crimes to make sure we provide

2 every service and every comfort they need. And our
3 Special Victims detectives are working to fully
4 investigate both past and current-year sex assaults
5 with a thoroughness and sensitivity that provides all
6 survivors with empathy, closure, and justice. The
7 NYPD will never rest in our determination to drive
8 down the crime of rape, one of the most heinous of
9 all violent offenses. And we, therefore, will never
10 stop looking for ways to innovate and improve our
11 practices in this area. Our cops now regularly work
12 the same shifts in the same sectors. They are
13 getting to know their neighborhoods, their community
14 residents, their local problems, and their local
15 criminals. They are getting the time and latitude to
16 work at solving local crime and quality-of-life
17 concerns. And the result is a more-flexible, more-
18 responsive, more-measured, and more-effective police
19 presence. Investigations are also more focused, with
20 patrol cops playing an expanded role in gathering
21 evidence and information, and precinct detective
22 squads working in closer coordination with specialty
23 squads like Gang and Narcotics to bring in more and
24 even stronger cases against violent criminals. And
25 because we involve our six local district attorneys,

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2 or the U.S. Attorneys for the Southern or Eastern
3 Districts, from the outset, we are able to pre-indict
4 many offenders before they are arrested, charge them
5 appropriately, and see their cases through to
6 meaningful prison sentences. We also support our new
7 approach with major improvements in training and
8 technology, all implemented in the past five years.
9 Perhaps most importantly, we decentralized and
10 democratized technology and data-access in the
11 department, equipping all officers with smartphones
12 that connect them to databases, to the public, and to
13 each other. We have gone from cops who lacked email
14 addresses or any other way than a police radio to
15 communicate in the field, to officers who now have
16 instant access to a wide range of information and
17 functionalities, and who regularly share their cell
18 phone numbers and email addresses with local
19 residents and businesses. On the enforcement side
20 during the past five years, street-stops by our
21 officers are down more than 90 percent citywide, even
22 as we improve monitoring and supervision to make sure
23 that all stops are being reported by the officers who
24 find them necessary to make. Overall arrests are
25 down 37.3 percent, and summonses are down nearly 79

2 percent. Marijuana misdemeanor and violation arrests
3 are down 71 percent. As we believed we could in
4 2014, we have shown that we can drive crime down
5 significantly with a far less-intrusive enforcement
6 profile. While arrests and summonses for quality-of-
7 life violations and minor crimes are way down, felony
8 arrests for rape, assault, grand larceny and burglary
9 are all up. And while many misdemeanor arrest
10 categories have fallen steeply, Detective Bureau
11 arrests are up nearly 20 percent in the last five
12 years. Detective arrests are based on exhaustive
13 investigations that specifically direct our
14 enforcement efforts with laser-like focus on the
15 serious crimes and the serious offenders, who are a
16 relatively small percentage of the population. It
17 can also be said that 2018 was a milestone in the
18 NYPD's historic 25-year crime-fighting period. The
19 murder rate is a tenth of what it once was; total
20 crime has been cut by 78 percent. We say that we are
21 the safest large city in America, and we certainly
22 are when our citywide crime rate is compared to the
23 other biggest cities in the country. However, there
24 are still stubborn pockets of crime and especially
25 violent crime in New York. In fact, in 2018, there

2 were six precincts with violent crime rates more than
3 twice as high as the rest of the city. The 40
4 Precinct in the Bronx had the highest overall rate,
5 including the second-highest robbery rate and the
6 third-highest assault rate. The 73 Precinct in
7 Brooklyn had the third-highest rate, including the
8 second-highest murder rate and the highest shooting
9 rate. Other precincts, the 41, the 42 in the Bronx;
10 the 75 in Brooklyn; and the 25 in Manhattan together
11 lead the city in violence. So, let me be clear: Even
12 these six precincts have seen huge drops in violent
13 crime since the early 1990s, but we will never be
14 satisfied with that. We can always do better, and we
15 must do better. The NYPD and our city have a moral
16 obligation to these precincts, because everyone who
17 lives and works in New York City deserves to live in
18 safety, free of fear. Our achievements do give us
19 reason to make the following declaration: We vow not
20 to rest until every block, in every neighborhood,
21 enjoys the same level of safety and well-being as the
22 rest of the city. Our city will always face
23 challenges, challenges that test our crime-fighting
24 strategies at the most local of levels, and
25 challenges that test our intelligence-gathering and

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2 preparedness at a citywide and even a global scale.

3 And that important work continues around the clock,

4 every day of the year, with our analysts, our cops,

5 and our many partners on the FBI-NYPD Joint Terrorism

6 Task Force. It was the first JTTF in the nation,

7 formed in December 1980, and now it is comprised of

8 300 investigators from 56 agencies, 113 of whom are

9 NYPD cops. Additionally, the NYPD's Critical

10 Response Command works 24/7 protecting sites and

11 infrastructure around the city, and cops in our

12 Strategic Response Group are at the ready to rapidly

13 respond to any emerging threat, be it an active-

14 shooter situation or other terror incident. Along

15 with our elite ESU, Emergency Service Unit, they are

16 all informed by our first-rate Intelligence Bureau,

17 which continues to be the industry-leader in

18 detecting, deciphering, and responding to an always-

19 fluid threat stream. It was a new-- this is a new

20 era, in so many ways. We know, for example, that the

21 legalization of marijuana is coming, and we need to

22 determine how and when laws about use and possession

23 are enforced. I have concerns about home-

24 cultivation, for instance, and driving while

25 impaired, because there is currently no instant test

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2 for marijuana levels in the human body. I also have
3 great concerns about people under 21 years of age
4 smoking marijuana. We are also facing pushback from
5 some quarters about the definition of who constitutes
6 a threat to public safety when it comes to fare
7 evasion in our subway. One thing is clear to me,
8 however, this city and its police must always control
9 access to the transit system. To abandon our efforts
10 there would be both irresponsible and highly
11 dangerous. Marijuana and fare evasion are just two
12 examples of the changing playing field, but our
13 future also presents an entirely new possibility. It
14 is now possible to think about how we can equip and
15 enable our cops to help kids avoid a first act of
16 criminal behavior. And we will prove that when-- and
17 we will prove that when the public and the police
18 work together, we can make positive, lasting change
19 in our society. That change begins when people are
20 safe, and it is sustained when they feel safe, too.
21 Our aim is to keep raising the bar for fair and
22 effective policing in this country year after year,
23 again and again. And we are doing it with the help
24 of New Yorkers in every neighborhood. And I ask each
25 of you, and the people you represent, to continue to

2 think of ways that together we can make every single
3 part of this city as safe as our safest streets are
4 today. Turning to budgetary issues, the NYPD plans
5 to again apply for, and obtain, federal assistance to
6 protect members of the public and critical
7 infrastructure, including the Financial District, the
8 transit system, bridges, tunnels, and ports.

9 Although we have already started planning for the
10 Federal Fiscal Year 2019 preparedness grant-funding
11 process, the applications guidelines for the Homeland
12 Security preparedness grants have not yet been
13 released. This is because the recent federal
14 government shutdown, including the Department of
15 Homeland Security and the Federal Emergency
16 Management Agency, delayed the approval of the FY--
17 Fiscal Year 19 appropriations. The NYPD relies on
18 these funds to help protect all New Yorkers and
19 visitors to our city against terrorist attacks, and
20 to strengthen our homeland-security preparedness. As
21 our nation's top terror target, New York City has
22 been the target of about 30 terror plots since the
23 devastating 9/11 attacks. These plots have included
24 a suicide-bomber in a subway passageway beneath Times
25 Square, the fatal truck attack on pedestrians and

2 bicyclists along the West Side Highway, plans to
3 place bombs among the festive crowds watching the
4 July 4th fireworks over the East River, and an ISIS
5 plot to capture on video the beheading of a woman in
6 Manhattan. The federal Homeland Security funds buy
7 us a lot, including our Bomb Squad's Total
8 Containment Vessel, the rolling vault that allowed
9 the NYPD to remove the live pressure-cooker bomb
10 planted on a street in Chelsea, and some of the 16
11 pipe bombs mailed to CNN in Columbus Circle and other
12 recipients throughout New York and the country. The
13 money also funds our Vapor Wake dogs that patrol
14 large-scale events searching for hidden explosives,
15 and our active-shooter training that hones the
16 tactical skills of thousands of officers who might
17 one day have to face a machine-gun-wielding attacker
18 in a crowded concert venue or a school. Federal
19 funds have also allowed the NYPD to develop and
20 sustain our sensor and information technology
21 centerpiece known as the Domain Awareness System, or
22 DAS, which supports the department's counterterrorism
23 mission; hire Intelligence Research Specialists,
24 deploy officers to the transit system and other
25 strategic locations citywide based on intelligence;

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2 and train officers to respond to chemical, ordnance,
3 biological and radiological threats or incidents, as
4 well as active-shooter scenarios. The NYPD also uses
5 federal funds to purchase personal protective
6 equipment for uniformed members of the service, and
7 to purchase other critical equipment that enhances
8 our ability to protect New Yorkers and vital
9 transportation and port infrastructure. Regarding the
10 Preliminary Budget and its impact on the NYPD: The
11 NYPD's Fiscal Year 2020 City Tax Levy Expense Budget
12 is \$5.3 billion. The vast majority of this, 92
13 percent, is allocated for personnel costs.

14 Highlights in the Preliminary Budget include:

15 Additional civilian staffing for the Body-Worn Camera
16 program; this includes attorneys, media technicians,
17 and IT personnel for a total of \$6.3 million
18 annually. Cabling upgrades & facility work totaling
19 \$12.5 million, most of which is to allow precincts to
20 better upload body-worn camera footage to the NYPD's
21 network. The balance of funds are for improvements to
22 137 Centre Street, the facility for our Manhattan
23 Special Victims Squad. Crisis Intervention Training,
24 CIT Training: \$5.3 million annually to continue
25 training our uniformed members, and to improve

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2 services provided to people with behavioral-health
3 challenges as they relate to the criminal justice
4 system. This includes scenario-based training in
5 crisis intervention techniques. The Police
6 Department's 10-Year Capital Commitment Plan contains
7 \$1.99 billion for Fiscal Years 2019 through 2029.
8 The September Capital included additional funding for
9 100 Old Slip, totaling \$13.3 million. This funding
10 will allow for a comprehensive renovation of 100 Old
11 Slip, a historic landmark building located in the
12 heart of Lower Manhattan's Financial District. The
13 NYPD will incorporate a public-use space in addition
14 to running a law-enforcement operations facility.
15 Across the NYPD, we will continue to leverage every
16 tool available to us to keep New York City safe,
17 including the use of new and innovative technology.
18 We are keenly focused on technological advances, and
19 how they can be applied to fighting crime, creating
20 safer and more-efficient ways for police officers to
21 do their jobs, and contributing to the important work
22 of building trust. Building trust with the people we
23 serve; fighting traditional crime; combating
24 international terrorism, none of this is easy, but
25 cops do not take these jobs because they are easy.

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2 People join the police department to make a
3 difference, to do good, and NYPD members accomplish
4 that every single day, and they do it in newer and
5 better ways every day, too. In closing, I can tell
6 you our city is in much better shape today than it
7 was when I became a cop in 1983. Those of you who
8 lived here and worked here decades ago know it, too.
9 This is not the same city it was in the 1980s and
10 1990s, and each year we make even greater head-way.
11 Together, we are proving that New York City is the
12 place that others across our nation want to emulate,
13 and we are setting that tone through our brand of New
14 York policing. Throughout the tremendous changes we
15 continue to undertake at the NYPD, we have had the
16 Mayor's full support, and we have benefitted greatly
17 from the City Council support as well. Thank you for
18 your ongoing partnership and assistance and for
19 everything you do to help us build a more effective
20 and more efficient NYPD always with officer safety in
21 mind. I continue to be very optimistic about the
22 future of the NYPD and the direction in which we
23 head. In my experience there's a direct correlation
24 between the level of community support for the police
25 and success in fighting crime and terror, and so we

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2 will continue to work tirelessly to earn the trust
3 and confidence of all New Yorkers and to ensure that
4 there are even better days ahead. I look forward to
5 working with each of you. I thank you again for the
6 opportunity to testify this morning. At this point,
7 I'm happy to take your questions.

8 CHAIRPERSON RICHARDS: Thank you, Mr.
9 Commissioner. I almost don't know what to do with
10 myself, you're testimony was so short today. That
11 means we're making progress. Well, good morning and
12 welcome. Before we discuss questions about the
13 budget, were there any new items that the Department
14 requested from OMB but did not receive funding for in
15 the Preliminary Budget?

16 DEPUTY COMMISSIONER GRIPPO: Ultimately,
17 we're still working with OMB, as you know, through
18 the Executive Budget. Our priorities, our budget
19 priorities, for the most part were funded, but the
20 effort right now is to deal with the 52.6 million
21 dollars PEG [sic] or budget reduction exercise that
22 we've been asked to do. so we're working on that,
23 and there are some-- the only real financial concerns
24 we have on the new needs side revolve around things
25 that we are currently operating but are unfunded in

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2 the out-years, and we're incorporating that in the
3 conversations around the PEG to ensure we get the
4 funding we need to maintain systems. It's largely IT
5 funding and facil-- and I'm sorry, and vehicle
6 funding needed for life cycle replacement for some of
7 the vehicle that we attain through forfeiture funding
8 to support Neighborhood Policing.

9 CHAIRPERSON RICHARDS: Okay. And I'm
10 going [inaudible] if you can go to slide number one,
11 because you spoke about the PEG. So, in the actual
12 uniform headcount this year-- okay, there we go. The
13 headcount is 800 over what is budgeted along with
14 your next Academy class, a surplus somewhere around
15 1,200 uniformed officers. So although I understand,
16 you know, you're working on the PEG, I'm trying to
17 get an understanding of how you're handling the PEG
18 if your over headcount.

19 DEPUTY COMMISSIONER GRIPPO: So we're not
20 actually over headcount. We saw the Council's report
21 and we've looked at it. The issue here becomes the
22 Council is taking the actual headcount at the end of
23 last year, and now they're looking at the current
24 headcount. Because we have attrition throughout the
25 year, the number fluctuates. So we actually maintain

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2 what we call an average headcount, and we use an
3 analysis that's based around the peak headcount which
4 helps us maintain that average headcount throughout
5 the year, which stabilizes our PS budget. so we are
6 doing the same thing year we've done in prior years
7 where we each time we have a class, and that's four
8 times throughout the year, we hire up to our peak
9 headcount. We have attrition. New people come into
10 the Academy. We go back to the peak headcount, and
11 we, again, maintain an average headcount. We can
12 share that analysis with you. Certainly the
13 headcount numbers that you see for this Fiscal Year
14 are on-budget. They're what we are budgeted for, and
15 OMB holds us accountable for that every time we
16 establish a class size.

17 CHAIRPERSON RICHARDS: And which-- can
18 you just speak to the number, your peak number?

19 DEPUTY COMMISSIONER GRIPPO: So, the peak
20 headcount is 36,967 for fiscal 19, and the average
21 headcount is 36,728 for Fiscal Year 19.

22 CHAIRPERSON RICHARDS: And just go
23 through your attrition rate for uniform and civilian
24 officers?

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2 DEPUTY COMMISSIONER GRIPPO: Well, that
3 varies. So, I mean, I have the-- hold on let me just
4 see. It really does vary from year to year. So I
5 mean, I have the attrition that's projected for this
6 year, which ends up being about 1,800 officers over
7 the course of the year, but it varies, and this is
8 largely based off of the class sizes that we had 20
9 years prior. So, as people become eligible for
10 retirement, it drives an attrition rate, and that's
11 how we assess projections for the class. But again,
12 before we get authorization for a class, we're no
13 longer looking at projections, we're looking at real
14 attrition, and that's how we base the class sizes.

15 CHAIRPERSON RICHARDS: Alright, I don't
16 want to debate this, but your actual number is
17 36,995. Are our numbers wrong?

18 DEPUTY COMMISSIONER GRIPPO: I'm not--
19 we'll have to look at it, but this is-- you have--

20 CHAIRPERSON RICHARDS: [interposing] And
21 then with your April class, how many people in your
22 April class if you can just speak to that?

23 DEPUTY COMMISSIONER GRIPPO: Right now
24 our April class would be projected to be 330
25 officers.

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2 COMMISSIONER O'NEILL: Mr. Chair, Bill
3 Morris, Chief of Personnel.

4 CHIEF MORRIS: Morning, Chair. Just to
5 give an example of what Commissioner Grippo is
6 speaking about, as of this morning our actual number
7 uniform number is 36,789. So, that's about 200 off
8 the number on the slide right there. So that's an
9 example of how that number fluctuates.

10 CHAIRPERSON RICHARDS: And that's not
11 counting attrition.

12 CHIEF MORRIS: That's our actual number.

13 CHAIRPERSON RICHARDS: Actual headcount.

14 CHIEF MORRIS: Right now.

15 CHAIRPERSON RICHARDS: Okay, got it.

16 Alrighty, let's go into-- so in fiscal 19 savings
17 were accrued for delaying the hiring of 300 TEAs,
18 Traffic Enforcement Agents. Will these TEAs be also
19 hired in 2020?

20 DEPUTY COMMISSIONER GRIPPO: So, those
21 conversations are embedded in the conversations we're
22 having around that PEG. As of now, we are planning
23 to hire 250 TEAs in June, which would reflect us not
24 reducing the number of TEAs in the Fiscal Year 20
25 budget. So what that means in real English is yes,

2 we would 200 additional TEAs budgeted next year than
3 we had in Fiscal 19 because we had done a one-year,
4 one-time savings of 200 TEAs where we didn't hire
5 them this year.

6 CHAIRPERSON RICHARDS: So you don't seen
7 a scenario where that's delayed again this year?

8 DEPUTY COMMISSIONER GRIPPO: Again,
9 contingent on the PEG conversations, and we're
10 looking at the lot of different things in those
11 conversations, and so right now the plan is still to
12 move forward with 250 hiring class, which would bring
13 us back up to the authorized headcount for Fiscal 20.

14 CHAIRPERSON RICHARDS: We're also joined
15 by Council Member Menchaca and Vallone. Last year,
16 the Council called for an overall of the city's
17 expense budget structure to create new units of
18 appropriation that corresponds to actual program
19 areas, and it's part of the budget response called
20 for, we called for you to match the Department's 18
21 different program areas in the budget function
22 analysis. So, for example, NYPD's budget has 3.5
23 billion dollars or 62 percent under the units of
24 appropriation operations. By expanding the eight UAs
25 to the 18 program areas, it would allow for more

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2 transparency in the NYPD's budget. I know we've had
3 some subsequent conversations on this. Will you work
4 with the Council to expand the number of units of
5 appropriation this year?

6 DEPUTY COMMISSIONER GRIPPO: So, the
7 issue with this, it's actually-- its 21 budget
8 functions that are right now combined PS OTPS. So if
9 we were to make units of app-- individual units of
10 appropriation of all 21 budget function areas, we
11 would have 42 units of appropriation. And right now
12 we have 14 U of As. So the issue here really comes
13 down to the work that would be involved and the
14 difficulty in actually operationalizing this, because
15 on the PS side you have to understand that we are
16 constantly transferring employees or essentially
17 authorizing overtime in different areas based off of
18 need throughout the year. So what would happen is
19 every single time we have a class coming out of the
20 Academy or every single time we are moving cops or
21 promoting cops and then shifting their
22 responsibilities, we would have to process budget
23 mods. This would be an incredibly challenging work
24 effort that would create a serious resource need for
25 both us and OMB, and that's why we produce these

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2 reports, these budget function reports which give the
3 Council transparency at the end of each year for
4 where our resource land. It's the issue of doing it
5 during the year that would create a burden. So, I
6 mean, we're happy to look at a combination of things:
7 one, to see if there's a place in the middle that's
8 less than 42 units of appropriation, which would be a
9 huge challenges, and secondly, looking at the reports
10 that you currently get. Albeit they are separate
11 reports with information, but the budget function
12 report ultimately shows you where our money was spent
13 by bureau, and then we have very detailed overtime
14 reports that we've created as part of our compliance
15 with local law or as part of our work with City
16 Council finance which breaks out how we're spending
17 our overtime. We think you have transparency on the
18 data. The issue becomes, you know, we're able to
19 move the money throughout the year which is on an
20 add-needed basis, and it's critical to the way that
21 we operate. So that's the challenge.

22 CHAIRPERSON RICHARDS: So, I will
23 disagree a little bit there. I think that there's
24 always better that we can do in this specific area.
25 So if it's a resource question, perhaps we should

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2 have that conversation with OMB, but I didn't get a
3 clear answer. Are you willing to work with the
4 Council in finding some middle ground--

5 DEPUTY COMMISSIONER GRIPPO: [interposing]
6 Yes.

7 CHAIRPERSON RICHARDS: on this to improve
8 transparency in the budget?

9 DEPUTY COMMISSIONER GRIPPO: Yes. Yes.

10 CHAIRPERSON RICHARDS: Okay. So we're
11 going to get that going this year, yes?

12 DEPUTY COMMISSIONER GRIPPO: Yes.

13 CHAIRPERSON RICHARDS: Okay, alright,
14 that's on the record. You took the oath. Alright.
15 Let's go into Crisis Intervention Training quick.
16 Can you provide details on which officers and units
17 have received training and which ones will be trained
18 this year?

19 CHIEF SHORTELL: Good morning. Chief
20 Shortell, Chief of Training. So far for Crisis
21 Intervention Team Training there's been a total of
22 11,970 active uniformed members of the service
23 trained. That includes 808 of our lieutenants, 2,404
24 of our sergeants. We have three sessions per week,
25 and they're held Monday through Thursday. This is in

2 conjunction with the Center for Urban Community
3 Services through DOHMH. The officers and the
4 recruits, they'll be trained in de-escalation and
5 attend lectures on scenario-based trainings to
6 recognize the signs and symptoms of mental health
7 illness, better response to these mental health
8 distress, and improve communication with the public
9 and reduce injuries to officers. Currently, we are--
10 the targeted population that we'd like to see trained
11 is by the end of 2021. We prioritize based on the
12 likelihood of our officers that are going to hid
13 [sic] into people-- intercede with people with
14 persons of crisis. We are also concentrating on
15 where the diversion centers are opening up, one in
16 the 25, one in the 47. We presently have 77 percent
17 of all the officers trained in the 25. We presently
18 have 54 percent of all the officers trained in the 47
19 precinct.

20 CHAIRPERSON RICHARDS: And I'm assuming
21 we're trying to get to all of the-- all patrol
22 officers, anybody who does-- can you just speak
23 specifically who you're training and how many people
24 we have to go to train?

2 CHIEF SHORTELL: Right. Well, right now
3 we're going-- we have it in priority order. We have
4 all members assigned to precinct patrol squads, all
5 members assigned to transit patrol, our homeless
6 outreach units-- we don't include administrative
7 personnel-- all members assigned to patrol the 25 and
8 47, which I stated, all Transit Bureau NCOs, and all
9 members assigned to the Housing Patrol Bureau. Our
10 ultimate goal is to incorporate 16,000 police
11 officers, sergeants and lieutenants by the end of
12 2021. Right now we're at 11,970. So, do the math,
13 it's another 4,000 to go.

14 CHAIRPERSON RICHARDS: Alright, and just
15 go through what is the training provided to DHS Peace
16 Officers and School Safety Agents? Do School Safety
17 Agents receive CIT training at all?

18 CHIEF SHORTELL: Right. Since the
19 beginning of the Academy for the Department of
20 Homeless Outreach and Security Shelter Division Peace
21 Officers, we have 178 newly hired Peace Officers who
22 have been given 40 hours of CIT, and this has been
23 tailored to the shelter environment. As far as
24 School Safety Agents, we do a lot of de-escalation
25 training at the Police Academy, but we presently

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2 don't have CIT training per-say for them. But like I
3 said, everything with CIT a lot of it is de-
4 escalation, and the School Safety Officers receive
5 that through a lot of their curriculum.

6 CHAIRPERSON RICHARDS: So, we have
7 concerns about that. We think School Safety Agents
8 should receive CIT training, especially in the midst
9 of-- I think we held a hearing a few months ago on
10 crisis that are happening every day in our school
11 system, and a lot of young people being diverted into
12 the 911 system and sent into ambulances, and we want
13 to ensure that School Safety Agents who are dealing
14 with students on a day-to-day basis are also trained
15 here. So, can we get a commitment that this is
16 something we will explore as we move forward?

17 CHIEF SHORTELL: You have my commitment.
18 I'll look to explore.

19 COMMISSIONER O'NEILL: We'll do that.
20 Yeah, we'll make that commitment, but again, it can't
21 be unfunded. Training costs money.

22 CHAIRPERSON RICHARDS: Okay. Let's go
23 into Neighborhood Coordinating Officers quickly. So,
24 last year, Commissioner, you expressed concern
25 regarding crimes in the subway system. Can you

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2 provide an update on your policing efforts in the
3 subway?

4 COMMISSIONER O'NEILL: Sure. Chief
5 Delatorre will do that.

6 CHIEF DELATORRE: Good morning.

7 CHAIRPERSON RICHARDS: Morning.

8 CHIEF DELATORRE: So, currently we have
9 nine districts rolled out in neighborhood policing.
10 I'm going to just give you a quick list of them. We
11 started with District 12 and District 30 back in
12 April of 2018. District 12 covers the Mott Haven,
13 Morrisania, Parkchester, Soundview, Eastchester,
14 Baychester, Wakefield, Pelham Bay, Pelham Parkway,
15 and Longwood areas. District 30 covers the
16 Greenpoint, Lafayette, Prospect, Park Slope, Downtown
17 Brooklyn, Brooklyn Heights, Carroll Gardens, and the
18 Dumbo area, down under Manhattan bridge overpass. In
19 July we rolled out four more districts. It was July
20 of 2018. We started with District Three, Upper
21 Westside, Morningside Heights, Hamilton Heights,
22 Washington Heights, Inwood, Marble Hill, Manhattan
23 Valley, Manhattanville, Sugar Hill, Central Harlem
24 North, and Central Harlem South. And we rolled out
25 District Four, East Village, NoHo, SoHo, Lower

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2 Eastside, Upper Eastside, Murray Hill, Grammercy
3 Park, East Harlem, Midtown East, Chinatown. We
4 rolled out District 20 out in Queens, Woodhaven,
5 Richmond Hill, Jamaica, Briarwood, Cue Gardens,
6 Forest Hill, Jackson Heights, Long Island City,
7 Queensbridge, Roosevelt Island, Willis Point, Corona,
8 Elmhurst, Woodside, Sunnyside, and Astoria. And we
9 rolled out District 32 in Brooklyn, East Flatbush,
10 Park Slope, Crown Heights, Prospect Park, East New
11 York, Brownsville. Then in January of this year we
12 rolled out District Two in Manhattan. That covers
13 Lower Manhattan, Battery Park, Tribeca, SoHo, NoHo,
14 West and Central Village, Grammercy Park, Murray
15 Hill, Chelsea, Midtown West, Chinatown. In addition
16 to that, we rolled out District One which is also
17 Manhattan, but on the Upper Westside, Upper Eastside,
18 Lincoln Square, Lenox Hill, Columbus Circle, Midtown,
19 Hell's Kitchen, Clinton, Times Square, and Diamond
20 District. We also rolled out District 33 in
21 Brooklyn, Richwood, Middle Village, Bushwick, East
22 New York, Bedford-Stuyvesant, Williams Bridge,
23 Brownsville,--

24

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2 COMMISSIONER O'NEILL: [interposing] I
3 don't know if you know, but he's going through every
4 neighborhood in New York City.

5 CHAIRPERSON RICHARDS: Yeah--

6 CHIEF DELATORRE: [interposing] Yeah.

7 CHAIRPERSON RICHARDS: You know what I'm
8 going to stop you there--

9 CHIEF DELATORRE: [interposing] I'm going
10 to make sure-- I'm going to make sure--

11 CHAIRPERSON RICHARDS: [interposing] Thank
12 you, Commissioner, for doing my job.

13 CHIEF DELATORRE: I'm going to make sure
14 I hit your home.

15 CHAIRPERSON RICHARDS: I was trying to be
16 polite. Alright, we got the point. Alright, let me--
17 -

18 CHIEF DELATORRE: [interposing] Okay, so
19 the final three districts--

20 CHAIRPERSON RICHARDS: [interposing] Okay,
21 go ahead.

22 CHIEF DELATORRE: [interposing] The final
23 three districts-- I'm not going to go through the
24 neighborhoods again. But we have District 11 in the
25 Bronx, District 23 in Queens, and District 34. We

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2 should be rolling them out by the end of April.

3 That's our target.

4 CHAIRPERSON RICHARDS: Wow.

5 CHIEF DELATORRE: In the spring, but by
6 the end of April.

7 CHAIRPERSON RICHARDS: Alrighty, great.

8 Can you just give me an example of what these NCOs
9 are doing at train stations? So, obviously, there
10 was a report on serial offenders in the subway
11 stations as well. Can you just give me a clear-- I
12 mean, I'm a New Yorker. I'm a very busy guy. I have
13 my headphones on most mornings. I do recognize some
14 cops, NCOs down I think over downtown here somewhere
15 who often we say good morning. But for the everyday
16 New Yorker I see passing these NCO officers there's
17 very little interaction. So, can you speak to what
18 does the interaction between NCOs and busy New
19 Yorkers look like, and how is this program-- if
20 you're going to utilize resources in the trains, and
21 I'm not saying it's a bad thing. You know, what does
22 that interaction look like for everyday New Yorkers
23 or we just calling them Neighborhood Coordinating
24 Officers in a train station and they're standing
25 around?

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2 CHIEF DELATORRE: Okay, no, so--

3 CHAIRPERSON RICHARDS: [interposing] What
4 metrics are there to measure what exact--

5 CHAIRPERSON RICHARDS: [interposing] So
6 here's-- I can give you just off the top of my head.
7 On March 15th, I'll give you an example. We had a
8 station where we had chronic complaints about
9 graffiti. The NCOs were working. The complaints
10 were coming from the MTA workers and from the public,
11 and the-- it was a hashtag "Donald Trump" somebody
12 kept putting up on a wall there. So--

13 CHAIRPERSON RICHARDS: [interposing] Did
14 they clean that up?

15 CHIEF DELATORRE: It was cleaned up
16 repeatedly.

17 CHAIRPERSON RICHARDS: Okay, great.

18 CHIEF DELATORRE: It was cleaned up
19 repeatedly, but the idea was not just to keep
20 cleaning up, the idea was to capture the person that
21 did it.

22 CHAIRPERSON RICHARDS: Okay.

23 CHIEF DELATORRE: So, the NCOs and the
24 steady sectors working with Transit actually created
25 a dummy wall at the location. And our steady

2 sectors, now understanding the neighborhood policing
3 philosophy, our steady sectors work in support of the
4 NCOs. So, our steady sectors actually were hiding
5 behind the dummy wall that was created and finally
6 captured the perpetrator who was putting the graffiti
7 on the way in that station. So that's just one
8 recent example. I have numerous different success
9 stories, but the idea is pretty, I would call it
10 common sense. I mean, I, just like you, most of our
11 riders have their faces in a cell phone when on a
12 train. So to reach our ridership we're not going to
13 have Build-a-Block meetings to get them. We have to
14 reach them through that cell phone. So, if you go
15 through any station in the city at this point, where
16 neighborhood policing is rolled out, you're either
17 going to see a hard sign on the wall that has to the
18 two NCOs that are responsible for that station along
19 with the group station manager. So, the group
20 station manager in transit is the person who is
21 responsible for anywhere from 15 to 25 stations. The
22 transit model is very similar to the NYPD model now
23 that we have in place. The transit group station
24 manager is almost like an NCO. They have-- they're
25 responsible for everything that goes on in the

2 stations they're assigned. Our stations don't align
3 perfectly, because most of our NCOs have anywhere
4 from 10 to 15 stations and the lines in between that
5 connect them. But the group station managers have
6 regular meetings with our NCOs. They exchange
7 intelligence. Our NCOs give us-- give their cell
8 phones out, not just to the group station managers,
9 but to station agents and to many of the workers that
10 are in the different stations.

11 CHAIRPERSON RICHARDS: Okay. I don't
12 want to cut you off because I know we have limited
13 time with the Commissioner. My colleagues have
14 questions as well. Commissioner, so we held a
15 hearing on the NCO program outside of just transit
16 this year, and I'm interested in knowing where are we
17 at in measuring success in this program? How do we
18 measure success? What are the metrics being utilized
19 to ensure that NCOs are responsive in getting back
20 the communities? Right now, there doesn't seem to be
21 any clear metrics that we can utilize to measure the
22 success of this program. So, I know crime is going
23 down, and that's good, but how are we measuring if
24 NCOs are actually engaging with communities?

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2 COMMISSIONER O'NEILL: Yeah, there's a
3 number of different methods that we use, and Chief
4 Donahue from Strategic Initiatives will talk about
5 that. Jack?

6 CHIEF DONAHUE: Good morning, Council
7 Member. Jack Donahue, Chief of Strategic
8 Initiatives. So, what we've taken is an overlay of
9 not just crime but the questions of how we've built
10 up trust with the community. That's measured by the
11 types of interactions that we have and the number of
12 interactions that we have with them and the quality
13 of those which is feedback that we receive through
14 our NCOs and the NCO Sergeants. So, when you look at
15 both crime reduction and the interaction internally
16 that we have with our NCOs and our detectives and the
17 willingness of people to interact with us and share
18 more information, it demonstrates that there's an
19 increase in trust. What we are refining are hardcore
20 objective outcome measures that can help support
21 that, and we've engaged with Rand [sic] Corporation
22 to be able to help us fine-tune those hard outcome
23 figures, but that's generally how we are attempting
24 to do that now.

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2 CHAIRPERSON RICHARDS: So, and what are
3 they actually studying? So can you just go throw
4 what-- so, the Rand Corporation, what are the
5 specific things they're looking at?

6 CHIEF DONAHUE: So, Rand is looking at
7 the establishment of building trust within the
8 community and defining those metrics to better
9 determine how trust has been built. Secondly,
10 defining more precise metrics for collaboration which
11 we can leverage technology for. They're also
12 determining how neighborhood policing influences or
13 impacts the reduction in crime.

14 CHAIRPERSON RICHARDS: What's the
15 attrition rate and average length of tour for an NCO
16 Officer? So, how are we doing there? Because we've
17 heard stories of NCOs coming in a few months and then
18 leaving out. So, what does that attrition rate look
19 for them?

20 CHIEF HARRISON: Mr. Chair, good morning.
21 Chief Rodney Harrison, Chief of Patrol. Alright, so
22 just currently staff, I'll just give you a couple
23 numbers. Approximately we have 790 PO Detectives
24 throughout the 77 precincts. We have 77 Sergeants.
25 The attrition rate is approximately 25 percent for

2 the POs and Detectives, and for the Sergeants 35
3 percent. And some of the reasons are usually good.
4 One of the things is this is something where we want
5 the Neighborhood Coordination Officers to further
6 their career. So, you know, 14 of them have moved
7 on. For 2018, 14 of them have went on to promotions.
8 Twelve of them went into transfer into investigative
9 units. Another 21 to 25 went to external command.
10 So, this is a career path for police officers who
11 become Neighborhood Coordination Officers, take this
12 challenge on and then further their career to help
13 benefit the Police Department, especially going into
14 the investigative units.

15 COMMISSIONER O'NEILL: Obviously, we're
16 looking for most of them to stay as NCOs and we're
17 making sure that we're providing an incentive to do
18 that. We have promoted five percent of the NCOs to
19 detective specialists. There are going to be
20 periodic transfers that are going to be people that
21 get promoted to sergeant. So we kind of built that
22 into the program. And quite frankly, there were some
23 people that want to do the job that might not have
24 the skills necessary to become a NCO that-- the type
25 of NCO that we need out there.

2 CHAIRPERSON RICHARDS: So, the only
3 troubling part about that is that I think the
4 attrition rates for your NCO program are much higher
5 than regular POs. So, I'm trying to understand if
6 these officers are supposed to be cemented in the
7 fabric of communities and building that partnership
8 and relationship. Should they move on so quickly
9 when the program just began? If they're there for us
10 to get back to that, the essence of the beat cop,
11 would you--

12 COMMISSIONER O'NEILL: I get what you're
13 driving at. Rodney said 75 percent of them are being
14 retained as NCOs which is a pretty high number. Just
15 think about what Rodney said about where they're
16 moving onto. Most of them are moving on to better
17 careers in investigative units or becoming
18 supervisors, but the bulk of them are being retained
19 as NCOs. And again, this is not something that
20 happens just over night. These are skills that are
21 built up over time, and quite frankly we've seen some
22 people that wanted to be NCOs and maybe they're
23 better off doing something different. So this is--
24 this is a program that in May it's going to be, if
25 I'm not mistaken, it's going to be four years. We

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2 built it out not slowly but we wanted to make sure we
3 had the logistics right and we want to make sure that
4 we have the right police officers, want to make sure
5 that we have the right Commanding Officers in these
6 precincts, districts and PSAs. So this is a process
7 over time and that number will-- as we move forward,
8 I think it will get a little bit higher.

9 CHAIRPERSON RICHARDS: But there's no
10 minimum standard amount of time--

11 COMMISSIONER O'NEILL: [interposing] No,
12 if you become an NCO--

13 CHAIRPERSON RICHARDS: for people to--

14 COMMISSIONER O'NEILL: [interposing] You
15 know, we're not asking you to sign a contract that
16 you stay there for two years. It's not how we
17 operate in the NYPD. What if we have a person there
18 that's not the person that we want, or if the person
19 that has taken a sergeant's test and maybe is not
20 going to get promoted for three or four years and he
21 wants to spend that-- he or she wants to spend their
22 time as an NCO. We want to let them do that. So--

23 CHAIRPERSON RICHARDS: [interposing]
24 Right, and I don't disagree with people moving up the
25 ladder, but I find it troubling that communities can

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2 get to know NCOs for perhaps five months or so, five
3 months, sorry I'm just throwing it out there, not
4 saying it's factual, and then they're moving on. So
5 how are you building real trust with communities if
6 after five months to a year or 15 months NCOs are
7 going and promoted. So all that trust--

8 COMMISSIONER O'NEILL: [interposing] If I
9 get--

10 CHAIRPERSON RICHARDS: that was built--

11 COMMISSIONER O'NEILL: [interposing]

12 Right, if I get two years out of an NCO and they're--
13 he or she is looking to do something different within
14 the Police Department, then I think that's time well
15 spent.

16 CHAIRPERSON RICHARDS: Agreed.

17 COMMISSIONER O'NEILL: If it's five
18 months, then I'm not happy with that.

19 CHAIRPERSON RICHARDS: Right.

20 COMMISSIONER O'NEILL: We're trying to
21 minimize that.

22 CHAIRPERSON RICHARDS: So the question
23 is, why couldn't we get to a specific standard on
24 minimal time, a minimum time of two years?

25 Otherwise--

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2 COMMISSIONER O'NEILL: [interposing] There
3 has to be flexibility. If I take a sergeant's test
4 and I'm on the list, and my list number comes up in a
5 year and a half, I have-- you know, I'm not going to
6 defer becoming a sergeant.

7 CHAIRPERSON RICHARDS: So maybe-- right,
8 so maybe you wouldn't apply to be an NCO if that's
9 the case. There has to be some standard put in
10 place, and I think we're just looking for a little
11 bit more consistency. The program is working well. I
12 want to compliment you. I was just at two Build-a-
13 Block meetings last week, and my community certainly
14 has built out trust with the 105th NCOs, but if they
15 left in five months, you know, I think that would be
16 a problem. Let me move on, because I know my--

17 COMMISSIONER O'NEILL: [interposing] And I
18 agree with you. Five months is not what we're
19 looking for.

20 CHAIRPERSON RICHARDS: Right. Let's move
21 on to slide two, and then I just have one more slide
22 and then I'm going to get to my colleagues and I'll
23 come back for a second round. I want to talk about
24 sex crimes for a minute. So the City has seen a
25 decrease in crime statistics in many other areas.

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2 However, sex crimes are on the rise. Rape, felony
3 sex crimes, and misdemeanor sex crimes all went up in
4 2018, and year-to-date many categories of sex crimes
5 are even higher in 2019 than in 2018. How is the
6 Department resources-wise handling the increase in
7 sex crimes? And can you speak to-- I know DOI
8 recommended assigning more detectives to SVD. How
9 many detectives are in SVD now, and do you recommend
10 increasing the staffing being that this is an area
11 that we continuously see increases in?

12 CHIEF SHEA: Good morning, Chief Shea,
13 Chief of Detectives. So, beginning last year,
14 roughly February of last year around the time of the
15 IG report, before and after that there was a series
16 of personnel additions to the Special Victims
17 Division. That has essentially continued through as
18 recently as within the last month. There were 35
19 police officers transferred into the Special Victims
20 Division. To the question of the current staffing,
21 the most recent staffing within the Special Victims
22 Division, detectives and police officers, is standing
23 at 258 investigators, and that makes up detectives
24 and police officers. Again, there's been a conscious
25 assessment over the last I would say 12 months which

2 has resulted in increased personnel to Special
3 Victims and caseloads decreasing which is a trend
4 that we wanted to see, and we stated last year that
5 we were committed. Over the last 12 months we've
6 maintained close relationships with the advocate
7 communities. Council Member Rosenthal, several
8 meetings. These are not meetings that are on a
9 calendar. This is just an ongoing process. We've
10 had people come out to our future sites to view and
11 work with them, taking their insight into these, and
12 this is-- overall, there remains work to be done, but
13 I'm quite proud of the work of the men and women of
14 Special Victims over the last 12 months and before
15 and the relationships forged with sex crime survivors
16 as well as the advocate community.

17 CHAIRPERSON RICHARDS: And what are the
18 average time, caseloads, time to close cases and
19 training requirements? You can go through that.

20 CHIEF SHEA: Well, there is no-- the
21 first part, there is no average case closure, and
22 there's a very important reason for that, because we
23 have set a standard and I think people nationally are
24 looking at that we advocate and we believe that these
25 cases will progress at the speed that the survivors

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2 of the sex crimes want to proceed. So we have cases
3 that are initiated, people step out of that process,
4 and we give them the opportunity to step out of that
5 process at any time, and then come back into the
6 process if they want to proceed. So, it is truly a
7 unique crime in that respect, and then therefore
8 measuring the length of time of these investigations
9 would really be very difficult in that respect.

10 CHAIRPERSON RICHARDS: But I'm finding it
11 hard. So you don't track specific timeline of cases
12 closed or cases opened? And I ask that question
13 because how do you know you have enough resources if
14 you're not tracking? And I'm not saying-- I
15 definitely get the sensitivity around each case is
16 certainly different, and I'm not telling you to put a
17 time stamp on each individual case, but how do you
18 know you have the resources necessary, and if we're
19 seeing this steep increase continuously and we're not
20 adding the necessary resources to ensure-- and I'm
21 not-- and I commend you for adding some, but we're
22 not where we need to be if we can't keep up with the
23 current caseloads. So my worry is that you have
24 detectives who are being overworked who can't
25 specifically deal intimately with cases because for

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2 every case they move, perhaps they're seeing 20 more
3 cases added to their caseloads. So if we're saying
4 we're taking this issue seriously, how could we not
5 measure metrics?

6 CHIEF SHEA: No, we are certainly-- that
7 was probably my mistake, and not being clear enough.
8 We're certainly measuring all of the above metrics.
9 We can come out with lengths of time a case is open.
10 What I meant to impress upon the council is that we
11 don't simply use that length of time as a measurement
12 of success or not.

13 CHAIRPERSON RICHARDS: Agreed.

14 CHIEF SHEA: Yeah, so--

15 CHAIRPERSON RICHARDS: [interposing]
16 Agreed you shouldn't, but so you are keeping metrics.

17 CHIEF SHEA: Yeah, and the caseload of
18 the rape complaints, of the sex crime complaints when
19 you look at what the subject of that hearing last
20 year, are all going in the right direction.
21 Caseloads per investigator are being reduced and
22 continue to be reduced, even with the increase in sex
23 crime complaints. Currently were sitting at about a
24 6.5 percent increase in rape complaints this year.

25

2 CHAIRPERSON RICHARDS: Right. And I'm
3 trying to get to-- and this is the question I think
4 we're skipping around. How much average time is
5 spent on a specific case? So there's-- you're not
6 measuring that?

7 CHIEF SHEA: We can try to get back to
8 you with an average time per case. Again, but there
9 is no two sex crime cases alike due to the victims,
10 due to the survivor's statements, how they want to go
11 forward etcetera. We can try to get you a length of
12 time from inception of case created 'til it's closed,
13 but again, even how they're closed is fairly unique
14 in what we see in other crimes that we investigate.

15 CHAIRPERSON RICHARDS: Right, I get that.
16 You get--

17 COMMISSIONER O'NEILL: [interposing] Mr.
18 Chair--

19 CHAIRPERSON RICHARDS: where I'm going on
20 that.

21 COMMISSIONER O'NEILL: Mr. Chair, I get
22 what you're driving at, too. I mean, this is why we
23 have sergeants and lieutenants and supervisors and
24 Special Victims Squad. They carefully look at
25 caseload open and closed and what time it takes to

2 open and close certain cases. And if cases are open
3 too long, then the supervisors interject themselves
4 in there to see why-- and as Dermott explained, there
5 are many reasons why some cases continue on longer
6 than others, but as far as case load, we're on top of
7 that each and every day.

8 CHAIRPERSON RICHARDS: Okay. We want to
9 see numbers on that. And let's go through facilities
10 quick. I did see that you budgeted capital funding
11 this year for new SVD facilities. Can you just go
12 through what-- where we're at, which facilities, new
13 facilities?

14 DEPUTY COMMISSIONER GRIPPO: Sure. So,
15 the money you see reflected in the budget is for a
16 new Manhattan Special Victims facility. We
17 ultimately are taking for now one floor in 137 Centre
18 Street. We are remodeling that. Again, looking at
19 the DOI report recommendations there, and we plan to
20 open that facility in June, the end of June of this
21 year. In addition to the work that you see funded in
22 Manhattan, we are-- we have done a renovation in
23 Brooklyn in the current location at Brooklyn. We've
24 done a renovation in the current location at the
25 Bronx. We ultimately will have both of those

2 facilities fully remodeled over the next two to three
3 weeks. There are improvements that you will see in
4 Brooklyn and the Bronx, I think fairly significant
5 improvements that deal with some of the DOI
6 recommendations. What we can't accomplish in the
7 current locations in those two boroughs, as well as
8 the borough of Queens would be co-location with the
9 DA's and the advocates. So at the same time as we
10 have been working on those renovations we're working
11 with DCAS in the hopes of obtaining new facilities
12 for those three boroughs. In Staten Island we were
13 in the best shape of all the boroughs to start with.
14 We are taking the facility that we currently have and
15 we're acquiring some additional space in that
16 facility. We're going to begin construction in April
17 and wrap up that construction before the end of the
18 year in 2019, and once we do that we'll be in full
19 compliance in Staten Island with all of the
20 recommendations in the DOI report as well as have
21 achieved co-location with the DAs and the advocates,
22 because that was already in existence in that
23 building. So, we're looking to do the same in the
24 other four boroughs. In Manhattan there's an
25 opportunity to gain more space at 137 Centre. We're

2 working with DCAS on that, but again, in the other
3 three boroughs we would ultimately need new
4 facilities, and so DCAS is doing a site search to try
5 to find a location that would work for both our
6 offices as well as the DA's.

7 CHAIRPERSON RICHARDS: And let me just--
8 last question on SVD stuff, and I know Helen will
9 have more questions on it. So when Chief Harrison
10 took over there was a unit reviewing old cases, and
11 that was discontinued when she took the helm. Where
12 are we at with those old cases? Who's reviewing
13 those specific cases now?

14 CHIEF SHEA: So, there was a number of
15 moves and an assessment done both before and after
16 Chief Harrison took place. We had historically a
17 unit in place that worked primarily off DNA-related
18 older cases. That was necessitated when some years
19 back-- and I'm going back a number of years. There
20 was a historical backlog of rape kits in New York
21 City that were tested. That team that works off
22 those old cases recently cleared that entire backlog.
23 So we were able to repurpose that team for the other
24 team that was ready to start. So essentially the

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2 work is being done. It's be repurposed from an
3 existing team.

4 CHAIRPERSON RICHARDS: And can you give
5 me what that backlog was? So, justice was served in
6 all of these cases, or did we just check? So I'm
7 trying to get a--

8 CHIEF SHEA: [interposing] So,
9 essentially, this was--

10 CHAIRPERSON RICHARDS: [interposing]
11 better understanding.

12 CHIEF SHEA: I'm going back, Councilman,
13 a number of years, excess I believe of five years,
14 when this significant rape kit backlog was tested in
15 New York City. Many of these cases were working off
16 old historical kits, no electronic files. That
17 backlog has been cleared and the detectives and
18 sergeant that worked on that case can now be freed up
19 to work on any other additional older DNA-related
20 cases that come up.

21 CHAIRPERSON RICHARDS: SO, I know those
22 numbers was somewhere in the area of 5,000, if my
23 memory serves me correct, of backlog cases. So are
24 we saying-- when you say "clear" can you just define
25 what these cases where clear--

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2 CHIEF SHEA: [interposing] I do not have
3 that number. I'm not sure if we're speaking of the
4 same thing, but cleared, worked through and
5 ascertained. This team was in existence for years.
6 DNA hits coming back in and of itself does not mean
7 that that person was the perpetrator. It involved
8 numerous trips, interviews of witnesses--

9 CHAIRPERSON RICHARDS: [interposing] So we
10 interviewed all 5,000? I believe my number is
11 somewhere in that area.

12 CHIEF SHEA: I'm not--

13 CHAIRPERSON RICHARDS: [interposing] So,
14 did we go back and interview all 5,000 of those
15 individuals who had backlog cases?

16 CHIEF SHEA: The test kits that were done
17 were satisfactorily cleared. I do not know, again,
18 if it was a 5,000 number.

19 CHAIRPERSON RICHARDS: Alright, I'm going
20 to-- I know Helen will have more questions on that. I
21 just want to move to the last subject, and then I
22 will come back for a round, and it's one of my
23 favorite subjects, Commissioner, as you know,
24 marijuana, and not because I smoke it but because I
25 think we need justice in this area. So I want to

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2 commend you on the decrease in arrests and summonses
3 around marijuana, and -- okay, but you've got the
4 slide. It's great. Feeling like Wheel of Fortune up
5 here today. But when you look at the numbers in the
6 fourth quarter of 2018, we sort of are still in this
7 space where the disparity is still rampant in both
8 arrest and summonses around marijuana. So I'll just
9 read through, based on race, the account for American
10 Indian, too, Asian-Pacific Island 17, black 56
11 percent of all arrests, 291, Hispanics 182 which is
12 35 percent, unknown-- I guess that's a Martian, I
13 don't know what unknown is, what does that mean, but
14 three arrests there, and that's one percent. And
15 white people 25 arrests which is five percent of the
16 total out of the 520. So, I guess I have to be
17 blunt. Where there only 25 people in New York City
18 who were white smoking marijuana in the fourth
19 quarter last year of 2018? So, I'm still trying to
20 get what is the strategy around addressing, truly
21 addressing, these disparities and what do you
22 perceive to be the reason that these disparities
23 still exist in--

24 COMMISSIONER O'NEILL: [interposing] So we
25 are--

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2 CHAIRPERSON RICHARDS: communities of
3 color?

4 COMMISSIONER O'NEILL: So, if you look at
5 the first quarter of 2019, we've reduced our overall
6 misdemeanor marijuana arrest from 3,563 to 304.
7 That's a decrease of 91.5 percent, 3,259. So, our
8 strategy is to continue to decrease marijuana arrests
9 and use summonses when necessary. We are still
10 responding to community complaints and we're still
11 responding to 911 complaints and 311 complaints. I
12 know that's been a source of controversy in the past
13 because it's been spread all over the city, but our
14 strategy is to continue to reduce enforcement as far
15 as misdemeanor marijuana arrests.

16 CHAIRPERSON RICHARDS: So, this is
17 feeling like de ja vu again on the 911 and 311.

18 COMMISSIONER O'NEILL: You also have to
19 acknowledge it's a 92 percent decrease in arrests.

20 CHAIRPERSON RICHARDS: I do acknowledge
21 that.

22 COMMISSIONER O'NEILL: Which is
23 significant.

24 CHAIRPERSON RICHARDS: But if you--
25 there's a Daily News article today, actually, a

2 question and answer portion in it that speaks of a
3 person who's being-- who technically can be deported
4 over two marijuana convictions. So that's why we're
5 so passionate, specifically about this issue. But
6 I'm still not hearing how we're going to address
7 these disparities overall in the city, and I agree
8 that we've lowered the arrests, but the numbers are
9 still showing that disproportionately most of these
10 arrests and summonses are happening in communities of
11 color.

12 COMMISSIONER O'NEILL: So, if we just do
13 some loose math, and I'd have to check this after
14 we're done, but last year if we use these same rates,
15 it'd be about 1,800 black New Yorkers that were
16 locked up for marijuana. This year it was 180. So,
17 we are doing our best to make sure that the disparity
18 continues to decrease and our major focus of our
19 strategy is to reduce these arrests, and we've done
20 so much. Now, burning in public is a summons.
21 Possession in public is a summons. So, and we'll
22 continue to work together to identify why these
23 disparities exist and we'll keep you apprised of
24 where we are as far as--

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2 CHAIRPERSON RICHARDS: [interposing] And I
3 know we'll have that data based, you know, based on
4 the bills that we pass in the council, but it still
5 seems to be that, you know, our communities are still
6 disproportionately being targeted in this specific
7 area. So we look forward to continued work in this
8 area, but it's just hard to justify. And what is
9 your position? Does the NYPD have a position on
10 legalizing marijuana? Do you think--

11 COMMISSIONER O'NEILL: [interposing] In my
12 opening statement I said what my concerns were.
13 We're not taking a position. I'm just telling you
14 what my concerns are, and that's in the opening
15 statement.

16 CHAIRPERSON RICHARDS: And your concerns
17 are that 21-year-old-- people under 21--

18 COMMISSIONER O'NEILL: [interposing]
19 People under 21, driving under the influence, there's
20 no instant test, and home cultivation, which could be
21 an issue--

22 CHAIRPERSON RICHARDS: [interposing] And
23 can you just go through your concerns on home
24 cultivation?

25

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2 COMMISSIONER O'NEILL: I think you did
3 recall the Chief--

4 CHAIRPERSON RICHARDS: [interposing]
5 Right,--

6 COMMISSIONER O'NEILL: up in the Bronx
7 that was killed in an explosion. So, that's my
8 concern.

9 CHAIRPERSON RICHARDS: Right, and we
10 certainly share that concern with you. I don't want
11 to-- obviously, we--

12 COMMISSIONER O'NEILL: [interposing] Chief
13 Hank [sic].

14 CHAIRPERSON RICHARDS: We're very
15 sensitive to that.

16 COMMISSIONER O'NEILL: It would also be
17 difficult to enforce.

18 CHAIRPERSON RICHARDS: And are you looking
19 at any-- are there any technologies that you know of
20 that perhaps can address this issue? Have you been
21 approached by any companies or anyone interested in
22 sort of looking--

23 COMMISSIONER O'NEILL: [interposing] To
24 address home cultivation?

25

2 CHAIRPERSON RICHARDS: No, no, in the--
3 you said you're concerned about people smoking and
4 driving.

5 COMMISSIONER O'NEILL: Yeah, we have to--
6 we are taking a look at it, but right now the method
7 is to use drug recognition experts, and it takes a
8 while to get them up to speed.

9 CHAIRPERSON RICHARDS: And what is your
10 preparation? So, let's anticipate that this is
11 legalized in Albany this year, I mean, how far along
12 are you in specifically--

13 COMMISSIONER O'NEILL: [interposing] In
14 preparing for a drug recognition expert--

15 CHAIRPERSON RICHARDS: [interposing] Yeah.

16 COMMISSIONER O'NEILL: within the
17 Department? I'd have to get that number from Tom
18 Chan from Transportation. Tom, do you have that? If
19 you don't, we'll get back to the Chair. We'll get
20 back to the Chair.

21 CHAIRPERSON RICHARDS: But time is of the
22 essence, so-- and then who are the experts you're
23 looking?

24

25

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2 COMMISSIONER O'NEILL: Right now they're
3 in highway, but we'd have to make sure that they're
4 in all precincts.

5 CHAIRPERSON RICHARDS: Okay, alright, I'm
6 going to go to my colleagues and then I'll come back.
7 We're going to go to Council Member Lancman and we're
8 going to put three minutes on the clock because we
9 have a lot of questions, and then we'll try to get
10 back to second rounds.

11 COUNCIL MEMBER LANCMAN: Good morning. I
12 want to ask you about an article that was written in
13 something called "The Appeal" in December of 2018,
14 and it was titled, "Is the NYPD's Special Victim's
15 Division prematurely closing sexual assault cases?"
16 Which is particularly relevant in light of the slide
17 that showed a staggering and across-the-board
18 increase in reported sex crimes in the City. And
19 what the article found was, again, an extraordinary
20 high number of sexual assault and rape complaints
21 that were deemed to be either uncooperative
22 complainant or unfounded, meaning a very high number
23 of almost all women who had come to the NYPD alleging
24 that they had been raped, had had their cases
25 determined to be unfounded, and the numbers were

2 quite startling. In 2014, and this goes back a few
3 years, something like 12.5 percent of all cases
4 assigned to the Special Victims Division were marked
5 uncooperative complainant. In I think 2015 nearly 19
6 percent of the total reported rapes were considered
7 to be unfounded, which is a separate category.

8 Queens, in particular, saw an extraordinary number of
9 rapes in 2015 classified as being unfounded, 27
10 percent. The consensus among researchers and law
11 enforcement professionals is that the average number
12 of rapes that might be reported which are untrue are
13 in the low single digits. And by way of example, in
14 Los Angeles for the period 2014 to 2016, their
15 reporting of unfounded rape or sexual assault
16 allegations were less than three percent. Can you
17 tell us what is the percentage of rape or sexual
18 assaults that the NYPD deems to be unfounded or
19 closes because the witness is uncooperative; do you
20 keep those statistics?

21 COMMISSIONER O'NEILL: Yeah, we do.

22 Dermott will answer the balance of the question, but
23 I will state that we are absolutely committed to
24 providing justice for the victims of-- for the
25 survivors of sexual assault. And we do this in a

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2 number of ways. We do this in making sure we have
3 enough personnel in Special Victims. We put new
4 leadership in there, and we also meet with the
5 advocates every three months to make sure that we are
6 doing that in conjunction with the advocates and the
7 survivors. So, Dermott, I don't know if you have
8 those numbers?

9 CHIEF SHEA: Yeah--

10 COUNCIL MEMBER LANCMAN: [interposing] If
11 you could give me the current statistics and you
12 could tell us what might account for such an
13 extraordinary high number of unfounded designations
14 coming out of Queens?

15 CHIEF SHEA: So, you were quoting a
16 number of years and statistics there. I will get
17 back to you before the end of today with our current
18 statistics. But I can reiterate what Police
19 Commissioner O'Neill said, under Commissioner--
20 excuse me, under Chief Harrison we are continuing to
21 work with the advocate community. We've made a
22 number of additions to the unit as a commitment.
23 We've driven the case load down. We've taken the
24 recommendations at times. We've had-- set up
25 processes where rape survivors with advocates review

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2 the cases, and I can tell you that the feedback has
3 been extremely positive that we've received from the
4 rape advocates as well as rape survivors. Two
5 specific cases in a borough five years ago, we will
6 have to get back to you, but it is a very low number,
7 Councilman, of unfounded cases in the rape category.

8 COUNCIL MEMBER LANCMAN: So you'll be able
9 to get us that information today? I mean, listen, if
10 you told me you got it to me by the end of the week
11 that'd be okay, also. But you'll get us the data,
12 the current--

13 CHIEF SHEA: We will get you for 2018
14 what we closed, any rape case, by the end of today.

15 COUNCIL MEMBER LANCMAN: And the closed
16 separated by, I guess there's an unfounded
17 designation, there's a--

18 CHIEF SHEA: [interposing] Whether it's
19 arrest,--

20 COUNCIL MEMBER LANCMAN: [interposing]
21 Uncooperative complainant--

22 CHIEF SHEA: [interposing] unfounded. I'm
23 going to tell you that unfounded, it will be a very
24 small number.

25

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2 COUNCIL MEMBER LANCMAN: Good. You'll
3 break it down by borough? Because there seems to be
4 a discrepancy or a variance based on borough.

5 CHIEF SHEA: Sure.

6 COUNCIL MEMBER LANCMAN: Okay, great.

7 CHIEF SHEA: But again, some of those
8 numbers you were quoting, if I heard correctly--

9 COUNCIL MEMBER LANCMAN: True. Some were
10 2014, 2015. If we're in a different place now,
11 that's great.

12 CHIEF SHEA: And that's the good news.
13 The work that has been done over the last years, some
14 of it started by the former chief, continued
15 certainly, and with the current chief to work with
16 the advocates, to work with the sex crime survivors,
17 to hear their concerns, and I think that that's why
18 what puts me in a very comfortable place today to say
19 that I am confident and quite proud of the work of
20 our Special Victims Division.

21 COUNCIL MEMBER LANCMAN: Alright, great.

22 CHAIRPERSON RICHARDS: Thank you.

23 COUNCIL MEMBER LANCMAN: I have a
24 marijuana question I'll get to in round two.

25

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2 CHAIRPERSON RICHARDS: I'm going to--
3 yeah, we're going to get back. I'm going to go to
4 Cohen, Brannan, then Vallone.

5 COUNCIL MEMBER COHEN: Thank you, Chair
6 Richards. Good morning, Commissioner. I know I
7 button-holed you before the hearing started, but I
8 just want to go on record briefly on two issues of
9 local concern that I'm very concerned about. One are
10 the staffing levels at the 50 precinct. I am pleased
11 that you've-- that we're going to get five officers
12 out of the April class, but I am really concerned,
13 though. I still think that the staffing levels there
14 are very low between maternity leave, vacation, sick,
15 I just don't think that the staffing levels are
16 adequate for the-- you know, they work very hard, and
17 I know it's not-- you know, that people aren't-- you
18 know, that murder is not the number one problem in
19 the 50, but there really are significant number of
20 quality of crimes, larceny, grand larceny. So I
21 think that we do-- that the staffing levels are low
22 there. I'd appreciate it if you'd look at them
23 again. And two, the physical condition of the 52
24 precinct. I know you're familiar with it, that it's
25 a very old precinct. You know, again, the men and

2 women that work in that precinct work very, very
3 hard, and the conditions there I just don't think are
4 conducive to a professional Police Department in New
5 York City in 2019. So, and I know you-- I think
6 facilities is actually coming up to look at the
7 precinct with me. So, and that's thanks also to the
8 hard work of Oleg. Oleg and I have been
9 communicating well together. So I want you to know
10 that.

11 COMMISSIONER O'NEILL: So, Vinnie will
12 probably take the second part of that question about
13 the 52, but just looking at the 50 and I'm looking at
14 my smartphone here. We have nine sectors out there
15 right now, and that's due to neighborhood policing.
16 That's much-- you'll see that's much more than prior
17 to neighborhood policing. But maybe at some point
18 you can sit down with Jack Donahue our Chief of
19 Strategic initiatives and we'll walk through how we
20 determine the number of offices at each precinct. So
21 we'll do that and we'll take a look at the July class
22 for you, too.

23 COUNCIL MEMBER COHEN: I appreciate that
24 very much. You know, I was struck in your testimony
25 about of the expense budget that 92 percent is PS

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2 [sic]. Do have any sense of how that relates,
3 compares to other big cities? Is all-- and 92
4 percent of the money you get goes to salary?

5 DEPUTY COMMISSIONER GRIPPO: Yeah, I
6 think there's a couple of things here. So, I have
7 not-- I can't say we've looked at other cities. I
8 mean, obviously, the size of the police force here
9 that is a huge driver in that cost. When we look at
10 OTPS, though, what you have to look at is there is
11 the city tax levy budget, and I mean, we would not--
12 I mean, frankly, we would not be able to survive if
13 those were the only funds we had to support the cost
14 of the Department. We are-- we're significantly
15 relying on federal Homeland Security grants as a
16 stream of money that supports our counter-terrorism
17 efforts. So those funds supplement our OTPS budget.
18 You know, ultimately, every year on the OTPS side is
19 a challenge because of the size of the organization
20 that we're managing, but again, those Homeland
21 Security grant funds are a significant piece of what
22 helps us maintain the operations on the OTPS side.

23 COUNCIL MEMBER COHEN: And you talked
24 about fare evasion in your testimony. I don't know
25 what our strategy is around fare evasion now. I

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2 have-- you know, I have two MTA board members who are
3 constituents who talk to me about the issue, but I'm
4 not really sure what our strategy is. Could you talk
5 about that a little bit for a second?

6 COMMISSIONER O'NEILL: Yeah, Ed
7 Delatorre, and then I'll add to his comments.

8 CHIEF DELATORRE: okay, good morning
9 again. Alright, so the fare evasion situation in
10 Transit is somewhat complex, and I'm going to go
11 through it step-by-step. One of our strategies is
12 with the roll out of neighborhood policing. I'll
13 talk faster. With the roll out of neighborhood
14 policing. Is that a little faster?

15 COMMISSIONER O'NEILL: You can go over
16 the neighborhoods again.

17 CHAIRPERSON RICHARDS: Your steps could
18 be-- we could be here a few hours.

19 CHIEF DELATORRE: I'm going to give you
20 an example of what we're seeing, because we're
21 engaged in several pilots with transit. I'll give you
22 the pilots real quick. One pilot is, if you've
23 noticed, all 472 stations now have fare evasion
24 warning signs with a stop sign planted right next to
25 the gate so people who are herding through the gates

2 get that last minute to reconsider what they're
3 doing. We also have a pilot we're rolling out now in
4 10 stations where we're putting very large signage in
5 front of the turnstiles and the gates on the ground
6 so that once again people get a chance to stop, look,
7 and get a second-- and think twice about it. We also
8 have an additional pilot we're working on right now
9 where we've turned on the alarms again. They were
10 turned off a couple of years back. In 10 stations
11 we've turned on the alarms. We're working with the
12 Marron Institute and NYU who are going to assess
13 these pilots at the end. So what we're looking at is
14 compliance, not money, and I'll tell you why. We've
15 also got the NCOs working with the group station
16 managers like I told you. So when we get complaints,
17 and when I told you about that handheld device you
18 use on the train, we get complaints through the
19 portal, the MTA portal. We get the direct emails to
20 us, to the NCOs, about problematic stations. So, for
21 instance, Flushing/Main Street we did an operation at
22 the end of last year. We then did another operation.
23 When I say "operation" I send out a larger amount of
24 officers and we try to go through the high evasion
25 time of day, and we'll just grab as many people as we

2 can going through the gate and bring them to the
3 side. These operations we've done in several
4 stations: 125th and Saint Nicks, Flushing, Main
5 Street, and a few others to support the NCOs. I'm
6 going to give you the number now. Five hundred and
7 72 people in these operations were apprehended going
8 through the gate. Of the 572 we wrote 147 tab
9 summonses; we wrote three Criminal Court summonses;
10 we arrested one person. Four hundred and 21 were
11 warned and instructed, but the interesting part is
12 the 421 who were warned and instructed, 309 were
13 students and 112 were elderly who otherwise have a
14 half-price metro card anyway. So, we warned them
15 because there is a compliance issue. There's a
16 behavioral issue here, and it's not always the theft
17 of service itself. These students have metro cards,
18 they're not using it. So, all these pilots we're
19 undertaking right now are pilots to see if we can
20 change behavior at the turnstile and get support
21 through technology to help us correct this behavior.

22 CHAIRPERSON RICHARDS: Thank you.

23 COUNCIL MEMBER COHEN: Chair, we didn't
24 even touch up on buses--

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2 CHAIRPERSON RICHARDS: [interposing] We
3 got to wrap up. Got to go.

4 COUNCIL MEMBER COHEN: in the next round.
5 So, thank you very much.

6 CHAIRPERSON RICHARDS: I'll come back.
7 We're going to go to Brannan and Vallone, then
8 Menchaca.

9 COUNCIL MEMBER BRANNAN: Thank you,
10 Chair. Thank you, Commissioner. The NCO program is
11 working very, very well in the districts I cover, so
12 I thank you for that. I have to bring up something
13 that I actually saw on Twitter. I know the State
14 Troopers have increased their presence in the City,
15 in many cases they're working side-by-side with the
16 NYPD. There's a tweet here that NYPD News retweeted
17 February 7th, and it says-- it's a picture of a State
18 Trooper car and a cop car right by the Brooklyn
19 Bridge. It says, "One mission, one team, partners in
20 public safety." Would you agree that while they
21 might have the same mission, that New York City cops
22 are taking on way more responsibilities in the City
23 than their state counterparts, the Troopers?

24 COMMISSIONER O'NEILL: I don't think I'd
25 read too much into that statement. They are deployed

2 at bridges, tunnels, and some other areas of the
3 City. I think they're in Grand Central and Penn
4 Station, too. They're-- that one mission is to keep
5 New Yorkers safe. That's what that tweet is. I
6 think-- we've been in partnership with the State
7 Troopers for a long time. I know they've increased
8 their presence a lot over the years, but that's not
9 something I'm going to resist. I think to have-- if
10 you look at highway deaths last year, they're down
11 considerably, and that's with the assistance of New
12 York State Troopers.

13 COUNCIL MEMBER BRANNAN: Is there-- it is
14 on your radar, is it a priority for you to get city
15 cops a fair market rate of pay that's competitive
16 with Trooper pay? Because I think what I'm hearing
17 from guys on the job is when we're standing shoulder
18 to shoulder with the Troopers, when they're getting
19 paid much more than City cops, it's a partnership,
20 but one guy's getting paid much more than the other
21 guy.

22 COMMISSIONER O'NEILL: So, you know, I've
23 been in this business for a long time, and I think
24 you know that, and I'm always advocating to make sure
25 that we're able to retain our highly trained,

2 effective Police Department, and we do that to make
3 sure that they're being paid correctly. And I know
4 they're in the contract negotiation process. I don't
5 want to say anything to interfere with that, but this
6 is-- just take a look at how this city's been
7 transformed over the last 25-29 years, and it's not
8 because--

9 COUNCIL MEMBER BRANNAN: [interposing]
10 Absolutely.

11 COMMISSIONER O'NEILL: it was magic. A
12 lot of hard work, a lot of sacrifice, a lot of police
13 officers injured and killed in the line of duty. So
14 anything that I can do and say to help this process
15 move forward and make sure our police officers are
16 compensated properly, I'll assist in that matter.

17 COUNCIL MEMBER BRANNAN: Commissioner, I
18 appreciate that. I want to offer the council as a
19 partner to the Police Department in trying to get
20 that done. I mean, the City is certainly-- since
21 I've been a kid, I mean, it's night and day. I'm
22 just trying to get these guys to get paid what I
23 think they deserve to get paid. So,-- I offer you
24 the council as a partner in that.

2 COMMISSIONER O'NEILL: Yeah, the men and
3 women of the NYPD need to be paid at a competitive
4 rate, I agree.

5 CHAIRPERSON RICHARDS: Thank you. Going
6 to Council Member Vallone, then Menchaca.

7 COUNCIL MEMBER VALLONE: Thank you,
8 Chair. Good morning, Commissioner. First and
9 foremost, thank you on behalf of every man and woman
10 that puts on uniform. As a husband and a father we
11 always start with that precedent. The City is where
12 it is today because the hard work of the men and
13 women of the NYPD. So I thank you for that.
14 Continuing Council Member Brennan's wishes that we
15 stand with you, just to highlight that over 35
16 Council Members have signed that letter in support.
17 So, we will fight for you and each member to get that
18 pay raise and fair equity. Today we stood on the
19 steps of City Hall to make sure that you saw that
20 unity and that the Administration saw that also. I
21 believe in a 91-billion-dollar budget. We can do
22 that for the members of the NYPD. That is something
23 we're proud to do. I know I will always do. So, you
24 have our support with that. And one of the things
25 that I would like to work with you on going forward

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2 is one of the hearings that we held in the past here
3 was a package of almost a dozen pieces of legislation
4 focused on school safety. To me, our children are
5 always the future, and protecting them is first and
6 foremost and paramount. What I would like to do is
7 move forward with that legislation, but we're still
8 waiting for the Memorandum of Understanding to be
9 released, updated, and given by the NYPD. What I
10 would like to ask of you today is to see if we can
11 get an update on that status so we can move forward
12 on that legislation so we can put the advocates at
13 rest who are telling us that school safety should not
14 be something that's a priority. In my eyes, I'm glad
15 we debate or take on anyone who tells me that school
16 safety should not be a top priority. So I'd like to
17 see if we have any update on that release,--

18 COMMISSIONER O'NEILL: [interposing]

19 Yeah, Chief Hoffman, Nilda Hoffman, from Community
20 Affairs--

21 COUNCIL MEMBER BRANNAN: [interposing]

22 Thank you.

23 COMMISSIONER O'NEILL: will give you an
24 update.

25

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2 COUNCIL MEMBER BRANNAN: Good morning,
3 Chief.

4 CHIEF HOFFMAN: Hi, good morning. Just--
5 I just want to affirm first of all that currently
6 there is an MOU that's been in place for over 20
7 years, and the NYPD is committed to the safety of
8 every day of our schools. The MOU, the current
9 status is we've done with the MOU and the NYPD. So
10 it's currently in the possession of DOE.

11 COUNCIL MEMBER BRANNAN: And that's one
12 of our fights also, obviously with DOE. I'd ask this
13 simple question: would you feel that a school that
14 has a camera is more safe than a school that doesn't
15 have a camera?

16 CHIEF HOFFMAN: Yes, I do.

17 COUNCIL MEMBER BRANNAN: And that has
18 been my premise from day one, and I will gladly take
19 that debate with anyone. I'm trying to bring parity
20 and equality to every school, so that they do have a
21 camera and they do have the basic means for
22 protection. I'm not really caring about disciplinary
23 rules in schools. That's something separate, and
24 that's what the taskforce is forward on now. So I
25 want to support you and the NYPD to get those tools

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2 for these schools, because every time we have a
3 public hearing on shooter preparation and school
4 safety it is attended by every principal, every
5 teacher who is saying, "Thank you for that. Please
6 help us have the resources." So I want you to know I
7 have your back and I want to fight for that. So if
8 we can get that memorandum and work with DOE, we will
9 fight for that. Thank you very much, Chair.

10 CHIEF HOFFMAN: Thank you.

11 CHAIRPERSON RICHARDS: Thank you.

12 Council Member Menchaca, followed by Menchaca we'll
13 go to Deutsch and then Powers. Menchaca is gone,
14 okay. So we're going to go to Deutsch, then Powers.

15 COUNCIL MEMBER DEUTSCH: Thank you. Good
16 morning. Good morning, Commissioner. So first I
17 just want to start with a quick question. We just
18 had a rally earlier today to support market pay for
19 New York City police officers to be up to par with
20 other states. Do you support fair market pay for
21 NYPD officers?

22 COMMISSIONER O'NEILL: Are you asking me
23 if I support whether or not men and women of the New
24 York City Police Department should-- their pay should
25 be competitive? Yeah, I don't want to lose people to

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2 other Police Departments just because they're not
3 getting paid enough.

4 COUNCIL MEMBER DEUTSCH: Thank you.
5 Thank you very much. Now, secondly, since I have
6 three minutes, after learning of a high recidivist
7 rate of sexual offenders in our subway systems I
8 immediately submitted the bill in the City Council of
9 a lifetime ban and I'm going to see where that goes.
10 But according to news reports it states that police
11 sources on the front lines of the fight against sex
12 crimes say that they have been pushing for lifetime
13 ban for serial offenders for years. Can anyone-- can
14 you confirm that, and if yes, where's the NYPD
15 holding with that?

16 COMMISSIONER O'NEILL: Yeah, Chief
17 Delatorre will walk you through the history.

18 COUNCIL MEMBER DEUTSCH: Sure, thank you.

19 COMMISSIONER O'NEILL: Might be a long
20 one, but history.

21 CHIEF DELATORRE: Yeah, so--

22 COUNCIL MEMBER DEUTSCH: [interposing]

23 Okay, well, my-- okay.

24 CHIEF DELATORRE: This is my one cup of
25 coffee speed. I'd have to have another--

2 CHAIRPERSON RICHARDS: I want to put you
3 on a timer, alright.

4 [laughter]

5 CHIEF DELATORRE: So, yeah, this
6 conversation has been going on. I was involved in a
7 conversation with the MTA about 15-16 years ago on
8 this matter. It has been going on for some time.
9 Walking through the process, we know that we have
10 these sexual predators. They are misdemeanors for
11 the most part, except for unlawful surveillance. One
12 thing I think where the City Council might be able to
13 help us is to enact some legislation that says after
14 the second, third, fourth, you know, whatever level
15 you want to go to, that this misdemeanor becomes a
16 felony, just like drunk driving. We do-- in our
17 normal course of doing business in transit, we make
18 sure our officers know the recidivist offenders well.
19 Uniform-- typically a uniformed officer will spot a
20 recidivist offender, radio over for plain clothes
21 teams. They'll respond out and try to intercept the
22 offender and follow the offender. I think the really
23 sad part of all of this is that we know what they're
24 there to do, and most of the time when we're
25 following them, they do commit the crime again. We

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2 have to watch and wait 'til they find their victim.
3 We have to wait until they victimize their victim
4 before we can go in and arrest them again. We take
5 other steps. We work with-- we have a Special
6 Victims Squad dedicated to transit in the Special
7 Victims Unit. They come out and enhance the arrest.
8 We have a victim impact statement that's made out by
9 the victim so that when the case goes forward, you
10 know, the DA has not only you know what we observe,
11 but the feelings of the victim as well. We take a
12 lot of other steps to try and ensure that these
13 people do get prosecuted. But again, we're talking
14 about a misdemeanor, and not every judge treats it
15 the same. So we do what we can to equip the District
16 Attorneys with everything they need to really make a
17 strong case and keep these people out of the system
18 for a while.

19 COUNCIL MEMBER DEUTSCH: So if someone
20 commits-- it says in one of Roger Reads [sic] he
21 includes 20 sex crime busts. So if each one is a
22 misdemeanor, so the person according to you is still
23 permitted to go back into the subway even though
24 there's 20 misdemeanors for forcibly touching or
25 rubbing against--

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2 CHIEF DELATORRE: [interposing] Yes, yes,
3 they molest women, they molest women, they molest
4 children, and they're allowed back into the system.

5 COUNCIL MEMBER DEUTSCH: Okay, so I just-
6 - I want to have a conversation maybe offline and to
7 see how we could push this to do a total lifetime
8 ban. Does the Police Department support that?

9 CHIEF DELATORRE: I do.

10 COUNCIL MEMBER DEUTSCH: [laughter]

11 CHAIRPERSON RICHARDS: [laughter]

12 CHIEF DELATORRE: I would say they should
13 be banned and they should be given the opportunity to
14 have the ban lifted provided they get the appropriate
15 help.

16 COMMISSIONER O'NEILL: Can the Police
17 Commissioner speak now, Ed?

18 COUNCIL MEMBER DEUTSCH: Yes.

19 COMMISSIONER O'NEILL: Yes, I support the
20 ban.

21 COUNCIL MEMBER DEUTSCH: You support it,
22 okay. So I'd love to have offline conversation with
23 the Police Commissioner, and if you want to come into
24 the conversation, Chief, you're welcome. That's up
25 to the Commissioner, but I think that every single

2 day that passes that someone is traumatized, and
3 especially young children, and I'm reading as young
4 as nine years old. You know, many of us-- I have
5 five children, two grandchildren of my own, and I
6 would not want, you know, someone-- thinking of not
7 only my own child but any child or any individual
8 should be molested on a train going or coming from
9 work. That's totally unacceptable. So I would like
10 to have a conversation with the Police Commissioner
11 and to see how we can do it to further pursue this,
12 and if we need to get the state legislators involved
13 and District Attorneys. I think this should be like
14 a priority, because we know that the trains are a
15 target for these sexual offenders, just like
16 playgrounds may be a target for pedophiles or schools
17 is a target to pedophiles. So I'd love to work with
18 you on this, Commissioner.

19 COMMISSIONER O'NEILL: Look forward to
20 it.

21 COUNCIL MEMBER DEUTSCH: Thank you.

22 CHAIRPERSON RICHARDS: Thank you.

23 Alright, we're going to go to Powers, then Rosenthal.

24 COUNCIL MEMBER POWERS: Thank you. Thank
25 you for the testimony. Thank you all for being here

2 today. I just want to first comment by saying that I
3 have an unbelievable precincts and Cos and cops in my
4 district, the 13th, the 17th, the 19th, Midtown South,
5 Midtown North. So I want to thank the entire
6 Department for their work and just point out how
7 great and lucky I am about folks that work in my
8 district. I have family members and friends who are
9 cops, members of the Department or retired, and so I
10 share-- I want to just echo the sentiment here about
11 pay and obviously about benefits as well to those who
12 put their lives on the line for us for serve our city
13 every day, and I-- this is not a new issue,
14 obviously. It goes way back. I have friends who
15 started on the force when they were making \$25,000 a
16 year or I think even lower. At that point I remember
17 there was a debate between Commissioner Kelly and
18 Mayor Bloomberg at the time, particularly as they
19 were having trouble recruiting people into the
20 Academy, which is two blocks from where I live,
21 around pattern bargaining and whether it was working
22 or not in terms of the Police Department, and there
23 was a disagreement. I wanted to see if you had any
24 sort of-- do you share the sentiment from
25 Commissioner Kelly around pattern bargaining and

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2 whether it's working or not with regard to the pay
3 for the cops--

4 COMMISSIONER O'NEILL: [interposing] So, I
5 do hold the other uniformed services in very high
6 regard, but I think the work that the NYPD does is
7 different. So, I don't fully understand pattern
8 bargaining. I've been a commissioner for two and a
9 half years now. I think that our job is different and
10 it has to be looked at differently.

11 COUNCIL MEMBER POWERS: Got it.
12 Appreciate that. And the-- the follow up I say is I
13 think we do ask a lot more these terms of all those
14 who serve so forth. So, that, it is not unreasonable
15 to ask them to also be paid, you know, as we ask them
16 to do more for the job. Second, I wanted to ask,
17 we're in the middle of a conversation around the City
18 Charter and about-- we're going to hear from the CCRB
19 and others about ideas they have in terms of
20 oversight and budgeting. I was wondering if the
21 Department had any recommendations in terms of the
22 City Charter-- around improvements to the City
23 Charter around policing.

24 COMMISSIONER O'NEILL: We did look at the
25 changes, the proposed changes to the City Charter,

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2 and one of them was granting subpoena powers to the
3 CCRB's highest ranking staff. We don't have an
4 objective to subpoena signatory authority being
5 expanded to include the executive director of the
6 CCRB connection with cases where there's an active
7 CCRB investigation. I think that would help us move
8 these cases forward rather quickly. As far as their
9 budget being tied to or agency, and I mean it's
10 separate agency and it's unique to CCRB, and that
11 should be the basis for their budget. They're not
12 factors unique to the NYPD.

13 COUNCIL MEMBER POWERS: Okay, thank you.
14 I'll seed my time back to the Chair for the--

15 CHAIRPERSON RICHARDS: [interposing] Thank
16 you for all 14 seconds. That's leadership. We're
17 going to go to Rosenthal then Gibson.

18 COUNCIL MEMBER ROSENTHAL: Thanks so
19 much. Good afternoon. I want to circle back to the
20 cold cases issue with SVD. It's a little
21 disconcerting to hear that they had all be closed.
22 So I'd like you to clarify that a little bit. It's
23 my understanding that there were 8,000 open cases in
24 January of this year, 150 had DNA hit. So, I want you
25 to please clarify have those 150 been closed and have

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2 they been closed with the resolution that you found
3 the perpetrator, and what happened with the other
4 7,850 cases? And let me explain why it's so
5 important for us not to be flip about this. These
6 are people who are waiting to hear whether or not they
7 get justice. And you know, Commissioner, you were so
8 wonderful around solving the Prospect Park Place.
9 That was a cold place that some of your investigators
10 dogged for years and successfully closed. So, are
11 you saying that those numbers you gave, that all your
12 cold cases are closed?

13 CHIEF SHEA: Okay, so to answer the
14 question I'm going to take a step back so everyone is
15 on the same page. As I said earlier, a number of
16 years ago there was a move to test rape kits that had
17 never--

18 COUNCIL MEMBER ROSENTHAL: [interposing]
19 Yeah, that's not what I'm talking about.

20 CHIEF SHEA: But it'll help clarity for
21 everyone in the room.

22 COUNCIL MEMBER ROSENTHAL: I'm on the
23 clock for three minutes. I'm talking about January
24 2019, 8,000 cold cases. Yes or no, are they closed
25 or not?

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2 CHIEF SHEA: I don't have a number of- I
3 heard earlier 5,000 and 8,000. What I can tell you
4 is there was a significant--

5 CHAIRPERSON RICHARDS: [interposing] Helen
6 is right.

7 CHIEF SHEA: Significant backlog of cases
8 that was worked through--

9 COUNCIL MEMBER ROSENTHAL: [interposing]
10 Okay, let's go on to the next thing, because I
11 really-- I have a limited amount of time. I'm not
12 talking about five years ago or 10 years ago. I'm
13 talking about this year.

14 CHIEF SHEA: Okay, but I'm trying to
15 answer the question.

16 COUNCIL MEMBER ROSENTHAL: And it sounds
17 like you don't have the answer and you can get back
18 to me. It's really okay. I think it was just a mis-
19 statement.

20 CHIEF SHEA: okay.

21 COUNCIL MEMBER ROSENTHAL: In 2018,
22 according to the data that you put on your website
23 because of the new law that you need to report on the
24 number of detectives in SVD I see a total of 226 and
25 I'm wondering one of the things which was a 105 in

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2 adult in squad and 62 in child abuse. Recently we
3 sat down and you give a number that I'm forgetting
4 right now, it's roughly the same or a little bit
5 higher which is great. But 80 in the-- in the
6 numbers that you gave us-- this will be my last
7 question, Chair. In the numbers that you gave in the
8 report for the end of 2018, there were 48 white
9 shields [sic], and the number we heard this past week
10 or so was 80 white shields. So I'm just wondering
11 what's going on there with the white shields, and
12 also wondering, you know, our big concern is that
13 we're taking from the child squad where the numbers
14 dip down in the number of detectives in order them
15 over to the adult squad, because the focus last year
16 was really on the adult squad, and the goal was to get
17 that number up to 120, and my concern is that we sort
18 of robbed Peter to pay Paul-- nothing personal. And
19 you know, I'm seeing here that for 2018 the adult
20 squad is 100 which means that you dropped down from
21 120 down to 100, and that was your last big
22 announcement was that it was 120. My point is these
23 numbers are going all around the place. I'm really
24 concerned that we're not getting to the staffing
25 levels that the DOI called for.

2 CHIEF SHEA: Well, I'll just say that
3 whether it's staffing or the cold cases, we've met a
4 number of times, Councilwoman, including with the
5 advocates, without the advocates. I'd be happy to
6 sit down and iron out any numbers again. The 8,000
7 number, you said it came from the advocates. We do
8 not have that number. So that's-- it's not a
9 question of not answering, I just-- that number, to
10 me, in front of me does not exist, but I'd be happy
11 to talk about.

12 CHAIRPERSON RICHARDS: Thank you.

13 COUNCIL MEMBER ROSENTHAL: Cold cases,
14 but not for the number of detectives or white
15 shields?

16 CHIEF SHEA: And in terms of the white
17 shields and detectives, I'm looking at the-- this is
18 as of December 31st, what you were quoting before, I
19 think we've consistently-- I agree with you, the last
20 thing we want to do is rob Peter to pay Paul, not
21 that there has never been somebody that has gone from
22 one squad to the other child, to adult or back and
23 forth.

24 COUNCIL MEMBER ROSENTHAL: I think the
25 number was around 14, that right after the DOI, the

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2 hearing that we had, it was 14 detectives that were
3 switched.

4 CHIEF SHEA: I think if you look at
5 special victims, and this is the most important--

6 COUNCIL MEMBER ROSENTHAL: [interposing]
7 Thankyou.

8 CHIEF SHEA: impression I'll leave you
9 with. In the last 12 months we have consistently
10 made an effort to add resources in terms of
11 additional investigators to Special Victims. It is
12 at a point that they have never before had this
13 number of investigators, which I think is a positive.

14 COUNCIL MEMBER ROSENTHAL: Thank you.
15 I'll come back around.

16 CHAIRPERSON RICHARDS: Alright, thank
17 you. Council Member Gibson? And happy birthday to
18 Council Member Gibson today.

19 COUNCIL MEMBER GIBSON: Thank you. Thank
20 you. Thank you, Chair. Good afternoon, everyone.
21 Good afternoon, Commissioner to you and the executive
22 team here and all of the members of the Department.
23 Thank you for being here, and I certainly even on my
24 birthday it was important for me to be here, so I'm
25 here. But I wanted to just echo the sentiments of

2 all of my colleagues that talked about supporting the
3 Department and raising the salary so that it could be
4 comparable to other law enforcement. We have a great
5 amount of respect for all of the men and women of the
6 Department, and certainly whatever this City Council
7 can do to help support those efforts, we certainly
8 will do. So I want to thank you for that. And you
9 know, I always have a ton of questions, so I'm just
10 going to push them all out, and then I'll allow you
11 guys to answer. But there is a slide that I wanted
12 to put up as it related to overtime. A few years ago
13 we put in an overtime cost control plan of 50 million
14 dollars, and I believe that we've been working on
15 that each and every year, and I wanted to understand
16 what future projections are. I know our Chair talked
17 about the PEG, which is 53-million-dollar cost
18 savings the Department has to achieve. So I wanted
19 to understand the current FY19 budget for civilian
20 overtime is about 83 million, and we are already at
21 86 million in civilian overtime, and the uniform FY19
22 budget is about 546 million, and we're at 383 million
23 which is about 70 percent through February. So if we
24 keep pace with these numbers we're going to exceed
25 what our projected amounts are in both civilian as

2 well as uniformed overtime. So I wanted to
3 understand what the plans are for that. I wanted to
4 ask if there is an update on the Crisis Intervention
5 training which I know we accelerated, 5.3 million
6 dollars. So I wanted to find out where we are with
7 that. We have seen a number of emotionally disturbed
8 persons, EDP calls, increased, and I wanted to ask
9 about my favorite part of the Department, the 911
10 call-takers and where we are with our budgeted
11 headcount. Do we have any vacancies, and how are we
12 doing with our 911 call-takers. I also wanted to get
13 an update on Rodman's Neck in the Bronx, 155 million
14 dollars. I wanted to get an update on the 40
15 precinct, where we are with that. Also, a huge fan,
16 I've talked so much and we've done a lot of work
17 around school crossing guards. And I wanted to find
18 out how we are doing with the hiring and the
19 retention and if we've identified any vacancies, and
20 what we're doing to address that. There was a time
21 when Susan Herman was with the Department. We talked
22 about Mental Health Diversion Centers, so I wanted to
23 see if we had an update on that. And finally, I
24 wanted to ask about the School Safety NCO program and
25 how we're doing with that roll out.

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2 CHAIRPERSON RICHARDS: Alright, so you're
3 not going to answer all those questions, because I
4 know the Commissioner has to go, but let's get to the
5 overtime,--

6 COUNCIL MEMBER GIBSON: [interposing] As
7 much as you can.

8 CHAIRPERSON RICHARDS: and then we can do
9 a briefing on the rest.

10 COMMISSIONER O'NEILL: Yeah, we did-- we
11 did CIT already--

12 COUNCIL MEMBER GIBSON: [interposing]
13 Thank you.

14 COMMISSIONER O'NEILL: We'll brief you
15 afterwards about CIT.

16 COUNCIL MEMBER GIBSON: Okay, that's fine.

17 DEPUTY COMMISSIONER GRIPPO: So, the
18 overtime budget, one of the problems-- we looked at
19 the numbers in the City Council report, and when you
20 look at the-- that's a total overtime, civilian and
21 uniform, but one of the things that we saw in the
22 City Council report, understand that our uniformed
23 overtime budget, which is what you've heard publicly--
24 - we talked about a uniformed overtime cap. When you
25 look at our city-funded overtime, that does not

2 include grant funds which we use for our
3 counterterrorism as well as revenues and
4 reimbursables [sic]. So, just looking at Fiscal 18,
5 so we're clear, the total spend on the uniform side
6 was 589.3 million. We have 84.7 million that comes
7 in as grants or reimbursables. So that increases the
8 city-funded budget of 506 million for Fiscal 18, and
9 because we had expenditures that were essentially 1.6
10 million less. So in the grand scheme of things, 600
11 million in total overtime, we came in 1.6 million
12 under the uniformed overtime, that overtime cap.
13 Looking at Fiscal 19, you're correct in seeing that
14 we have more expenditures in Fiscal 19 than we had in
15 Fiscal 18. There are a couple of drivers on the
16 uniformed side. One of them is body-worn camera
17 training. So as we accelerated the body-worn camera
18 program, we are forced to train officers on overtime,
19 because ultimately if we didn't do that we'd be
20 pulling too many officers off of patrol and we'd have
21 an impact on our patrol strength. So we have an
22 expenditure of approximately six million for body-
23 worn camera overtime. We have six million dollars
24 that during the course of the year have gone
25 specifically to dealing with crime fighting, and this

2 is something that we call our Crime Violence
3 Reduction Overtime. That has been funded in years
4 past. It's not funded this year, so all in all that's
5 another six million. And when you look at our risk
6 here in terms of our current spend is in the ballpark
7 of about 15 million. But we've done a number things.
8 We've implemented a number of programs to attempt to
9 reduce nonessential overtime that we hope will bring
10 us closer to that uniformed overtime budget. So
11 that's where we stand on the uniform side. The
12 civilian side, just again to make sure we're
13 comparing apples to apples, one of the challenges
14 over there is when you look at our city-funded budget
15 at the beginning of the year, school safety, the
16 overtime we use to fund school safety is not fully-
17 funded in that budget, but at the end of the year,
18 the DOE reimburses us. So there's about 15 million
19 in expenditures on the school safety side, that if
20 you look at our budget versus our spend, it doesn't
21 come into the budget until the end of the year. And
22 then there's about six to eight million dollars on
23 the traffic enforcement side where we're doing
24 overtime for different construction projects and we
25 ultimately get that money reimbursed. So we do have

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2 a deficit on the civilian side, but it's smaller than
3 what you are projecting when you look at these
4 numbers. Ultimately, the civilian deficit will range
5 in the 25 million area, and it's largely due to
6 covering shortages in some of our civilian titles
7 where we have vacancies. In most years we cover that
8 with a PS surplus that comes from our vacancy rate.

9 COUNCIL MEMBER GIBSON: Okay.

10 CHAIRPERSON RICHARDS: Thank you.

11 Alrighty, I know Council Member Miller-- just before
12 we get to Council Member Miller I had a question on--
13 so on discipline. So how many of the Discipline
14 Review Panel Recommendations have been implemented so
15 far?

16 CHIEF HARRISON: So I'll give you an
17 update real quick. So, we had 13 recommendations
18 that were made. Three are totally complete, and then
19 the rest are on-track and being followed up by the
20 various members of the committee and their
21 subcommittees.

22 CHAIRPERSON RICHARDS: You said three
23 have been implemented?

24 CHIEF HARRISON: Yeah, so I'll tell you,
25 just give you a sense. So if you're talking about--

2 we can start with the support for Revision 250A which
3 as you know has been an ongoing conversation. We've
4 been asked at previous council hearing and other ways
5 about our position there. We've made that position
6 very clear with respect to our interest in amending
7 50A, and the reason for the amendment is to preserve
8 the protections that the original legislation was
9 targeted to provide for our officers, and also to
10 achieve transparency you also know that we have been
11 trying to provide information through our website and
12 get as close as we can to the line of 50A
13 protections, but provide information that the public
14 would be interested in knowing. So we are, as it
15 relates to that, we are moving in the right direction
16 we hope, in our supporting amendments to 50A
17 legislation. We also want to do that in the context
18 of not supporting an expansion of 50A. I mean, we
19 don't want to blow it out and have it be more
20 restrictive or less restrictive. We also, with
21 regard to enhancing public reporting, we are probably
22 in April will be posting this data we can provide,
23 it's aggregate data, not specific categories of data,
24 but aggregate data for the last-- for 16, Calendar
25 Year 16, Calendar Year 17, Calendar Year 18. So

2 we'll make that information available. Of course,
3 one of the other issues that were raised by the panel
4 and that we were interested in doing is publishing
5 the trial calendar, trial room calendar, in advance.
6 So that is not up and running and operating on the
7 website providing the date of the trials and so
8 forth. The hope that was that we would be able to
9 report some of the summary data from the trials, the
10 so-called squibs [sic] that we intended to make
11 available to the public as well, but we've now been
12 enjoined from doing that permanently by a recent
13 decision in the courts. And then with respect to DV,
14 as you know as we did with driving while intoxicated,
15 we were-- in that case we increased penalties to deal
16 with members of the service who are engaged in
17 driving while intoxicated. And we put a system in
18 place increasing those penalties in a variety of
19 ways, but with a schedule. We are doing the same
20 thing. We hope to move in that direction and are
21 moving in that direction with respect to penalties
22 regarding domestic violence cases, and the goal is to
23 again enhance those penalties. We will include, as
24 we have done with DWI, aggravated factors that will
25 increase the penalties depending on the conduct of

2 the individual officers, and of course, developing a
3 structural matrix that would show you what those
4 penalties look like. We are moving in that
5 direction as well. So, still a work in progress but
6 I think we're very close to making that a reality
7 within the next month or so. and we will also, I
8 think, which is easier than two important aspects of
9 what we hope to accomplish there, and that is by
10 adding the dismissal probation as a viable option as
11 well as mandatory counseling. We are looking at a
12 ways to make sure that even after the case is
13 resolved, whatever-- and whatever the penalties are
14 that we attach another requirement that's mandatory,
15 which is counseling for the individuals, and we're
16 still trying to work through what that will look
17 like, scoping that out.

18 CHAIRPERSON RICHARDS: And Commissioner,
19 can you just speak on these things because I know he
20 came-- he was at the disciplinary hearing, which was
21 not an easy hearing, and we had issues obviously
22 around domestic violence and individuals in the
23 service with DUI's and DWI's. We're all for second
24 chances, and I think you know we've-- none of us have
25 walked on water our entire lives, but we did find

2 major issues with individuals serving in the
3 Department who had more than one substantiated case
4 around DV, some cases I think three, or four or five
5 cases, but still serving, you know, as police
6 officers. So, as we look to improve police community
7 relations and we talk about building trust, between
8 the Department the NCO program is a great step in the
9 right direction, but accountability has to also be a
10 part of the conversation. And, you know, we found it
11 alarming that, you know, there was some officers that
12 got a slap on the wrist for DV, opposed to people
13 with what you would consider less serious offenses
14 who ended up with deeper penalties. So can you
15 explain the disparities around that and how we're
16 fixing that and how we're going to ensure that
17 there's one rule of law for everyone, and some other
18 jobs you would be fired on the spot for a
19 substantiated DV case. So, just wanted to get you on
20 the record--

21 COMMISSIONER O'NEILL: [interposing]
22 Firing on the spot does become difficult unless
23 someone is convicted of certain charges. But DV is
24 something that I asked Ben to take a look at a number
25 of months ago, actually prior to the Blue Panel

2 Report that as I see these cases coming to me. We
3 have to have maybe not zero tolerance, but close
4 enough to zero tolerance, and I do believe in second
5 chances, but in DV cases I look very harshly on them,
6 and that's why we're looking for an amendment to 50A,
7 not a repeal. We're looking to release the officer's
8 name, command disciplinary charges, trial transcripts
9 and trial decisions and final discipline imposed. I
10 think that's the only way we're going to continue to
11 build trust with people in New York City to make sure
12 that they can see what our discipline system consists
13 of and how at times how severe it can be.

14 CHAIRPERSON RICHARDS: Right, and then
15 body cameras have-- body cameras have been rolled out
16 to everyone--

17 COMMISSIONER O'NEILL: [interposing] Yeah.

18 CHAIRPERSON RICHARDS: on patrol?

19 COMMISSIONER O'NEILL: Not yet on patrol.
20 There are still about--

21 CHAIRPERSON RICHARDS: On patrol.

22 COMMISSIONER O'NEILL: I think it's 4,000
23 in specialized units that are looking to put them out
24 towards the end of the year.

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2 CHAIRPERSON RICHARDS: Towards the end of
3 the year. So we anticipate all 4,000 will have by
4 the end of the year.

5 CHIEF HARRISON: So just so you have that
6 number. So there's currently 20,000 members of the
7 service--

8 CHAIRPERSON RICHARDS: [interposing]
9 Right, who have--

10 CHIEF HARRISON: that have body-worn
11 cameras.

12 CHAIRPERSON RICHARDS: Right. And then
13 can you just speak to-- and I know we're beginning to
14 wrap up. I think Miller has a question and then
15 we're going to wrap up with Lancman with one more
16 question. I want to thank you for being patient with
17 us today and having shorter testimony, certainly, and
18 we acknowledge that. How long-- so can you just speak
19 to who oversees the body-worn camera program and how
20 long does it take for you to get footage to the DA's,
21 the CCRB, etcetera if requested as well, and is there
22 a particular--

23 COMMISSIONER O'NEILL: [interposing] Yeah,
24 that's the First [sic]--

25 CHAIRPERSON RICHARDS: unit?

2 COMMISSIONER O'NEILL: office. I don't
3 know if Ben wants to do that or--

4 CHIEF HARRISON: [interposing] Yeah

5 COMMISSIONER O'NEILL: Chief Pontillo
6 wants to do that.

7 CHIEF HARRISON: Yeah, we'll get Matt to
8 walk you through it just to-- overlooks it. You said
9 CCRB as well?

10 CHAIRPERSON RICHARDS: Yeah, CCRB, DA's,
11 and do you have a specific person assigned to deliver
12 that footage? What's the-- do you track the times,
13 how long it takes to get--

14 CHIEF HARRISON: [interposing] Matt? Let
15 me get you in here so you can walk through the
16 specifics of it, but yeah, we have all of the-- it's
17 a whole process in place--

18 CHAIRPERSON RICHARDS: [interposing] Okay.

19 CHIEF HARRISON: for making--

20 CHAIRPERSON RICHARDS: [interposing] And
21 there's a point person who would--

22 CHIEF HARRISON: [interposing] But we
23 oversee it through our office through Risk Management
24 Bureau. But there's a-- let Matt walk you through
25 just where we are and what the process looks like.

2 CHAIRPERSON RICHARDS: And what's the
3 total cost? That have been spent. That could be
4 thrown in as well.

5 ASSISTANT CHIEF PONTILLO: Good morning,
6 Assistant Chief Mathew Pontillo from First Deputy
7 Commissioner's Office. So, we have a number of
8 compliance measures in place for monitoring the use
9 of body-worn cameras and a number of follow-up
10 measures to make sure that people are using the
11 cameras as required and then we have systems in place
12 to ensure that. So, to begin, our Risk Management
13 Bureau analyzes body camera usage, and to-date we
14 have over 3.5 million videos recorded, 20,000 members
15 of the NYPD with cameras. We're averaging about
16 85,000 videos per week. So it's a huge undertaking to
17 review all of that video. So we put a number of
18 compliance measures in place. So, specifically we
19 analyze body camera video and usage and we prepare a
20 weekly report that analyzes usage broken down by
21 command. We also track anybody who has no body
22 camera usage in a given period of time, and then
23 require a follow-up investigation as to why that
24 person doesn't have any videos recorded. We also do
25 a compliance report where we compare other known

2 datasets, things like arrests and summonses and then
3 compare that to body camera video to make sure that
4 members are complying with the policy and recording
5 all of the events they're supposed to be recording.

6 When we see a deficiency we then conduct an
7 investigation to determine why that person did not
8 record. We also do samplings of body camera video to
9 look for compliance with policy in terms of the
10 quality of police service, how the member of the
11 service handled the job, but also whether or not the
12 body camera video-- body camera was activated at the
13 appropriate time and recorded the event as required.

14 In addition to that we require sergeants in every
15 precinct that has body cameras to review a certain
16 number of body camera videos every month. And we
17 look at that-- we assign them the body camera videos
18 we want them to review so it truly is a random
19 selection. They have to review them not only to
20 review the video to assess whether or not the police
21 officer complied with the body camera policy, but
22 also to assess the quality of the police service.

23 Did they handle the job the right way? Were they
24 professional? We also require other supervisors in
25 the command like the Integrity Control Officer and

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2 the Precinct Training Sergeant to review video
3 periodically and make assessments on the video. We
4 follow up with all of these through the reporting and
5 analysis that we do on a weekly to monthly basis. We
6 also incorporate review of body-camera video and
7 compliance issues into CompStat and other
8 programmatic reviews that we do like force review and
9 other investigations.

10 CHAIRPERSON RICHARDS: Alright, and there
11 were 97 civilian staff hired, so how do they fit into
12 this? If anybody could answer this as well for the
13 program as well.

14 ASSISTANT CHIEF PONTILLO: That's
15 actually-- I think we're below the 97. Commissioner
16 Grippo will talk about where we currently are, but
17 those civilians who are hired are mostly media
18 service technicians and they've been-- they currently
19 staff the Risk Management Bureau, the Legal Bureau,
20 and there are also some people hired for the
21 Information Technology Bureau to support. So those
22 are the people who are doing a lot of these video
23 reviews--

24 CHAIRPERSON RICHARDS: [interposing] Okay.

25

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2 ASSISTANT CHIEF PONTILLO: looking at
3 video, checking for compliance.

4 CHAIRPERSON RICHARDS: So those 97?

5 ASSISTANT CHIEF PONTILLO: Comparing
6 video to other datasets, putting together a review
7 package, you know, for example, for CompStat for re-
8 tweak, depending upon which borough is coming in.
9 We'll look at their body camera use for compliance
10 for the period. So that's the group or the groups
11 that are doing that analysis. Commissioner Prunty
12 can talk about legal and more detail, but those are
13 the folks who are generally reviewing video and
14 processing subpoena requests and FOIL request. As
15 far as sharing with the DA, so it's not just body
16 cameras, it's an entire body camera and video
17 management system that we use. So, the body cameras
18 capture the video. The police officers dock their
19 cameras at the end of tour. The video automatically
20 uploads into the data storage solution. There is
21 software or dashboard on our network where police
22 officers can then access their video. So, when an
23 arrest is made or a DA needs video, the arresting
24 officer will dock their camera, upload their video,
25 log into the system, and then right within the system

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2 will share that video to the DA. So they-- you don't
3 have to, you know, download anything or burn copies
4 onto a disk. They can do it right within the system
5 with a couple of clicks of the mouse, and then the DA
6 has instant access to it. The DA's will have access
7 to the system. They've all been trained and they
8 each have their own method for then downloading and
9 processing the data on their end, but we're able to
10 get it to them electronically within the system
11 within minutes of upload.

12 CHAIRPERSON RICHARDS: Thank you. Okay,
13 last questions-- you get where I'm going on
14 discipline. We'll continue to have more
15 conversation. I'm just going to go to Council Member
16 Miller and then Lancman. I'm going to ask you guys
17 to be very concise and brief on your questions
18 because the Commissioner does have to leave.

19 COUNCIL MEMBER MILLER: Thank you, Mr.
20 Chair. Good afternoon, Commissioner, to you
21 Commissioner and the team. It's a pleasure to be
22 here. I'd be remiss if I didn't start with putting
23 on my labor hat and echoing the sentiments of my
24 colleagues in saying that I too support pay parity
25 and equity with the officers and the agencies

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2 throughout the New York region, and certainly our men
3 and women are deserving of that. Also, I'd like to
4 thank the Commissioner for coming out to JMC this
5 past Friday for the street renaming and all the
6 additional support that we've gotten in the marches
7 [sic] throughout New York City. It is greatly
8 appreciated, and we have a security meeting that is
9 going on tonight, hopefully that we will be-- the
10 Department will be well represented there as well.
11 So, I do want to talk a little bit off just on the
12 transportation side. I'd like to talk about the bus
13 lane enforcement since the Mayor's announcement in
14 the State of the City this past January. Where have
15 we gone? Have we seen any increase in summonses and
16 enforcement around the bus lane enforcement?

17 COMMISSIONER O'NEILL: So, Chief Chan
18 will give you a very short and concise and accurate
19 answer.

20 CHIEF CHAN: Very short and very concise.
21 In terms of--

22 COMMISSIONER O'NEILL: [interposing]
23 Accurate, too.

24 CHIEF CHAN: bus lane moving violations,
25 in 2018 we issued 8,037 compared to 2017 was 2,020.

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2 Bus lane parking violations, last year we issued
3 38,000 summonses, 38,419 compared to 23,647. But
4 stop parking violations, last year we issued 312,752
5 compared to 305,712. Again, we've done a lot of
6 enforcement in that area. We meet with our MTA
7 partners. The feedback that we've gotten is that
8 we've seen some improvement in terms of the movement
9 of our buses. They've identified 12 specific lines
10 that have been problematic. We've been targeting
11 those areas for enforcement. So we do see
12 improvement on that.

13 COUNCIL MEMBER MILLER: Do you think that
14 the, I believe it is 2.3-2.7 million dollars that is
15 in this Preliminary Budget for bus lane enforcement
16 will be sufficient, particularly compared to the
17 nearly 100 million dollars for secured bike lanes
18 that we see throughout the city?

19 CHIEF CHAN: I think that the enforcement
20 that the NYPD has done and our response has been
21 overwhelmingly positive that we've seen from our MTA
22 partners and also from -- the feedback that we've
23 gotten from DOT.

24 COUNCIL MEMBER MILLER: Okay. We haven't
25 seen-- I think buses are still traveling at about

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2 five, six miles per hour. We have some work to be
3 done, and we look forward to working with you on
4 that. I don't want to stay on that. But I do want
5 to stay in the area of transportation. I know that
6 the Transportation Committee requires certain
7 information data around complaints in the subways and
8 buses, and I know that felonies are up about 11.5
9 percent. Major felonies, what are we doing there?
10 And the overall complaints on assaults on MTA workers
11 as well, buses and trains. I have not seen it. It
12 should be part of the reporting. Do you have that
13 data now, and if not, when can we expect it?

14 CHIEF DELATORRE: Okay, I can speak as to
15 the trains. Assaults on MTA workers are down this
16 year, four versus seven, and I believe we ended the
17 year down last year as well. In the subway system
18 only. I'm only speaking to the subway system, and
19 overall crime in the subway system is down this year
20 as well.

21 COUNCIL MEMBER MILLER: Is that data not
22 collected for bus operators and others on the surface
23 side.

24

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2 COMMISSIONER O'NEILL: Well, Council
3 Member, we're going to have to get those numbers for
4 you.

5 COUNCIL MEMBER MILLER: Okay. Let me
6 just jump back around here. Let's talk about-- you
7 know, I would, along with the Chair and a few other
8 members of this committee here, the privilege of
9 being briefed by the counterterrorism group here, and
10 I don't believe that any of us walked out of there
11 with feeling really good about the information that
12 we received, particularly as it pertained to
13 surveillance around and proactively being engaged and
14 being able to prevent activities around white
15 nationalists. Could you, as much as possible,
16 considering what we've seen in recent times, and in
17 between the time that we met, I think that was about
18 some time in the fall, and now is-- what are we doing
19 about it in that area?

20 COMMISSIONER O'NEILL: Get Commissioner
21 Miller to speak about that. John?

22 COMMISSIONER MILLER: We continue to
23 monitor online forums, propaganda. We continue to
24 investigate groups that fall with into the
25 investigative guidelines that we operate under, and

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2 we use the same team that we use for all other
3 terrorist or potentially violent activities or
4 violations of laws.

5 COUNCIL MEMBER MILLER: I think the point
6 was that we did not feel that they were being
7 investigated with the same vigor as some other
8 groups, particularly quite frankly even the group
9 like Black Lives Matter, which we know aren't a
10 terrorist organization, but have been known to be
11 surveilled.

12 COMMISSIONER MILLER: We investigate
13 groups based on the Handschu guidelines, based on the
14 possibility of the violation of law and we treat all
15 groups the same. I think it's an important point to
16 make that when we are sorting through potential
17 subjects for investigation, it is based on the
18 activities of individuals, whether those activities
19 are in violation of the law, whether there are groups
20 of people that engage in activities that may possibly
21 violate the law. We have very strict guidelines. We
22 like these rules because they give us structure.
23 What we have seen, which is of great interest is, if
24 you look at the attack in New Zealand, if you look at
25 some of the propaganda that they're adopting each

2 other's training, communications, and they're
3 agnostic in their tactics to the cause. We're
4 agnostic to the cause in our investigations. What we
5 look at is is there a potential for violence, is
6 there a potential for violation of the law, and does
7 it fit within the guidelines to investigate, and then
8 we investigate. I don't know how else to the respond
9 on the level of vigor in that we treat all cases the
10 same.

11 COUNCIL MEMBER MILLER: So, I know that we
12 can't really have that conversation publicly, and I'd
13 love to have that opportunity--

14 COMMISSIONER O'NEILL: [interposing] Yeah,
15 if we need to do that privately, also--

16 COUNCIL MEMBER MILLER: [interposing] to
17 have that conversation about some of our concerns
18 there, and so I do just want to finish with domestic-
19 -

20 COMMISSIONER O'NEILL: [interposing] Can I
21 just add to John's statement, you know, that we do
22 investigate all terrorist and hate groups with equal
23 vigor. So, I don't want anybody to walk away from
24 this hearing thinking that we don't. They're all
25 subjected to the Handschu guidelines as John said.

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2 COUNCIL MEMBER MILLER: Okay, so let's
3 just jump and finally talk about marijuana
4 disparities. Obviously, that's been a big deal over
5 the past few years, particularly for us in southeast
6 Queens having a precinct that has had 13 percent of
7 all the marijuana arrests and summonses throughout
8 the City. Is that still the case, and also are these
9 arrests and summonses occurring in the vicinity of
10 NYCHA housing?

11 COMMISSIONER O'NEILL: As far as the
12 location, I'm going to have to get back to you with
13 more specifics there, but as far as the 105 precinct
14 is concerned, and that's what we're talking about,
15 the enforcement has decreased dramatically. Natise
16 Gilbert [sp?] is now the CO there. She's the Deputy
17 Inspector. We spoke before about disparity and
18 overall enforcement of marijuana enforcement, and I
19 did state that our marijuana arrests, misdemeanor
20 arrests are down 91.5 percent. It's a considerable
21 number, 3,259, and disparity still exists, and the
22 Chair and I agreed that we would continue to figure
23 out why this is continuing to happen.

24 COUNCIL MEMBER MILLER: Okay, and the
25 locations, we'll get that later on--

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2 COMMISSIONER O'NEILL: [interposing] Yep,
3 yep.

4 COUNCIL MEMBER MILLER: Thank you so very
5 much. Thank you, Mr. Chair.

6 CHAIRPERSON RICHARDS: Last question, and
7 then I'm going to ask Chief Shea to stay behind. I
8 know he doesn't want to. And Helen has some closing
9 questions, and I know you have to go, so I want to
10 respect your time. Council Member Lancman, last
11 question.

12 COUNCIL MEMBER LANCMAN: Yeah, thank you.
13 So, again, on the subject of marijuana and our
14 concern that the Department seems to continue to
15 arrest people for THC oil, possession and I'll say
16 smoking, vaping. As you know, last year in February
17 we had a hearing on the disparities in marijuana
18 enforcement, both in policing and prosecution. When
19 the data came out and ended up being analyzed, the
20 New York Times came out with a front page story in
21 May of that year headlined: "The surest way to face
22 marijuana charges in New York, be black or Hispanic."
23 And the Mayor almost within days announced that the
24 city was going to revisit its policy, and we've been
25 talking about that policy. Today, my colleagues have

2 talked about the racial disparity issue. It's come
3 to our attention though that the Department and
4 police officers are still arresting people and
5 prosecutors are still charging them under who are
6 found in possession or vaping this THC oil which as
7 you know is the, I guess the active ingredient in
8 marijuana. And I wanted to know-- the Chair and I
9 sent a letter to you, Commissioner, in November, and
10 we have not heard back. It's nearly four months is
11 it, which I have mentioned to you privately, but I'll
12 say it publicly, that lack of response is really
13 unacceptable, and I think disrespectful. Let's get
14 to the issue, though, although if you want to comment
15 on the lack of response I won't prevent you from
16 doing so.

17 COMMISSIONER O'NEILL: I agree with you.

18 COUNCIL MEMBER LANCMAN: Okay. So, why
19 is the Department still arresting people for THC
20 possession? They're getting charged with an A
21 misdemeanor, criminal possession of a controlled
22 substance in the seventh degree which is also the
23 charge for someone who has a small amount of heroin
24 in their possession. Why isn't THC oil covered by
25 the marijuana-- the new marijuana policy?

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2 COMMISSIONER O'NEILL: There are some
3 issues, and Ann Prunty, Assistant Commissioner from
4 DCLM will speak about that.

5 DEPUTY COMMISSIONER PRUNTY: Just to be
6 clear, just be clear, my understanding is that the
7 Director of our Legislative Affairs Unit has been in
8 touch with your Chief of Staff in response to that
9 letter over the course of the past few months. But
10 be that as it may--

11 COUNCIL MEMBER LANCMAN: [interposing] No,
12 I'm sorry, he hasn't. With all due respect to Oleg,
13 he's a great guy and we talk all the time. We
14 haven't gotten a response.

15 DEPUTY COMMISSIONER PRUNTY: No, I
16 understand you haven't gotten a response, but I just
17 wanted to let you know that we have been in touch
18 with you about the letter.

19 COMMISSIONER O'NEILL: And, just going to
20 interrupt you. Should have given you a written
21 response and apologize for that.

22 DEPUTY COMMISSIONER PRUNTY: So, with
23 respect to the THC oil, during the time that you sent
24 your letter up until now, we have looked at that
25 carefully, and we did a survey of the different DAs

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2 to see what the charging situation was across the
3 boroughs, and we found out that there was a pretty
4 significant discrepancy in the charging among the
5 different bureaus-- among the different DAs, and so
6 as a result, we have embarked upon the adoption and
7 we're in the process of doing this formulating a
8 policy whereby if it's THC oil, we'll be charging the
9 marijuana offense, and the only time that we would be
10 then charging the 220.03 would be in the instance
11 where the oil has the chemicals that are contained in
12 K2, because that is a controlled substance.

13 COUNCIL MEMBER LANCMAN: When you say the
14 marijuana charge, you mean 220.10? Or do you mean
15 220.05?

16 DEPUTY COMMISSIONER PRUNTY: It would be
17 the 220.05.

18 COMMISSIONER O'NEILL: 221.

19 DEPUTY COMMISSIONER PRUNTY: 221.05, I'm
20 sorry.

21 COUNCIL MEMBER LANCMAN: Right.

22 COMMISSIONER O'NEILL: 220.03 is
23 controlled substance.

24 DEPUTY COMMISSIONER PRUNTY: Right.

25

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2 COUNCIL MEMBER LANCMAN: Thank you.

3 Alright, and so what you're saying is unless the THC
4 oil is mixed or contaminated with something else,--

5 DEPUTY COMMISSIONER PRUNTY: [interposing]
6 K2.

7 COUNCIL MEMBER LANCMAN: if it's just the
8 THC, then those individuals will be treated the same
9 as you treat people who are burning or possessing
10 actual marijuana leaves in public.

11 DEPUTY COMMISSIONER PRUNTY: Yes.

12 COUNCIL MEMBER LANCMAN: Good? I'm happy
13 to hear that. I just have a question, though. My
14 understanding is there's no field test for THC, so
15 how is that distinction going to be made?

16 DEPUTY COMMISSIONER PRUNTY: Well, we're
17 going to be defaulting to the 221.05 offense, then it
18 will be tested by the lab. If there's a testing by
19 the lab that turns out to be the chemicals of K2 and
20 the case is still in the system, the prosecutors will
21 have the option of amending that complaint and
22 charging the 220.03.

23 COUNCIL MEMBER LANCMAN: And last thing,
24 on the issue of disparities, it hasn't really been
25 touched on yet, but are you willing to reconsider the

2 exceptions to the current marijuana policy, almost
3 all of which are driven by someone's prior or current
4 criminal justice system involvement, and are you-- do
5 you acknowledge, do you agree that when you exempt
6 people from the more liberal marijuana possession and
7 burning policy based on their prior or current
8 criminal justice system involvement, that you are
9 fishing in a pool that is more concentrated of people
10 of color, and that is why you are seeing the actual
11 increase in racial disparities under the new policy,
12 even while you are arresting fewer people?

13 COMMISSIONER O'NEILL: We're looking to
14 have further discussions, and I certainly would want--
15 - if all the prior criminal history is 221 offenses,
16 I would agree with you, but the strategy of reducing
17 homicides from 2,245 down to less than 300 last year,
18 I would-- it's well thought out and it's evolved over
19 time, so I think it would require more discussion
20 with you to get where maybe some sort of compromise.
21 I'm not sure we can get there. There's a lot to lose
22 here, but we will continue discussions if you'd like.

23 CHAIRPERSON RICHARDS: Thank you,
24 Council--

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2 COUNCIL MEMBER LANCMAN: [interposing]
3 Just one last thing. Just the THC policy, sorry, is
4 that going to be added to the Patrol Guide? Like
5 when will see that this is in print and it's
6 clarified.

7 DEPUTY COMMISSIONER PRUNTY: We're
8 working on it and we'll get back to you on that.

9 COUNCIL MEMBER LANCMAN: Okay.

10 COMMISSIONER O'NEILL: The first thing
11 you'll see is a response to your letter.

12 COUNCIL MEMBER LANCMAN: Okay, thank you.

13 CHAIRPERSON RICHARDS: Thank you. Thank
14 you so much, and I'm going to ask Chief Shea to stay
15 behind just for one question from Helen, but I want
16 to thank you Commissioner. I want to thank you for
17 your time today. Just some follow-ups from this
18 specific hearing, a few items, the average headcount,
19 data, and methodology. We're looking for, second, the
20 average length of rape cases being opened or worked
21 on. Three, our data on percentage of unfounded and
22 uncooperative victims by borough and their
23 uncooperative complaint victims by borough. Four,
24 our data on January 2019 cold cases from Special
25 Victims Unit. Five, follow-ups from Council Member

2 Gibson's questions. I'm looking to hear more on 50A
3 and the recommendation by the disciplinary panel.
4 The Hate Crimes Unit, you know, there has been an
5 increase. I spoke on discipline. And then also
6 Council Member Miller's question on public housing
7 and summonses and arrests happening around
8 specifically public housing. And then lastly, the
9 116th precinct was budgeted. The budget went up to
10 16 million which I'm-- 16 million more, which I'm not
11 complaining out. We just want to hear a little bit
12 more specifics about why and why that increase is
13 needed, and all the other questions we didn't get a
14 chance to address here today. There also was a
15 proposal that I believe PD rolled out on not
16 responding to car accidents anymore. So when we come
17 back for Exec, we look forward to hearing a little
18 bit more, but in between time--

19 COMMISSIONER O'NEILL: [interposing] Yeah,
20 that's a very limited pilot, but we'll discuss with
21 you.

22 CHAIRPERSON RICHARDS: Yeah. Yeah. With
23 that being said, thank you so much for coming today.
24 Thank you for your time. We look forward to our
25 continued strong partnership with you. Want to thank

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2 the men and women of the NYPD for what they do.

3 Okay, Chief Shea, come--

4 COMMISSIONER O'NEILL: [interposing]

5 Thanks to the Chair. Thanks to the Council.

6 CHAIRPERSON RICHARDS: Thank you. Thank
7 you. Chief Shea?

8 CHIEF SHEA: I'd love to-- [off mic]

9 CHAIRPERSON RICHARDS: [laughter]

10 CHIEF DELATORRE: Chief Delatorre speak,
11 too.

12 COUNCIL MEMBER ROSENTHAL: Sure.

13 Alright.

14 CHAIRPERSON RICHARDS: Alrighty, we're
15 going to begin in one minute again. Alrighty, Chief
16 Shea, you get to stay behind. It's like when I leave
17 my Chief of Staff behind after a tough meeting.
18 Alrighty, just final question from Helen Rosenthal.

19 CHIEF SHEA: Yep.

20 COUNCIL MEMBER ROSENTHAL: Thank you so
21 much, Chief. The first thing I just wanted to
22 impress upon the NYPD is that the advocates really
23 appreciate the work that you've been doing with them,
24 the open meetings, and the hard work I think the NYPD
25 is doing to build trust. For example, you know,

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2 bringing the advocates now into the interview rooms,
3 allowing them to go in with the victim of sexual
4 assault and I just wanted to pass along that message
5 of deep appreciation. And I wanted to confirm on the
6 record that you'll continue to invite the advocates
7 to the reading to read the cold cases, the Timini
8 [sic] Review?

9 CHIEF SHEA: Yeah, I think that that is--
10 been very beneficial on both sides. It's-- I've
11 heard nothing but good news, so we look forward to
12 that partnership.

13 COUNCIL MEMBER ROSENTHAL: Great, thank
14 you. Quick question about moving detectives around
15 again. Did any of the 84 detectives moved over to
16 drug investigations as part of HealingNYC come from
17 the Special Victims Division?

18 CHIEF SHEA: Are you talking about Opiate
19 Investigations?

20 COUNCIL MEMBER ROSENTHAL: Yes.

21 CHIEF SHEA: Which, I mean, you're going
22 back probably a year or two. I'd have to check. I
23 don't have that answer.

24 COUNCIL MEMBER ROSENTHAL: Okay, I think
25 with ThriveNYC they recently announced that 84

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2 detectives had been moved over. But you'll get back
3 to see whether or not they had been moved out of the
4 SVD.

5 CHIEF SHEA: I'm-- you'd have to give me
6 a little more information on what 84. What-- perhaps
7 it's me, but I'm not following with what unit you're
8 referring to that they were moved to.

9 COUNCIL MEMBER ROSENTHAL: Sure, yes.
10 This is on the opioid abuse. It's part of the
11 ThriveNYC issue.

12 CHIEF SHEA: Okay, I'm not aware of any
13 recent transfers of anyone to that. I think you're
14 going back over a year, if I'm correct.

15 DEPUTY COMMISSIONER GRIPPO: So, just to
16 be clear, the 84 was an increase to our headcount.
17 It was done. The way it ended up being funded was an
18 offset where we brought down some civilian positions
19 and we received 84 additional uniformed heads, and we
20 ultimately then assigned 84 detectives. That goes
21 back-- I'm-- I would say it's about 18 months--

22 COUNCIL MEMBER ROSENTHAL: [interposing]
23 Okay.

24

25

2 DEPUTY COMMISSIONER GRIPPO: from when we
3 assigned those detectives, but it would have been an
4 increase overall--

5 COUNCIL MEMBER ROSENTHAL: [interposing]
6 Right.

7 DEPUTY COMMISSIONER GRIPPO: to the
8 Detective Bureau staffing. It would not have been a
9 situation where we were just taking people from one
10 area and moving them and not backfilling those
11 positions, because these were newly created Detective
12 Bureau positions.

13 COUNCIL MEMBER ROSENTHAL: Got it. If
14 you could just confirm the-- anyone that would have
15 come from SVD was indeed backfilled? Great. Thank
16 you.

17 CHIEF SHEA: Yeah.

18 COUNCIL MEMBER ROSENTHAL: I wanted to
19 know the status of FETI training for the detectives,
20 sort of what the total numbers of detectives is and
21 how many trained, and my last question because I've
22 run out of time has to do with cautioning you again
23 about reviewing the sexual assault cases as if they
24 were the usual CompStat cases. These are not cases
25 where we want to push detectives to close them

2 faster. These are cases where, you know, it's prob--
3 this is a trauma victim and more likely than not it
4 would take much longer to close a case. So, I just
5 wanting to make sure that the SVD cases are not
6 being--

7 CHIEF SHEA: [interposing] Yeah, I--

8 COUNCIL MEMBER ROSENTHAL: lumped in.

9 CHIEF SHEA: I think that was my exact
10 point earlier that each case is unique. We move at
11 the speed of the survivor. With that being said, you
12 know, we still do have an accountability measure,
13 CompStat. It's not unique to Special Victims. It's
14 something that we look at the work of our
15 investigators and police officers across the agency
16 to make sure they're doing everything that they
17 should be doing. So, it's a mixed response there. We
18 will continue to look at sex crimes cases during the
19 CompStat process, but it is certainly not to say that
20 we're pushing cases or the measure that we're looking
21 at is that their cases aren't being closed in a fast
22 enough time. For example, we want to make sure that
23 the work that should be done, whether its witness
24 canvases, video canvases, DNA testing is done.
25 There's a lot of different metrics that we use, and

2 it's all with the goal towards making New York City
3 safer. To the FETI--

4 COUNCIL MEMBER ROSENTHAL: [interposing]
5 Well, and to that point--

6 CHIEF SHEA: [interposing] Yeah.

7 COUNCIL MEMBER ROSENTHAL: you know, it
8 might--

9 CHIEF SHEA: [interposing] We're on the
10 same page.

11 COUNCIL MEMBER ROSENTHAL: 72 hours or 30
12 days to get back a rape kit. So you wouldn't want to
13 ding a detective for not closing a case fast enough,
14 but they're--

15 CHIEF SHEA: [interposing] Hundred percent
16 agree. And to the FETI point, we're in a good place.
17 We do have some work to do so still. We're in a good
18 place in terms of the membership of the Special
19 Victims Division being FETI trained. However, we do
20 have a recent group of-- again, I said earlier 35.
21 It may actually be 37 or 38 that have come in that
22 still require the FETI training. They're not
23 catching cases yet. They're undergoing additional
24 training in the meantime, but we're working on
25 getting additional contracts to get FETI training.

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2 COUNCIL MEMBER ROSENTHAL: And so you
3 only have the 36-37 officers remaining to get FETI.
4 Everyone else--

5 CHIEF SHEA: [interposing] Yeah, if
6 there's one or two sprinkled somewhere, Councilwoman,
7 that's possible, but I don't believe that's the case.
8 The vast majority of Special Victims has already been
9 FETI trained.

10 COUNCIL MEMBER ROSENTHAL: Great, if you
11 could come back to Exec with that exact number to let
12 us know.

13 CHIEF SHEA: Yeah, I'll have Chief
14 Harrison follow up. And I do have that number
15 because there was some confusion earlier regarding
16 5,000/8,000. In 2015--

17 COUNCIL MEMBER ROSENTHAL: [interposing]
18 Sorry?

19 CHIEF SHEA: In 2015, I'm sorry to go back
20 again, there was 1,100+ cases that were tested that
21 came into the Department--

22 COUNCIL MEMBER ROSENTHAL: [interposing]
23 DNA cases?

24 CHIEF SHEA: Yes, that's when a team was
25 stood up to test those cases.

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2 COUNCIL MEMBER ROSENTHAL: That's right,
3 yep.

4 CHIEF SHEA: That backlog has now been
5 cleared. That team is going-- that backlog of cases
6 has been tested--

7 COUNCIL MEMBER ROSENTHAL: [interposing]
8 You're 150 shy.

9 CHIEF SHEA: and those cases have been
10 cleared, meaning investigated. The 5,000 or 8,000
11 number--

12 COUNCIL MEMBER ROSENTHAL: [interposing]
13 No, no, I-- the larger number had to do with unsolved
14 stranger rape cases.

15 CHIEF SHEA: What I'm telling you,
16 though--

17 COUNCIL MEMBER ROSENTHAL: [interposing]
18 They may not be the--

19 CHIEF SHEA: [interposing] is that's not
20 based-- that's not based in fact.

21 COUNCIL MEMBER ROSENTHAL: Sure, but
22 they're not the DNA. The DNA cases, my understanding
23 is, there are 150 from January 2019 that still have
24 not cleared.

25 CHIEF SHEA: We will follow up.

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2 COUNCIL MEMBER ROSENTHAL: Okay, and
3 that's of the 1,100+? Okay.

4 CHIEF SHEA: I think that--

5 COUNCIL MEMBER ROSENTHAL: [interposing] I
6 wanted to clear that up.

7 CHIEF SHEA: we disagree with that, but
8 respectfully. Yep.

9 COUNCIL MEMBER ROSENTHAL: Yep, you were
10 right. There was confusion about the larger number
11 and the smaller number. It's totally true. So the
12 stranger rape cases don't necessarily have DNA
13 evidence, but they are--

14 CHIEF SHEA: [interposing] That's correct.

15 COUNCIL MEMBER ROSENTHAL: stranger rape
16 cases that are still unsolved.

17 CHIEF SHEA: I just think that anyone
18 that is giving you information that there's 5,000 or
19 8,000--

20 COUNCIL MEMBER ROSENTHAL: [interposing]
21 No, no, I misspoke. All on me, my bad.

22 CHIEF SHEA: No, that's alright.

23 COUNCIL MEMBER ROSENTHAL: My bad.

24 CHIEF SHEA: Got you.

25

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2 COUNCIL MEMBER ROSENTHAL: So, it's 150
3 DNA cold cases, and then some in the multiple
4 thousands number of stranger rapes that have not been
5 solved, cold case.

6 CHIEF SHEA: Okay, so I'm in constant
7 contact with our lab. We have a very robust lab. We
8 work hand-in-hand with the office of the Chief
9 Medical Examiner.

10 COUNCIL MEMBER ROSENTHAL: Yep.

11 CHIEF SHEA: I am with confidence told
12 that we have no backlog on sexual assault cases. So
13 I will, as soon as I leave here, confirm that.

14 COUNCIL MEMBER ROSENTHAL: Okay, you
15 know, let's talk offline. We may have a
16 nomenclature--

17 CHIEF SHEA: [interposing] Yeah, that's
18 what I think it is.

19 COUNCIL MEMBER ROSENTHAL: problem.

20 CHIEF SHEA: And to your earlier point
21 just thanking Special Victims for the work with the
22 advocate, that is greatly appreciated.

23 COUNCIL MEMBER ROSENTHAL: Yep.

24 CHIEF SHEA: Thank you.

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2 COUNCIL MEMBER ROSENTHAL: Absolutely.
3 Thank you.

4 CHAIRPERSON RICHARDS: Thank you, Chief
5 Shea for being so gracious. Thank you. Alright,
6 we're now going to have the Civilian Complaint Review
7 Board. Alrighty, going to have Chair Fred Davie.
8 Reverend? Chair Reverend Frederick Davie. You are
9 ordained, we better acknowledge it. Alrighty, Chair
10 Reverend Frederick Davie. We're going to have you
11 sworn in and then Jon Darche and Jeanine Marie, and
12 you may begin after you're sworn in.

13 COMMITTEE COUNSEL: Do you swear to tell
14 the truth, the whole truth and nothing but the truth
15 to this committee and answer all questions to the
16 best of your ability?

17 CHAIRPERSON DAVIE: I do.

18 UNIDENTIFIED: Ready?

19 CHAIRPERSON DAVIE: Chairperson Richards
20 and members of the Public Safety Committee, thank you
21 for the opportunity to appear here today. As you've
22 said, I am Reverend Frederick Davie, Chair of the
23 Civilian Complaint Review Board. I am joined by
24 Agency staff members Jonathan Darche, our Executive
25 Director, and Jeanine Marie, our Deputy Executive

2 Director for Administration. I have submitted a full
3 testimony to the committee staff, and now will
4 present a short oral presentation. Over the past
5 year, the Agency has re-dedicated itself to better
6 serving its complainants, many coming from the most
7 vulnerable communities and diverse communities in New
8 York, including young people, the homeless, LGBTQ
9 individuals, those with mental illnesses, people
10 living with disabilities, and people of low income.
11 In February 2018, the Board unanimously voted to
12 adopt a resolution directing Agency staff to begin
13 investigating and prosecuting certain allegations of
14 sexual misconduct that had previously been referred
15 to the NYPD's Internal Affairs Bureau and to develop
16 a plan to investigate and prosecute of sexual crim--
17 of criminal sexual misconduct. Now, more than one
18 year later, the Agency has received 83 complaints
19 containing 126 allegations of sexual harassment,
20 sexual or romantic propositions, sexual humiliation,
21 and sexually motivated strip searches, and has
22 created an internal working group to determine how
23 best to incorporate investigations and prosecutions
24 of sexual assault into Agency operations. We're
25 currently working with OMB to obtain funding to

2 develop a victim advocacy and support program, and
3 commenced a number of training initiatives aimed at
4 better supporting victims of sexual violence. The
5 CCRB is committed to protecting the mental health and
6 wellbeing of our complainants. In 2018, the agency
7 adopted new policies and procedures aimed at
8 providing civilians with information about access to
9 mental health services. In the past year, the CCRB
10 Investigations Division also received comprehensive
11 training related to mental health issues, including
12 Forensic Experiential Trauma Interview, or FETI
13 training, and mental health first-aid certification
14 training. We consider educating the public to be an
15 important part of our mandate, and work hard to
16 deliver information to civilians. The CCRB staff
17 endeavors to reach all New York communities,
18 delivering over 1,000 presentations in 2018, the
19 largest number in agency history, to audiences
20 including high school students, immigrant
21 populations, probationary groups, homeless service
22 organizations, formerly incarcerated individuals,
23 NYCHA residents and LGBTQ groups. The agency was
24 able to make those efforts because it was fully
25 staffed at the time with an outreach team of six

2 people who were-- that we were granted by the City
3 Council. In anticipation of the Right to Know Act
4 becoming effective in October 2018, the CCRB
5 constructed a full public education campaign in
6 partnership with members of the City Council that
7 involve creation of educational materials and
8 distribution of these materials via street team
9 efforts, participation in press and social media
10 efforts and working with elected officials to help
11 provide information to constituents. Further
12 evidence of our commitment to public education is our
13 February Youth Summit at New York University,
14 organized by the first-ever CCRB Youth Advisory
15 Council and our Police Symposium at John Jay College
16 of Criminal Justice which Mr. Chairman, you spoke,
17 and we really appreciate it. In 2018, the Board also
18 made a number of procedural changes to ensure
19 disciplinary consistency. In January of last year,
20 the Board piloted the use of a disciplinary
21 framework, a non-binding matrix designed to guide
22 board panel discussions on disciplinary
23 recommendations for substantiated cases and at
24 achieving consistent and fair discipline
25 recommendations for both civilians and members of

2 service. Now a year later we are evaluating ways to
3 expand that structure to non-charges as well. There
4 have also been challenges over the past year. In
5 2018, the CCRB received 4,745 complaints within its
6 jurisdiction, and increase of nearly 11 percent from
7 just two years prior. Further, 2018 saw over 200
8 more fourth-quarter complaints received in the CCRB's
9 jurisdiction than 2017, and the highest-- this is the
10 highest number since 2013. Though it's too early to
11 tell for sure, some of these additional complaints
12 may be related, or may have been related to the Right
13 to Know Act. Since it went into effect, the agency
14 has received 137 complaints containing 229
15 allegations of a failure to provide a business card
16 under that act. One type of evidence that is
17 becoming increasingly prevalent in our investigations
18 is NYPD body-worn camera footage. To date, the
19 Agency has requested such footage in more than 2,000
20 of its investigations. While video evidence has
21 played a role in the CCRB's investigations over time,
22 the amount of footage in CCRB's electronic evidence
23 repository has exponentially increased, in part, due
24 to the continued expansion of the BWC program. To
25 date, video footage occupies more than three and a

2 half terabytes of space with 300 gigabytes of that
3 added in January 2019 alone. While it is still too
4 early to tell the true effect of BWCs on
5 investigations of misconduct, video evidence in
6 general plays a major role in the outcomes of
7 investigations increasing the likelihood that a case
8 will be closed on the merits. Unfortunately, this
9 additional evidence has-- with this additional
10 evidence has come an increase in the number of days
11 it takes to close cases. In 2018, the Agency trained
12 all of its investigators in forensic video analysis
13 techniques, which are now employed in all
14 investigations. These techniques involve
15 transcription notations and multiple viewings of
16 videos, increasing the length of time it takes to
17 close all investigations, not just those with video.
18 Investigators must identify each of the individuals
19 in video footage to identify witnesses, and take
20 detailed notes as to the statements made and events
21 that occur, often requiring frame-by-frame review.
22 We're working with the OMB to monitor and address
23 these challenges head-on. For the current Fiscal
24 Year FY2019, the CCRB has a modified budget of
25 \$17,173,879; \$13,102,052 for personnel services, and

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2 \$4,071,827 for other than personnel services, a
3 category which includes funding for, among other
4 things, training initiatives and video footage
5 storage. The Agency is determined to continue to
6 improve its service to the people of the City of New
7 York and due to the support of this Administration
8 and the Council, the Agency is stronger than ever and
9 better able to provide strong, effective, and
10 independent civilian oversight of the New York City
11 Police Department, but there is far more for us to
12 do, far more to be done. I am confident with your
13 help CCRB will continue to flourish and improve and
14 lead the way in civilian oversight nationally. Thank
15 you for your time and continued support, and we'd be
16 happy to answer any questions.

17 CHAIRPERSON RICHARDS: Thank you so much,
18 Chair Davie, Reverend. So, let me start with what
19 new needs if any have you requested from the
20 Administration and OMB?

21 EXECUTIVE DIRECTOR DARCHE: So, we've
22 been working closely with OMB through the ADP process
23 to request new needs. We received funding for the
24 Blake Fellow [sic] in the last year. We've been
25 working with them on the victim assistance process.

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2 We've currently submitted a request for proposals for
3 staff from providers to see if they can help us staff
4 the witness assistance unit, and we've asked for more
5 funding for investigators and other staff to meet the
6 potential increase in-- from potentially from the
7 Right to Know Act.

8 CHAIRPERSON RICHARDS: I mean, what's the
9 cost, estimated cost for those?

10 EXECUTIVE DIRECTOR DARCHE: One moment.

11 CHAIRPERSON RICHARDS: And I guess, Chair
12 Davie, if you can speak to-- while you get that data--
13 -

14 EXECUTIVE DIRECTOR DARCHE: [interposing]
15 Approximately 1.3 million dollars.

16 CHAIRPERSON RICHARDS: How much?

17 EXECUTIVE DIRECTOR DARCHE: 1.3 million.

18 CHAIRPERSON RICHARDS: 1.3 million, okay.

19 And have you identified if the partial hiring freeze
20 will affect your staffing needs?

21 EXECUTIVE DIRECTOR DARCHE: It may. We're
22 working with the Office of Management and Budget to
23 make sure that this agency is equipped to face the
24 demands of the upcoming year.

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2 CHAIRPERSON RICHARDS: Okay. I think you
3 spoke of Implicit Bias Training. Can you just go
4 through is everybody trained in CCRB?

5 EXECUTIVE DIRECTOR DARCHE: So, there may
6 be new staff that has not been trained. The-- I
7 thought the Implicit Bias Training was very helpful,
8 not just for staff but for the board as well, and I
9 think-- I think when we originally scheduled the
10 Implicit Bias Training, we did not realize how much
11 we needed it. It was originally viewed as something
12 we needed to understand how the department functions,
13 but frankly we needed it to understand our own
14 process and our own behaviors and attitudes, and it's
15 something that, you know, we're going to be working
16 with the Office of Management and Budget in the City
17 Council to make sure we can do again in the future.

18 CHAIRPERSON RICHARDS: Is that going to
19 cost-- any further funding needed with training?

20 EXECUTIVE DIRECTOR DARCHE: I believe it
21 would. I'd have to get back to you with the exact
22 number.

23 CHAIRPERSON RICHARDS: And who's doing
24 the training?

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2 CHAIRPERSON DAVIE: It was Perception
3 Institute, and the only reason I know that, Mr.
4 Chair, is one, I took the training, and two, they
5 were so good I'm not using them at my institution at
6 Union Seminary Uptown.

7 CHAIRPERSON RICHARDS: Perception
8 training you said?

9 CHAIRPERSON DAVIE: Perception Institute.

10 CHAIRPERSON RICHARDS: Okay. Perception
11 Institute, okay. Can you just go through-- I know
12 that you had some Charter Revision Request. I just
13 wanted to get you on the record on what some of those
14 requests were.

15 EXECUTIVE DIRECTOR DARCHE: So, the first
16 request was for a small technical change to the
17 Charter that would allow executive staff to sign
18 subpoenas, as opposed to just having the Executive
19 Director sign subpoenas.

20 CHAIRPERSON DAVIE: The Chair.

21 EXECUTIVE DIRECTOR DARCHE: My apologies,
22 the Chair. The second would be to codify the APU.
23 The third was to enhance the language that's
24 currently in the Charter with regard to the duty to
25 cooperate of the Police Department with the CCRB.

2 And the last would be to set the CCRB budget at one
3 percent of the NYPD's budget.

4 CHAIRPERSON RICHARDS: Okay, good. I just
5 wanted to get that on the record. Let's just talk
6 about caseload time for a second. So, the PMMR shows
7 that the time to complete investigations increased in
8 FY18 as compared to FY17 from 153 to 190 days. Can
9 you speak a little bit more? I know you went into
10 body cameras, but I don't--

11 EXECUTIVE DIRECTOR DARCHE: [interposing]
12 We believe it's a large degree covered by body-worn
13 camera footage. When we get body-worn camera
14 footage, it's not just you watch a five-minute video
15 and move on with your day, with your investigation.
16 You have to watch it numerous times. You put it
17 through software that lets you analyze the footage
18 and make determinations about what happened. And
19 sometimes for one incident there may be multiple
20 officers on the scene with body-worn camera footage.
21 There may be multiple videos that you have to view.
22 Not every video is eventually going to be determined
23 in a case, but you still have to watch all that body-
24 worn camera footage, and it puts a real strain on our
25 investigators and our processes.

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2 CHAIRPERSON RICHARDS: And let me go
3 through-- so how long does it take for NYPD to get
4 back to you on footage?

5 EXECUTIVE DIRECTOR DARCHE: Right now,
6 the--

7 CHAIRPERSON RICHARDS: [interposing] What
8 is the quality of the footage and the resolution and
9 distance, and how often is camera footage unavailable
10 even though the officer had a camera? What has been
11 your experience so far?

12 EXECUTIVE DIRECTOR DARCHE: So, in cases
13 where the Department is able to correctly respond on
14 our first request, the average response time is eight
15 days. There are sometimes where we have to make a
16 second or a third request, and that will take up to
17 28 days to get a response. The Department has
18 recently added a new camera to its repertoire when
19 Axon [sic] purchase Viewu. I'm much more familiar
20 with the Viewu cameras, and I think they're
21 excellent. I can't give you an opinion of the
22 quality of the Axon cameras, to be honest with you.

23 CHAIRPERSON RICHARDS: You said 28 days
24 after your second or third request, that 28 business
25 days?

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2 EXECUTIVE DIRECTOR DARCHE: I actually
3 think that's days.

4 CHAIRPERSON RICHARDS: Just days.

5 EXECUTIVE DIRECTOR DARCHE: But we could
6 get back to you on it.

7 CHAIRPERSON RICHARDS: Okay. And I know
8 we-- they said that they had someone specifically
9 assigned to deal with different agencies. Have you
10 found that to be true?

11 EXECUTIVE DIRECTOR DARCHE: So the--

12 CHAIRPERSON RICHARDS: [interposing] Is
13 there a specific person you deal with when you put a
14 request in? Can you just go through that process?

15 EXECUTIVE DIRECTOR DARCHE: The way our
16 process currently works is our investigators send
17 requests to Internal Affairs. Internal Affairs then
18 sends those requests to NYPD legal. NYPD legal has a
19 team that conducts the searches, responds back to
20 Internal Affairs, and then Internal Affairs responds
21 to us.

22 CHAIRPERSON RICHARDS: And you said eight
23 days. Has that been your overall experience in
24 getting on average eight days or do you find it to be

25

2 more, the two to three request range that tends to
3 occur?

4 EXECUTIVE DIRECTOR DARCHE: Could-- I'm
5 sorry, could you repeat that, Mr. Chair?

6 CHAIRPERSON RICHARDS: I was just saying,
7 you spoke that on average I think you get footage in
8 eight days, but sometimes you have to make a second
9 and third request which can take upwards of 28 days.
10 So I just wanted to get like the ratio or the
11 comparison between you receiving footage in eight
12 days.

13 EXECUTIVE DIRECTOR DARCHE: So, I would
14 say--

15 CHAIRPERSON RICHARDS: [interposing] Do
16 you find that more common?

17 EXECUTIVE DIRECTOR DARCHE: more than 90
18 percent, like 92 percent of the time we're getting
19 our initial request. The-- you know, we might not
20 realize that an initial request was denied improperly
21 until later in the process. So we make a request for
22 footage, it's-- we're told there's no footage. We
23 bring in an officer for an interview, and they say,
24 "Oh, no, I had my camera" or "Oh, no, I didn't have a

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2 camera, but my partner had a camera." And so getting
3 that worked out is sometimes timely.

4 CHAIRPERSON RICHARDS: You get
5 documenting those who say they don't have cameras,
6 because supposedly every officer has cameras now in
7 the Department, so are you documenting that data when
8 officers say they don't have their cameras or don't
9 have their cameras on.

10 EXECUTIVE DIRECTOR DARCHE: We do monitor
11 that.

12 CHAIRPERSON RICHARDS: So, I would love
13 to see those numbers.

14 EXECUTIVE DIRECTOR DARCHE: I would just
15 like to add, you know, when we're doing an
16 investigation there is time lag. So, especially
17 early on when we were requesting body-worn camera
18 footage not every-- so the numbers we're giving you
19 wouldn't necessarily reflect the current--

20 CHAIRPERSON RICHARDS: [interposing] But I
21 just want to get a sampling of--

22 EXECUTIVE DIRECTOR DARCHE: [interposing]
23 the whole--

24 CHAIRPERSON RICHARDS: how--

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2 EXECUTIVE DIRECTOR DARCHE: [interposing]
3 A hundred percent, we'll get it for you.

4 CHAIRPERSON RICHARDS: often people deny
5 they have a camera. The budget added a one-time
6 addition of 50,000 hours for camera footage storage.
7 How much data will this funding store, and how long
8 will the storage last before it is full?

9 EXECUTIVE DIRECTOR DARCHE: Mr. Chair,
10 I'm not 100 percent certain on like the number of
11 terabytes, but that should keep us covered for a year
12 and a half. This is a situation that we've been
13 working closely with the Office of Management and
14 Budget, DoITT and other city agencies to try and deal
15 with this issue, and I think everyone viewed the
16 50,000 hours as a temporary measure until we can come
17 up with a more global solution.

18 CHAIRPERSON RICHARDS: And then earlier
19 the NYPD acknowledged that the DAs have instant
20 access. Do you have instant access?

21 EXECUTIVE DIRECTOR DARCHE: No, we do
22 not.

23 CHAIRPERSON RICHARDS: Do you think you
24 should have instant access?

25 EXECUTIVE DIRECTOR DARCHE: Yes, we do.

2 CHAIRPERSON RICHARDS: Okay. Alrighty,
3 let's go through sexual misconduct again. So, CCRB
4 has added sexual misconduct to its portfolio of
5 cases. Phase one which includes sexual harassment
6 allegations has already begun. Phase two which
7 includes sexual assaults has not begun, correct?

8 EXECUTIVE DIRECTOR DARCHE: That is
9 correct.

10 CHAIRPERSON RICHARDS: Alright. Do you
11 have a timeline for the beginning of phase two?

12 EXECUTIVE DIRECTOR DARCHE: We don't have
13 a timeline yet. We've established three different
14 areas that we need to be working on before we--
15 before I can go to the Chair and the Board and tell
16 them we're ready to move to phase two. The first is
17 we need to train a cadre of investigators that's
18 sufficient to handle the load of sexual misconduct
19 allegations that we're getting, the sexual assault
20 allegations that we're getting. We've been working
21 with experts in the field and advocate groups such as
22 the New York City Alliance Against Sexual Assault,
23 and we brought in as Councilperson Rosenthal was
24 addressing earlier with NYPD, we've done FETI
25 training for a small group of our investigators. It

2 was really eye-opening for the agency, and it's
3 something that we think we need to adopt throughout
4 our agency, not just for dealing with victims of
5 sexual misconduct, but for all civilians who come to
6 our agency. If you think about it, if you're walking
7 down the street and you're stopped on the street
8 while you're with your child, that could be just as
9 traumatic for the person who is stopped or the child
10 of the person who is stopped as any other incident
11 that we investigate. And so I think coming up with
12 resources for this agency to make sure that we are
13 not re-traumatizing people in the process of our
14 investigations is extremely important.

15 CHAIRPERSON RICHARDS: Alright, I know
16 Council Member Rosen-- Councilwoman Rosenthal will
17 have more to say on that, so I'm going to move on
18 from that. Investigators, can you comment on
19 turnover and attrition rates, which are hovering
20 somewhere around nine percent and just identify a few
21 strategies you're utilizing to reduce attrition
22 within CCRB?

23 EXECUTIVE DIRECTOR DARCHE: So, we have--
24 we have created a path to promotion which is-- we're
25 hopeful that when people see that they can have

2 careers at the CCRB, they will be more inclined to
3 stay with us and take the skills that they have
4 learned and acquired through doing the work and
5 taking the training that we give them to stay at our
6 agency.

7 CHAIRPERSON RICHARDS: Go through the
8 starting salaries of investigators. I heard a few
9 coughs in the back, is it true? [laughter]

10 EXECUTIVE DIRECTOR DARCHE: I believe its-
11 -

12 CHAIRPERSON RICHARDS: [interposing] Hold
13 your laughs. Hold it in, alright. Oh, no, I'm
14 sorry. I was actually referring to the CCRB staff,
15 but okay. Sorry.

16 EXECUTIVE DIRECTOR DARCHE: I think it's
17 36,000, but I can check on that.

18 CHAIRPERSON RICHARDS: Could we do
19 better?

20 EXECUTIVE DIRECTOR DARCHE: So, I think
21 our number one--

22 CHAIRPERSON RICHARDS: [interposing] How
23 do we get to better?

24 EXECUTIVE DIRECTOR DARCHE: investigators
25 are tied to the-- to a citywide contract for-- that's

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2 been negotiated for confidential investigators. So
3 we have addressed the fact that the overall salary
4 for starting investigators is low by creating a path
5 to promotion. So, after a year, if you are evaluated
6 as being a quality investigator, we will promote you
7 to a level two investigator. When I first got to the
8 agency--

9 CHAIRPERSON RICHARDS: [interposing] Does
10 that come with more pay?

11 EXECUTIVE DIRECTOR DARCHE: Yes, it does.

12 CHAIRPERSON RICHARDS: How much more?

13 EXECUTIVE DIRECTOR DARCHE: I think it
14 gets you in the mid-40s-- 46,000.

15 CHAIRPERSON RICHARDS: Okay. Alright, so
16 I'm--

17 EXECUTIVE DIRECTOR DARCHE: [interposing]
18 And then--

19 CHAIRPERSON RICHARDS: going to go on the
20 record and just say just as folks are calling for the
21 NYPD to be well-paid, that those who are also doing
22 work to hold the system accountable, which helps
23 police officers get home safely as well and helps our
24 communities be safe also, receive a raise as well.
25 So I would look forward to working with whomever I

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2 need to to make sure that those we're tasking with
3 holding-- making this city better receives better
4 pay. Who do I need to speak to on this, the Mayor,
5 or? Or?

6 EXECUTIVE DIRECTOR DARCHE: I think the
7 Office of Labor Relations.

8 CHAIRPERSON RICHARDS: Labor Relations,
9 okay. So we'll start with a letter from there.
10 Okay. Alright, I'm going to go to Helen Rosenthal
11 for questions.

12 COUNCIL MEMBER ROSENTHAL: Thank you so
13 much, Chair. Good afternoon.

14 CHAIRPERSON DAVIE: Good afternoon.

15 COUNCIL MEMBER ROSENTHAL: Thank you for
16 coming in. really appreciate your work. Really
17 thrilled to hear about the start of the
18 investigations around sexual harassment, and really
19 appreciate that your first step would be to get FETI
20 trained yourselves. It's remarkable what you learn
21 on this. You were starting to say that in order to
22 move to phase two you wanted to do three things
23 internally? So, the first is get FETI trained.

24 EXECUTIVE DIRECTOR DARCHE: The second is
25 to establish some kind of unit that will provide

2 support to victims and witnesses of sexual
3 misconduct, whether it's sexual harassment or sexual
4 assault.

5 COUNCIL MEMBER ROSENTHAL: Oh, to have a
6 dedicated unit.

7 EXECUTIVE DIRECTOR DARCHE: Yes.

8 COUNCIL MEMBER ROSENTHAL: Okay. And
9 we've actually started the RFP process for the line
10 staff of that unit which we think would be-- you
11 know, we think would be approximately four people
12 that we would need as the line and then on our actual
13 staff, one supervisor or director. And then the
14 third area is just our internal procedures to make
15 sure that we're properly handling these cases when
16 they come in to make sure that if you're contacting
17 our intake unit that you're speaking to someone who
18 has gone through the training and has-- is capable of
19 not re-traumatizing you when you're making your
20 complaint to make sure that any evidence that we
21 collect is preserved the right way--

22 COUNCIL MEMBER ROSENTHAL: [interposing]
23 Yep.

24 EXECUTIVE DIRECTOR DARCHE: to make sure
25 that if there is going to be a prosecution that we

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2 don't-- that we make sure that the DA's Office knows
3 that we've had the complaint and is aware of it and
4 can take any steps prior to us doing something that
5 might hurt potential investigation.

6 COUNCIL MEMBER ROSENTHAL: Great. Thank
7 you. You mention in your testimony that year-to-
8 date, a year after deciding to look into sexual
9 harassment-- I just want to distinguish. You're
10 looking at sexual harassment or sexual--

11 EXECUTIVE DIRECTOR DARCHE: [interposing]
12 So, the Board has authorized the Agency to
13 investigate all complaints of sexual misconduct.

14 COUNCIL MEMBER ROSENTHAL: Misconduct,
15 okay.

16 EXECUTIVE DIRECTOR DARCHE: The Board
17 felt it was able to-- the staff could handle the
18 phase one, the sexual harassment complaints, because
19 they were more akin to complaints that we are
20 currently handling now, but that the sexual assault
21 cases were something that we felt we needed to wait
22 and make sure that we had kind of hit all those three
23 benchmarks before we could begin investigating those.

24

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2 COUNCIL MEMBER ROSENTHAL: Okay, so
3 sexual misconduct is what you're working on now, and
4 phase two is sexual assault.

5 EXECUTIVE DIRECTOR DARCHE: So, sexual
6 misconduct is kind of the big picture.

7 COUNCIL MEMBER ROSENTHAL: Yeah.

8 EXECUTIVE DIRECTOR DARCHE: And we
9 divided that into two groups, phase one is sexual
10 harassment, and two is sexual assault.

11 COUNCIL MEMBER ROSENTHAL: Okay, so the
12 sexually motivated strip searches is?

13 EXECUTIVE DIRECTOR DARCHE: It's phase
14 two.

15 COUNCIL MEMBER ROSENTHAL: It's phase two,
16 okay, great. I just wanted to make sure I
17 understood.

18 CHAIRPERSON RICHARDS: And let me just add
19 to that. I would hope that we would really-- sorry to
20 cut you off, Helen, but that we move expeditiously on
21 this. I want to leave sexual assaults lingering out,
22 strip searches unwarranted, allegedly and other
23 things, and I--

24 EXECUTIVE DIRECTOR DARCHE: [interposing]
25 I--

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2 CHAIRPERSON RICHARDS: you have to get--

3 EXECUTIVE DIRECTOR DARCHE: [interposing]

4 We share your desire--

5 CHAIRPERSON RICHARDS: [interposing] Okay.

6 EXECUTIVE DIRECTOR DARCHE: to move as
7 fast as possible, but we don't want our haste to
8 damage--

9 COUNCIL MEMBER ROSENTHAL: [interposing]
10 Re-traumatize.

11 EXECUTIVE DIRECTOR DARCHE: and to damage
12 a case against an officer, number one, but number
13 two, re-traumatize people. And it's very important
14 that we have the skills and capabilities before we
15 tell people that we're able to do.

16 CHAIRPERSON RICHARDS: Agreed. Agreed,
17 but just-

18 COUNCIL MEMBER ROSENTHAL: And your-- I
19 think Council Member Richards asked has OMB giving
20 you funding for those additional staff for this unit?

21 EXECUTIVE DIRECTOR DARCHE: SO, we're
22 working closely with OMB on this and we're submitting
23 an RFP for an organization to provide the staff that
24 could be then supervised by a master of social work
25 who was employed directly by CCRB.

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2 COUNCIL MEMBER ROSENTHAL: What's the
3 difference between just hiring someone and an RFP to
4 hire someone? Sorry.

5 EXECUTIVE DIRECTOR DARCHE: So this is--

6 COUNCIL MEMBER ROSENTHAL: [interposing]
7 Don't you just ask OMB, and OMB says yes or no?

8 EXECUTIVE DIRECTOR DARCHE: And O-- you
9 know, you've been working with OMB to find a way to
10 provide this very necessary service to the public,
11 and this is the way that OMB has identified that they
12 thing will be an effective way going forward, and so
13 that's why we're-- and so I think if it is not, then
14 we'll go back to OMB, put our heads together and come
15 up with another solution. But right now, they thing
16 this is a better way to do it.

17 COUNCIL MEMBER ROSENTHAL: Okay, and they
18 put funding in the budget for that.

19 EXECUTIVE DIRECTOR DARCHE: So, I think
20 right now they've given us permission to submit an
21 RFP and then--

22 COUNCIL MEMBER ROSENTHAL: [interposing]
23 Keep us posted.

24 EXECUTIVE DIRECTOR DARCHE: I'm-- a
25 hundred percent.

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2 COUNCIL MEMBER ROSENTHAL: I would be
3 happy to advocate to OMB to make sure you get the
4 funding necessary to do this work.

5 EXECUTIVE DIRECTOR DARCHE: I apprec--

6 CHAIRPERSON DAVIE: [interposing] I'll
7 speak on behalf of the Board and say we would
8 strongly encourage that.

9 COUNCIL MEMBER ROSENTHAL: Right, okay,
10 we can start pushing for that now. And just want to
11 confirm, the 83 complaints, can that be any-- either
12 an NYPD officer harassing an NYPD officer and also an
13 NYPD officer harassing a member of the public?

14 EXECUTIVE DIRECTOR DARCHE: So, it could
15 only be a member of the service whose on-duty
16 harassing either a civilian or a member of service
17 whose off-duty.

18 COUNCIL MEMBER ROSENTHAL: Got it, right,
19 because if it's on-duty it would go to IAB.

20 EXECUTIVE DIRECTOR DARCHE: If it's-- if
21 there's any misconduct between two on-duty members of
22 the service, that is not within the CCRB's
23 jurisdiction.

24 COUNCIL MEMBER ROSENTHAL: Got it. Okay.
25 Those are my questions. I'm just thrilled that

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2 you're starting to look at it, and agree with the
3 Chair if we could get a sense of timing for phase
4 two, you know, maybe you could have timing assuming
5 OMB authorizes the lines. Would it be maybe six
6 months? I mean, FETI training can be 10 weeks. So
7 you have to get authorization to move forward and
8 authorization to do FETI, hypothetically?

9 EXECUTIVE DIRECTOR DARCHE: So we've
10 already done some FETI training.

11 COUNCIL MEMBER ROSENTHAL: Yeah.

12 EXECUTIVE DIRECTOR DARCHE: So we have a
13 cadre of people that we could move to phase two with,
14 it's just, you know, we still have other things to do
15 before we're ready, and so we're working to do it as
16 fast as possible, and I can tell you the Board has
17 been very-- and the Chair especially-- has been very
18 on top of it in making sure that we're moving forward
19 as fast as possible.

20 COUNCIL MEMBER ROSENTHAL: Really
21 appreciate that. Thank you very much. Thank you,
22 Chair.

23 CHAIRPERSON RICHARDS: Thank you. Final
24 questions. So, according to your website, complaints
25 were the highest in 2018 since 2014. Allegations

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2 also increase from 14,670 in 2017 to 16,872
3 allegations in 2018. Can you speak to the increase,
4 and do you expect an increase in 2019, and do you see
5 more problematic precincts than others? For
6 instance, I'm looking at the 34th precinct which had
7 16 complaints substantiated in it, which I think is
8 the highest in the City. So, I just wanted for you
9 to speak a little bit more on that.

10 EXECUTIVE DIRECTOR DARCHE: The-- so, we
11 think-- we don't-- we are still looking closely at
12 the number. We think the reason for the increase in
13 complaints is tied very closely to the Right to Know
14 Act, and so traditionally complaint numbers will
15 increase in the summer and decrease as the colder
16 weather comes in, and then this year we saw a reverse
17 of that trend when in October when the Right to Know
18 Act was implemented and this agency along with some
19 of the City Council Members that had worked so hard
20 on the Right to Know Act really did a lot of public
21 education work, going to people and making sure they
22 were aware of their rights under the Right to Know
23 Act, and we think that that-- we don't have proof of
24 that yet, but we believe that that caused the
25 increase. Whether or not that continues into the new

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2 year, that's something that we're looking at closely
3 with OMB to make sure if we need more resources, more
4 investigators, but also other resources that will
5 have them.

6 CHAIRPERSON RICHARDS: And are you
7 tracking-- so based on cards being handed out, you
8 know, how many of the cases are substantiated?

9 EXECUTIVE DIRECTOR DARCHE: So, we are
10 tracking when-- if someone comes to us and they make
11 a complaint that they weren't given a card, or if in
12 the process of an interview we are able to determine
13 they should have been given a card, we will ask if
14 they were given a card.

15 CHAIRPERSON RICHARDS: Now, speak a
16 little more about that. How many cases are you
17 seeing where individuals come in who were warrant--
18 where it was warranted for them to receive a card and
19 they did not receive it?

20 EXECUTIVE DIRECTOR DARCHE: So, right
21 now, we have 137 complaints containing 229
22 allegations that an officer failed to provide a Right
23 to Know Act card, and of those 229 allegations, 174
24 are still pending, six were-- went to mediation, and
25 49 we closed without a full investigation.

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2 CHAIRPERSON RICHARDS: So out of those 229
3 you said?

4 EXECUTIVE DIRECTOR DARCHE: Yes.

5 CHAIRPERSON RICHARDS: One hundred and
6 thirty-seven should have received a card?

7 EXECUTIVE DIRECTOR DARCHE: No. So, we
8 have not made a determination yet. It's still-- the
9 investigations are still pending.

10 CHAIRPERSON RICHARDS: Now, just go
11 through some of your metrics on the determination,
12 just for the record.

13 EXECUTIVE DIRECTOR DARCHE: So, it will
14 depend on the level of stop that we determine
15 occurred, and then whether or not we can determine if
16 the person was actually given a card just because
17 someone says they did not get it doesn't mean they
18 weren't given one. So we have to--

19 CHAIRPERSON RICHARDS: [interposing] Now,
20 are you seeing cases? How many cases are you seeing
21 where they should have been given a card?

22 EXECUTIVE DIRECTOR DARCHE: I don't have
23 a number. It's too soon for us to have that for you
24 because we have not completed the investigations.

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2 CHAIRPERSON RICHARDS: But you don't have
3 like a box you can check after--

4 EXECUTIVE DIRECTOR DARCHE: [interposing]
5 But until we're able to substantiate--

6 CHAIRPERSON RICHARDS: [interposing] Okay.

7 EXECUTIVE DIRECTOR DARCHE: or
8 unsubstantiated something we just can't.

9 CHAIRPERSON RICHARDS: Okay. What about
10 search and consent?

11 EXECUTIVE DIRECTOR DARCHE: We could get
12 you those numbers. I don't have them off the top--
13 off-hand.

14 CHAIRPERSON RICHARDS: Alright, pre-
15 warning, we may have a hearing on this.

16 EXECUTIVE DIRECTOR DARCHE: Understood,
17 understood.

18 CHAIRPERSON RICHARDS: Okay. Alrighty,
19 seeing none other-- [inaudible] outside of me. You
20 are dually released.

21 EXECUTIVE DIRECTOR DARCHE: Thank you.

22 CHAIRPERSON DAVIE: Thank you.

23 CHAIRPERSON RICHARDS: Thank you for
24 coming out.

25 EXECUTIVE DIRECTOR DARCHE: Thanks.

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2 CHAIRPERSON RICHARDS: Alright, we're
3 going to take a five-minute recess and then we're
4 going to come back and hear from the public.

5 [break]

6 CHAIRPERSON RICHARDS: Okay, alright,
7 we're going to begin again. I'm going to ask Ralph
8 Palladino, Local 1549 DC 37, Shane Correia, Center
9 for Court Innovation, Audacia Ray, New York City
10 Anti-Violence Project, Audacia Ray? Alrighty,
11 alrighty. I'm going to put four minutes on the
12 clock. Longer than Council Members today, and the
13 Chief. I forgot his name. Alright, we're going to
14 go to you first, Mr. Palladino.

15 RALPH PALLADINO: Okay, good day. My
16 name is Ralph Palladino, Second Vice President, the
17 Clerical Administrative Local 1549, DC37. We
18 represent members of the NYPD that are principle--
19 I'm sorry, Police Administrative Aides and also the
20 PCT, Police Communication Technicians and Supervisors
21 for both titles, and along with clerical associates.
22 The PCTs work in the 911 system. The Police
23 Commissioner had said, "Across the NYPD we will
24 continue to leverage every tool available to us to
25 keep New York City safe." We beg to differ that

2 that's actually taking place. The issue of
3 civilianization, which is the uniformed police
4 officers, traffic enforcement agents and school aides
5 have been sitting in and doing clerical work of
6 police administrative aides for well over two
7 decades. We won three arbitrations on this about 10
8 years ago, a little more. To this date, the City has
9 not civilianized those titles. In contradiction to
10 the arbitrator's awards, and this has cost the City
11 30 million dollars a year, roughly. You do the math
12 if you go by 10 years. Those police officers and
13 traffic agents, etcetera should be out policing.
14 They're able-bodied people we're talking about. They
15 should be out policing, and the City should stop
16 wasting tax payers' dollars by this. So we are
17 asking that the-- there needs to be an audit. We
18 have asked for audits, and we believe an audit is
19 going to be done, and that will bring light to this
20 issue as well. So, we're requesting that the City
21 Council leadership and membership engage the NYPD and
22 city administration to complete the requirements of
23 the three arbitration case decisions and finish
24 civilianization for the police administrative aide
25 positions so as to stop wasting City tax dollars and

2 enhance public safety. We also request any financial
3 assistance be given to the NYPD if necessary to
4 complete these legal requirements. So, the issue
5 about finances goes directly to also the staffing at
6 911. We're requesting 500 additional hires [sic] in
7 911. There are now two PSAC [sic] centers that both
8 of them now have empty cubicles not being used that
9 could be used to enhance safety of the public.
10 Overtime has ticked up in the last three years three
11 million dollars, one million dollar a year from six
12 million to about nine million, over nine million last
13 year, and that indicates people are being forced to
14 work overtime because there's understaffing. Texting
15 has not begun yet. Imaging, if it happens, has not
16 begun yet. We have requested a separate-- New York
17 being as kind of a special place in terms of
18 population and diversity, we have requested a
19 separate unit for texting and imaging. We don't know
20 if that's going to happen, but regardless, the
21 present work load will be increased, because texting
22 takes somewhat longer to deal with. Also, the City
23 is not getting the fair share of the surcharge tax
24 dollars from Albany. They-- if you look at the
25 budget, it does say in the budget that there's 911

2 tax dollars coming in, surcharge, but the City
3 collects that. We don't even know if the City is
4 properly paying the NYPD that, and we don't know if
5 the NYPD is actually spending that money on 911. We
6 don't know that, although it says they're getting
7 that. According to the articles that are in the
8 newspapers which I have given to you, the FCC has
9 found-- this is a quote-- "The FCC-- this is in
10 January-- has found New York to be diverter of 911
11 fees every year since 2009." They haven't reported
12 on it, and they need to spend that money in the state
13 for 911 and we're asking the support of the City
14 Council on that. Thank you for your letter. And we
15 need to get clarity into how much the City is
16 actually getting, if anything, because apparently
17 about 50 percent of it is not coming to the city, at
18 least, if not all of it.

19 CHAIRPERSON RICHARDS: Thank you.

20 SHANE CORREIA: Good afternoon, Chairman
21 Richards and Council Member Landers. My name is--
22 Lancman, pardon. My name is Shane Correia. I'm a
23 representative of the Center for Court Innovation.
24 I'm here to request that the Council continue to
25 support the Center for Court Innovation as it seeks

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2 to renew and strengthen the work we do with over
3 75,000 New Yorkers in early diversion youth and adult
4 alternatives to incarceration. Researchers have
5 documented that our operating programs throughout the
6 five boroughs have decreased violence, aided victims
7 and reduced the use of jail. In fact, I also
8 personally believe in these programs as a participant
9 from over 16 years ago where I was high-risk. To
10 continue to accomplish the work that we're doing, we
11 seek continuation funding of our core citywide ask:
12 our youth-focused supervised release programming and
13 our pre-court Project Reset diversion programming.
14 With Project Reset it's been shown specifically and
15 evaluated to resolve cases significantly more quickly
16 than the traditional court process, and participants
17 are also evaluated to have had a lower likelihood and
18 frequency for new arrests. Building off of this
19 program's success, we'd like to continue to expand
20 this throughout the City with the mid-year Fiscal
21 Year 19 support that Council provided to bring it to
22 Brooklyn fully. We also ask for Council to support
23 innovative public safety models in neighborhoods
24 where New Yorkers have access issues to quality
25 programming. Specifically to that end, we'd like to

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2 request the support from Council for the creation of
3 the Far Rockaway Justice Center. As you know, it can
4 take members within that community up to two hours to
5 get to court-based programming, as well as for
6 compliance issues. With Council support we would be
7 able to start a center that would bring quality
8 programming to that neighborhood, as well as provide
9 an additional outpost in Queens where Project Reset
10 could be launched when appropriate. Next, we would
11 like to seek the City Council support in bringing the
12 driver accountability program citywide. This would
13 also complement a bill to hold reckless drivers
14 accountable throughout the City. Since 2015, the
15 program that we have been operating in Brooklyn has
16 been evaluated to show a 40 percent reduction in
17 recidivism for the charges that are served, and we
18 hope to bring this to all New Yorkers within the
19 coming years. Finally, we also ask Council to
20 support expanding two mental health initiatives that
21 have been identified by our court-based operating
22 programs as in specific need for giving mental health
23 services to diverted populations when they're in
24 community as opposed to Rikers. As you know, mental
25 health is a significant issue that's often

2 unaddressed within the criminal justice system, and
3 we've made pinpoint requests to bring better
4 programming for vulnerable populations and court-
5 involved youth. In Brooklyn, this would be as simple
6 as bringing a bilingual therapist who can serve the
7 needs of youth who currently don't have access to
8 someone who speaks their language directly, which
9 would eliminate the need for translators and
10 providing something as sensitive and nuanced as
11 mental health treatment. Additionally, also for
12 those who have psychiatric needs and prescriptions,
13 we would seek a psychiatrist who can act-- who can
14 review what they have for their prescriptions and
15 continue to give them oversight while they're
16 completing mental health mandated programming. We've
17 also this year been able to receive support from two
18 District Attorneys' offices in Bronx and Brooklyn,
19 with whom we've included letters of support from them
20 and application summaries for a mental health
21 expansion asks are also included. Thank you for your
22 time to speak today.

23 CHAIRPERSON RICHARDS: Thank you.

24 AUDACIA RAY: Good afternoon, Chair
25 Richards and Council Member Lancman. My name is

2 Audacia Ray. I'm the Director of Community Organizing
3 and Public Advocacy at the New York City Anti-
4 Violence Project, and for almost 40 years AVP has
5 served New York's LGBTQ and HIV-affected survivors of
6 violence. We do direct services and advocacy. We
7 run a 24/7 bilingual English/Spanish hotline, and the
8 hotline and organization generally are the only
9 certified rape crisis counseling center for LGBTQ
10 people in the entire state of New York. So we
11 receive hotline calls from survivors every three
12 hours, and then we connect them with free counseling,
13 economic empowerment and legal services so survivors
14 can make safety plans, get order of protection, and
15 make decisions about how they want to utilize law
16 enforcement in their personal situations. We work
17 towards public safety by providing services for
18 individuals who have survived violence by centering
19 their needs, and we collaborate with community
20 members across the City to build safety and community
21 among many different identities. When we think about
22 public safety, we think about how we build safety
23 together, and for AVP and the LGBTQ people we serve,
24 public safety is about having access to affordable
25 housing, livable wages, and workplaces that don't

2 discriminate and being able to walk down the street
3 without fear of harassment. So, in 2017 we know that
4 325 New Yorkers reported hate crimes to NYPD and
5 these were across many different identities. About
6 half of those were Jewish New Yorkers. And for AVP
7 in that same time period we received 282 phone calls
8 to our hotline of folks reporting hate violence
9 incidents. So, you know, there's a gap between hate
10 violence incidents and hate crimes. Folks-- you know,
11 the hate crime statute has a high bar for what a hate
12 crime is defined as, but people in our communities
13 experience lots of different kinds of bias incidents
14 and hate violence. So it's really important for us
15 to be able to support folks and to meet their needs
16 that are not necessarily met by the NYPD, and we also
17 know that there are lots of other organizations
18 throughout the City that do this kind of work in
19 their own specific communities, some of whom we've
20 bene working with on the idea of a hate violence
21 prevention initiative that we're seeking support for
22 this year. Some of those other groups include the
23 Arab-American Association of New York, Jews for
24 Racial and Economic Justice, Audra Lorde [sp?]
25 Project, and the Brooklyn Movement Center. So we are

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2 starting to ask for support around that project.

3 It's all focused on community-based services and not

4 policing and prosecution. Lastly, AVP is also

5 joining with the trans equity initiative, and we're

6 seeking support for the services that we provide that

7 are specific to trans, gender non-conforming, and

8 non-binary people who face lots of violence in their

9 relationships, on the streets, in housing, and at

10 their jobs. So, we are every day supporting TGNCNB

11 people and combatting violence in their own lives and

12 recovering and surviving. Thank you.

13 CHAIRPERSON RICHARDS: thank you so much.

14 Ralph, you said you anticipate an audit. Who's doing

15 the audit?

16 RALPH PALLADINO: We'll, we'd ask the

17 City Comptroller.

18 CHAIRPERSON RICHARDS: A City

19 Comptroller.

20 RALPH PALLADINO: A City Comptroller.

21 CHAIRPERSON RICHARDS: So you anticipate

22 he's going to audit the headcount, okay.

23 RALPH PALLADINO: Right.

24 CHAIRPERSON RICHARDS: Okay. Hope that's

25 not a surprise that I--

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2 RALPH PALLADINO: No.

3 CHAIRPERSON RICHARDS: Okay, got you.

4 RALPH PALLADINO: I don't know if it is.
5 Shouldn't.

6 CHAIRPERSON RICHARDS: And then on the 911
7 surcharge stuff, obviously I think we just sent the
8 letter--

9 RALPH PALLADINO: Right, you sent-- I
10 sent-- yeah, I said-- I actually said thank you for
11 that, but I kind of like--

12 CHAIRPERSON RICHARDS: [interposing] Oh,
13 it's okay.

14 RALPH PALLADINO: I was winding down.

15 CHAIRPERSON RICHARDS: We're going to get
16 some stuff done. So we're going to look deeper into--
17 -

18 RALPH PALLADINO: Can I say one thing
19 about 911 if you don't mind, the surcharge?

20 CHAIRPERSON RICHARDS: Say it again?

21 RALPH PALLADINO: About the 911
22 surcharge.

23 CHAIRPERSON RICHARDS: Yes.

24 RALPH PALLADINO: The 911 surcharge by
25 law is dedicated to 911, and apparently according to

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2 newspaper articles, not just the Post but an article
3 in update New York that's included in that, it's not
4 going there. And we're-- yet, we have an issue in
5 Albany now, can guess the pricing. And the money
6 people are talking about is dedicated to the MTA,
7 it's supposed to be. Oaky, so if you're not doing it
8 in one place, then what's happening-- what could
9 happen with the other place? What's the guarantee
10 anything? This money should be coming to the 911
11 systems statewide, all of it, not a percentage, not
12 50 percent, all of it. So I just wanted to get that
13 in as well. Sorry--

14 CHAIRPERSON RICHARDS: [interposing] And
15 we want to make sure it's not going into what we know
16 is a general fund. You know what the general fund
17 is?

18 RALPH PALLADINO: Yes, the general.

19 CHAIRPERSON RICHARDS: Generally, we
20 spend it any way we wish. So, we look forward to
21 following up.

22 RALPH PALLADINO: Well, that's why
23 there's a short. It could be when there's a
24 shortage.

25 CHAIRPERSON RICHARDS: Yea.

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2 RALPH PALLADINO: But the City might be
3 spending what it's getting. I'm not saying the city
4 isn't if they generate a certain amount, from what
5 the state come down as the lions share, though.

6 CHAIRPERSON RICHARDS: Right.

7 RALPH PALLADINO: The big amount.

8 CHAIRPERSON RICHARDS: Thank you so much
9 all. Thank you all for your testimony. Thank you.

10 RALPH PALLADINO: Thank you.

11 CHAIRPERSON RICHARDS: Alright, last
12 panel here. We're going to go to Towaki Komatsu
13 [sp?], Kelly-- oh, you had a qu-- oh, sorry. Kelly
14 Gina Price, Close Rosie's, and MJ Williams.

15 KELLY PRICE: Hi, good afternoon, Chair--
16 oh, I'm sorry, should I wait for you?

17 CHAIRPERSON RICHARDS: Sure, you may
18 begin, and once again, he is well-behaved.

19 KELLY PRICE: Frank Sinatra, thank you.

20 CHAIRPERSON RICHARDS: Frank Sinatra is
21 well-behaved.

22 KELLY PRICE: Thank you.

23 CHAIRPERSON RICHARDS: Alrighty.

24 KELLY PRICE: I have cookies in my
25 pocket. So, thank you for holding this hearing. I

2 can't believe how timely it is. I've never been in a
3 hearing where the NYPD is actually running on time.
4 Kudos to you. I had prepared my testimony as I
5 always do, but after hearing what the NYPD and the
6 CCRB had to say about their Special Victims Division,
7 I hope you don't mind, I'm going to rework it and
8 resubmit it probably by eight o'clock tonight if you
9 don't mind, to your staff. I want to go over four
10 quick points. I appreciate the extra minute. One
11 doesn't really have a lot to do with the special
12 victims, and I want to center my testimony around
13 that. But as you know, I heard Commissioner O'Neill
14 make reference to the DAS, the Domain Alert System
15 that the NYPD has partnered with Microsoft to create,
16 I've mentioned this in the past that the NYPD
17 receives a royalty share of that particular system
18 whenever it is sold to other jurisdictions around the
19 world or around the country. So the NYPD has a
20 completely separate revenue flow that is not required
21 to be funneled into the general fund or into any fund
22 that has New York City Council oversight, and it's
23 the exact same sita-- is the NYPD who's returned?
24 It's a shame because we really need them to listen to
25 us, and I always appreciate when you make them leave

2 someone behind. I wish they had this time and the
3 CCRB as well. But the money that is flowing into the
4 NYPD coffers from Palentir [sp?] and from Microsoft
5 is not accountable. There's no sign of it in their
6 budget, and it's potentially hundreds of millions of
7 dollars that you're allowing the NYPD to use to
8 create these systems, these McCarthyistic [sic]
9 systems that label us as worthy of police services or
10 not with absolutely no oversight. Something has to
11 be done about this royalty money. You're giving them
12 far too much slack. As you know, I have a lawsuit
13 against the City because of the way that I have been
14 demarcated as a fabricator of claims because I have
15 an ex-intimate partner who was a confidential
16 informant for the NYPD and he used to be the [off
17 mic] out of me, and the 28th precinct would just
18 laugh at me and tell me that the only thing they
19 could do to help me is move me to Nevada, because at
20 the time he was trafficking me, and they were saying,
21 "Oh, you're just a filthy ho, Ms. Price. The only
22 thing we'll do to help you is move you to Nevada."
23 I've testified about these things in the past, but
24 there's a reason that we're labeled this way as
25 survivors of sexual violence, because there's no

2 oversight into these systems, and the number one
3 thing you can do to help survivors of sexual violence
4 is take away the NYPD's ability to operate inside of
5 a star chamber. Also, the NYPD is using city law
6 Department resources to fight Palentir [sp?]. They're
7 in a massive legal battle right now that you may or
8 may not be aware of. So why are they taking the
9 money from the royalty share with these companies and
10 then spending the city's money that doesn't come out
11 of those royalty streams to fight with those same
12 companies. Someone really needs to dig into this,
13 because these systems are being sold to Saudi Arabia,
14 to Israel, to Burma, to Myanmar, and all this money
15 is flowing not into any place that you're able to
16 have oversight. I've spent all of my time talking
17 about this, but I really want to talk about the
18 Special Victims Division. Why was the new Chief of
19 SVD not here today? Why did Chief Shea get to be the
20 mouthpiece of the SVU? It's astounding to me that
21 they made a really big deal-- they say that they work
22 with advocates in the community. I'm part of the
23 Downstate Coalition, and they don't work with us. I
24 heard Chief Shea say that they work with the
25 advocates to do an audit every year, well that's

2 nothing new. They've been doing that for the last
3 seven years, but the cases that are chosen to be
4 audited are chosen by the NYPD. I have a lot of
5 problems with the CCRB. The number one thing that I
6 have-- problem-- and I wanted to relate a personal
7 anecdote about making a complaint about sexual
8 harassment within the last year to the CCRB that was
9 founded. It went to administrative trial, and then
10 that particular officer was exonerated, and the only
11 thing that I got was a letter when the complaint was
12 originally founded, and then a letter a year later
13 when the officer was exonerated, and as a survivor,
14 this particular workflow does not give us justice.
15 It does not show us the pathway to justice, and
16 there's so much more work to be done. I actually
17 don't recommend that the CCRB do anything regarding
18 sexual assault and rape as far as investigations, and
19 I've testified that we need a new city agency for
20 this extensively, and I'd like to push this. I'll
21 proper [sic] this in my written testimony. Thank
22 you.

23 CHAIRPERSON RICHARDS: Thank you. And I
24 just want to correct you on the units of
25 appropriation. That is something that we discussed

2 today, and we certainly are pushing them to certainly
3 be more transparent in their budget. We have a long
4 way to go, and I just wanted to acknowledge that the
5 Council has been pushing, and God willing this year
6 we'll make more progress there. And I want to thank
7 you for your words on SVD. We share the common goal
8 and vision of improving that division, continuing to
9 do that. Ma'am? Press your button. It's going to
10 light up red.

11 MJ WILLIAMS: Name is MJ Williams, and
12 thank you, Council Member Richards and your
13 colleagues, for giving us all time here to speak with
14 you. Like Ms. Price, I'm here to ask for
15 accountability-- excuse me, for oversight not for
16 money, which might make you a big relieved. And in
17 particular about having gone through this 50 some-odd
18 page report that was-- supported the discussions
19 earlier today, looking at the PMMR performance
20 measures for NYPD that learned today stands for
21 Preliminary Mayor's Management Report which is
22 mandated of an assessment of agencies like the NYPD
23 by the City Charter, and within the six indicia for
24 NYPD there is a glaring omission, and that's on the
25 validity and outcome of NYPD arrests. According to

2 data from the Division of Criminal Justice Services,
3 NYPD's felony arrests have an 80 percent failure
4 rate. That means 80 percent of them end in
5 dismissals, dropped, those felony charges are
6 dropped, or they end in acquittal. I think you all
7 probably know that when you're looking at the 20
8 percent that end in convictions, the majority of
9 those are by pleas, and a fair number of those pleas
10 are then also coerced. An 80 percent failure rate is
11 I think without question a damning and shameful
12 record for any agency when it comes to this agency,
13 NYPD. It's not only embarrassing, but it's dangerous
14 and harmful. With each arrest NYPD can kill, injure,
15 and also at a minimum cease liberty to our
16 constituents and other New Yorkers and other people
17 in New York City. also that failure rate, it
18 deserves more study, but I believe that you would
19 agree that it's fueled by flimsy probable cause
20 requirements at arraignment, false reports, and what
21 is very commonly and anecdotally called testa-lying,
22 by NYPD, and overall lack of meaningful oversight or
23 discipline within NYPD and then through the absence
24 of this or something like it being an indicia of
25 NYPD's performance, lack of oversight also from City

2 Council, and the Executive, the Mayor. So what I'm
3 asking for is that the Council must address NYPD
4 based on the outcome of its arrests and its other
5 interactions with the public. And then specifically
6 with regards to the budget hearing today,
7 understanding that NYPD is seeking an increase in pay
8 above what has been offered through the Preliminary
9 Budget is to not reward this agency, that agency,
10 NYPD, with pay increases given just this one indicia
11 of failure rate.

12 CHAIRPERSON RICHARDS: Thank you.

13 TOWAKI KOMATSU: Hi, I'm Towaki Komatsu.
14 I've testified to you previously. I'm going to
15 conduct myself entirely lawful today. As I stated
16 previously, my testimony today is for Federal Judge
17 Lorna Schoefield [sp?], who was assigned to my
18 federal lawsuit against the City. Yesterday there
19 was a public hearing at 4:30 p.m. in the Blue Rom in
20 City Hall that the mayor conducted. I was illegally
21 kicked out of that public hearing while I was
22 testifying. Here's a video that confirms what I just
23 stated. Ms. Schoefield or Lorna? [playing video]
24 This is the aftermath. [playing video] Let me cut to
25 the chase. So, that was a public hearing about labor

2 rights. I testify to Mr. Lancman-- He's paying
3 absolutely no attention to me right now-- about a
4 company called Entity Data and wage theft that I
5 continue to be--

6 COUNCIL MEMBER LANCMAN: [interposing]
7 That's not true. I'm multi-tasking.

8 TOWAKI KOMATSU: No, your line of sight
9 isn't on my testimony. That's irrespective of that.
10 So, bottom line is I'm going to file papers on my
11 federal lawsuit tomorrow essentially saying I walked
12 into this room to testify and Mr. Lancman was paying
13 me absolutely no attention whatsoever. So, therefore
14 I can't rely on the City Council for appropriate
15 redress. Also, there's another video about body
16 camera footage. I was illegally stopped and frisked,
17 assaulted, injured. [playing video] I'm still waiting
18 to get the full video, the full body-camera video,
19 for something more than a year ago. [playing video]
20 No attention and no due process. So, here's the
21 kicker, while I was in NYPD custody, they illegally
22 lost possession of my wallet. They didn't search
23 through my wallet thereafter, so in terms of identity
24 theft-- if the roles were reversed, if you were
25 illegally stopped, if you were illegally arrested,

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2 the NYPD lost possession of your wallet, your
3 personal identifying information, you would think
4 that they have a legal responsibility to look after
5 your property, to safeguard it. So if I'm testifying
6 before you, if you're the Chairman of this Public
7 Safety Committee, people like me would think you have
8 some authority to actually take appropriate
9 corrective action such that people like me don't have
10 to keep walking into this room to waste our time, to
11 testify to people like you, when at the end of the
12 day when nothing becomes of that. Thank you for your
13 time.

14 CHAIRPERSON RICHARDS: Thank you so much
15 for your testimony. Okay. Seeing any others from
16 the public who wish to testify. Seeing none, this
17 hearing is now over. Bye Frank Sinatra.

18 [gavel]

19

20

21

22

PLEASE COMBINE WITH PART 2/2

23

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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 15, 2019