

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: Rory I. Lancman
Chairperson

Donovan J. Richards
Chairperson

COUNCIL MEMBERS: Andrew Cohen
Alan N. Maisel
Deborah L. Rose
Eric A. Ulrich
Justin L. Brannan
Fernando Cabrera
Andrew Cohen
Chaim M. Deutsch
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A P P E A R A N C E S (CONTINUED)

COUNCIL MEMBERS:

Paul A. Vallone
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Manhattan District Attorney

Darcel Clark
Bronx District Attorney

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Eric Gonzalez
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Douglas Knight
Director of Alternative Sentencing in Queens

Elizabeth Glazer
Director of Mayor's Office of Criminal Justice

Eric Cumberbatch
Mayor's Office of Criminal Justice

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

Janet Sabel
Legal Aid Society

Matt Knecht
Neighborhood Defender Services

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

Lisa Schreibersdorf
Brooklyn Defender Services

Justine Olderman
Bronx Defenders

Jared Trujillo
Association of Legal Aid Attorneys

2 CHAIRPERSON LANCMAN: We'd like to get
3 started, so if everyone can get settled. Sergeant at
4 Arms, are we ready? Good, okay. [gavel] Good
5 afternoon. I'm Councilman Rory Lancman, Chair of the
6 Subcommittee on the Justice System. Excuse me, Chair
7 of the Committee on the Justice System, and welcome
8 to our hearing to discuss the Fiscal 2020 Preliminary
9 Budget jointly with the District Attorneys' portion
10 of the hearing with the Committee on Public Safety.
11 The Fiscal 2020 Preliminary plan included few budget
12 changes for our five District Attorney and Special
13 Narcotics Prosecutor. Overall, the City's
14 Prosecutors received 415 million dollars in funding
15 for a budgeted headcount of 3,778 positions. Today,
16 prosecutors can play a greater role than ever in
17 promoting criminal justice reform efforts in New
18 York. Many of the DA's initiatives that this council
19 fought for were specifically funded in last year's
20 FY19 budget, including a Conviction Integrity Unit in
21 Staten Island, Pre-Plea Opioid Diversion Programs
22 like HOPE and CLEAR, ATI units, and Immigration
23 Collateral Consequences Units have the potential to
24 fundamentally change how justice is administered in
25 our city, and this committee is eager to learn about

2 the impact of those newly funded programs. We also
3 look forward to learning about new needs that your
4 offices may have to build upon the gains of the past.
5 After the District Attorneys we will hear from the
6 Mayor's Office of Criminal Justice whose internal
7 budget of 6.5 million dollars belies the outside role
8 that the office plays in virtually all criminal
9 justice and public safety initiatives in this city.
10 Indeed the criminal justice related contracts that
11 MOCJ awards and administers totaled 422 million
12 dollars each year. This include 299 million dollars
13 annually for indigent criminal defense
14 representation, 32 million dollars for representation
15 in the Family Courts, 13.5 million dollars for
16 supervised release programs, 16.5 million dollars for
17 anti-gun violence initiatives, and 13.4 million
18 dollars for re-entry services. We look forward to
19 hearing how this council can support the expansion of
20 successful programs like supervised release as well
21 as the other initiatives that MOCJ is coordinating.
22 Next will be the Office of Civil Justice which
23 oversees the budget of over 150 million dollars in
24 City funding for civil legal services for New
25 Yorkers. These legal services primarily support

2 anti-eviction, anti-harassment, immigration defense,
3 and low-wage worker employment work that this
4 committee specifically fought for last year. After
5 that we will hear from the public defenders including
6 our friends at the Legal Aid Society, Bronx
7 Defenders, Brooklyn Defender, New York County
8 Defender Services, and Neighborhood Defender Service
9 of Harlem. The Fiscal 2020 Preliminary Budget for
10 indigent defense includes 299 million dollars, eight
11 million more than the fiscal 2019 Adopted Budget, 260
12 million comes from the City with state funds
13 accounting for 39 million dollars. This covers the
14 institutional defenders around the City at both the
15 trial and appellate levels, the 18B Assigned Counsel
16 Program, Family Court attorneys, and conflict case
17 providers. Pay parity for public defenders, the
18 lawyers of other city agencies is of paramount
19 importance to this committee as highlighted by our
20 October 2018 hearing on the subject, and we look
21 forward to their testimony on this issue. It is long
22 past time for the City to pay the lawyers we fund to
23 represent New Yorkers every day, especially those
24 providing constitutionally or statutorily required
25 work at the same rate as the lawyers we hire for

2 ourselves. Finally, we will hear from the Civil
3 Legal Services providers who cover every other
4 conceivable area of law that the City provides funding
5 for representation for. Labor and employment,
6 immigration, consumer protections, tenant rights,
7 housing foreclosure, bankruptcy and many others. Our
8 city is fortunate to have such a robust civil legal
9 services community for New Yorkers to turn to when
10 they need help. Let me at the outset thank our staff
11 here at the committee and the justice system, our
12 finance analyst, Monica Pepple [sp?], our Unit Head
13 Aisha Wright, our Counsel Max Campfner [sp?], and our
14 Policy Analyst Keeshawn Denny [sp?]. Thank you, and
15 with that, I invite Council Member Donovan Richards
16 to give an opening statement.

17 CHAIRPERSON RICHARDS: Thank you, Chair,
18 and I am not going to read a long statement, but I'm
19 certainly interested. I know we're here to discuss
20 the budget, but certainly interested in hearing from
21 the different District Attorneys from the different
22 counties on the body cameras program and certainly
23 what have been some challenges there, and are you in
24 need of more resource, especially in the area of
25 storage. Interested in hearing a little bit on low-

2 level marijuana offenses and what different
3 strategies the DAs are taking in light of possible
4 legalization in Albany. And the lastly, I want to
5 hear a little bit on something that we started to
6 identify, and I think the CCRB may start to look at
7 this area as well, "testi-lying" and police
8 misconduct, and what are you doing in that specific
9 area, any strategies that are being put in place in
10 that area. So with that being said, I have not much
11 to say, but interested in hearing what your needs are
12 today. So thank you, Chair.

13 CHAIRPERSON LANCMAN: Alright, let's get
14 started. If you all will raise your right hand so
15 you can get sworn in? Do you swear or affirm the
16 testimony you're about to give is the truth, the
17 whole truth, and nothing but the truth?

18 UNIDENTIFIED: I do.

19 CHAIRPERSON LANCMAN: We can count you in
20 on that Judge Clark? Okay, thank you. Any
21 particular order? Want to just go from left to
22 right.

23 UNIDENTIFIED: Be my pleasure.
24
25

2 CHAIRPERSON LANCMAN: What did we tell
3 people, five minutes? Yeah? The highlights. We
4 want to get to the meat. Thank you very much.

5 DISTRICT ATTORNEY VANCE: Thank you.
6 Thank you, Chair Richards and Lancman, for enabling
7 us and myself to talk to you about our funding needs
8 for the next Fiscal Year. I want to begin by
9 acknowledging the support the Council has given us in
10 years past. It's been very important to the work that
11 we do, and I am genuinely grateful for your past
12 support. To cut to the numbers, and the reasons
13 behind these requested numbers I'll explain in a
14 moment. Our office is asking, requesting, a 12-
15 million-dollar salary increase to support currently
16 self-funded programs in the DA's Office which I'll
17 outline for you and outline the details of those
18 programs we're requesting, and as far as non-
19 personnel services include, we are requesting an
20 additional 4.025 million dollars in programmatic and
21 administrative needs, and I'll explain what's the
22 basis for those requests. I come to you today after
23 a number of years in this office, but very pleased
24 that the investment that you've made and the work
25 that we do and the quality of the work that our

2 office has brought to bear on the criminal justice
3 system has had real results. Last year, there were
4 31 homicides in Manhattan, and that's a decrease from
5 46 in the preceding year, and less than half of the
6 homicides that we unfortunately suffered in Manhattan
7 the year I was elected and became DA in 2010.

8 Similarly, our non-fatal shootings numbers have
9 reduced a great deal, and these are some of the most
10 important metrics that I would look to to determine
11 is Manhattan safer today that it was even last year,
12 and I would argue it on a number of levels that it
13 is. In addition to contributing through the work of
14 our efforts and with the support of the Mayor's
15 Office and yourselves to reducing violent crime,
16 we've also been very focused on reducing the

17 footprint and unnecessary incarceration in the
18 justice system. As I believe I've explained before
19 to the Committee, we have drastically reduced the
20 number of prosecutions for low-level offenses and
21 low-level offenders. Last year, there were 42,258
22 misdemeanor and violation arraignments in Manhattan.

23 That's a 51 percent reduction from 2010 when we had--
24 when we arraigned nearly 100,000 cases, misdemeanors
25 and violations. This is the result of significant

2 policy changes in our office, referring as was
3 mentioned ago, around marijuana among others, but we
4 have essentially halved our caseload for low-level
5 offenses without sacrificing public safety, and I
6 think that is truly the goal of the DA's Office, to
7 balance our need to keep Manhattan safe, at the same
8 time ensuring that our justice system moves forward
9 and becomes more fair, and I believe that we are
10 walking in the right direction in both those regards.
11 We have much of the data, and our office is very
12 datacentric [sic], because of the work of three
13 critical units in our office, and they're the Crime
14 Strategies Unit, the Violent Criminal Enterprises
15 Unit, and the Planning and Management Unit. Now, to-
16 date, we created these bureaus. They have been
17 entirely self-funded by our office. These bureaus
18 mostly commenced in 2010. Now, for example, the
19 Crime Strategies Unit that has been recognized as a
20 best practice in the City, and I believe has been
21 funded for the other DAs offices as well as the
22 Conviction Integrity Unit, which we started in our
23 office in 2010 and have had so many successful and
24 great units have been brought up in the other
25 counties as well, but again, this has been entirely

2 self-funded, while in other offices these have been
3 funded it's my understanding from City tax levy
4 dollars. Now, the 12 million dollars that I referred
5 to, I know that's a lot of money, and I respect that
6 we are all trying to be frugal and use money only for
7 the most worthwhile causes, but what I do want to say
8 is that I don't believe it is a-- it could be viewed
9 as an overly large request from our office
10 considering the amount of money our office has
11 returned to the City and State over my years as
12 District Attorney, specifically two billion dollars
13 to the State of New York and 1.1 billion dollars to
14 the City of New York. So, while that 12 million
15 dollars is indeed a significant amount of money, I
16 think what our office has been able to prove is that
17 by investing in our ability to build up the right
18 units, train our personnel, the City and the State
19 get a very good return on their investment, monies
20 which I think have been critical for helping the City
21 and the State handle some of their most pressing
22 criminal justice and other needs. Now, we've also,
23 members of the Committee, done a significant-- had a
24 significant emphasis on investing in our communities
25 through crime prevention strategies from the monies

2 that we received from the 2015 case, the prosecution
3 of the French Bank BMPP. We have commenced a 250
4 million dollars criminal justice investment
5 initiative in Manhattan. It actually spills over into
6 other counties as well. But the goal-- the goal of
7 that report, the goal of that program which is now
8 serving eight-- has now served 8,000 Manhattan
9 residents is three-fold: One, to provide support to
10 youth and families so that they are best able to
11 accomplish the goals and achieve the potential of the
12 young men and women in our community. Second, to
13 support victims of crime, to make sure that some
14 survivor communities that have been marginalized or
15 ignored, LGBTQ or transgender for example, that there
16 is programming that is focused on providing them the
17 support they need. And finally, to make sure that we
18 are being smart and that we are funding data-based
19 thoughtful programming to make those folks
20 transitioning from jail back to the community
21 successfully. And I indicated in my last testimony
22 that our office has funded 7.5 million dollars to
23 support the State College and Prison programming,
24 which I think has been an essential investment. We
25 know that if you want to do one thing to reduce

2 recidivism, it's give an individuals a college-- let
3 that person earn a college degree in prison. So, I
4 want to-- I know I will be speaking in response to a
5 number of questions, but we are also asking on the
6 programmatic side for support to fund the Manhattan
7 HOPE, which is a pilot program that started in
8 September. It's modeled after the Staten Island
9 District Attorney's very successful program and
10 building off our office's existing pre-arraignment
11 diversion portfolio. The project thus far has been a
12 very successful in a nine-month pilot. We expect it
13 will divert 500 people to services in the relatively
14 near future, and we are requesting 625,000 dollars
15 annually starting in Fiscal Year 20 to continue this
16 important program. And finally, in terms of our non-
17 personnel services request, we are-- I want to let
18 you know that we have leased space at 40 Worth, which
19 is near our office, but the reason we leased that
20 space to move some of our divisions is because we had
21 every intention to move to 80 Centre Street as part
22 of a master plan for the New York City court system.
23 Relatively recently that was changed. The City
24 decided now that it is going to-- that we are
25 actually going to move back to 80 Centre Street and

2 we are-- need to find alternate space for our
3 assistants during this time period. Our lease
4 expires in 2020, and so we are asking for 2.7 million
5 annually to cover the cost and extending our lease at
6 Worth Street. Members of the Committee, I'm happy
7 to answer questions afterwards, but we are asking for
8 581,000 dollars for our Conviction Integrity Program,
9 1.2, 1.280 dollars for the Crime Strategies Unit, 3.6
10 million dollars for the Cyber Crime and Identity
11 Theft Bureau, three million dollars for the Financial
12 Frauds Bureau, and I'll be happy to go through each
13 one of those when and if you need that information.
14 But these requests, as I say, are obviously important
15 to the work that we do, and I believe important to
16 our delivery, our promise to Manhattan that we will
17 make Manhattan safer. We'll make our court system
18 fairer, and it will continue to bring in the kind of
19 cases that are game-changers for the criminal justice
20 system and the City of New York.

21 CHAIRPERSON LANCMAN: Thank you. Judge?

22 DISTRICT ATTORNEY CLARK: Good afternoon.

23 Thank you Chairmen Lancman and Richards and as well
24 as the members of the Justice Committee and Public
25 Safety Committee for providing me with this

2 opportunity to be here today. I want to begin my
3 testimony by immensely thanking this committee, the
4 Mayor, Speaker Johnson, the entire City Council and
5 Criminal Justice Coordinator Elizabeth Glazer for all
6 the support you have shown me in my three years in
7 office. I am especially grateful for the funding you
8 provided for the Bronx District Attorney's office and
9 the people of the Bronx in last year's budget. In
10 light of the fact that we're only allowed to speak
11 for five minutes, and the fact that you've given us
12 several opportunities to speak to you throughout the
13 year, so we don't have to go through everything, I've
14 added to my addendum what we've done with-- what we
15 did with the funds from last year and some of the
16 forecasts that we have going forward in 2019 and what
17 we plan to do. So, I will forgo those comments and
18 get straight to the point. Today, I have three
19 funding asks of you that are instrumental in pursuing
20 justice with integrity. One, cutting edge technology
21 to ensure accountability, improve transparency, and
22 provide-- efficiency. Two, security, compassion and
23 support for our victims and witnesses so that they
24 will feel confident when they courageously agree to
25 testify or cooperate in prosecution, and third,

2 salary parity for dedicated, experienced, and ethical
3 prosecutors. So, first, let's talk about my request
4 for other than personnel services, the OTPS. We're
5 requesting 4.19 million in additional baseline funds
6 for OTPS funding. Our analysis indicates that on
7 average OMB allocates \$6,218 per employee among the
8 five District Attorneys. Bronx County receives only
9 \$1,818 per employee. That's an underfunding of
10 approximately \$4,400 dollars per staff member, the
11 lowest in the City. So, yes, once again I'm asking
12 for parity, and this time it's for OTPS. Last year I
13 was forced to move a half a million dollars of salary
14 money to OTPS just to meet the need for normal
15 operating expenses for the offices. That included
16 office supplies, copy, you know, maintenance,
17 transcripts, etcetera. Included in this request of
18 the 4.19 million dollars is a very important ask of
19 650,000 dollars to meet the maintenance cost for a
20 much needed case management system. A capital budget
21 request of two million dollars has been submitted by
22 my office to purchase a new case management system. I
23 inherited an antiquated case tracking system that was
24 adequate when Atari was out, okay. So this is how bad
25 it really is, and that was cutting edge at that time.

2 That's what I'm stuck with now. So we need to
3 replace it now, not only to manage our cases and to
4 be transparent, but to be in tandem with the City's
5 efforts at transparency. We have much more work to
6 do to modernize the office, to put ourselves on an
7 even playing field with the other District Attorney's
8 Offices and most important, effectively serve and
9 protect the nearly 1.5 million people that live and
10 work in the Bronx. We cannot move the office, the
11 justice system or public safety forward without
12 critical infrastructure and technology enhancement
13 that have been for far too long have been ignored.
14 In 2018, with the help of the US Department of
15 Justices' Bureau of Justice Assistance, or BJA, the
16 Bronx District Attorney's Office undertook a top to
17 bottom assessment of our analytical and technological
18 capacity. Of the recommendations that require
19 immediate attention is the purchase of a case manager
20 system that can serve as a central database of
21 relevant case information and have the ability to be
22 searched, analyzed and provide real time statistical
23 reporting. The new case management systems that
24 we've researched all can provide great sharing
25 capability between my offices, law enforcement, the

2 defense bar, the courts, and even the City Council
3 and MOCJ. It would allow us to accurately track cases
4 and individuals, including those that we divert, and
5 provide alternatives to incarceration to determine
6 whether our efforts have been successful. The
7 greatest benefit is sharing data and statistical
8 information to create a common platform of reporting,
9 and I know that's very important to this Council as
10 you have moved forward on transparency and data
11 sharing from the DA's. A more comprehensive data
12 management system will improve the relationship with
13 the Bronx community by providing transparency to
14 policy and practices within the office. Greater
15 accountability builds trust, and the data provides
16 reliable facts demonstrating how the office has
17 addressed the legacy of mass incarceration and racial
18 disparities of the past. Please support our two
19 million dollar capital request for case management
20 system and our 650,000 dollar request for its
21 maintenance. Secondly, I'm asking for funding for
22 witness security. Just as technological advances are
23 shaping the work of prosecutors, social media and
24 technology has changed the way our world functions,
25 but it has also changed the way crimes are committed

2 and how we react. It decreases the likelihood that
3 victims and witnesses come forward. We are fortunate
4 that the Bronx has a high clearance rate for our
5 homicides, but does that not ring true for other
6 types of crime. People are afraid to come forward.
7 They are fearful of having their names and faces
8 splattered across Facebook, Instagram, and Snap Chat.
9 When they are courageous and participate in the
10 justice system, they are more prone to threats and
11 intimidation.

12 CHAIRPERSON LANCMAN: Judge, let me ask
13 you. What's the ask for that, the amount?

14 DISTRICT ATTORNEY CLARK: It is-- oh,
15 we're asking for \$610,000. We need detective
16 investigators to work in a program that it started to
17 protect those witnesses.

18 COUNCIL MEMBER LANCMAN: Got it, alright.
19 And I know you have a third?

20 DISTRICT ATTORNEY CLARK: The third one
21 is salary parity, once again. We're asking for 4.3
22 million dollars in Assistant District Attorney salary
23 parity funding, which is the outstanding balance of
24 the 6.3 million dollars in funding that we asked for
25 last year. I am extremely grateful for the 2.02

2 million dollars we did receive last year, earmarked
3 for Assistant DAs from years one to five. It has
4 helped slow attrition, however, the cumulative
5 effects of several years of high attrition continue
6 to be felt. The average level of experience of ADAs
7 in my office remains less than four years, and I need
8 Assistant District Attorneys who are experienced and
9 can appropriately handle all types of cases, in
10 particular, violent crime. We cannot divert
11 defendants, provide alternatives to jail and prison
12 while continuing to investigate and prosecute crime
13 in the Bronx without seasoned attorneys. Well, I
14 just want to say that it's an exciting time to be a
15 leader in criminal justice. We are happy to serve
16 the public at the DA's Office. Our communities are
17 challenging and they expect us to provide the very
18 best for them. So, you know, I thank this body for
19 the work that you've done in helping us to do that.
20 In 2019 I'll continue to be a voice for criminal
21 justice reform that ensures fairness and humanity to
22 all who must be a part of the system, but I can't do
23 it without your support. So thank you again, and I
24 look forward to your questions.

2 CHAIRPERSON LANCMAN: Thank you very
3 much.

4 DISTRICT ATTORNEY MCMAHON: Good
5 afternoon, members of the Committee, Chairman Lancman
6 and Chairman Richards. Thank you very much for
7 having us back. Thank you for your advocacy for all
8 of us who are in on the front line of criminal
9 justice and making the City of New York safer and
10 fairer, and we thank you for your leadership, as well
11 as the leadership of Speake Johnson. I'm luck to come
12 from Staten Island for a lot of reasons, one is
13 because we have a very active and supportive council
14 delegation led by Deputy Leader Deborah Rose who is
15 here with us today, as well as Minority Leader Steve
16 Matteo and Council Member Joe Borelli, and of course
17 Council Members Cohen and Mizell [sic]. It's good to
18 see you again and to your staff. As a former sta-- I
19 have to say, as a former staff member, and Council
20 Member I know the dog days of spring and the budget
21 are just ahead of you. So we thank you for your hard
22 work on behalf of all the people of the City of New
23 York. I am beginning the final year of my first term
24 as District Attorney for the people of Staten Island,
25 and it's really with great pride that I reflect upon

2 a lot that we've accomplished, and a lot of that is
3 thanks to your help. In many ways we have
4 implemented, but for Staten Island, is a new
5 prosecutorial philosophy that seeks not only to
6 prosecute crime, but by preventing it as well, and a
7 lot of that is by adopting many of the policies that
8 my colleagues, who I'm proud to sit with today, had
9 already implemented and you allowed us to bring the
10 21st century to Staten Island when it comes to
11 criminal justice. By establishing new bureaus,
12 hiring additional staff, implementing new technology,
13 innovative programming and a community partnership
14 unit, we have achieved much of what we have sought to
15 do when we came into office in 2016. And one
16 additional area where I am most proud is-- and I want
17 to mention as our continued success in fighting for
18 the victim of crime. with the Council's and the
19 Administration's help we doubled the number of victim
20 advocates, created a dedicated Victim Services Unit,
21 and now every victim of a crime in Staten Island is
22 immediately assigned a dedicated victim's advocate
23 who helps them navigate the legal system and fight
24 for their rights, and we must not and cannot forget
25 that we have to fight for the victims we continue to

2 build on our progress in this past year, and with the
3 assistance we received from this Council and the
4 Mayor in the last budget, we created an Immigrant
5 Affairs Unit. We extended the hours of our domestic
6 violence complaint room, and implemented e-
7 corroboration with the help of our brothers and
8 sisters in Queens. And I'm happy to say that in the
9 last term we have brought down our dismissal rate to
10 be on par with the lowest in the City of New York,
11 having reduced it by half. We built Alternatives to
12 Incarceration Unit, expanding the success of the HOPE
13 program. We now have HOPE 2.0 which is an at-
14 arraignment offer of diversion supported by a peer
15 mentor and immigrant services, and we do that to
16 battle the ongoing substance abuse crisis that we
17 have continued to have in Staten Island. This year
18 alone we've had 22 deaths and 42 overdose saves just
19 for January first we also launched the HOPE 2.0 court
20 part in Staten Island a few months ago and we're
21 looking forward to that being successful, building on
22 the success of DA Clark in the Bronx. We hired new
23 body-worn camera analysts. We added a new immigrant
24 community's liaison, and we've started our Conviction
25 Integrity Review Unit. Again, things that our

2 colleagues have been doing and that the Chairmen have
3 spoken about. With your help, we brought them to
4 Staten Island. We also continue to fight for a
5 community justice center in Staten Island with the
6 help of Council Member Rose and Borough President Otto,
7 and we look forward to using that model to bring more
8 problem-solving approaches especially to misdemeanor
9 recidivist. These are just some of the many
10 improvements that we have continued to make in the
11 past year and we are extremely grateful to have
12 received funding that acknowledged these needs and
13 allowed us to make these important changes. These
14 changes and additions have undoubtedly made Staten
15 Island safer and our Criminal justice fairer, and
16 some of the number reflect that. Major crimes on
17 Staten Island are down by 16 percent. Domestic
18 violence arrests have declined by 20 percent in the
19 last three years after having shown the largest
20 increase during the prior four years. And as I said,
21 dismissal rates in DV cases are down by almost 50
22 percent. We will continue to fight the opioid
23 crisis, but the overdose response initiative, the
24 investigation of every overdose and the HOPE program
25 have helped us see movement in the right direction

2 and we have reduced overdose fatalities by 15 percent
3 over the last two years. I think-- I got to check my
4 blink-- I think somebody's at my front door.

5 Nobody's home go away. I'll-- and this is very

6 important when you think about reducing unnecessary

7 jail time or arrest time, our arrest to arraignment

8 time is second in the City, trailing on Queens, and

9 is down 15 percent from the same time last year, so

10 we really reduced the amount of people-- the time

11 that people are processed through the system before

12 arraignment. Despite these successes and highlights

13 of the last three years, there's no question that

14 much needs to be done and we need your help. We

15 understand that the City faces significant budget

16 challenges this year and appreciate that we have not

17 been confronted with PEGs, and therefore I think it's

18 clear that we've kept our requests to a minimum. For

19 us there were three. Last year, the Council was good

20 enough to fund for us a Conviction Integrity Review

21 Unit at 425,000 dollars PS, but that money needs to

22 be baselined, otherwise we cannot continue with that

23 work. We've staffed it up. We've started to do the

24 work. The money originally went to OTPS. We had to

25 move it over, but with the staff's help we've got

2 that done. Now, we need to move it baseline. We got
3 to PS in step one. We need to get it to baseline. In
4 the area of ADA salary parity which you're all aware
5 about. For the ADA's of five years and over, our
6 request is 179,000 dollars to be able to effectuate
7 parity, and lastly for the body worn camera storage
8 project that we're all undertaking. We need 8,000
9 dollars of OTPS to increase our cloud storage
10 capability. In conclusion, we are very proud of what
11 we have implemented in Staten Island, and we continue
12 to-- look forward to continuing to work with this
13 council to bring prosecution with integrity and a
14 criminal justice with fairness for all of the people
15 of the City of New York, and in my case in
16 particular, for the people of Staten Island. Thank
17 you very much for your attention, and we look forward
18 to your questions.

19 CHAIRPERSON LANCMAN: Thank you. Let me
20 just recognize we've been joined by Council Member
21 Debbie Rose, Council Member Alan Maisel and I know
22 Council Member Andy Cohen was here, and I think he's
23 going to come back in a bit. Brooklyn?

24 DISTRICT ATTORNEY GONZALEZ: Good
25 afternoon, and thank you, Chairman Lancman and the

2 Committee on Justice Systems, and of course Chairman
3 Richards and the Committee on Public Safety for the
4 opportunity to address you today regarding the
5 Mayor's Fiscal Year 2020, January 2020 budget plan. I
6 am grateful for the Council's continuing support of
7 my office's work, including your advocacy and support
8 of our budgetary needs. I am also grateful for your
9 efforts to increase the fairness of our criminal
10 justice system. And I consider myself and my office
11 to be your partners in doing this work. One great
12 example is our Brooklyn Clear Program, a pre-
13 arraignment diversion program for people charged with
14 drug possession. That was funded by the council as a
15 pilot project and we were able to extend that program
16 borough-wide last year because you fought for us to
17 secure 1.4 million dollars in baseline funding in
18 last year's budget. Last week, I was proud to
19 announce my office's Justice 2020 plan, an initiative
20 to reduce incarceration and strengthen community
21 trust while continuing to keep Brooklyn safe. The
22 document I have brought, and it's all before you
23 contains the Committee's 17 recommendations which I
24 am committed to fulfilling by the end of 2020, but I
25 need your help to do so, and this is what I want to

2 discuss today. Implementation of each of the 17
3 recommendations is underway in my office, but many of
4 these items require funding. One of the
5 recommendations to Justice 2020 is that my office
6 transition to vertical prosecution, which means the
7 same prosecutor handles a case from start to finish.
8 We have repeatedly requested funding for 80
9 additional Assistant DAs, 20 per year for the next
10 four years, to move our office to a vertical
11 prosecution model. And once again, the Mayor's
12 budget does not contain funding for this request.
13 Even though the city has been fully supportive of
14 this model in other offices and has provided baseline
15 funding to cover the cost of additional staff, both
16 legal and non-legal. Vertical prosecution is
17 considered a best practice nationwide, including by
18 the Nation District Attorney Association and the
19 National Sexual Violence Resource Center. So I ask
20 the Council for your assistance in obtaining two
21 million dollars in funding we requested to move to
22 vertical prosecution. We have also requested 21 new
23 lines for lateral hires. There's several reasons for
24 this request. One is to continue the attrition of
25 experienced ADAs lured away by higher salaries. This

2 Fiscal Year alone we have lost six ADAs to the Law
3 Department where they can get a higher salary for
4 their years of experience. We're also increasing the
5 number of complex long-term investigations our office
6 handles. We all know that Brooklyn has experienced a
7 construction boom, and we also know that where
8 there's a boom in construction, real estate,
9 financial markets, work safety issues will follow.
10 I'm going to expand the work of the Investigations
11 Division to do more to make sure that white collar
12 criminals are also being held accountable, and this
13 requires additional resources. Finally, now is not
14 the time for us to take the foot off the gas of our
15 investigations and prosecution of violent gangs.
16 While crime trends are not linear and overall violent
17 crime is down during the last 10 years, we're all
18 aware of disturbing trends in upticks in shootings
19 and homicides in the first quarter of this year.
20 Just as 2020 recommends that we use new and
21 additional strategies to combat violent crime, and we
22 still will be using and relying on strategies and
23 teams that have done great work for us in driving
24 down violent crime during the past several years.
25 This task, however, requires experienced ADAs who we

2 must replace when they leave our office for other
3 opportunities. Continuing to keep Brooklyn safe,
4 responding to new threats, and the successful
5 implementation of Justice 2020 going forward depends
6 on the efforts of many individuals, but none more
7 than our Assistant DAs, the backbone of any DA's
8 office. These dedicated public servants have an
9 extremely difficult job, and they do this work on
10 salaries that make it very difficult to live and
11 raise a family in this very expensive city, often
12 with crushing student loan debt. I am extremely
13 grateful to the Council for advocating for salary
14 parity with the Law Department for attorneys in years
15 one through five of practice. With the funding
16 provided we were able to raise the starting salary
17 from 60 to 69,000, and after five years, ADAs in my
18 office will make 80,000. When we implemented salary
19 parity, the salary of newer assistants bumped up
20 against those of the attorneys more senior to them,
21 and in some cases even surpassed the salaries of more
22 experienced attorneys. This is known as salary
23 compression, and through discussion over the summer
24 and numerous funding requests to cover the cost of
25 compression, we have been told by OMB that we're not

2 going to receive any additional funding. I
3 appreciate the tremendous support of this City
4 Council in getting to the first step of salary parity
5 done, and I'm hoping to continue to work with you to
6 secure additional resources for those who weren't
7 covered by this funding. Finally, my office cannot
8 do its work if we don't have basic physical necessity
9 the office requires. The Brooklyn DA's Office is in
10 a unique situation because we're housed in a space
11 that's leased by the City. Our lease expired last
12 year, and we're currently in an extension. DCAS has
13 been working diligently on renegotiating our lease
14 with the building landlord, but OMB has not
15 authorized the necessary funding. We're asking that
16 OMB authorize DCAS to move forward with our new
17 lease, budget the additional funding for the basic
18 upkeep and provide my office with long-term stability
19 necessary to do our work and to move forward with
20 capital projects that require a signed lease. We're
21 also experiencing a frustrating situation with our
22 warehouse space. In 2016 we were funded 600,000
23 dollars to lease a warehouse at 210 Joralemon Street,
24 the municipal building. That has all of our files
25 which we're required to keep under law. The City then

2 has sold the space, and DCAS is asking us to vacate,
3 taking hundreds of thousands of files with us. We
4 cannot vacate the warehouse until we have secured new
5 space. DCAS has located a space, but we haven't
6 received the authorization from OMB and the funding
7 to move forward. once again, I want to thank
8 Chairman Richards and Chairman Lancman and all the
9 members of the Public Safety and Justice Committees
10 in the entire City Council for your support, and I
11 specifically want to thank the Council for funding in
12 2019, domestic violence programming, and a one-time
13 grant to cover the lost funding that we lost for our
14 young adult court. These are critical programs, and
15 the work of keeping Brooklyn safe and ensuring the
16 trust of our justice system is dependent on us being
17 able to do these kinds of additional outreach. So,
18 thank you, and I look forward to answering your
19 questions.

20 COUNCIL MEMBER LANCMAN: Thank you very
21 much.

22 BRIDGET BRENNAN: Good afternoon, Chairs
23 Lancman and Donovan. Thank you very much, and thank
24 you to the Council staff. They've done an excellent
25 job and they're always wonderful to work with. As

2 you know, our office is not requesting any new needs
3 funding this year. However, in the event of certain
4 proposed state legislative initiatives, there may be
5 additional costs, and if so, we may come back before
6 the final budget hearing asking for additional
7 funding. However, I would like to take my time today
8 to describe to you the current status of the opioid
9 epidemic in New York, the emerging trends in our
10 response, the community initiatives that the Council
11 has funded and what we're using that funding for in
12 our critical next steps. I think it's very important
13 that the City and the City Council know what they're
14 getting for the funding that they put into Special
15 Narcotics. As you know, we have a unique
16 jurisdiction. We have jurisdiction over felony
17 narcotics offenses in New York City, and I work very
18 closely with wonderful DAs offices collaboratively,
19 and we benefit from their energy and their vision and
20 their strength, and we work very closely with them on
21 the differing problems within their boroughs. The
22 trends we are seeing in the last several years, and
23 of course, very disturbing. The opioid crisis has
24 lead to three years of consecutive decline in life
25 expectancy for Americans, and it's the longest

2 sustained decline in a Century. However, in New York
3 City we have reason to be optimistic. Overdose
4 deaths this year appear to have stabilized. After
5 seven straight years of increase, the number of
6 deaths is of course still unacceptably high, but the
7 DAs have started an impressive array of programs and
8 outreach for low-level offenders. We focus primarily
9 on higher level distributors who are not appropriate
10 for programs, but in the event we do have low
11 offender-- low-level offenders who have addiction
12 issues, we certainly do refer them for treatment. In
13 the past five years, our cases have resulted in the
14 interdiction of two tons of heroin and fentanyl and
15 we have managed this while still reducing the number
16 of felony drug arrests and the commitments to state
17 prison, as you can see from the charts in our
18 testimony on page seven. But the most challenging
19 aspect of this crisis is that it's constantly
20 changing. Synthetic opioids such as fentanyl and
21 fentanyl analogs permeate the black market in New
22 York City now, and a far greater proportion of the
23 narcotics seized by Special Narcotics contains
24 synthetic opioids than in past years. This synthetic
25 stimulants such a methamphetamine are also more

2 prevalent, and the reason that's important is because
3 they're so much more potent, and to the drug dealers,
4 they're so much cheaper. Fentanyl is about 50 times
5 as powerful as heroin, and to the producer it's about
6 a tenth of the cost. Over the past year we've seen an
7 upsurge in the seizures of counterfeit pills
8 containing fentanyl. Mexican cartels are
9 manufacturing these pills, often formed to resemble
10 the favorite pill on the diversion market, 30
11 milligram oxycodone pills. Last month approximately
12 20,000 pills with a street value of up to 600,000
13 dollars were recovered, and pills are also being
14 pressed locally from fentanyl powder. A recent
15 investigation that began with street sales of fake
16 oxycodone pills lead to a fentanyl pill manufacturing
17 operation based in a residential building in the
18 Bronx, a boiler room in an adjoining apartment
19 doubled as a factory for a large-scale drug
20 operation. Three defendants were arrested, including
21 the superintendent to the building who alleged
22 provided access to the rooms for pill manufacturing.
23 The pill press, dyes, imprints, surgical face masks,
24 and other drug manufacturing equipment were recovered
25 from the apartment adjoining the boiler room area by

2 agents in hazmat suits and gas masks. And can you
3 imagine what a building resident must have felt if
4 they're going down to do their laundry and
5 encountered the hazmat suits and the gas masks. The
6 dangerousness of this is shocking on many, many
7 levels, and we're developing strategies to address
8 this problem. Our strategies are responsive to the
9 three factors which have fueled this crisis: the
10 accessibility, purity and potency of addictive drugs.
11 Increased accessibility to addictive medications
12 started this crisis, and most who develop a heroin
13 addiction begin their problems with pills. We
14 continue to prosecute healthcare providers who supply
15 addictive medication in exchange for cash and for no
16 medically necessary reason. The second prong of our
17 strategy is to focus on major heroin and fentanyl
18 suppliers, and in the past five years, as I've told
19 you, we've seen more than two tons of heroin and
20 fentanyl, but in 2018 our largest both narcotics
21 seizures were in the Bronx where we seized about 250
22 pounds of narcotics destined for bagging operations
23 right there in the Bronx. These five seizures could
24 have produced millions of single-user bags, and each

2 new substance has been progressively higher in purity
3 and potency.

4 CHAIRPERSON LANCMAN: Ms. Brennan?

5 BRIDGET BRENNAN: Yes? I will--

6 CHAIRPERSON LANCMAN: [interposing] I
7 just do want to focus on budget issues.

8 BRIDGET BRENNAN: finish my testimony
9 shortly. Thank you very much. Upper Manhattan and
10 the Bronx now lead the city in the rate of deaths
11 largely due to the increases in fentanyl and fentanyl
12 analogs in that area-- in those areas. And so we
13 continue our work on the supply and identifying
14 analogs and trying to interdict those, but I think
15 the problem where we're really failing is in
16 prevention. We have no citywide prevention strategy
17 that's directed at those who are not yet using drugs.
18 We have no coherent strategy in the schools. We have
19 no public campaign informing the general public who
20 are not yet using of the dangers of drugs, and I
21 think we are falling short, and I ask the City
22 Council to take up this cause. You have deep
23 connections in your communities. You have the
24 confidence of your communities. You have done so
25 much for all of us, but this is an area where we are

2 really lacking and we must do everything we can to
3 prevent a future generation from falling into this
4 desperate situation. So thank you very much for your
5 time and your patience, and thank you for all you
6 have done for us, for the DAs and the Office of the
7 Special Narcotics Prosecutor. Thank you.

8 CHAIRPERSON LANCMAN: Thank you. Please?

9 : Thank you. Good afternoon. On behalf
10 of Queens District Attorney Richard A. Brown, I would
11 like to thank the Chairpersons and Members of the
12 Committees and the Members of the Council that are
13 here present today. District Attorney is very
14 grateful for what the Council has done for him and
15 for the office. As you know, District Attorney Brown
16 recently announced that he will be retiring as of
17 June 1st after serving as District Attorney for 28
18 years, the longest in Queens County history. As an
19 office we're extremely proud of his many
20 accomplishments, and I know he'll be watching this
21 today, so I will try and keep in mind that he will
22 critique this more than anyone else in this room what
23 I say today. Keeping in mind the time references, I
24 will be brief, no matter how long it takes. Among
25 the accomplishments since the DA took office, I won't

2 go through all the crime numbers, we all know crime
3 numbers are down. One number we're particularly
4 proud of is in auto theft which was a major concern
5 of the people in Queens when the DA took office, and
6 the theft rate in Queens is down 97 percent since he
7 took office. It used to be a car was stolen I think
8 every eight minutes in Queens, and we've certainly
9 stretched that out. One of the other areas we've
10 always taken pride in this last year, again, Queens
11 had the best arrest to arraignment time an
12 complainant [sic] sworn [sic] time in the City. We
13 had the highest percentage of cases arraigned within
14 24 hours. That means those accused of a crime in
15 Queens spend as little time as possible in detention
16 before they see a judge. Since most defendants go
17 home after arraignment that means they go home hours
18 faster in Queens than anywhere else. That has been
19 the case shortly after the DA took office, because
20 that's something he's always stressed. We continue
21 our proactive approaches and investigations. We're
22 always one of the leaders nationwide in electronic
23 surveillance. We've expanded past the traditional
24 organized crimes and narcotics cases, and too many
25 areas including gangs with electronic surveillance.

2 One of the things we do to ensure fairness in Queens
3 is we have an ADA respond to every lineup, and we
4 think we're the only DAs office that undertakes that
5 effort. We also in addition to having an Assistant
6 DA respond to every homicide scene, they respond to
7 the scene of every vehicular death. We have over 30
8 alternative sentencing and community programs
9 including felony and misdemeanor drug treatment
10 courts, mental health courts, and veterans court to
11 name a few. One of the programs I want to talk quite
12 a bit about is our Queens Treatment Intervention
13 Program, our drug program. It is similar to our
14 colleagues on Project HOPE, and it has of course
15 Queens' variations. QTIP is a collaborative program
16 with Samaritan Daytop Village, an OASIS licensed
17 treatment provider that focuses on misdemeanor non-
18 violent individuals who are addicted to opioids with
19 the goal of preventing fatal opioid overdose. In
20 lieu of traditional community service, defendants are
21 directed for clinical assessment to determine if
22 further treatment services are warranted. If the
23 defendants is determined to be in compliance, the
24 cases result in an ACD. The program has been highly
25 successful since its inception with over 230

2 individuals evaluated and 88 percent qualifying for
3 treatment. We've also seen many success stories for
4 this program, including an undocumented IV drug-user
5 names Maria. She gave birth to a child in two days
6 before her court appearance. Immediately following
7 the birth, she returned to using 10 bags of heroin
8 per day. Complicating Maria's recovery was her
9 immigration status. Marie was undocumented which
10 limited her ability to access treatment services.
11 Through QTIP she was referred to a detox program and
12 later to another treatment program to attain recovery
13 tools necessary to maintain her success. In addition
14 to maintaining her sobriety, she was able to regain
15 custody of her child and received an ACD on the case.
16 Then we had Salvatore [sp?], a 31-year-old male who
17 appeared in arraignments nodding out and so high that
18 he fell to the ground requiring immediate medical
19 attention. QTIP staff provided Sal-- assisted Sal in
20 getting to an emergency room where it was determined
21 that he had a spinal infection among other medical
22 concerns. While in the emergency room we learned
23 that if the spinal infection was not immediately
24 addressed within 24 hours or intervention, the
25 infection would have spread throughout his body,

2 possibly resulting him becoming a quadriplegic, or
3 even worse, he could have even dies. The medical
4 response required Sal to remain in the hospital for
5 30 consecutive days and receive IV treatment. Sal
6 was an out-of-state resident and had no family to
7 assist him. Consequently, QTIP/QDA staff regularly
8 visited Sal in the hospital, even on Christmas Day
9 making sure his essential needs were met by
10 purchasing clothing, toiletries and food. Upon
11 discharge from the hospital, Sal appeared in court
12 and received an ACD. A program I'm particularly
13 proud of which I believe is unique and certainly in
14 New York State, not the country, if not the country,
15 is the Queens Court Academy, an alternative school
16 that helps young first-time offenders charged with
17 offenses, mostly non-violent, but occasionally
18 violent, to continue their education in supervised
19 and supportive environment. This high school, run
20 with the New York City Department of Education, is
21 located within our office. As again, I believe it's
22 the only one of its kind. Since its inception, 330
23 students have been enrolled in the program, and 50
24 have gotten their high school equivalency diploma.
25 These are kids that we don't believe would have

2 gotten those diplomas without it-- and boy, that five
3 minutes went fast. We also have DWI treatment
4 program. And I'm going to skip to something I think
5 is very important, and I hate to jump over everything
6 else. One of the programs we're very much-- and I
7 think you'll be impressed by-- is the Domestic
8 Violence Alert Team, or DVSTAT. We discovered that
9 the number of the success in the DV case vary
10 dramatically as to when the defendants is
11 apprehended. There is a marked decrease in the
12 success of a case if the defendants is not arrested
13 at the scene, and it increases by day, one day, two
14 day, three days later. In the course of that time,
15 the perpetrator is often very familiar with the
16 criminal justice system, goes back to the victim,
17 coerces the victim, scares the victim, whatever.
18 What we did is develop a program with the PD where
19 prior to arrest we get the 61 numbers fed into our
20 system. Our system then reads the 61's looking for
21 key terminologies as threats to the victim, prior
22 history, whatever, and identifies for our staff those
23 most vulnerable cases before an arrest is made. We
24 then reach out to that DV victim with our staff, get
25 them to the Family Justice Center and work with them,

2 get them treatment, let them know they're not going
3 to be alone. In addition, we work on finding out if
4 there are weapons in the home and get search
5 warrants. There's a 500 percent increase in the
6 likelihood of a fatality in a DV case if there's a
7 weapon in the home. And our DVSTAT program has worked
8 very well on that in getting search warrants and
9 getting the warrants out of the case. I know I'm
10 doing my federal express language now, but I'll talk
11 as fast as I can. This program was funded last year
12 by the Council, but it was not baselined. It is
13 critically to this program, which I think everybody
14 that has reviewed it has considered it a success. It
15 saves lives. It gets people who need treatment into
16 treatment, and we strongly urge that the Council
17 would baseline that program. I don't know how much
18 more time you'll give me, but I'll keep going to you-

19 -

20 CHAIRPERSON LANCMAN: [interposing] Your
21 bell rang, but I-- you know.

22 : It wasn't the first time the bell rang
23 this afternoon, so I'd figure I'd keep going.

24

25

2 CHAIRPERSON LANCMAN: No, that's true.

3 So, this is the part where you'd say, "in
4 conclusion."

5 : No, that's down on this page. Look,
6 we have been grateful what the Council has done. We
7 recognize the situation the City is in. We've kept
8 our specific request I think very modest. I think
9 the main for us is for the Council if they could
10 baseline the funding that they gave us last year, it
11 would cover much of DVSTAT, but a number of other
12 programs. We would greatly appreciate it, and I
13 welcome any questions you have. Thank you.

14 CHAIRPERSON LANCMAN: Good. Thank you
15 all very much. Thank you for your various efforts,
16 some more vigorous than others to stay within the
17 five minute allotted, but we have a lot to do today,
18 so please don't take it as any lack of interest in
19 the work that you do. I know that Council Members
20 have questions. We've also been joined by Council
21 Member Eric Ulrich from Queens. So, let me start the
22 questioning, because just a little bit of
23 administrative housekeeping. We're having difficulty
24 getting data that we need from some of your offices:
25 caseloads, average caseload per ADA, the types of

2 cases that take a majority of your offices'
3 resources. I saw some of that information sprinkled
4 in some of the written testimony that I was glancing
5 through, but we could just go down line and just in
6 terms of current caseload for your office, the
7 average caseload per ADA, what type of cases take the
8 majority of your other resources, and there's some
9 other data. All I need to know if there's any reason
10 that you can't provide that to us, not at this
11 moment, because this isn't a quiz, but sometime, you
12 know, in the next week or so to the staff. Is there
13 any one of you that wouldn't be able to provide us
14 with the current caseload for your office, the
15 average caseload per ADA, and the types of cases that
16 take up a majority of your resources? No?

17 DISTRICT ATTORNEY CLARK: I'll be able to
18 provide it, but the accuracy would be better if I had
19 a good case management system.

20 CHAIRPERSON LANCMAN: Very good. Top
21 marks. Top marks.

22 DISTRICT ATTORNEY MCMAHON: Me too,
23 better case management system, but we have been in
24 touch with the Council. We've provided a lot of that
25 information over the last two years or so with OMB

2 and MOCJ as part of the application or the process
3 for the pay parity, but we will certainly respond and
4 be able to respond to any specific request.

5 CHAIRPERSON LANCMAN: Okay. Yeah, so I'm
6 just advised to remind you, to let you know, that
7 sometimes when sent to MOCJ doesn't always make its
8 way to us. So I'm asking for direct from you to our
9 finance team.

10 DISTRICT ATTORNEY VANCE: Mr. Chair, we
11 will certainly provide that information which we
12 have, but I would just very briefly like to identify
13 that caseload analysis sometimes can be misleading if
14 it's only based on the numbers of cases. For
15 example, just as the District Attorney Kings County
16 mentioned, we may work on a white collar case, which
17 could have broad implications for protecting whether
18 it's the construction industry or the finance
19 industry or result in forfeiture that benefits the
20 City in its ability to meet its financial needs, as
21 our office has done. So, I ask when you look at
22 caseloads also I would request that you please
23 consider that sometimes one case can be very, very,
24 very powerful in terms of what it brings back to the
25 City and to consider that balance as you look for it.

2 CHAIRPERSON LANCMAN: Got it.

3 JOHN RYAN: I have some of the numbers
4 now, but we can firm them up later.

5 CHAIRPERSON LANCMAN: Yeah, no, I noticed
6 that actually in your particular. We'll-- just get
7 it to us later. They'll send the uniform request and
8 you'll fill in the information. Let me ask you about
9 the issue of Criminal Justice Reform Act summonses.
10 I had sent to all of your offices in the last few
11 days a request for you to consider vacating
12 outstanding warrants rising from offenses that we
13 effectively decriminalized in the Criminal Justice
14 Reform Act, broadly speaking: open container, public
15 urination, littering, excessive noise, parks
16 offenses. I know all of your offices except for
17 Staten Island, I think, in 17 had vacated hundreds of
18 thousands of open C summons warrants beyond 10 years.
19 Some of your offices have gone beyond and done other
20 vacating programs. I know the press reported some
21 responded from a couple of your offices, but we would
22 like to ask you whether or not you would be willing
23 to vacate outstanding warrants where the underlying
24 offense is one of the CJRA offenses that, again, we
25 effectively decriminalized?

2 DISTRICT ATTORNEY VANCE: If I may, we
3 received your request. I think we would support it.
4 I do believe this requires in-depth discussion with
5 OCA, which we will undertake, but I-- for the same
6 reason that I think many of our offices dismissed the
7 old summons warrants from those cases is the same
8 rationale would apply to this cohort of cases which
9 were essentially decriminalized when the C summons
10 was stopped for those offenses.

11 DISTRICT ATTORNEY CLARK: I received your
12 letter, and I will also join in that request. And as
13 a matter of fact, I had already planned on doing it.
14 I had already had a meeting set up with OCA. So I'm
15 going forward with it already to do another warrant
16 forgiveness plus other things were going to be part
17 of that. So I'm already set to do it.

18 CHAIRPERSON LANCMAN: Thank you.

19 DISTRICT ATTORNEY MCMAHON: I don't know
20 if I'm the odd man out, but in my opinion the--

21 CHAIRPERSON LANCMAN: [interposing] It's
22 never too late to get on in.

23 DISTRICT ATTORNEY MCMAHON: If the
24 offenses are still offenses and quality of life
25 offenses are very important to me as someone who was

2 long-time civic leader and a Council Member and
3 fought for the quality of life of my community and my
4 borough, in my mind these quality of life offenses
5 are offensive. I was recently at a community council
6 meeting where a woman was there testifying about
7 public urination and defecation on her property that
8 has basically ruined her quality of life. So these
9 are still offenses. They were offenses when they
10 were written up, and people failed to appear when
11 they had to appear, whereby other people did appear
12 and were held accountable and were responsible. So,
13 although I understand that forgiveness in certain
14 sense should be afforded, and that's why we'll be
15 doing another Fresh Start program following the
16 example of our colleagues in May with OCA for people
17 to show up and take responsibility for their actions.
18 But I believe, and I think the people who elected me
19 in Staten Island to serve as their chief law
20 enforcement officer believe as well that the quality
21 of life matters, and these quality of life offenses
22 matter as well.

23 CHAIRPERSON LANCMAN: Brooklyn?

24 DISTRICT ATTORNEY GONZALEZ: Councilman
25 Lancman, first let me applaud you for bringing the

2 issue to the public forum. It's an issue that my
3 office cares deeply about, these, you know,--
4 initially there were over 1.2 million. They're now
5 remaining over 700,000 ordinary people who have these
6 summons warrants that make them at any contact with
7 law enforcement subject to immediate arrest. These
8 are conversations that we have been having ongoing in
9 my office with OCA, the Mayor's Office, and I fully
10 support it.

11 CHAIRPERSON LANCMAN: I think the Special
12 Narcotics--

13 BRIDGET BRENNAN: [interposing] You can
14 have my time.

15 CHAIRPERSON LANCMAN: Prosecutor gets a
16 pass on this.

17 JOHN RYAN: Thanks Bridget for giving me
18 your time on this one. Councilman, we did
19 participate in the 2017 program. We did it after a
20 careful study of quite frankly virtually everything
21 on the datasheet we got. We got your letter on
22 Friday afternoon. Yesterday I spoke to OCA and I
23 asked them if they could give us a datasheet based on
24 the parameters set forth in your letter. I assume
25 that will take them some time. In looking at your

2 letter, and you outlined the provision of the Reform
3 Act, it created a civil alternative to the criminal
4 in a presumption of the civil. Well, obviously an
5 outright dismissal, there is no alternative. It's
6 either the warrant stays or the warrant goes. So, I
7 don't think they're identical to just say because of
8 the changes you've made that this would automatically
9 come to bear. One of the things we've asked
10 ourselves is, what about those people who got those
11 summonses and went to court and paid? Are they
12 entitled to some sort of relief, too? And quite
13 frankly, if we were going to dismiss outstanding
14 warrants for people that didn't come, I would say an
15 equity issue comes about those people who came and
16 did come. We have not reached a decision yet. We'll
17 take a look with the data once we get it. I'm not
18 sure-- it's sort of a broad, you know, criteria that
19 you've set forth in the letter. I'm not sure how
20 well OCA can do with it, but when we get it we'll
21 take a look at it, and when we do we'll make a
22 decision.

23 CHAIRPERSON LANCMAN: We appreciate it.
24 Next big topic, THC oil. We had asked the-- we had
25 heard that there were still people who were getting

2 arrested who were otherwise eligible for the City's
3 new marijuana enforcement policy to get the C summons
4 as opposed to the arrest for possession of THC oil,
5 either possessing it or vaping it, and we had asked
6 the Police Department in a letter that Chairman
7 Richards and I have sent in November, why it is they
8 were not including people who were caught with the
9 THC oil in the marijuana-- in the new marijuana
10 enforcement policy. In fact, folks were being
11 charged with criminal possession of a controlled
12 substance in the seventh degree which is an A
13 misdemeanor which is more substantial even than the
14 marijuana possession charge. Today, Commissioner
15 O'Neill committed to us that as a matter of NYPD
16 policy, they are going to implement and they're going
17 to include possession of THC oil in their overall
18 marijuana enforcement policy. So, those folks will
19 not be charged with a misdemeanor just like people
20 who have actual marijuana cigarette. So, could each
21 of you tell me what your policy is when it comes to
22 charging for THC oil possession, and do you consider
23 it the same as marijuana, or do you-- how do you
24 charge it?

2 DISTRICT ATTORNEY VANCE: [off mic] my
3 last testimony recently on marijuana. Our office has
4 a policy not to charge for possession of--

5 CHAIRPERSON LANCMAN: [interposing] For
6 THC?

7 DISTRICT ATTORNEY VANCE: For THC.

8 CHAIRPERSON LANCMAN: Okay.

9 DISTRICT ATTORNEY CLARK: And well, we're
10 not charging for the marijuana at all because of the
11 C summonses, and if it had come through, I'm not
12 exactly-- I would have to report back to exactly how
13 many we've seen, but if it were to come through I
14 would treat it as a marijuana case and instruct the
15 Police Department to issue the C summons. So I'm
16 glad that they've now committed to treating it as
17 marijuana as in their marijuana policy.

18 CHAIRPERSON LANCMAN: Thank you.

19 DISTRICT ATTORNEY MCMAHON: Thank you.
20 And we currently in most cases charge them as the
21 220.03, possession in the seventh, and the defendants
22 in those cases are offered the whole program
23 automatically. So they get the offer of diversion.

24 CHAIRPERSON LANCMAN: Don't they--
25

2 DISTRICT ATTORNEY MCMAHON: [interposing]
3 We will certainly-- I was not aware of the Police
4 Commissioner's testimony, and so we will take a look
5 at that.

6 CHAIRPERSON LANCMAN: Yeah. But the HOPE
7 program, which he might ask you about later, I mean,
8 there are people who are not eligible for the HOPE
9 program, right? I mean, if they have a certain number
10 of prior offenses, etcetera.

11 DISTRICT ATTORNEY MCMAHON: Yeah, and I
12 mean, if they're not eligible for DAT then they don't
13 get automatic HOPE, but they would get it at
14 arraignment for those charges.

15 CHAIRPERSON LANCMAN: Would you be
16 looking-- would you be willing to take a look about
17 whether or not you should be charging those 220.03 at
18 all?

19 DISTRICT ATTORNEY MCMAHON: Sure. I'll
20 be willing to look at it. I want to see what the
21 Police Commissioner said and see what the Police
22 Department is doing. I can tell you what we're doing
23 right now, and we'll be willing to take a look at it.

24 CHAIRPERSON LANCMAN: Thank you.
25 Brooklyn?

2 DISTRICT ATTORNEY GONZALEZ: We charged
3 about less than a dozen of those cases last year.
4 When it was brought to my attention that we were
5 still bringing some of these cases under the 220.03.
6 I am no longer prosecuting those cases or treating
7 them like marijuana. I think the explanation, I
8 think, for many of us is that, you know, the statute
9 treats that substance differently because it's
10 treated as a controlled substance and not under the
11 marijuana laws. I would say that when we looked at
12 those cases, they're now being routinely DEP'd by my
13 office, and we have a 98 percent reduction in the
14 number of marijuana cases that we put through in
15 Brooklyn.

16 JOHN RYAN: Thanks again, Bridget.

17 CHAIRPERSON LANCMAN: You know, Special
18 Narcotic, you don't see those cases?

19 BRIDGET BRENNAN: No jurisdiction. Don't
20 have jurisdiction over a misdemeanor.

21 JOHN RYAN: We saw the testimony this
22 morning and we did a quick computer search on our
23 stuff. A, we find very cases. We can actually
24 search the complaints for the word "THC oil." We
25 find very few cases where we had any of them at all.

2 Those that we did find, we found only one 220.03.
3 Everything else was a 221.05, and virtually every
4 case we had with two or three exceptions, the THC was
5 part of some other case, and generally almost always
6 a lesser offense of another offense.

7 CHAIRPERSON LANCMAN: Let me ask you each
8 about Raise the Age. It's budgetary impact, like
9 what kind of resources you've had to allocate and
10 what kind of-- how many cases you're seeing, and if
11 you know you can give an estimate, but if not we will
12 want the hard numbers. How many Family Court
13 eligible cases are you keeping in Criminal Court?
14 Whoever wants to start? Brooklyn, you look like you
15 want to start.

16 DISTRICT ATTORNEY GONZALEZ: So, we
17 created a new unit in Brooklyn that deals with Raise
18 the Age eligible cases. I can get the number of the
19 funding that it takes to run that unit, but 91
20 percent of the cases that come across our desk in
21 Brooklyn are sent to Family Court.

22 CHAIRPERSON LANCMAN: So, is it possible
23 for you to categorize the ones that you're keeping?
24 And just to be clear, are you keeping them-- how many
25 of them are you keeping with the consent of defense

2 counsel? Because I've heard from very many people
3 that they-- very, very public defenders that there's
4 definitely circumstances where it's better for their
5 client to stay in Criminal Court as opposed to Family
6 Court.

7 DISTRICT ATTORNEY GONZALEZ: There's
8 some-- I think we have a very strong relationship
9 with our defenders in doing the work of deciding when
10 a case goes to Family Court, but the overriding
11 belief that I have is that eligible cases without,
12 you know, without severe violence should go to Family
13 Court. I can give you a complete breakdown of the
14 numbers, you know, when we adjourn, but the overall
15 numbers are 91 percent from my office consenting to
16 Family Court.

17 DISTRICT ATTORNEY VANCE: Council Member,
18 from Manhattan, we--

19 CHAIRPERSON LANCMAN: [interposing] Just
20 use the mic.

21 DISTRICT ATTORNEY VANCE: From Manhattan
22 we've had a total of 121 Raise the Age defendants, 69
23 of that amount or number were moved to Family Court,
24 which is 53 percent. Pending are 31 percent, 96-- 31
25 pending RTA cases.

2 CHAIRPERSON LANCMAN: Pending meaning
3 they're on their way to Family Court, it's just--

4 DISTRICT ATTORNEY VANCE: [interposing]
5 Pending meaning there hasn't been a disposition yet
6 as to one way or the other.

7 CHAIRPERSON LANCMAN: The cases that are
8 staying, like, can you categorize what-- is that--

9 DISTRICT ATTORNEY VANCE: [interposing]
10 Those would be cases that as I think the Brooklyn
11 District Attorney -- whether there's indications of
12 violence, those would be the nature of the cases that
13 we would be looking most closely at.

14 DISTRICT ATTORNEY CLARK: For the Bronx
15 we've had in total 34 cases, 25 of them went to
16 Family Court, and there's nine of them that we are
17 keeping. I'm not sure of what the charges are. I
18 could get back to you on that, but those are-- we've
19 had very low numbers, and I've spoken to OCA, and
20 they told me like, the Bronx, they didn't know what
21 we were doing there, but we weren't getting that many
22 of the cases.

23 CHAIRPERSON LANCMAN: alright. Again, we
24 will ask that you provide us with the breakdown,
25 stay, go, and the offenses.

2 DISTRICT ATTORNEY CLARK: Okay.

3 CHAIRPERSON LANCMAN: But just for now.

4 DISTRICT ATTORNEY MCMAHON: Yeah, I'll
5 sort of answer the question the same way. We task
6 the felony assistant who's assigned all those cases
7 to review them in consultation with court counsel as
8 well as defense counsel, and we've had just a handful
9 of cases. If the Bronx was 34, you can imagine how
10 low ours are. I'd be happy to get those number. I
11 think only two have been held to through the youth
12 part and back as felony cases, they involve violence,
13 assault cases, but I'll get you exact numbers.

14 JOHN RYAN: I neglected to bring our
15 numbers with me. I can get those to you fairly
16 quickly. We have a Deputy Exec who has taken
17 personal charge of this entire operation and she's
18 trying to get it into a day-to-day basis. The Deputy
19 Bureau Chief and a supervisor. I don't know the
20 exact number. Majority I think have gone to Family
21 Court. We have sought to keep a number of them, and
22 I've heard the same anecdotal stories about defense
23 attorneys who think they're better off in Criminal
24 Court than in Family Court, and I'm not fully sure of

2 their reasoning, but there are definitely cases like
3 that.

4 CHAIRPERSON LANCMAN: Have any of you
5 experienced any noticeable budgetary impacts with
6 Raise the Age?

7 JOHN RYAN: It's a little confusing at
8 the moment. I mean, theoretically it should reduce
9 our case load and reduce our operations. It's
10 actually, when you realize the times that you have
11 two arraignments. We've had a very good relationship
12 with the court counsel. They have-- we have people
13 there to go over it whether they're going to get it
14 or we're going to get it. I would say at least
15 initially it's had a negative budget impact. Over
16 time, theoretically that should change, but that time
17 hasn't arrived yet.

18 CHAIRPERSON LANCMAN: Two more big
19 picture questions and then we'll get to my
20 colleagues. We had a hearing I guess it was last
21 year at this point on the burden that fines and fees
22 impose on particularly poor defendants, but I want to
23 ask you specifically about the various ATI/ATD
24 programs that you all are involved with. Have you--
25 almost all of them involve some kind of fee that a

2 person has to pay or many involve fees that people
3 have to pay to be able to participate. Or could you
4 tell us about the programs that you run that do
5 require fees, and how do you deal with people who are
6 just too poor to pay them? I see you and Doug Knight
7 like exchanging quizzical--

8 JOHN RYAN: Doug Knight is shaking his
9 head no that we're not charging fees. I can get him
10 up here and ask him, but--

11 CHAIRPERSON LANCMAN: So, none of the
12 programs that the Queens DA's Office imposes any kind
13 of fee for a person to participate?

14 UNIDENTIFIED: [off mic]

15 CHAIRPERSON LANCMAN: Come up and
16 testify.

17 DOUGLAS KNIGHT: Good after--

18 CHAIRPERSON LANCMAN: [interposing] OH, we
19 got to-- you got to sit, we got to swear you in.
20 It's a thing.

21 DOUGLAS KNIGHT: Okay. May I borrow this
22 chair?

23 CHAIRPERSON LANCMAN: You may have it.
24 Do you swear or affirm the testimony you're about to
25

2 give is the truth, the whole truth, and nothing but
3 the truth?

4 DOUGLAS KNIGHT: I do.

5 CHAIRPERSON LANCMAN: Thank you, and just
6 state your name and tell us what--

7 DOUGLAS KNIGHT: Doug Knight, Director of
8 Alternative Sentencing for the Queens District
9 Attorney's Office. So, all of the individuals that
10 we evaluate on a daily basis, when we evaluate them,
11 we determine their financial status, and no
12 individual is ever denied services based upon an
13 inability to pay. If in fact somebody is indigent
14 and it requires a scholarship, we work with the
15 community-based treatment providers to accommodate
16 that individual. So, nobody in Queens County is ever
17 denied treatment services based upon an inability to
18 pay.

19 CHAIRPERSON LANCMAN: So, there are fees,
20 there are payments, it's just that you work with
21 people who are unable to make those payments?

22 DOUGLAS KNIGHT: That's correct.

23 CHAIRPERSON LANCMAN: Okay, thank you.
24 Do you have-- Special Narcotics Prosecutor, do you
25 have those?

2 BRIDGET BRENNAN: Most of our defendants
3 go through Drug Court, and I'm not aware of any fees
4 associated with that.

5 DISTRICT ATTORNEY GONZALEZ: Our ATI's
6 are fee-free with the exception of one program, and
7 that one program there's a fee associated with it.
8 We do not prevent anyone from participating if they
9 can't afford it.

10 CHAIRPERSON LANCMAN: Yeah, sorry. So,
11 I've been told to be maybe more precise in my
12 questions. So we're not just talking about programs
13 that the DA runs, but that people are sent out to
14 that are run by nonprofits. Are there programs that,
15 for example, Queens would might make available to
16 somebody that is an outside nonprofit organization
17 that has a fee which if someone can't pay, they can't
18 avail themselves of that program?

19 JOHN RYAN: As I indicated we associate
20 with programs, proprietary programs and not-for-
21 profits in Queens County, and again, if in fact
22 somebody is being referred from a Queens District
23 Attorney program or an OCA program, any individuals
24 that is in need of clinical services will not be
25 denied those services based upon an inability to pay.

2 CHAIRPERSON LANCMAN: Is that the case at
3 the Brooklyn DA's office?

4 DISTRICT ATTORNEY GONZALEZ: On some of
5 the outside providers, I understand that if someone's
6 undocumented to get certain therapeutic services,
7 mental health services, drug treatment, that's
8 there's often an obstacle. We work with different
9 providers to usually find treatment for a person who
10 might not otherwise qualify for some sort of public
11 insurance or doesn't have health insurance. So, I'd
12 like to be very careful in my answer to make sure
13 that no one's ever denied, but I do know that there's
14 a number of people who are undocumented who we find
15 the services for, and I'm not aware of any situation
16 where I've denied or my office has denied treatment
17 because someone couldn't find, you know, funding.
18 But I'll get back to you in a more clearer fashion.

19 CHAIRPERSON LANCMAN: Staten Island?

20 DISTRICT ATTORNEY MCMAHON: Our answer is
21 very similar to Queens. There are some outside
22 providers for certain programs like a SCRAM [sic]
23 bracelet for someone who has a DWI and part of their
24 sort of alternative sentencing includes that, and
25 that does have a fee. Those are the only case I can

2 think of. All the others where there's healthcare,
3 mental health, drug treatment, we work with the
4 providers to make sure that they get the treatment
5 they need.

6 CHAIRPERSON LANCMAN: What do-- just to
7 follow up. What do you do if someone is-- you know,
8 doesn't have the money to pay the bracelet, for
9 example? Like, they can't--

10 DISTRICT ATTORNEY MCMAHON: [interposing]
11 Well,--

12 CHAIRPERSON LANCMAN: They can't do that
13 program?

14 DISTRICT ATTORNEY MCMAHON: In that case
15 there is an outside prov-- that's an outside company
16 who provides that. So we'll try to fashion a
17 different alternative program, a different type of
18 two-step. Sometimes the SCRAM allows for an
19 expedited process for that individual, but there are
20 other programs as well that we will try to offer to
21 that individuals depending on each case.

22 DISTRICT ATTORNEY CLARK: For the Bronx,
23 we don't charge fees for our program. If there's any
24 substance abuse or mental health defendant, they're
25 usually evaluated for public assistance, Medicaid,

2 Medicare, some type of government subsidy. We use a
3 grant to fund some of the defendants in the-- through
4 task [sic] that does the felonies. And on our low-
5 level cases, Bronx Community Solutions, which is part
6 of the Center of Court Innovation, that does our ATI
7 stuff, they will pay the fees for that. So, Project
8 Reset or things like that, they would cover those. I
9 have to check on that more. I know the DWI's, the
10 Interlock, that does require people that have to pay,
11 and I'm not sure what the mechanism there is for
12 those people if they can't afford to pay that. I'd
13 have to check into that.

14 CHAIRPERSON LANCMAN: Well, if you could
15 check on that, we would like to know.

16 DISTRICT ATTORNEY VANCE: Chari Lancman,
17 we do not refer an individual to a service if they
18 require that defendant to pay. So we wouldn't make
19 that referral to that service. Some individuals who
20 are charged will pay to go to a private service by
21 their choice, but our AITs would not include-- we
22 would not send an individual to an organization that
23 required a fee that our individual defendant could
24 not pay. That said, as part of our Criminal justice
25 Investment initiative, we have invested 14 million

2 dollars to provide supervised release citywide for
3 certain category of felonies and misdemeanors. So we
4 are supporting supervised release programming
5 directly with funding from our office. And I would
6 just say to follow- up, we gave a report to each of
7 the members today, Criminal Justice Investment
8 Initiative which outlines these programs in more
9 detail.

10 CHAIRPERSON LANCMAN: I just want to
11 understand. You say that you-- that tree are
12 individuals who might choose to go into a particular
13 program that does charge

14 DISTRICT ATTORNEY VANCE: But they
15 choose.

16 CHAIRPERSON LANCMAN: They choose to, but
17 a similarly situated defendant could not afford to
18 pay for that program. You've got a different
19 program for that.

20 DISTRICT ATTORNEY VANCE: Exactly,
21 exactly.

22 CHAIRPERSON LANCMAN: Alright, last big
23 picture question I know in Staten Island last year
24 we funded a collateral consequence officer or
25 attorney or someone who would advise the office on

2 collateral consequences issues. I assume implicit in
3 that is that you will take into consideration when
4 you're charging decisions and your plea decisions, a
5 person's immigration status and the potential
6 collateral consequences. But if you could explain
7 your offices' policy conn that, how does the funding
8 that we provided for that has worked out? And then
9 I'd like to know each of your offices' policies on
10 considering collateral consequences in charging and
11 plea decisions.

12 DISTRICT ATTORNEY MCMAHON: Sure. So, we
13 very much appreciate that funding and we're able to
14 bring on a very experienced immigration attorney who
15 started a few months ago in the office, and she's
16 doing amazing work in terms of informing the staff,
17 the ADA's and the supervisors and everyone about
18 immigration law, consequ-- collateral consequences as
19 you described, and also bring out in the community
20 and being a bridge to the immigrant communities in
21 Staten Island for a whole host of reasons. One, we
22 want victims of crime not to be afraid to come
23 forward and understand that our office will not
24 question their immigration status if they're victims
25 of crime, and there are a great many services and

2 support facilities for them including our Family
3 Justice Center and she's doing a great job with that.
4 My approach to every case is to look at it on a case
5 by case basis, and we consider all consequences in
6 every case and try to come up with a charge, a plea,
7 or a prosecution that is fair to all those involved:
8 the victim of the crime, the people who voted to have
9 me as their prosecutor, and the defendant in every
10 case. I will consider collateral consequences as
11 explained to me by that Immigration Affairs Unit
12 Attorney as well as a whole host of other factors as
13 well. There's not one blanket policy that the office
14 abides by.

15 CHAIRPERSON LANCMAN: thank you. Judge?

16 DISTRICT ATTORNEY CLARK: Well, I have an
17 Immigrant Affairs Unit. I have not hired anyone, a
18 lawyer in particular, for immigration affairs or
19 collateral consequences, but having been a former
20 judge I know what those collateral consequences look
21 like, and again, we look at each cases on-- each case
22 on a case by case basis. When charging originally,
23 we-- unless we know from the police, we wouldn't know
24 necessarily the immigration status of an individuals.
25 But after the case is drawn up we do work with the

2 defense bar when they-- if it's brought to our
3 attention to make sure that we find some type of
4 deposition or charge. There should be some type of
5 disposition to make sure that those collateral
6 consequences do not impact the defendants. I had the
7 fortunate-- well, unfortunate, depending on how you
8 look at it. It was a case by the Court of Appeals,
9 the Swarzo [sp?] Case. They came down and said that
10 undocumented immigrants who go through the Criminal
11 Court when charged with B misdemeanors, that they
12 have the right to a jury trial. That was the case
13 that was in the Bronx. Of course the law was that in
14 New York City a B misdemeanor defendant is not
15 guaranteed a jury trial. So I had to make the
16 decision on whether or not I wanted to go to the U.S.
17 Supreme Court to challenge that. I chose not to,
18 because I think that it was important that the
19 individuals undocumented should not have to go to
20 court to prove that they're undocumented in order to
21 get the jury trial. I simply asked-- thought that
22 the legislature should change the law so that now in
23 New York City there should be jury trials for all
24 defendants who are prosecuted whether it's an A
25 misdemeanor or B misdemeanor, and that's the position

2 that my office is taking now. So, that's a
3 collateral consequence that I think I'm addressing in
4 a different way.

5 CHAIRPERSON LANCMAN: Thank you.
6 Manhattan?

7 DISTRICT ATTORNEY VANCE: Thank you. We
8 have self-funded the hiring of an attorney whose
9 focus is exclusively on collateral consequences
10 issues throughout the entirety of the office's cases
11 to support the decision-making of assistants in each
12 borough. So, that is how we have addressed this need
13 to have a better understanding of a very complex area
14 of law, and it is our position and my belief that we
15 should take collateral consequences as into
16 consideration as a factor, and not the only factor,
17 but as a factor in achieving a disposition that is
18 both fair and consistent with our public safety
19 responsibility.

20 CHAIRPERSON LANCMAN: Thank you.
21 Brooklyn?

22 DISTRICT ATTORNEY GONZALEZ: My office
23 has two fulltime immigration attorneys whose
24 responsibility it is to work with our Assistant
25 District Attorneys to go over the potential

2 collateral consequences on every case. It's a
3 mindfulness standard. Every Assistant District
4 Attorney is expected to be mindful of any plea
5 negotiation or any sentence recommendation to a judge
6 could have possible collateral consequences to an
7 individuals, and these immigration attorneys are
8 excellent. They regularly work with our defenders to
9 try to work dispositions that are fair and just and
10 protect the people of Brooklyn. I believe last year
11 they were involved in about 700 consultations on our
12 caseloads. And we also do in Brooklyn what Bronx
13 District Attorney is doing, is we don't require
14 someone to indicate their immigration status to get a
15 jury trial.

16 CHAIRPERSON LANCMAN: Ms. Brennan, does
17 this apply to you?

18 BRIDGET BRENNAN: It doesn't come up very
19 much. When it does, we look at it in a case by case
20 basis.

21 JOHN RYAN: With 47 percent of our
22 population in Queens foreign-born, and I assume our
23 criminal population is about the same. It's
24 obviously an issue that comes up a lot. We have an
25 Office of Immigrant Affairs that assists us in that,

2 but essentially it's done on a-- basically a case by
3 case basis. I believe we're the only District
4 Attorney's Office in New York State and one of the
5 few in the country that serves at arraignment on
6 every defendant, a notice pursuant to the Treaty of
7 Vienna, which most attorneys are unfamiliar with, but
8 the United States is part of a treaty, and foreign
9 nationals are entitled to assistance from their
10 country. In some cases it's mandatory, if we know
11 the person is a citizen [sic] of certain country. In
12 other cases it's voluntary, if they want it. We
13 don't ask them whether or not they're a citizen. We
14 serve the notice, and it's then up to the defense
15 attorney to decide whether they want us to make that
16 notification. Very, very few do. That's their
17 choice. But we will work with an attorney if there's
18 a balance that we can strike. The problem we have is
19 quite frankly we're often asked to provide a better
20 disposition to a non-citizen than to a citizen, and
21 that causes a dilemma for us. And we're willing to
22 work with counsel if we can come up with an offer
23 that we'd be willing to make to a citizen that will
24 accomplish their needs and our needs, and if we can
25 do that, we're more than willing to do it.

2 CHAIRPERSON LANCMAN: Chairman Richards?

3 CHAIRPERSON RICHARDS: Thank you, Chair,
4 and thank you all for the work that you do day-in and
5 day-out. It's a pleasure to work with each and every
6 one of you. Quick question on body cameras. So the
7 Fiscal 2019 budget included 2.6 million for body-worn
8 cameras and the hiring of about 46 positions across
9 all of your offices. This funding was put into
10 personnel services funding; however, we have heard
11 from several officers that there are concerns about
12 the OTPS associated with the storage of the videos.
13 So, can you speak to the cost and concerns around
14 OTPS costs associated with body cameras? Also, the
15 Police Commissioner also earlier testified that you,
16 all of you have gained automatic access to the
17 footage. So I just wanted to hear down the line if
18 that is true, not to say that what he was saying is
19 false, but I just wanted to get you on the record on
20 that as well. The storage of body camera footage,
21 are you all good, or? If you don't have any concerns
22 around it, it's fine.

23 DISTRICT ATTORNEY CLARK: No.

24 DISTRICT ATTORNEY MCMAHON: In my
25 testimony I mentioned that we have a-- we need a

2 little more help with storage going forward, and we
3 have a request in for 8,000 dollars for our budget to
4 give us that cloud storage.

5 CHAIRPERSON RICHARDS: Nobody else needs
6 money? Okay.

7 DISTRICT ATTORNEY VANCE: First of all,
8 thank you-- excuse me?

9 CHAIRPERSON RICHARDS: Okay.

10 DISTRICT ATTORNEY VANCE: I'm sorry. At
11 this point, it's my understanding that storage costs
12 prospectively are not yet clear to us from the NYPD.
13 That's my understanding. We have and are grateful
14 for the funding that we've received for the personnel
15 on our side to do review, but in the future, I think
16 we'll need to know what the-- what exactly the
17 platform will be for the NYPD.

18 CHAIRPERSON RICHARDS: So there's not
19 enough clarity there.

20 DISTRICT ATTORNEY VANCE: Well, I don't
21 think there's clarity there today.

22 CHAIRPERSON RICHARDS: Okay, today. And
23 then access to the footage, do you get instant
24 access?

2 DISTRICT ATTORNEY VANCE: I didn't hear
3 the Commissioner's testimony. Again, this is my
4 understanding that it is something that both sides
5 are working on. I'm not sure I would say it's
6 seamless access today, but I think obviously both the
7 NYPD and our office, I think we want to achieve the
8 goal that this Council expects which is access--
9 immediate access and availability, coordination,
10 collaboration. I think we have a ways to go to get
11 there, but we're more than willing to work with the
12 PD to solve that problem.

13 CHAIRPERSON RICHARDS: Okay, we'll go
14 down the line.

15 DISTRICT ATTORNEY CLARK: As far as the
16 personnel, we used the money that was given last year
17 to hire the personnel. We anticipated the increase
18 of it going borough-wide, so the amount of personnel
19 funding we asked for matched the need, so we're doing
20 fine with that. Storage, I'd have to get back to
21 you. I think we do have a capital request, but I'm
22 not sure, so I don't know how much. And as far as
23 the uploading of the footage, we're well on our way.
24 You know, we set up a body-worn camera unit in our--
25 you know, we've worked hard with the Police

2 Department to improve the access. So, it's a work in
3 progress, that's all I can really say.

4 CHAIRPERSON RICHARDS: You don't have
5 instant access today?

6 DISTRICT ATTORNEY CLARK: I what?

7 CHAIRPERSON RICHARDS: Do you have instant
8 access today, like--

9 DISTRICT ATTORNEY CLARK: [interposing]
10 Internet access?

11 CHAIRPERSON RICHARDS: Instant, instant,
12 right away, access right away.

13 DISTRICT ATTORNEY CLARK: Yeah, in the
14 complaint room, we-- yeah, we get to see it.

15 CHAIRPERSON RICHARDS: Okay, you do,
16 okay. So Manhattan said--

17 COMMITTEE CLERK: [interposing] No, we do.

18 DISTRICT ATTORNEY MCMAHON: I would just
19 say in addition to my request for funding in terms of
20 access and sharing, it is a work in progress, but
21 even in the last few weeks since that we've seen some
22 great improvement, and we're all moving in the right
23 direction, and I'm looking forward to coming back to
24 the Exec budget in saying that we're at 100 percent.
25 We're not there yet.

2 CHAIRPERSON RICHARDS: Don't worry, the
3 Police Commissioner is not going to be mad if you
4 answer the question.

5 DISTRICT ATTORNEY MCMAHON: No, no, no, a
6 few weeks ago I may have complained, but I just heard
7 from my Exec that we've made great strides and we're
8 very pleased with sort of a renewed effort on PD's
9 part to get everyone trained and to get them to
10 explain, to understand that even if they're not the
11 arresting officer, if they're on the scene, if
12 they're somehow related that has to go and get shared
13 as well. So, it's a training issue.

14 CHAIRPERSON RICHARDS: Work in progress.

15 DISTRICT ATTORNEY MCMAHON: But they have
16 sort of renewed their efforts and we've made great
17 strides in the last few weeks.

18 DISTRICT ATTORNEY GONZALEZ: Well, I want
19 to thank the City Council. We did receive money last
20 year to hire some personnel to do the work. We've
21 hired people to do the work to make sure that we're
22 including body-worn camera in the materials we turn
23 over in Open File Discovery. We believe that is a
24 big part to enhancing due process rights for people
25 accused of crime. we've spent additional to that

2 money about 80,000 dollars so far in storage, so
3 these expenses are really ratcheting up quickly
4 because it hasn't even been fully implemented, and
5 in terms of instant access, my complaint room
6 actually has access to body-worn camera video, but
7 only if the officer is uploaded, and we've had a
8 problem in making sure that all videos are uploaded.
9 We've pushed back a little bit in sometimes refusing
10 to accept a case until the body-worn camera has been
11 downloaded, but obviously that slows down arrest to
12 arraignment times which is not in anyone's interest.
13 So there's still challenges, but I do want to thank
14 the City Council for the money we did receive, and
15 say that we do expect additional cost, because
16 storage simply very expensive.

17 CHAIRPERSON RICHARDS: Thank you.

18 JOHN RYAN: In our capital request we
19 included money for storage. I don't have the exact
20 number right now, but we can break that out. I never
21 talk about body-worn cameras without getting to my
22 pet peeve on them, and I think this is the right
23 place to do it. These systems do not have built into
24 it a GPS system, and I believe the Police Department
25 said this morning they have-- is it three million

2 body-worn cameras? There's no way you can search
3 three million body-worn camera footages to see who,
4 what, when, and where. The Axon cameras I know have
5 the capability to add GPS. What you need to do, and
6 we're all going to drown. We're in the first couple
7 of years of this, and we all have-- I mean, my
8 office, we only have 30,000 because that's, you know,
9 tied to an arrest. When you look at some video, you
10 may see seven cops at the scene. You've only got the
11 video from two of them. The only way the system can
12 work in the long-run, it's got to be cheaper in the
13 long-run. You have the ability to add GPS. You need
14 to be able to search date, time, and place, and
15 whatever a hundred yard circle, a 200-yard circle.
16 It's the only way we're going to know we have all of
17 it. We don't know it now. Unless you're going to go
18 through every one of them, it's impossible to know
19 now. The way cops upload it, the way they tag it,
20 the way they label it, you never know. They should
21 do-- it's a technological problem that has a
22 technological solution. I urge them to do it now.
23 Make them do it now. They'll enjoy it. They'll find
24 ways to use it, but you can't search three million
25 videos one at a time.

2 CHAIRPERSON RICHARDS: I wanted to go
3 back to Chair Lancman's question around fees. Are
4 forfeiture funds available for the-- I know that
5 you're limited in scope of how you can utilize them,
6 but in terms of grants, for instance, low-income New
7 Yorkers who can't afford these programs, is
8 forfeiture funds something that you can utilize?
9 Don't sing all at the same time.

10 BRIDGET BRENNAN: I'd have to look at
11 the--

12 DISTRICT ATTORNEY VANCE: I don't think
13 federal will be available, because they're very
14 restrictive.

15 JOHN RYAN: Federal, okay.

16 DISTRICT ATTORNEY VANCE: State's a
17 little bit more restrictive, and they said we don't
18 feel we have a problem with that in Queens as far as
19 paying these fees.

20 CHAIRPERSON RICHARDS: Anybody else?

21 DISTRICT ATTORNEY CLARK: We do use some
22 grant money to help out, but I don't know-- I'm not
23 sure about the asset forfeiture, because of the
24 restrictions. So I would have to get back to you.

2 CHAIRPERSON RICHARDS: But we'll double-
3 check.

4 DISTRICT ATTORNEY CLARK: But we do use
5 some of our grant money.

6 CHAIRPERSON RICHARDS: Anybody else?

7 DISTRICT ATTORNEY GONZALEZ: We also have
8 some grant money that's used, but we have some money
9 that were used from federal forfeiture that allows us
10 to do some of the work around ankle monitors and
11 things of that nature for our young adult program.

12 CHAIRPERSON RICHARDS: Ta-da [sic]. So
13 that means that it's feasible. Alrighty. Anybody
14 else? Okay. So, I want to just delve into the
15 conversation around pay parity a little bit, and I
16 agree that your ADAs do a lot of great work. A
17 recent conversation that's not only been coming up in
18 New York City but nationally is around the diversity
19 around ADAs. Can you speak to-- and I don't know if
20 you have that data, you know, the makeup of the ADAs
21 in your office, and if not, is it feasible to get
22 that information to the Council?

23 DISTRICT ATTORNEY VANCE: We will provide
24 the exact and more-detailed data to you, but roughly
25 20-- I would say 20 percent of our assistants are men

2 and women of color, diverse, and that applies for
3 both men and women. I will say that I think we can
4 do better in Manhattan, and it is certainly our goal
5 to bring in a diverse team of assistants that
6 represents our community. I will note that, the
7 salary, the salary between what one person can earn
8 in a DA's office versus what could earn-- what
9 someone can earn outside, as many of our-- you know,
10 many of our superstars of any background are lured
11 away from the office, and in sometimes it's hard to
12 keep someone in the DA's office when they are able to
13 make so much money elsewhere. But in answer to your
14 question, I am-- I feel we have done well, but we
15 actually can do better, and that really I think is
16 around mentoring and providing support within the
17 agency for diverse assistants so that they feel, you
18 know, that they--

19 CHAIRPERSON RICHARDS: [interposing]
20 Right, and I don't want this to be a "gotcha" moment.
21 I just want to put it on everyone's mind that this is
22 a conversation that is coming up more and more, and
23 you know, I think as we talk about improving the
24 justice system, it's critical that there are
25 communities all across the City that are certainly

2 reflected in your offices. The same conversation we
3 have with the Police Department about ensuring that
4 that diversity is certainly taking place and for any
5 agency or organization. You know, as the City moves
6 to being primarily majority people of color, which it
7 is, you know, we want to make sure that our
8 communities are also, you know, at the table in the
9 justice system as well. So I don't want this to
10 serve. I'm not looking to do a gotcha moment, but I
11 think that as turnover and attrition and people move
12 to other places, that that should certainly be
13 something on your minds as we move forward. Can I
14 get-- and if anybody else wants to chime in.

15 DISTRICT ATTORNEY CLARK: Well, as far as
16 the Bronx is concerned, they do have a District
17 Attorney that reflects the community, so that's one
18 thing that I'm happy about, but there's still more
19 work to be done, even in my office. You know, I
20 started a strategic recruitment plan now where I
21 personally go out on recruit the law schools, alumni
22 associations and things of that nature, and go to
23 different conferences as well and make sure that I
24 send my executive staff out as well. You know, we're
25 all vying for the same folks. So sometimes, you know,

2 it's more difficult but it's something that's
3 intentional, and you know, I'm mindful of it each and
4 every day, not only with the Assistant DA, but all of
5 the staffing in my office. The Bronx is the second
6 largest employer in Bronx County besides Montefiore
7 Hospital which builds something every day. In the
8 meantime, I, you know, make sure that it's
9 intentional that we hire people from the community,
10 from the Bronx community and they reflect the
11 community that we serve. But I can get you the
12 actual statistics, but it's-- compliance is something
13 that we work with all the time.

14 DISTRICT ATTORNEY VANCE: I neglected to
15 say that we have a Chief Diveristy Officer which is a
16 position that we started roughly two or three years
17 ago, and that has been an important, a very important
18 executive role in our office, and it's again, just
19 part of the process.

20 DISTRICT ATTORNEY MCMAHON: Yeah, it's a
21 great question, and I thank you for raising it, and
22 we could use some help with it out in Staten Island,
23 because we-- I recognized the issue immediately when
24 I came into office, and I made some, I think, some
25 great head-way and certainly in terms of leadership.

2 Just you know, I have a total of 25 legal leaders, if
3 you will, bureau chiefs, deputy bureau chiefs,
4 executives. Fifteen are women on the legal side, so
5 60 percent of the leaders are women, three minority,
6 and self-identified minorities are in leadership
7 positions, so 12 percent. Nowhere near where it
8 should be, but more-- a thousand percent more than it
9 was when I got there. And the leadership in the non-
10 legal position as well. And then across the non-
11 legal positions, paralegals, victim advocates, we've
12 really increased the diversity by double digits,
13 close to 50 percent I believe, as well as language
14 capabilities. I did not have an ADA who spoke
15 Spanish when I came in. I now have three. I now have
16 an ADA who speaks Arabic. I'm going to have two that
17 speak Russian-- important for Staten Island. So it's
18 an ongoing project that I work on. One, hopefully,
19 who speak Urdu coming in the near future. But it's
20 not easy because it is a goal of mine for the non-
21 legal staff, and I'm proud of what I've done here,
22 but with the legal staff for the reasons discussed,
23 it's not easy to recruit people generally. And if you
24 know someone of color and wants to be a prosecutor
25 and has the credentials, it's very well seen to go to

2 the Manhattan DA's or the Bronx DA's office, or the
3 Brooklyn DA's office, or the Queens DA's office, and
4 they kind of see us as last. So, if you know any
5 young people who are coming out of law school and want
6 to come out to Staten Island and join my office, I
7 look forward to interviewing them.

8 CHAIRPERSON RICHARDS: We'll see if my
9 colleagues on Staten Island agree with that, but
10 okay.

11 JOHN RYAN: The recruitment of diverse
12 candidates for Assistant District Attorney positions
13 is something that I've taken very seriously. Last
14 year, I followed Cy Vance, and for the first time in
15 the history of my office we hired a Chief Diversity
16 and Inclusion Officer whose job is to assist in the
17 recruitment and retention and enhancement of lawyers
18 of color in my office. you know, I-- roughly about
19 35 to 39 percent depending when you ask me that
20 question are going to be lawyers of color. We have
21 about 33 percent of our supervisory staff, lawyer
22 supervisory staff, are people of color. In terms of
23 other types of diversity, at least 75 percent of my
24 executive staff are all women, and we continue to
25 look to figure out ways of, you know, diversifying

2 the office. It is something that I believe is very
3 important to the people and the confidence they have
4 in our justice system. And it is true that all five
5 DA's offices really compete for a very similar pool
6 in a very small pool of lawyers that are lawyers of
7 color graduating from our law schools.

8 CHAIRPERSON RICHARDS: Thank you. Thank
9 you.

10 BRIDGET BRENNAN: And I should skip that
11 one. The attorneys in my office are appointed by one
12 of the DA's offices to my office, and so if they're
13 having difficulties recruiting people of color for
14 their offices. Obviously, it will be reflected. In
15 my non-legal staff we have very good track record on
16 diversity. The legal staff, most of our assistants
17 of color are on the executive staff or are
18 supervisors and have been in the office a long time.
19 We do have a Chief Diversity Officer as well.

20 : Once a year the Law Journal publishes a
21 report, and all the information I think is
22 voluntarily reported. I have the report from 2018.
23 I can summarize if you want it. It has the five New
24 York City DAs, the US Attorneys, and some of the
25 local DAs. What I don't have with me, though, which

2 I think is equally important, we have a breakdown of
3 the law school populations. We don't recruit from
4 the population at-large, we recruit from the law
5 schools. In our case there was only one law school
6 in New York State that had a diversity population
7 greater than the population of minorities that we had
8 in our office, and this is where we recruit from.
9 Unfortunately, I believe the nationwide number is
10 five percent of lawyers are minorities. So, we have
11 to recruit from that pool. I think we are all
12 aggressive in recruiting, and we all make an effort
13 to make our offices as diverse as possible but we're
14 recruiting again from a small pool.

15 CHAIRPERSON RICHARDS: Okay, great, and I
16 would just say, you know, that speaks to a larger
17 systematic issue, whether that starts from the
18 education system, public school systems in New York,
19 but also I think there could be some room for a
20 stronger partnership probably with CUNY, SUNY
21 possibly, and sort of working through this a little
22 bit more so that we can create that pipeline of
23 opportunity there. So I look forward to working with
24 you all on that. Can you just go through-- so,
25 obviously, the NYPD has changed their on marijuana

2 and low-level offenses. How much money do you
3 anticipate that this policy change has saved you and
4 saved the City? Being that there's less arrests?

5 DISTRICT ATTORNEY VANCE: In terms of
6 numbers, I think our numbers are very much along the
7 lines of Brooklyn, about 96 percent or 98 percent
8 less marijuana prosecutions this year than in the
9 preceding year. That obviously-- if that's-- that I
10 think translates-- I can't tell you the exact dollar
11 amount, but clearly that's many thousands of cases
12 that are now not brought into Criminal Court, and
13 that will save NYPD time, assistant time, judge time,
14 court officer time, and defense lawyer time.

15 CHAIRPERSON RICHARDS: Are any of you
16 still prosecuting low-level marijuana offenses, or
17 no?

18 DISTRICT ATTORNEY GONZALEZ: Well, in
19 Brooklyn, for example, I'll put through a case and
20 prosecute someone who's driving and smoking marijuana
21 at the same time, you know, a case where the
22 marijuana usage is creating a public safety risk.
23 But there's a nine-- again, a 98 percent reduction.
24 In 2013 we were looking at over 16,000 marijuana
25 possession arrests in Brooklyn alone. If we put

2 through 100 this year, that seems like it would be
3 too many. It'd probably be way less than that.

4 JOHN RYAN: Again, if the Police
5 Department writes it up and it's written as a
6 misdemeanor, we will take it. Almost none of those
7 cases survive arraignment. Usually, you know, either
8 ACD'd or pled to a discon [sic]. I checked this
9 morning-- or excuse me, as of last Thursday there
10 were only two defendants from Queens in jail on
11 marijuana. Both of them were felonies, and both of
12 them were because they had outstanding warrants on
13 other matters. There are very few of these cases
14 that are coming through, and again, virtually none of
15 them survive arraignment.

16 CHAIRPERSON RICHARDS: Save any money?
17 How did it affect your caseloads--

18 JOHN RYAN: [interposing] I don't know if
19 saved us any money. It didn't really cost us any
20 money. These are-- there's a system the police used
21 called EAP for Expedited Affidavit Program. The
22 Police Department does the complaint. They sign the
23 complaint. They send it court. We send it over, and
24 that's pretty much how all of those cases are

2 handled. So, it's-- to me, it's virtually it's a
3 zero-sum game.

4 DISTRICT ATTORNEY GONZALEZ: I mean, we
5 haven't been able to figure out exactly how much each
6 individual one of these cases cost. I hear estimates
7 between 1,500 and 2,000 dollars to prosecute a
8 marijuana arrest. I mean, we're talking about over
9 the last few years tens of thousands fewer cases.

10 So, I believe that there's been a substantial savings
11 in not putting those cases through, and I can tell
12 you for the Assistant District Attorneys not having
13 to work on those cases, processing them, standing up
14 on them is allowing us to focus them on other work.

15 CHAIRPERSON RICHARDS: Ms. Darcel?

16 DISTRICT ATTORNEY CLARK: In the Bronx,
17 I'm not prosecuting them anymore. As of January I
18 made official policy. At first I was trying to work
19 with the Police Department to make sure that they
20 gave the summonses or whatever, but it seemed like
21 things was still coming through. So, I'm declining
22 to prosecute them. If there's a warrant or whatever,
23 we make sure that they clear that up, and to make
24 sure-- we're talking about cases where they're only
25 charged with marijuana. If there's other charges,

2 then that's something different. I couldn't tell you
3 whether or not there's any savings. I haven't been
4 able to-- I don't really know that, so I would have
5 to get back to you to see if there's some savings,
6 but we-- you know, I'm not going forward with those
7 cases anymore.

8 DISTRICT ATTORNEY MCMAHON: And our
9 answer would be the same as Queens, that if the cases
10 are brought into us we write them up, but they're
11 mostly involving either other charges or certainly--
12 Staten Island being the case where-- a place where so
13 many people still drive. A lot of them involve
14 driving cases. We write them up. But the volume of
15 cases overall have come down, and it's hard for me to
16 quantify the savings for that.

17 CHAIRPERSON RICHARDS: Okay, so Queens
18 and Staten Island, I look forward to working with
19 you. Last question and then we're going to go to
20 Council Member Ulrich. I know there's a lot of
21 conversation around discovery reform in Albany.
22 Where are we at? Can each one of you speak? Are you
23 in support of it? It could be a very brief answer,
24 yes or no, or even if it's a no, what are some of the
25 challenges you see with discovery reform in a brief

2 minute? But just want to get on the record where are
3 we at with that.

4 DISTRICT ATTORNEY VANCE: Our office is
5 very supportive of reform along broad number of
6 criminal justice procedural issues. I think that I'm
7 not exactly sure what the state of decision-making is
8 in Albany, and amongst the legislature on this
9 particular issue. But I believe that we will find a
10 compromise. Now, challenges for us that we've
11 addressed to the legislators, principally revolve
12 around victim and witness safety. At what point in
13 the process should one provide the addresses and
14 contact information for a civilian witness? It's
15 obviously important to both sides to prepare for the
16 defense, but also to ensure your victims that you are
17 fighting for them. But we are supporting the-- we're
18 supporting and involved in the conversations, and I
19 believe they-- my hope is that they will be resolved
20 in the next day or so.

21 DISTRICT ATTORNEY CLARK: I am also
22 supportive of the reforms that are going on. Have
23 been in direct conversations with the-- with our
24 elected officials in Albany in regards to discovery,
25 bail, and the speedy trial. You know, I'm in favor

2 of it. Again, witness safety is important. I mean,
3 we-- you know, it's unfortunate that the narrative
4 keeps being that DAs are against it. We're not
5 against it. It's helpful for us to make sure that
6 the victim get their day in court as well. So there's
7 two sides to this, and you know, as a former judge, I
8 know how important it is that you don't hide the ball
9 'til the last minute. I've never been in favor of
10 it. I'm training my assistants that regardless what
11 the law says on the books, just because it says we
12 don't have to turn something over until a certain
13 time, doesn't mean that we can only do it at that
14 time. So, it's just been a culture change in the way
15 that you train the assistants, but I'm in favor of
16 it. I look forward to the change, and whatever
17 compromise they come up with. After 20 years there's
18 a need to reform it and this is a DA who looks
19 forward to it.

20 DISTRICT ATTORNEY MCMAHON: I agree with
21 my colleagues, and we've implemented already in our
22 office a lot of early discovery procedures that we're
23 very proud of, but I want to underscore what they
24 said about the fact that some of the reforms that are
25 being discussed in Albany can put witnesses,

2 confidential informants, and in particular, victims,
3 in jeopardy. And in my comment I underscored the
4 fact that in Staten Island we focus a lot of our work
5 on fighting for the rights of victims, having
6 victims' advocates and helping them through the
7 process. A lot of the discussion about criminal
8 justice reform in society today, and I fear in this
9 hallowed chambers as well as in Albany, forgets too
10 often the fact that in most cases when someone is
11 charged with a crime there is a victim or victims of
12 that crime. And we've had hearings that we've been
13 asked to come to talk about discovery processes and
14 changing our laws to protect the rights of people who
15 are accused of crimes, but I haven't seen very many
16 hearings about victims, about what are the rights of
17 victims. How do they recover their lives? How do
18 they get their life back on track if they're a victim
19 of assault or shooting or a vehicular crime? so, I
20 believe any discussion that goes forward that speaks
21 about criminal justice reform, whether it's
22 discovery, whether it's bail, whether it's speedy
23 trial also contemplates the rights of victims. We
24 seem to have lost that, and I hope that the leaders
25 of this committee and the Council here will continue

2 to keep that in mind, because that's what I'm worried
3 about. We're not having that discussion, and I don't
4 know how we've lost that from our discussion.

5 DISTRICT ATTORNEY GONZALEZ: In Brooklyn
6 we've been a long-time supporter of transparency and
7 open file discovery. I continue to support measures
8 that make our criminal justice system a more fair
9 place, a place where people are not-- especially our
10 defenders-- are not required to prepare their cases
11 in the dark, without information, and as I indicated
12 in the op-ed that I was a part of, you know, trial by
13 ambush. I will say that the current-- there is a
14 concern that I share with my colleagues in terms of
15 the discovery reform which indicate that 15 days
16 after the arrest arraignment, that a witness' name,
17 date of birth, home address, phone number would have
18 to be turned over. The current provisions for
19 protective orders, I think, are often never-- not
20 fleshed out that we can show good cause for that at
21 that immediate time. I think that when necessary
22 when that information needs to be turned over, it
23 should be done closer to trial, but it's very-- it's
24 going to be a big hardship to tell witnesses who may
25 be reluctant in the first place, especially in

2 communities of color, that we're going to turn over
3 your home phone number and your address to a defense
4 attorney and their investigators, and possible to the
5 defendant and their family. So I ask that-- you know,
6 I've had this conversation with the electeds [sic]
7 that up Albany who are friends in Brooklyn, and ask
8 that they figure out whether or not there are
9 alternative contacts that could be provided, not to
10 prevent a defense attorney from reaching out, but not
11 causing us to provide such direct information to
12 witnesses. And it's not just witnesses of violent
13 crime. If you were a victim of identity theft or,
14 you know, credit card fraud, and someone stole your
15 check and then we have to turn around and say his
16 proper name, his proper date of birth, his address,
17 his name. You know, it's something that I think will
18 chill people's willingness to participate in our
19 justice system. I know that the counter-veiling [sic]
20 arguments is that it's done in other places, but we
21 do things differently in New York, including having
22 sworn grand jury testimony and providing other
23 avenues to have contact with witnesses. In fact, we
24 have a homicide case currently pending in our office
25 right now where the judge asked the DA to bring in

2 witnesses for the defense so that they could speak to
3 them. I think there are other ways of doing this, but
4 I am fully in support of the discovery reform.

5 CHAIRPERSON RICHARDS: Now, grand jury
6 testimony and police reports wouldn't have that
7 information, correct? Your office has been doing
8 this for a while--

9 DISTRICT ATTORNEY GONZALEZ: [interposing]
10 The home addresses you mean? No, I'm just saying
11 like they--

12 CHAIRPERSON RICHARDS: [interposing] Okay.

13 DISTRICT ATTORNEY GONZALEZ: We know who
14 are witnesses are.

15 CHAIRPERSON RICHARDS: Right.

16 DISTRICT ATTORNEY GONZALEZ: And there's,
17 you know, another point which is, you know, on cases
18 that-- and I'll let Special Narcotics Prosecutor talk
19 more about it, but issues with confidential
20 informants just raising the fact that we're seeing a
21 protective order may endanger people's lives when
22 they're confidential informants.

23 BRIDGET BRENNAN: One of my big concerns
24 is the wording in the reform package as it stands
25 requires the release not just of witnesses who had

2 testified, but information about people who may have
3 information relevant to the crimes, which would
4 include confidential informants who would never be
5 called at trial, who did not have-- did not witness
6 anything, but may have provided information in my
7 cases regarding major cartel organizations, may
8 themselves not be here in this country, may have
9 family in other places, and we know the brutality of
10 the cartels. The language is very loose, and it's--
11 but the-- if it's the law, it's the law. We're
12 lawyers. We can craft language, which is more
13 thoughtful, more careful and could offer the kinds of
14 protections we need, but I have deep concerns about
15 confidential informants' information being revealed
16 to anybody or even telling a defendant that we have
17 to seek a protective order because we have to conceal
18 information, which would indicate that there is some
19 confidential information down the line. And what we
20 know about car-- these brutal criminal organizations
21 is if there's any question, they'll just, you know,
22 kill someone. It's not really they're going to spend
23 a lot of time sorting it all out. And I have deep
24 concerns about this proposal. I don't think it's
25 well-drafted, certainly not with those kinds of

2 concerns in mind, and here in New York City I think
3 that's something that we should think very carefully
4 about.

5 CHAIRPERSON RICHARDS: Thank you.

6 JOHN RYAN: the District Attorneys are
7 not opposed to change. It's the question what the
8 change is. Without knowing exactly what it is--
9 there's so many bills up there. One provision in one
10 of the bills would give the defense a right to search
11 a witnesses' home, basically, and fram-- it's tough
12 enough to get people to cooperate now, let alone if
13 they thing the defense can get an order and go search
14 their homes. But there is compromise out there. The
15 Chief Judge, first Judge Lipmann, now Judge DeFiore
16 created a Justice Taskforce. The Justice Taskforce
17 has recommendations on discovery. It has
18 recommendations on bail. It wasn't written by the
19 DAs. It wasn't written fully by the defense. It was
20 a compromised document. I would urge you to review
21 the Justice Taskforce recommendations on discovery
22 and bail and take a look and see if they're not
23 reasonable. We think they're reasonable. Is it
24 everything we want? No. It's a lot of it we don't
25 want, but I think it's a reasonable basis to move

2 forward. The idea of-- again, no one-- have you ever
3 seen jury selection late? You see the lengths people
4 will go to avoid getting on a jury, times ten what
5 people do to avoid being witnesses. People don't
6 want to be a witness, let alone, if their identity--
7 everything but their social security number is
8 disclosed within two weeks under one of the bills.
9 We urge you to take a look into Chief Judge's Justice
10 Taskforce recommendations and see if they're not
11 reasonable.

12 CHAIRPERSON RICHARDS: Thank you. I'm
13 going to acknowledge and say that DA Gonzalez gives
14 over a lot of things, and would you agree to
15 duplicate what he's doing.

16 DISTRICT ATTORNEY VANCE: We give over
17 almost everything--

18 CHAIRPERSON RICHARDS: [interposing] He
19 gets the gold star today.

20 DISTRICT ATTORNEY VANCE: in criminal
21 court.

22 CHAIRPERSON RICHARDS: Maybe not the gold
23 star, but closer to the gold star.

24 DISTRICT ATTORNEY VANCE: Well, I may
25 give the star a different color, but-- I respect DA

2 Gonzalez. I respect his position. We disagree. I
3 think what we do in reality is somewhat close to what
4 he does. We just don't declare it as an open file
5 discovery thing. We have a conference system which
6 guarantees every defense attorney a meeting with the
7 boss before the case is even indicted and a lot is
8 exchanged at those meetings, and that's something we
9 do, and anybody else is free to adopt that, too, but
10 this is how we handle in part [sic].

11 CHAIRPERSON RICHARDS: Alright, thank
12 you. Going to turn it back to chair Lancman. Thank
13 you.

14 CHAIRPERSON LANCMAN: Councilman Ulrich?

15 COUNCIL MEMBER ULRICH: Thank you, Mr.
16 Chairs. I first want to begin before I ask my
17 question, just commending-- I'm sure that all of you
18 will join me in commending Judge Richard Brown, our
19 retiring District Attorney on the extraordinary job
20 he has done serving the people of Queens County and
21 the State of New York. He is leaving behind an
22 extraordinary legacy from the Family Justice Center
23 to all of the individuals bureaus and specialty
24 courts that he ws involved in setting up. He's had
25 such a transformative role in shaping the direction

2 of Queens County and improving the lives and the
3 quality of life for the people that live in Queens,
4 including myself. I can't say enough nice things
5 about him, and I know that he's leaving some very big
6 shoes to fill, but he really is the embodiment of
7 public service, and he's raised the bar, I think, for
8 every District Attorney in the State of New York in
9 such a positive way and inspiring way. So I want to
10 thank you for his service, and please really--

11 JOHN RYAN: [interposing] Thank you on his
12 behalf. I'm sure he's watching right now.

13 COUNCIL MEMBER ULRICH: Maybe, but and
14 he's still serving the people of Queens until June
15 1st, and knowing him, he'll probably be there until
16 midnight June 1st in his office making sure that
17 whoever takes over is getting a borough that's in
18 much better hands than the way he found it 28 years
19 ago. So, thank you again. My question is involving
20 the recent law that was passed that revised the
21 statute of limitations for sex abuse cases. Have any
22 of your offices seen an increase in the number of
23 complaints that have come in, people that have now
24 come forward to say that there were victims of sex
25 abuse? And how is your office now handling some of

2 those cases, not individually, but you know, more
3 generically?

4 JOHN RYAN: The changes as I understand
5 it are in the civil statute of limitations. It's not
6 going to have an impact on the criminal statute of
7 limitations.

8 COUNCIL MEMBER ULRICH: So that won't
9 allow for any prosecutions to take place? I thought
10 there was a one-year window that was included in--

11 JOHN RYAN: [interposing] So I understand
12 it there'll be a one-year window that opens this
13 summer to allow civil lawsuits, but it doesn't change
14 the criminal.

15 COUNCIL MEMBER ULRICH: Is that true?
16 I'm--

17 DISTRICT ATTORNEY CLARK: [interposing] It
18 did change the criminal. I think it added five years
19 to the statute of limitations so they have--

20 COUNCIL MEMBER ULRICH: [interposing]
21 That's going forward.

22 DISTRICT ATTORNEY CLARK: Right, going
23 forward, right.

24 COUNCIL MEMBER ULRICH: Oh, going
25 forward, so that hasn't--

2 CHAIRPERSON LANCMAN: The window, the
3 retroactive part of it, if you will, is civil.

4 DISTRICT ATTORNEY CLARK: Yeah, look-back
5 is for one year for the civil.

6 JOHN RYAN: But it added five years to
7 the amount of time that the victim would have to come
8 forward to claim that they were--

9 DISTRICT ATTORNEY CLARK: [interposing]
10 Yeah, I think-- yes, I think-- I'd have to check. My
11 understanding was it did change the statute of
12 limitations. They increased it by I believe like
13 five years for felony.

14 COUNCIL MEMBER ULRICH: I think Brooklyn
15 wanted to say something.

16 DISTRICT ATTORNEY CLARK: Right, not for
17 existing cases going forward.

18 COUNCIL MEMBER ULRICH: Mr. Chair,
19 Brooklyn wanted to add-- the Brooklyn DA wanted to
20 add something. Was that? Oh, okay, alright. No, he
21 had indicated that was the case.

22 CHAIRPERSON LANCMAN: Did you want to add
23 something, Eric?

24 DISTRICT ATTORNEY GONZALEZ: I'm okay.
25

2 COUNCIL MEMBER ULRICH: Mr. Vance wanted
3 to.

4 DISTRICT ATTORNEY VANCE: Very briefly. I
5 think our increase in sex crimes has been less than
6 two or three percent. So it's not been an enormous
7 amount, but I do think that, and I think all of us
8 are recognizing that our offices are having to use
9 new strategies to address victims and survivors of
10 sex crimes to make sure that we're making prosecution
11 available for those who previously may not have felt
12 comfortable coming to the police. We started a
13 workplace violence taskforce which has 15 lawyers
14 that are now going out to the workplaces,
15 particularly the large corporations both in training
16 and in making sure that businesses know that they can
17 come to us directly with any allegations of criminal
18 sexual abuse.

19 COUNCIL MEMBER ULRICH: Well, that's
20 great. Mr. Chairman, thank you very much for your
21 indulgence. I really waited a long time deliberately,
22 because I just wanted to convey once again my deep
23 appreciation and my respect and my admiration for
24 Judge Brown, and I hope that he stays active in
25 civics and in the public discussion, because I think

2 that a man of his integrity and his knowledge has so
3 much to offer even after retirement, and however I
4 can be helpful I would love to be helpful. Thank
5 you. Thank you, Mr. Chair.

6 CHAIRPERSON LANCMAN: Councilman Powers,
7 do you have anything? No? Good. I have one last
8 question that the team here wanted to make sure I
9 asked. Are there any new need that your offices
10 request funding for that were not included in the
11 Fiscal 2020 preliminary plan? This is your
12 opportunity. Any new needs that were not presented
13 in the Fiscal 2020 preliminary plan.

14 JOHN RYAN: I'm told all of them that we
15 put in for Queens.

16 COUNCIL MEMBER LANCMAN: If the answer is
17 all of them, that's fine.

18 DISTRICT ATTORNEY CLARK: All of them,
19 yes. I need--

20 CHAIRPERSON LANCMAN: [interposing] You're
21 on the record.

22 DISTRICT ATTORNEY CLARK: Everything we
23 ask for.

24 DISTRICT ATTORNEY MCMAHON: Yeah,
25 everything we asked for that's not in the plan.

2 CHAIRPERSON LANCMAN: Anything else?

3 Alright, make sure you send us the list. Good?

4 Alright. Thank you all very much. Have a nice
5 afternoon.

6 DISTRICT ATTORNEY CLARK: Thank you.

7 DISTRICT ATTORNEY GONZALEZ: Thank you.

8 DISTRICT ATTORNEY MCMAHON: Thank you.

9 CHAIRPERSON LANCMAN: Next we're going to
10 have MOJ.

11 [break]

12 SERGEANT AT ARMS: Ladies and gentleman,
13 you can please take any conversations outside so that
14 we can have the Mayor's Office of Criminal Justice
15 up. Thank you so much. Any conversations outside so
16 that the other parties can come in. Thank you.

17 CHAIRPERSON LANCMAN: Folks, can I just
18 have your attention. We're about to do MOCJ. We're
19 probably going to lose this room at six o'clock
20 because there's an event next door which is not going
21 to be quiet. It's a celebration tonight I think of
22 Irish-American history and they've got music. So,
23 we're going to do the best we can to squeeze in what
24 we can in the next hour and five minutes, and we will
25 play it by ear. Ms. Glazer, are you ready?

2 ELIZABETH GLAZER: Sorry, is this on?

3 Yeah.

4 CHAIRPERSON LANCMAN: Should be. Can we
5 swear you in?

6 ELIZABETH GLAZER: Yeah.

7 CHAIRPERSON LANCMAN: Good. Do you swear
8 or affirm the testimony you're about to give is the
9 truth, the whole truth, and nothing but the truth?

10 ELIZABETH GLAZER: I do.

11 CHAIRPERSON LANCMAN: Very good and you
12 do too. I'm going to set the clock for five minutes,
13 and let's go.

14 ELIZABETH GLAZER: Great. Thank you.
15 So, we were originally given 10 minutes for an
16 opening statement. I understand that the Chair is
17 eager to move this along. You have my written
18 statement, so I'll give you some of the highlights.
19 I would like to introduce some of my senior team
20 who's here to assist me.

21 CHAIRPERSON LANCMAN: Thank you.

22 ELIZABETH GLAZER: In case there are
23 other questions. so, sitting behind me are Eric
24 Cumberbatch, who heads up the Office to Prevent Gun
25 Violence, Ozzy Cruz who heads up our Finance

2 Division, Renita Francios who is the head of Mayor's
3 Action Plan for Neighborhood Safety, Karen Shaer
4 who's my First Deputy, Susan Sommer, General Counsel,
5 Erin Pilnyak, the Chief of Crime Control Strategies,
6 and Dana Kaplan who heads up our Rikers and Raise the
7 Age efforts. So, today, more New Yorkers can learn
8 and earn and play more safely in their communities
9 than they could five years ago, at the start of this
10 administration. At the same time, ever fewer New
11 Yorkers experience the touch of the criminal justice
12 system or time in jail. New York City now has the
13 lowest incarceration rate of all large cities in the
14 United States. When Mayor Bill de Blasio's
15 administration began in 2014, there were north of
16 11,000 people were in the city's jails. At the end
17 of last year there were below 8,000. Today, the
18 census in our jails is 7,881. Yet crime still
19 happens, and racial disparities and deep problems of
20 fundamental unfairness, primarily for people of
21 color, persist. As we reduce crime and the jail
22 population to unprecedented numbers, we face an
23 inflection point that presents ongoing challenges, as
24 well as rare opportunities we must seize.

25 Democratizing how we keep the peace will make our

2 neighborhoods and our city even safer and fairer. We
3 know that for decades crime has continued to
4 concentrate in the same neighborhoods, along with
5 poverty and unemployment, and confronting this legacy
6 requires developing shared solutions from residents
7 of all ages, community-based organizations, and city
8 agencies as diverse as the Parks Department and
9 Department for the Aging, as well as from our law
10 enforcement partners. It also calls for acting on
11 the decades of experience and research demonstrating
12 that safety is the organic result of access to
13 learning, work, and play, along with revitalized
14 physical environments that bring people together and
15 promote civic engagement. To drive toward these
16 goals, we are pursuing an array of initiatives, many
17 of which can be grouped under three broad strategies
18 we highlight today. I'll summarize them here. You
19 have the testimony in front of you. Our first
20 strategy is partnering with New Yorkers to produce a
21 safer and more inclusive city. there's several
22 different initiatives that are our office
23 coordinates, and fist among them is the Mayor's
24 Action Plan for Neighborhood Safety that works in 15
25 neighborhoods most plagued by violence, and brings

2 together most importantly neighborhood residents,
3 about 20 CBOs and city agencies in a joint effort to
4 focus on problem identification and problem-solving,
5 both at the individual level within developments in
6 surrounding neighborhoods, and then to raise up at a
7 system level. The work is very rich and deep and
8 dynamic, and worth reading about, I think, in the
9 testimony and some of the work that's on our website.
10 Another of our key strategies is operated out of our
11 Office to Prevent Gun Violence that Eric Cumberbatch
12 leads. We continue to have lowest incidence of gun
13 violence of any major US City. But the work of the
14 Office to Prevent Gun Violence is very particular and
15 very important, because it works with approximately
16 60 organizations across the city in 22 neighborhoods
17 in order to build safety from the neighborhood up, to
18 work with neighborhood groups, community groups,
19 violence interrupters, employment programs and others
20 in order to reduce gun violence. And most
21 importantly, these are not just lofty thoughts or
22 inchoate ideas, but evaluations that John Jay has
23 done of the Office to Prevent Gun Violence, and his
24 efforts have shown significant reductions in gun
25 violence when compared to comparison sites. And--

2 CHAIRPERSON LANCMAN: [interposing] There
3 was one more thing you wanted to cover?

4 ELIZABETH GLAZER: Well the second, of
5 course, major effort that we are coordinating in the
6 City is to close Rikers and to build borough-based
7 jails. That is very deep and important work. It
8 essentially has three parts to it. One crucially is
9 reducing the population, and that encompasses within
10 it a broad array of criminal justice reform efforts.
11 The second is changing the culture of the jails
12 inside. There's no point in moving our jails if we
13 do not do that. And the third is building the humane
14 environments that would provide dignity to both
15 people who are incarcerated and people who work
16 within the jails. Much more about that as we start
17 the ULURP process next week. So, much, much more to
18 say, but I think those are some of the highlights. I
19 guess just one more thing I would like to highlight
20 is the work that we've done led by Susan Sommer in my
21 office around cannabis. In December our office
22 together with multiple agencies across the city
23 produced a report with a very detailed series of
24 recommendations relating to how the legislation
25 potentially could be shaped in order to create a

2 fairer system and one that provides opportunity to
3 some of our more disadvantaged neighborhoods, and as
4 part of that contains within it certain criminal
5 justice reforms as well relating to expungement of
6 records. So that's the jiffy version.

7 CHAIRPERSON LANCMAN: Thank you.
8 Appreciate it. We have your written testimony and we
9 have the benefit of having MOCJ testifying before our
10 committee on a somewhat regular basis, so we're not
11 unfamiliar with the work.

12 ELIZABETH GLAZER: We always look forward
13 to that.

14 CHAIRPERSON LANCMAN: Us, too. We're not
15 unfamiliar with your work. So, let me ask you about
16 a follow-up on a hearing that we had last year on the
17 issue of pay parity. As you know, it's been a topic
18 that the Council was very involved in in prior
19 budget. We're going to hear testimony later from
20 public defenders. Has-- do we have the graphic up?
21 You know, when we talk about parity we're not talking
22 about parity with the private sector, and we're not
23 talking about necessarily parity between the District
24 Attorneys and the public defenders. We're really
25 talking at the very least parity between the public

2 defenders and the District Attorney and other
3 government attorneys. And so just like using the New
4 York City Law Department as an example, on the screen
5 is the average salary of the public defenders
6 compared to the attorneys of the Corporation Council.
7 And it starts with a significant gap, 68,000 to
8 63,000 and that gap grows only wider. And I know
9 you're aware of the problem because, as I said, we've
10 had hearings on this and it was the subject of much
11 debate in last year's budget. Can you tell us, has
12 MOCJ done any work since the pay parity hearing last
13 year on what it would cost the city to bring our
14 public defenders into parity with other comparable
15 government lawyers?

16 ELIZABETH GLAZER: So, I guess I'd first
17 like to say that the public defenders are obviously a
18 crucial part of our justice system and goes without
19 saying, actually, and they're an incredibly important
20 part and partner for much of the criminal justice
21 reform work that we do, and we value very much their
22 work and work with them literally I think every day.
23 Having said that, I think that we're actually in
24 quite a dynamic situation with respect the defenders'
25 overall budgets, and I say that for a couple of

2 reasons. First, we have just reached the conclusion
3 of contract negotiations and then a new contract was
4 started for the defenders on January 1 with a
5 significant increase in their budget. So, up about
6 13 percent from FY 15, and while of course work
7 cannot simply be measured by cases, I totally
8 understand that both of the DAs and for the
9 defenders, caseload is not the only measure. I would
10 note that there's been a substantial reduction in
11 caseload. In addition, the defenders' budget is a
12 little different from the DAs or indeed from court
13 counsel in that there are multiple sources of funding
14 for their offices. most significantly for us, and
15 this is why I say among other reasons that it's
16 dynamic, is that the state which has traditionally
17 contributed some money to the defender's budget has
18 now stepped up in a very, very significant way
19 through indigent legal services with an increase of
20 about 17 million dollars that we anticipate over the
21 course of the year, and while we don't have-- and
22 that will go up by some significant amount over the
23 next five years, and while we don't have our specific
24 allocation for New York City yet for next year, we
25 are able to see what the statewide number looks like

2 which is double what it was for this year. So all of
3 these are things that we are looking at. We are
4 actively engaged with the defenders and with OMB, but
5 there are complexities and a lot of moving parts
6 right now.

7 CHAIRPERSON LANCMAN: I understand all of
8 that, and I don't want to minimize it, but is there
9 any progress that you can report from the hearing in
10 October about what it would take to get us to some
11 notion of parity that MOCJ would think would be fair?

12 ELIZABETH GLAZER: So, that's exactly the
13 work that's underway right now.

14 CHAIRPERSON LANCMAN: Is there some end
15 date? Is there a report that you're going to
16 produce? Is there some point that you can report
17 back to the Council and say, "We've looked at it,
18 here's what we think it will take. Here's a re-
19 recommend, and will it be in this budget cycle?"

20 ELIZABETH GLAZER: So, it's something
21 that we're talking to OMB and to the defenders about
22 now. As I said, there are a bunch of unknowns
23 including what the state budget is going to look
24 like, and how-- not state budget, but the
25 contribution from the state is going to look like

2 this year, next year, and over the next four years.

3 So, I can't give you a date.

4 CHAIRPERSON LANCMAN: You have questions?

5 CHAIRPERSON RICHARDS: Sure, just
6 quickly. I wanted to go into the Crisis Management
7 System quickly. So, Fiscal Year 19 funding at 1.75
8 million for mobile trauma unit. Can you just speak
9 to some of the work mobile units are doing now, and
10 what do you anticipate? How are you prioritizing the
11 utilization of the mobile units, and then also, if
12 you can speak to 1.4 million additionally being added
13 to reach folks at the detention facility centers,
14 including Rikers Island, Horizon Juvenile Center, and
15 Crossroads Detention Center? Do you anticipate
16 you'll also be expanding out into the juvenile
17 facilities? So if you can speak to that.

18 ELIZABETH GLAZER: Yeah, so we have a lot
19 to say on that, and my colleague Eric Cumberbatch
20 will address some of those issues.

21 ERIC CUMBERBATCH: Do I have to be sworn
22 in, sir?

23 CHAIRPERSON RICHARDS: Rory, you want to-
24 - yes. You want to swear him in?
25

2 CHAIRPERSON LANCMAN: Although you could
3 have the privilege. Good afternoon.

4 ERIC CUMBERBATCH: Good afternoon.

5 CHAIRPERSON LANCMAN: Do you swear or
6 affirm the testimony you're about to give is the
7 truth, the whole truth, and nothing but the truth?

8 ERIC CUMBERBATCH: Yes.

9 CHAIRPERSON LANCMAN: Thank you.

10 ERIC CUMBERBATCH: Thank you for the
11 opportunity to present on the MTU and the DOC Horizon
12 and Crossroads--

13 CHAIRPERSON RICHARDS: [interposing] Just
14 speak a little louder. We're being serenaded right
15 now which is good.

16 ERIC CUMBERBATCH: It's a beautiful song
17 taking place behind me. Thank you for giving me the
18 opportunity to present on the MTU, the DOC work that
19 we're doing, and also the work in Horizon and
20 Crossroad, all great pieces. The Mobile Trauma
21 Units, the MTUs as we call them, are units where we
22 most importantly want to be on the scene and in the
23 areas where people have experienced traumatic events
24 or any adverse occurrences. The unit will be
25 equipped with grief counselors and other credible

2 messengers that could really link people to services
3 in real-time, meeting them where they are. Often
4 times what we see and especially around violent crime
5 scenes is just a law enforcement presence, and we
6 want to have a presence that promotes healing. We
7 know that hurt people are more likely to hurt other
8 people, and we want to begin to heal environments and
9 individuals immediately. We also want to have a
10 longstanding footprint in communities when these
11 things happen. We don't want to redirect and/or tell
12 people to just find services that may exist in their
13 borough, but we're actually seeking to bring these
14 services to the people on the ground. To-date we've
15 made purchases of the MTU vehicles in your borough,
16 Queens. Life Camp has made their purchase of a
17 mobile trauma unit, and we have three others that
18 were purchased. We're in different stages or phases
19 in terms of roll-out. One is actually securing the
20 physical vehicles, but they have been purchased. We
21 have them and we're working to equip them wrap them,
22 and get them on board. I think it will be one of the
23 more unique pieces that New York City has that
24 separates us nationally. So, it's a game-changer.
25 The work that we're doing in DOC is in the enhanced

2 secured housing unit, which houses a lot of the key
3 influencers of-- or key drivers of violence on Rikers
4 Islands. And really what we want to do is link them
5 to credible messengers that we have across the Crisis
6 Management System for a number of reasons. One, to
7 work on behavior change in the place where we have
8 access to the individual. Two, to promote healing
9 within the facility. How do we begin normalize
10 healing amongst a very vulnerable population often
11 times that cannot show emotion and/or need to seek
12 services. So, to bring that. The other part is to
13 really humanize the individuals and approach them,
14 understanding that often times the perpetrator is the
15 victim and Vis versa. In doing that it gives us
16 great touch points to the individuals, but not only
17 the individuals in the enhanced secured housing unit,
18 but also their network which may be part of driving
19 violent crime in community it also gives us a
20 touchpoint to link individuals that are coming out of
21 DOC custody to our other service providers in the
22 Crisis Management System across the five boroughs.
23 So, it's a great touch point. For us, our office
24 strives to be in every space where there's young
25 people with risk factors, and it's our job to

2 mitigate those levels of distress and disorder in
3 their lives and their community and network. We are
4 doing work on Horizon. We have two teams working with
5 the adolescent population. We have one team that's
6 specifically focused on, again, the drivers which is
7 more gang-oriented and crew affiliation-oriented, and
8 we have a second team in Horizons that's doing more
9 so healing, a lot of youth empowerment workshops, a
10 lot of coaching, and then still both organizations
11 are linking to the networks that are on the ground
12 and then linking these individuals back to supportive
13 services.

14 CHAIRPERSON RICHARDS: And not just
15 juveniles, correct?

16 ERIC CUMBERBATCH: Correct.

17 CHAIRPERSON RICHARDS: Okay, good.

18 ERIC CUMBERBATCH: Crossroads, we work
19 with the youngest population, and there there's
20 phenomenal work being done on supporting young
21 people, helping those young people have vision and
22 understanding of where they are in this continuum
23 along the justice system, really working with family
24 members to help them understand the justice system,
25 and again, a lot of workshops around empowerment,

2 support, and youth building. So, we're in those
3 spaces in a very intentional way with partners that
4 reflect the population that we're working with, and a
5 population that also has very similar background from
6 their lifestyle.

7 CHAIRPERSON RICHARDS: Thank you for that
8 answer. Just last question for Liz. I know you
9 produce your cannabis report, and I'm sure you're
10 still following the data, and the Police Commissioner
11 was here earlier, and still in New York City are
12 summonsing and arresting majority people of color for
13 low-level marijuana offenses. What is your opinion
14 on that? How are you working to sort of curtail this
15 with the Department even as we look towards
16 legalization in New York State?

17 ELIZABETH GLAZER: So, we have seen a
18 really pretty remarkable drop both in marijuana
19 arrests, also in criminal summonses, also in
20 turnstile jumping. You know, criminal summonses are
21 down 73 percent since the start of the
22 Administration. Turnstile jumping arrests also, you
23 know, down from 28,000 to about 6,000 last year.
24 Marijuana has also dropped quite considerably, but
25 you're right that the disparity numbers are

2 incredibly disheartening, and that is why I said I
3 think that we obviously must work every day, and I
4 think my colleagues in the Police Department and the
5 District Attorney's Office do work every day to try
6 and reduce that disparity, but we're-- there are--
7 it's a much deeper problem than simply within the
8 criminal justice system, and we need to have a much
9 more affirmative approach. We need to do both
10 things, lighten the touch, but we also need to have
11 deep investments in education, play, physical space
12 that are very much focused on promoting thriving
13 neighborhoods, and I think one of the reasons why I
14 think the work that the Office to Prevent Gun
15 Violence is so important and why the office-- why the
16 Mayor's Action Plan for Neighborhood Safety is so
17 important, is that it takes a much more affirmative
18 view of what it means to promote safety, safety being
19 something different than simply reducing crime.

20 CHAIRPERSON RICHARDS: Alrighty, well,
21 thank you for that. I know we have to move. But I
22 just wanted to say only 25 white people were
23 summonsed and arrested in New York City last year for
24 marijuana. It's just startling, you know. I mean as
25 someone who walks outside these gates and smells

2 marijuana, people smoking it that don't look like me,
3 it's just astounding that we only found 25, and I
4 don't want anybody to be arrested or summonsed for
5 it, but it just shows that we have still a long way
6 to go. And if we're talking about closing Rikers
7 Island in a realistic timeframe and sooner than what
8 the current time frame is, we really have to get down
9 and deep into these systematic issues that are still
10 overburdening people of color and communities of
11 color. So, I want to thank you for the work you've
12 done. I think we have moved the bar certainly
13 forward, but we still have a long way to go to
14 address disparities and address the system in our
15 city.

16 ELIZABETH GLAZER: No question.

17 CHAIRPERSON LANCMAN: Well, one of the
18 concerns that was raised when the Mayor came out with
19 the new marijuana policy was that the exemptions to
20 that policy, the people who would still be arrested
21 and charged with a misdemeanor were people with prior
22 or current criminal justice system involvement, and
23 it was predicted that the racial disparities might
24 actually increase, because which communities are more
25 likely to have been over-policed and have that prior

2 or current criminal justice system involvement. Have
3 you considered rethinking those exemptions and doing
4 away with them? I don't know why somebody's prior
5 criminal justice system involvement would justify
6 arresting them and charging them with a misdemeanor
7 for smoking marijuana, and predictably the disparity
8 is actually growing.

9 ELIZABETH GLAZER: So, I think it's
10 definitely something that's worth looking at and
11 considering why there are certain exemptions and not
12 others, and I know it's something the Police
13 Department, as they do with many things, is, you
14 know,-- looks at every day to see what the effect is.

15 CHAIRPERSON LANCMAN: Alright, well, we
16 obviously have a lot of other issues that we want to
17 go through. The reality is probably better to be
18 discussed at the staff level, and we will see you
19 again in May for the e-bike. So, I appreciate your
20 waiting around, and I apologize if you feel that
21 we've given you less of an opportunity to tout your
22 successes than in regular years, but we do have the
23 benefit of working closely with your office
24 throughout the year. So, there isn't very much that
25

2 you do that is new to us, and we do appreciate the
3 very many good things that you do do.

4 ELIZABETH GLAZER: Thank you. Well, the
5 work of my team and of all my partners I think speaks
6 for itself, and obviously as Councilman Richards
7 pointed out, we have a very steep hill ahead of us,
8 but hopefully a way forward.

9 CHAIRPERSON LANCMAN: Alright. We will
10 be in touch with follow-up questions, and we will see
11 the team again in May. Thank you very much.

12 CHAIRPERSON RICHARDS: And let me just
13 say for members of the public who won't be able to
14 testify today that our budget hearings are going up
15 until March 26th, and we are going to prioritize you
16 being able to testify at hearings throughout the
17 remainder of the budget process up to March 26th.
18 So, you'll be in touch if you can see our staffs
19 after this hearing we certainly will work very
20 closely to ensure that that happens.

21 CHAIRPERSON LANCMAN: Alright, so our
22 next panel, and it's going to have to be the last
23 panel for today, but I think it's an important one:
24 Janet Sabel from the Legal Aid Society, Jared Trujio
25 [sp?] also I think a Legal Aid Attorney, Matt Knecht,

2 Neighborhood Defender Services, Justine Olderman for
3 the Bronx Defenders, Lisa Schreibersdorf from
4 Brooklyn Defender Services. Come have a seat and
5 we'll get going. Is Ms. Olderman testifying? There
6 she is. You're up.

7 UNIDENTIFIED: [off mic]

8 CHAIRPERSON LANCMAN: Not necessarily, but
9 you're sitting at the table. Alright, if you would--
10 If you would raise your right hands so we can get
11 sworn in? Do you swear or affirm the testimony
12 you're about to give is the truth, the whole truth,
13 and nothing but the truth? Good. I think we'll
14 start with Legal Aid. We'll put three minutes on the
15 clock. If you urgently need to go beyond that, we
16 will be flexible. At some point, though, you're going
17 to be competing with bagpipes. You're not going to
18 win that fight.

19 UNIDENTIFIED: Okay, again, thank you
20 very much for inviting us to testify before the
21 Council's Committee on Justice System for the prelim-
22 - to talk about the Preliminary Budget and it's
23 impact on Legal Aid's clients and services. We thank
24 you, Chairman Lancman and Chairman Richards for this-

2 CHAIRPERSON LANCMAN: [interposing] Sorry,
3 let me just stand corrected. We'll do five minutes.

4 : Okay, thank you. So, Legal Aid, as
5 you know, is much more than a law firm for clients
6 who can't afford to pay for counsel. We're an
7 indispensable component of the legal, social, and
8 economic fabric of New York City. We-- in order to--
9 we capture that, that role because we capitalize on
10 the diverse expertise, experience and capabilities of
11 more than 1,200 attorneys who work alongside over 900
12 social workers, investigators, paralegals, and
13 support and administrative staff in our office,
14 carrying a caseload of 300 legal matters a year. We
15 take on more cases for more clients who cannot afford
16 to pay for private counsel than any other legal
17 services organization in the US. We rely on city
18 funding to do this, and that's of course, why we're
19 here today. So, just to get to the-- to cut to the
20 chase, we're here and we're talking on behalf of all
21 the public defender organizations, because staff
22 retention is an absolutely essential challenge to the
23 viability and the continued success of Legal Aid and
24 the other organizations. In order to attract and
25 retain our highly skilled and dedicated staff, we

2 seek restored and enhanced support from the City to
3 ensure that we can continue to deliver high quality,
4 comprehensive, criminal defense and civil legal
5 services. Our ability-- so what we're asking for
6 today is that you include 12 to 15 million dollars
7 for the Legal Aid Society in the 2020 budget, and
8 that-- I believe I have the authority to speak on
9 behalf of the other defender organizations to say
10 that that would be a total of 25 to 30 million for
11 all the defender organizations to bring us into
12 parity with corporation counsel, the Law Department.
13 We believe that the objections to, or that MOCJ's
14 concerns about whether this can be done or not are
15 easily refuted. Contracts can be amended and always
16 are. So the fact that we have negotiated contracts
17 for the upcoming year is really not an impediment to
18 increasing our budget. While intake is down, that's
19 great for New York City, and we're happy that that is
20 the case, but the City has already committed to
21 increasing the defense budget for the DA-- to
22 increase the budget for the DAs to reflect pay parity
23 with corporation counsel. If it can be done for the
24 DAs, it can absolutely and must be done for us at the
25 Legal Aid Society and among all the defender

2 organizations. And further, the state money that was
3 referred to that has increased, the ILS money,
4 Immigrant Legal Services, is by definition, by
5 statute, not permitted to supplant the counties'
6 Gideon responsibility. So, we don't think that there
7 is any impediment to the City moving forward and
8 really not justification for the City not to embrace
9 what is an absolutely crucial need for the defender
10 organizations and for the Legal Aid Society as a
11 whole. Our ability to compensate our staff is really
12 limited by the monies that we receive from the City,
13 and it is further limited by other distinctions that
14 were not really mentioned by the Mayor's office, and
15 that is that we have to pay for rent. We have to pay
16 for healthcare. We have to pay for pension benefits.
17 Right now, Legal Aid spend 7.8 percent of its
18 criminal defense budget on rent. We pay 17 percent
19 of our budget on health insurance, and we pay five
20 percent of our total budget goes to retirement
21 benefits. Those are dollars that do not come out of
22 the DAs budget and do not come out of corp counsel's
23 budget. So when they get a pay increase, they're
24 able to put it entirely to salaries, which we're not
25 able to do. Look, I want to-- I know there are a lot

2 of people, so I'm going to seed some time to my
3 colleague, the new President of the ALAA Association.
4 But we cannot continue to underpay our staff, and so
5 we reiterate our request of 12 to 15 million dollars
6 to bring Legal Aid into parity with corporation
7 counsel and 25 to 30 million for the other defenders,
8 and respectfully refer you to the rest of our written
9 testimony for other issues relevant to the criminal
10 defense practice.

11 CHAIRPERSON LANCMAN: Thank you. Sir?

12 JARED TRUJILLO: Good evening. Thank you
13 for inviting me here. My name is Jared Trujillo. I
14 am the new President-elect of the Association of
15 Legal Aid Attorneys, UAW 2325. I represent 1,200
16 members, and there's no way that you could talk about
17 criminal justice without-- or immigration justice or
18 fixing the school to prison pipeline or really
19 helping low income New Yorkers at all without talking
20 about the way that my 1,200 members are compensated,
21 and the fact that our pay is unequal and it's a
22 crisis, and it's leading to our members le-- it's
23 leading to our members leaving. We meet people on
24 the worst day of their lives, when they're locked in
25 cages, and we're their-- we're often their only hope

2 to get them out. We meet children in foster care in
3 some of the worst situations of their lives, and we
4 fight to represent them and to make them know that
5 they're heard. We are the only hope for some folks
6 that are migrants, that want to stay in a country
7 that is the only home that they've known for their
8 entire lives. We help people navigate the
9 complicated labyrinth of the IRS, and we give them
10 hope. But what else do we do? We're Lyft drivers.
11 We're babysitters. We grade exams. We're tutors.
12 We're delivery drivers, and we do all that because we
13 don't have equal salaries, and we do all that because
14 it is the only way for my 1,200 members to be able to
15 afford to support themselves in this expensive city
16 when we have unequal salaries, and when we don't have
17 pensions at all. I want to talk a bit about the --
18 also about the student debt load of a lot of our
19 members. Right now, 65 percent of our members have
20 student debt, student loans, and these are necessary,
21 a necessary cost of going to law school. Of that 65
22 percent, 20 percent owe between 50,000 and 100,000
23 dollars. Twenty-nine percent owe between 100,000 and
24 200,000, and 38 percent of our members owe over
25 200,000 dollars' worth of debt just to become

2 lawyers. It is offensive for us to look across the
3 court room at someone who works at the Law Department
4 and see that they make more than us. it is offensive
5 for someone who grew-- particularly for our attorneys
6 of color who might have grown up-- who grew up in
7 these communities, and they want to represent the
8 members of those communities, and for the City to
9 show us that our work is not as valuable as someone
10 that works in court counsel or the Law Department
11 just because of who we represent. For the city to
12 show us that us putting equity and time into
13 representing low income New Yorkers on the worst days
14 of their lives and the worst situations of their
15 lives, and that that's not compensated the same way
16 that someone who works at the Law Department is; it's
17 the reason why people leave. They leave because they
18 don't feel that their work is dignified, or that the
19 City sees the dignity of their work. And they often
20 leave because life happens and because they just
21 cannot afford to continue working at Legal Aid on our
22 current salaries. They want to get married. One of
23 my members left just a few weeks ago because their
24 dog got sick. They racked up a lot of credit card
25 debt trying to care for their dog, and they just

2 could not afford to do that on a Legal Aid salary.
3 These are real stories. Along with our written
4 testimony we have the testimonials of 22 of our
5 legal-- 22 of my members, and it really shows you
6 just the human side of how difficult it is for us to
7 survive in this city doing work that we really care
8 about, representing the most marginalized folks of
9 the City, how difficult that is to do with our
10 salaries. It's the reason why 48 percent of my
11 members leave after 10 years, because after 10 years
12 there's about a 17,000 dollar pay gap in between what
13 we're paid and what someone from the Law Department
14 is paid, and that-- and it's only exacerbated by the
15 fact that we don't have defined pensions like they
16 do. So, I would ask-- so first thank you all for
17 time. I would ask that you read through our written
18 submission to see the difficulties of a lot of my
19 members as far as just trying to survive in this city
20 doing work that they truly love, that some of us are
21 just forced out of because we can't afford to
22 continue doing it. And with that, I would just ask
23 that this body look into-- like, seriously look into
24 pay parity for us, but also into a loan forgiveness

2 program from the City because our debt loads are so
3 high, and they're only growing. Thank you.

4 LISA SCHREIBERSDORF: I really just want
5 to applaud what you just heard, because I really-- it
6 was said so perfectly. I've had two people come to
7 me recently and ask for an advance on their salary
8 because they're getting evicted, and these are the
9 kinds of stories that we hear every day, and thank
10 you very much for coming and speaking on behalf not
11 even just only the Legal Aid attorneys, but all the
12 attorneys that work-- and the staff that work in our
13 offices. And I want to also reinforce that if you
14 could look at a student loan assistance program,
15 which I think I brought up one time before, which we
16 haven't really put together paperwork on that for
17 you, but that I think would be a really profound
18 impact. And there is some student loan assistance by
19 the state, but it doesn't kick in until the third
20 year, and by that time people are so far behind,
21 even-- you know, it helps them a little bit. And
22 some of the federal programs are falling apart, where
23 if they work for 10 years they could be forgiven, but
24 they've had zero-- basically almost zero people
25 getting that forgiveness. Hopefully, after this

2 Administration that'll come back and some people will
3 have a chance to do it. So, I'm Lisa Schreibersdorf,
4 Executive Director of Brooklyn Defender Services. I
5 want to say that yes to everything that's been said.
6 I would like to talk just directly about family
7 defense practice because this is a space where in
8 addition to pay parity, our budget is extremely-- we
9 are very, very short-funded, and we would like the
10 City Council to help us really try to make the Mayor
11 understand what it takes to do that representation.
12 Despite dramatic increases in removals of children
13 and family separation where parent representation
14 probably has one of the most significant impacts on
15 how long children are separated from their families
16 and how-- maybe-- whether they are in the first place
17 and how long that lasts-- that the representation
18 that we give our clients has already been shown, you
19 know, in many places to have a dramatic impact on,
20 you know, reuniting families or keeping them together
21 in the first place safely. So, despite rising,
22 rising, rising ACS removals and actions and filings,
23 our funding did not rise at all from last year to
24 this year, and it had already been cut last year from
25 the year before. So, I'm asking you to take a look.

2 I think for all the defenders, and there are four
3 defenders. CFR is not here today, but it's my
4 office, Neighborhood Defender, Bronx Defenders-- it's
5 probably something like-- I think we said about 10
6 million probably to set us right. There was just
7 recently a report by the Commission on Parent
8 Representation which was created by Judge DeFiore,
9 and they are recommending that you look at about 50
10 cases per attorney. I just want to say that I have
11 more attorneys leaving my family practice than any
12 other practice in my office, because on top of not
13 being able to-- and if we'd had time one of my
14 members, one of my employees was going to speak. On
15 top of not being able to afford to live, they're also
16 managing completely unmanageable caseloads in the
17 most dire of circumstances where people are losing
18 their children. And so we really do need the Council
19 to really make this commitment to talking very
20 specifically about this one practice area and making
21 sure that we are able to, you know, basically do all
22 the good work that we need to do for these people.
23 These are the poorest and in many ways most
24 vulnerable people. they are often mentally ill,
25 drug-addicted, struggling with poverty in ways that

2 are really profound, and especially in a place like
3 Brooklyn, Bronx, things are-- you know, Harlem where
4 gentrification is happening and people are no longer
5 able to live in housing that is suitable in many
6 ways, you know, even for children. So, with that I'm
7 going to pass it to Matt.

8 MATT KNECHT: Good evening. I'm Matt
9 Knecht. I'm the Managing Director at the Neighborhood
10 Defender Services of Harlem. The issue of public
11 defender compensation, what we've been talking about
12 is pay parity, is an issue that's really critically
13 important to all of our organizations. And so I am
14 truly appreciative of the opportunity to come here
15 today to talk to you guys about pay parity. I know
16 that you all know this already, but I just want to
17 make it clear that we're not here seeking a windfall
18 for our staff. We're seeking a basic living wage
19 that will allow our really talented and diverse
20 staffs and the attorneys to do the work they love for
21 the clients that they love in the city that they
22 love, and they're just not able to do it long-term
23 with the pay scale as it stands now. You heard a lot
24 about the issues that go into sort of forcing lawyers
25 out the door at three years, five years, six years,

2 and certainly I agree with all of those statements. I
3 would say from an organizational point of view it's a
4 tremendous blow to an organization to invest three,
5 four, five years training staff, developing staff,
6 investing time and resources into their professional
7 development only to see them then leave to go do the
8 work someplace else where it's not as expensive to
9 live or where the pay scale reflects the cost of
10 living much better than it does here in this city. I
11 also want to just highlight one issue that's sort of
12 unique to Neighborhood Defender Service, which is a
13 community-based office. We serve Northern Manhattan.
14 All of our clients reside in Northern Manhattan. We
15 at one time had a staff that lived primarily in
16 Northern Manhattan in the community that we serve,
17 and our staff is being forced out of the community.
18 Our clients and the community benefited greatly by
19 attorneys who had relationships with churches, with
20 other places of worship, with schools, with tenant
21 associations, with other community groups, and as our
22 staff finds it more and more difficult to live in
23 Northern Manhattan, we run the risk of losing those
24 relationships, and at the end of the day that costs
25 our clients. So, we're here today asking for pay

2 parity. I'd ask you to please take a close look at
3 it. Please make sure that our staff has the ability
4 to earn a living wage and take a look at the
5 corporation counsel pay scale. Thank you.

6 JUSTINE OLDERMAN: Good evening. My name
7 is Justine Olderman, and I'm the Executive Director
8 of the Bronx Defenders. You've heard I think three
9 sort of categories of funding challenges that we're
10 all facing. You've heard about failure to fund our
11 programs at a sufficient level to meet our client
12 needs. You've heard about the failure of our
13 contracts to account for the increasing costs in
14 salaries, rent and healthcare and pension. And you
15 have heard about the issue with pay parity, and all
16 of that is true for the Bronx Defenders. I want to
17 add one other element in terms of one of the
18 challenges that we all face which is the limitation
19 on the nature of the work that is contracted for by
20 the city, and what I mean by that is that our
21 contracts are usually restricted in the scope of
22 services to representation between the courthouse
23 walls. We are funded to represent people once the
24 case is filed. One of the other limitations and
25 challenges that we find is the lack of funding for us

2 to be able to do preventive advocacy work, to in
3 essence create an off-ramp to the legal system and
4 divert people away from court altogether. But rather
5 than dig into all those, because I think you have
6 plenty of that in terms of what you've heard from
7 today and what you'll have in a written testimony, I
8 did just want to spend a moment, especially closing
9 out this hearing for today to reflect on something
10 that I've been thinking about, which is that we all
11 come here every year, every year with outstretched
12 hands. Every year we come and make the case to all
13 of you that we don't have enough money to do the
14 important work that we're doing, and we're all super
15 mindful of the fact that you have a lot of people and
16 a lot of amazing organizations in this city that are
17 coming to you not just, you know, the justice system
18 organizations, but across the city saying my work is
19 important and my work matters. And I thought well,
20 what can we do today to help you understand why our
21 work matters and why there should be an investment by
22 the City in our programs. And I realize that at the
23 core of why we come back here every year I would say
24 is a fundamental misunderstanding about who we are,
25 what we do, what our value is, and what the impact is

2 to the city. We are often thought of as being legal
3 service providers. There's nothing wrong with that.
4 It is an honorable profession. It is important work,
5 but in many ways that understanding is fundamentally
6 flawed and insufficient. Legal services that there
7 is a need and the city has an obligation sometimes
8 that's constitutional, sometimes it's not, to meet
9 that need. And if that's the framework with which we
10 come to the budget discussion and the framing around
11 our funding needs, then of course, it's just going to
12 be what can we eek out. How can we meet that need?
13 How can we check that box and say we have provided
14 what we are obligated to provide? And so I guess I'd
15 like to introduce a different way of thinking about
16 it, and one that I am confident every service
17 provider in this room feels is accurate which is that
18 we are not just legal service providers. We are in
19 many ways laboratories for justice. We protect
20 people's rights. We stand up against abuses. We
21 uphold the dignity of New Yorkers in what has been
22 referenced as some of their worst moments, moments
23 when they're facing the loss of custody of their
24 children, the loss of their housing, their loss of
25 employment, their loss of benefits, their loss of

2 their liberty. We are there. We are proximate to
3 the people. We are proximate to the problems, and
4 not only that, we are the solution. If you just look
5 at what has happened in this city because of the
6 providers in this room, it's kind of astonishing.
7 This ground-breaking NYFUP program has increased the
8 chances of detained immigrants winning their
9 deportation case by 11 percent. In the report that
10 just came out by OCJ today, you're going to see that
11 in the last year alone access to counsel in Housing
12 Court has decreased evictions by 14 percent. There's
13 studies that show that public defense can actually
14 reduce incarceration rates by 16 percent and
15 incarceration lengths by 24 percent, and pre-trial
16 detention by nine percent just based on having the
17 right investment in public defense. And there's data
18 from our own offices showing that when we do that
19 preventive work, we can keep children safely at home
20 in numbers that are like 80 percent. So, what I
21 encourage you to think about as you wrestle with what
22 are understandably incredibly hard questions is that
23 our role is much more than simply checking a box and
24 meeting a need. We are literally in this room, the
25 change that this city wants to see, and it's not just

2 for the individuals we stand next to and defend, it
3 is not just honestly for this city, it's not just for
4 this state, it is for the country. What we have
5 already shown we can do jut by investing in our
6 organizations is transforming not only the way people
7 are represented, it is transforming legal systems
8 from one end of this country to the next. It is
9 delivering justice. And so when grappling with the
10 questions, I guess I just want to leave you with one,
11 one framework, one question to ask yourselves as you
12 decide is it worth it to invest in these
13 organizations? Is it worth it to give them the
14 funding that they need, because we are talking about
15 a real investment? We are essentially talking about
16 what is the change that we want to see in the world,
17 and how much is that worth. Thank you.

18 CHAIRPERSON LANCMAN: Well, that's a very
19 powerful statement, and what's very-- what's so
20 frustrating on our end of the table, and you know
21 that we've been fighting alongside you, at least for
22 the five years that I've had the committee and I'm
23 sure before then, is that we city government have
24 asked you at least over these last five years to take
25 on more and more responsibility, to be more than just

2 defense counsel in the four corners of the court
3 room. We have asked you to view yourselves as
4 holistic providers of services, to relieve the city
5 and to meet the burden that the city has in so many
6 of our social and economic problems being channeled
7 through the criminal justice system or the
8 immigration justice system, and all of our defenders
9 have responded remarkably. The things that all of
10 your offices do, you are here testifying before this
11 committee on a regular basis on everything from
12 immigration to housing, to Family Court, to you name
13 it. So it is profoundly frustrating that we have to
14 fight with the Mayor. We have to argue with the
15 Mayor's Office of Criminal Justice about the need to
16 compensate your professionals appropriately so that
17 they're able to do this work without taking a second
18 or a third job, or without having to leave before
19 they've really blossomed. Thank you, sir. I
20 remember we had a hearing I wnt to say it was about
21 two years ago before the RFP for the current contract
22 was even finalized, and we had compelled MOCJ to
23 include some notion of holistic services and wrap-
24 around services, and whatever term you want to use,
25 and it was profoundly disappointing when despite all

2 of the commitments that the Mayor's Office made, at
3 the end of the day they didn't provide the resource
4 for you to really do what you do. You still do them.
5 You figure out how to beg, borrow and steal to make
6 it happen. I'm very hopeful that this will be the
7 year that we get some parity and some recognition of
8 the work that you do so that you can keep on doing
9 it, because I don't think there's anyone in this
10 building or any city agency that doubts or questions
11 the value of the work that you do and its benefit to
12 the City of New York. And the numbers that you
13 recite about the percentage of people who are not
14 being deported, the percentage of families who are
15 not being separated, the percentage of people who are
16 not sitting on Rikers Island because of the work that
17 you do, we see that. So, hopefully, this will be the
18 year.

19 JUSTINE OLDERMAN: Well, thank you for
20 all of your support over the past years, and just
21 being here today we know that we are in the room
22 allies and supporters for our applications.

23 CHAIRPERSON RICHARDS: I agree with
24 everything he said.

2 CHAIRPERSON LANCMAN: I apologize for the
3 sense of rush. We did move things around to make
4 sure that you had an opportunity to speak today.
5 This meeting is not going to-- this hearing is not
6 going to be closed. It's going to be adjourned. We
7 still have to hear from the Office of Civil Justice,
8 and there are other legal services providers that we
9 want to hear form, but I cannot think of a better way
10 to close this portion of the hearing, as the music
11 grows louder and louder next door, with the testimony
12 of all of you.

13 JUSTINE OLDERMAN: Thank you.

14 CHAIRPERSON LANCMAN: With that we're
15 going to adjourn the hearing until a later date. And
16 let me also just take this opportunity to thank
17 Rachael Kagan, my Chief of Staff and Counsel for all
18 the work that she does making this happen. Thank
19 you.

20 [gavel]

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1 COMMITTEE ON PUBLIC SAFETY & COMMITTEE ON JUSTICE SYSTEM 153

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1 COMMITTEE ON PUBLIC SAFETY & COMMITTEE ON JUSTICE SYSTEM 154

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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 17, 2019