

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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February 9, 2021
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HELD AT: REMOTE HEARING (VIRTUAL ROOM 2)

B E F O R E: FERNANDO CABRERA, CHAIRPERSON

COUNCIL MEMBERS: DARMA V. DIAZ
BEN KALLOS
STEPHEN T. LEVIN
ALAN N. MAISEL
BILL PERKINS
KEITH POWERS
YDANIS A. RODRIGUEZ
KALMAN YEGER

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

LISA BLAND, Executive Agency Counsel

OLEG CHERNYAVSKY, Assistant Deputy
Commissioner for legal matters

MICHAEL CLARK, Managing Attorney for
Legislative Affairs

PAUL OCHOA, Mayor's Office Legislative
Affairs Director

JANE TILLMAN IRVING, President of New
York Press Club/retired reporter

MICKEY OSTERREICHER, General Counsel
National Press Photographers Association

NORMAN SIEGEL, Counsel

ROBERT ROTH, 40 years' experience as a
journalist and lawyer, member of New York
State Bar Association on Media Law

JUSTIN HARRISON, Senior Policy Counsel
ACLU of New York

TOWAKI KOMATSU

JOEL KRUTZBERG, partner at Cahill, Gordon
and Reindel Law Firm

JASON B. NICHOLAS, Journalist

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

COLIN DEVRIES, President of Deadline Club

AL-AMYN SUMAR, Counsel at New York Times
Company

TODD MAISEL, Press Photographers Vice-
President

CRAIG RUTTLE, Photo journalist

2 JOHANNA M. CASTRO: We're live.

3 C. D'ALBA, DIRECTOR OF SECURITY:

4 Sergeants would you start your recordings?

5 SGT. LUGO: PC recording good.

6 SGT. JONES: The cloud is rolling.

7 SGT. PEREZ: Backup is rolling.

8 C. D'ALBA, DIRECTOR OF SECURITY: Sgt.

9 Lugo you may begin.

10 SGT. LUGO: Good morning everyone.

11 Welcome to today's remote City Council Hearing of the

12 Committee on Governmental Operations. At this time

13 would all panelists please turn on your video? To

14 minimize disruption, please place electronic devices

15 to vibrate or silent. If you wish to submit

16 testimony, you may do so at tetimony@council.nyc.gov.

17 Again, that's testimony@council.nyc.gov. Thank you

18 for your cooperation, Chair Cabrera, we are ready to

19 begin.

20 CHAIRPERSON FERNANDO CABRERA: Thank you

21 so much, um, good morning. I am council member,

22 Fernando Cabrera, Chair to the Committee on

23 Governmental Operations. I want to start off by

24 thanking the members of the committee in joining us

25 today. Council Members Powers, Council Member

2 Yeger, Council Member Perkins, uh, that's all I see
3 right now. Uh, today the Committee will hear a piece
4 of Legislation regarding the authority to issue press
5 credentials to members of the media in New York City.
6 These credentials allow journalists to cross police
7 and fire lines and attempt to sponsor events that are
8 open to the press, subject to safety concerns, the
9 preservation of evidence and space limitation,
10 Introduction 2118 sponsored by Council Member Powers
11 would give the Commissioner of the Department of
12 Citywide Administrative Services (DCAS) sole
13 authority to issue, sustain and revoke press
14 credentials. Right now the NYPD hold its authority,
15 the Bill will require DCAS to formulate rules that
16 establish procedures and criteria for issuing,
17 suspending and revoking press credentials and the
18 process for appealing any positions to suspend or
19 revoke. Credentials will only be issued to
20 individuals who have passed a background check. We
21 must ensure that journalists have a clear process for
22 applying for press credentials and for appealing
23 decisions to sustain or revoke them. I think it is
24 especially important that journalists have an
25 opportunity to appeal to a neutral adjudicating

2 agency outside of the one issuing the credentials
3 such as office or administrative trails and hearings.
4 I would like to explore the possibility of using OATH
5 as an agency with a strong track record of
6 adjudicating disputes or appeals. With that, I want
7 to thank the NYPD and the Administration for being
8 here today. I look forward to their testimony. I
9 also want to thank our Committee Staff, C.J. Murray,
10 Emily Porchav, Elizabeth Kron, Sebastian Bachi and
11 the Central Staff who is operating this remote
12 hearing behind the scenes. I also want to thank my
13 own Legislative Director, Claire Michael Bain for
14 making this hearing possible. I will now turn it over
15 to my colleague, Council Member Powers to say a few
16 words about his Bill. Council Member Powers.

17 KEITH POWERS: Thank you. Glad to be un-
18 muted. Thank you, thank you Chair Cabrera and thank
19 you everyone who is here today, um, to discuss this
20 issue. One that I hold dear and I know many here do
21 as well. I'm City Council Member, Keith Powers and
22 again thanks to the Chair Cabrera for giving me the
23 opportunity to say a few words today but also
24 scheduling this hearing. Uh, I introduced this Bill
25 with Council Member Adams a few months ago to protect

2 our Freedom of the Press which is one of the greatest
3 protections that we offer in this country. And if
4 you are in New York City, we need to make that that
5 protection is down keyed as much as we fight for
6 other places as well we need to make sure that right
7 here at home we are doing our jobs to back the press.
8 Uh, in my view any press credential that is issued by
9 the City should be easy to access, easy to qualify
10 and should be free of any political considerations.
11 Members of the media must be able to report on
12 stories without any concern that their coverage will
13 result in losing a press pass or not being able to
14 obtain one and just even more frankly, we need to
15 make sure that people who are working in these fields
16 whether as a photographer or a reporter feel like
17 this process is easy and is not constraining their
18 ability to do their jobs. Today, we are going to
19 hear an Intro 2118 which is my Bill to transfer
20 authority away from the New York Police Department to
21 the Citywide, the Department of Citywide
22 Administrative Services as the sole authority to
23 issue, suspend or revoke press credentials in New
24 York City. My legislation ensures that we have a
25 process for distributing press credentials that are

2 fair, equitable and accessible and creates a balanced
3 system that protects our freedom of press here in New
4 York City. It is an opportunity to hear ways to
5 change the system so the process is better
6 streamlined and to minimize conflicts of interest.
7 The diversity and emergence of new press outlets
8 requires a reconsideration of its entire process and
9 I think that should be an evolving and ongoing
10 conversation always which includes who issues the
11 press credentials which this process has been in
12 place for decades and to provide easy flexibility for
13 agencies to update these regulations and these
14 qualifications over time. A new system will not take
15 anything away from the meaning and significance of
16 issued press credentials in my, will make sure that
17 it is viewed as an independent authority and that we
18 can make this process easy and fair and just as I am
19 talking of this, I have actually a constituent who
20 actually reached out to me about this process, airing
21 some concerns of themselves with their ability to get
22 a press, a press pass and I think even the idea that
23 a number of them have just expired all at the same
24 time causing further constraints. So, I think we
25 have identified the problem. I want to say thank you

2 to all of those who have helped us think about how to
3 resolve this and a number of the members of the press
4 who I see on here today, who we've chatted with about
5 their comments on the Legislation and got to work
6 with as well. I want to thank my staff, Sarah Newman
7 and all the staff in the Council for their work on
8 this and, um, I look forward to hearing everybody's
9 testimony here today. So thank you to Chair Cabrera.

10 CHAIRPERSON FERNANDO CABRERA: Thank you
11 so much, um, Council Member Powers and thank you for
12 your leadership. I want to recognize we are being
13 joined by Council Member Kallos and Council Member
14 Rodriguez and with that I will now turn it over to
15 our moderate, Committee Counsel, C.J. Murray to go
16 over some of the procedural items.

17 C.J. MURRAY, COMMITTEE COUNSEL: Thank
18 you Chair. I am C. J. Murray Counsel to the
19 Committee on Governmental Operations. Before we
20 begin testimony, I want to remind everyone that you
21 will be on mute until you are called on to testify at
22 which point you will be unmuted by the host. I will
23 be calling on panelists to testify, please listen for
24 your name to be called. The first panelist to give
25 testimony today will be representatives from the

2 Administration, from the NYPD, testimony will be
3 provided by Executive Agency Counsel, Lisa Bland,
4 managing attorney for Legislative Affairs, Michael
5 Clark and Assistant Deputy Commissioner for legal
6 matters, Oleg Chernyavsky. In addition, from the
7 Mayor's Office of City Legislative Affairs, Director
8 Paul Ochoa will be providing testimony. Panelists, I
9 will call on you when it is your turn to speak.

10 During the hearing if a Council Member would like to
11 ask a question of a specific panelists, please use
12 the Zoom Raise Hand Function and I will call on your
13 in order. We will be limiting Council Member
14 questions to five minutes which includes the time it
15 takes the panelist to answer your question. Please
16 note that for ease of this virtual hearing there will
17 not be a second round of questioning outside of
18 questions from the Committee Chair. All hearing
19 participants should submit written testimony to
20 testimony@council.nyc.gov. Before we begin

21 testimony, I will administer the oath. Executive
22 Agency Counsel Bland, Managing Attorney Clark,
23 Assistant Deputy Commissioner, Chernyavsky and
24 Director Ochoa, please raise your right hand. I will
25 read the oath once and then call on each of you

2 individually for a response. Do you affirm to tell
3 the truth, the whole truth and nothing but the truth
4 before this Committee and to respond honestly to
5 Council Member questions? Executive Agency Counsel
6 Bland?

7 LISA BLAND: I do.

8 C.J. MURRAY, COMMITTEE COUNSEL: Managing
9 Attorney, Clark?

10 MICHAEL CLARK: I do.

11 C.J. MURRAY, COMMITTEE COUNSEL:
12 Assistant Deputy Commissioner Chernyavsky?

13 OLEG CHERNYAVSKY: I do.

14 C.J. MURRAY, COMMITTEE COUNSEL:
15 Director Ochoa?

16 PAUL OCHOA: I do.

17 C.J. MURRAY, COMMITTEE COUNSEL: Thank
18 you. Executive Agency Counsel Bland you may begin
19 your testimony?

20 LISA BLAND: Thank you. Good morning
21 Chair Cabrera and members of the Council. I am Lisa
22 Bland Counsel for the Deputy Commissioner of Public
23 Information. I am joined today by Paul Antonio
24 Ochoa, the Mayor's Director of City Legislative
25 Affairs, Oleg Chernyavsky, Assistant Deputy

2 Commission of the Legal Matters of the New York City
3 Police Department, NYPD and Michael Clark, Managing
4 Attorney of the Legislative Affairs Unit. On behalf
5 of Commissioner, Dermot Shea, I wish to thank the
6 council for the opportunity to discuss this important
7 opportunity and comment on the Bill being heard
8 today. The heart of the NYPD's mission is to protect
9 the health, safety and welfare of those who live in,
10 work in and visit our City. Yet, while protecting
11 the safety of the citizens of this City remains our
12 number 1 priority. The NYPD currently has a
13 multitude of other functions. One of those functions
14 is the issuance of press credentials. Credentials
15 that enable members of the press to access to
16 newsworthy events so that they may inform the public.
17 The administration unequivocally supports the Freedom
18 of the Press to do their jobs, reporting on events
19 that take place throughout the City on a daily basis.
20 An informed public on issues ranging from crime to
21 traffic to politics and elections as well as new City
22 Policies and Programs and even trash collection is
23 essential to the functioning of the City. Journalists
24 also play a critical role in holding everyone in
25 Government, NYPD included accountable. When the NYPD

and the media intersect, it is the policy of the Department to help facilitate the medias ability to fulfil their critical responsibilities. This is represented by fully staffed 24/7 public information bureau that responds to thousands of media inquiries each year, coordinates and notifies the press regarding NYPD news conferences and other media sessions and enables media access at newsworthy incidents such as crime scenes where safety permits. To facilitate such access, the NYPD has issued press credentials for several decades. The rules for issuance and continued maintenance of such credentials have been codified into the Rules of the City of New York, (RCNY) and are available for public inspection. Pursuant to the RCNY press credentials are available to members of the press who cover emergency, spot or breaking news and/or public events of a non-emergency nature. From 2015 to 2020, the NYPD has issued well over 5,000 press cards to members of the press so that journalists can do their jobs. During that 5-year span, there have been no revocations of press credentials. These numbers illustrate the NYPDs commitment to facilitating the work that journalists do each day to keep the public

2 informed. I would now like to speak about the Bill
3 being heard today. Proposed Intro #2118, this Bill
4 would give the Department of Citywide Administrative
5 Services (DCAS) sole authority to issue, suspend and
6 revoke press credentials. The administration
7 supports moving press credentialing out of the NYPD
8 but we believe further conversations are needed to
9 determine the right agency to take on this important
10 work. The Department will work with the appropriate
11 agency to ensure a seamless transition. I'd be happy
12 to answer any questions you now have.

13 CHAIRPERSON FERNANDO CABRERA: Um, thank
14 you so much. Let me first recognize we've been
15 joined by Council Members Maisel, Council Member
16 Darma Diaz, and Council Member Adams. Um, let me
17 start by asking, uh, Director Ochoa, welcome. If you
18 could give us any thoughts, uh, as just mentioned by
19 NYPD that, uh, you have thoughts, they have
20 discussions going to DCAS, which agency would you
21 seem to favor, um, to moving the press credential
22 checks and backgrounds?

23 PAUL OCHOA: Thank you for your question,
24 Council Member. I'm happy to be here. Um, two
25 things, I will start with the right agency. We,

2 we're looking at a couple of agencies. We're looking
3 at Citywide Event Coordination, Mayor's Office of
4 Operations and MOO. We are leaning toward MOO, um,
5 they are responsible for moving across the City, they
6 obviously know the media landscape, so we still have
7 more conversation but we are leaning toward MOO. On
8 the background checks, I'm glad you asked that
9 because we currently do not, um, conduct background
10 checks, um, as a requirement for press credentials,
11 so it is something that would love to talk to the
12 council and you all to see if it makes sense to, to
13 have that in the Bill.

14 CHAIRPERSON FERNANDO CABRERA: Have you
15 ever had any feedback on the press? Regarding
16 whether there should be a background check or not?

17 PAUL OCHOA: No, not that I'm aware of.
18 However, again we are happy again to continue those
19 conversations.

20 CHAIRPERSON FERNANDO CABRERA: Well, I'd
21 love to hear from . . .

22 PAUL OCHOA: We do, I would say though we
23 do not want to make it harder for people to have
24 access to press credentials.

2 CHAIRPERSON FERNANDO CABRERA: Okay,
3 great. Uh, wanted to know when it comes to appeals,
4 the appeals process, adjudicating, neutral
5 adjudicating agency, are you amicable to the idea of
6 perhaps having I, I suggested in my opening statement
7 having OATH being that agency?

8 PAUL OCHOA: Uh-huh, yeah, that's a good
9 question. I think we agree with you that the appeals
10 process needs to be in a place that's independent.
11 As the NYPD mentioned, these don't happen quite
12 often, there is only I believe five cases in the last
13 five years but OATH seems like the, the right home
14 for that; however, I do want to make sure that
15 there are many legal questions about, about that.

16 CHAIRPERSON FERNANDO CABRERA: Would you
17 be so kind to share with us, uh, the breakdown of
18 those five cases? Can you give us a little bit more
19 details?

20 PAUL OCHOA: Sure. I will let NYPD
21 answer, um, to the extent that they can. I'm not
22 sure, I believe there, there may be a couple of
23 pending, um, cases that are being litigated but I
24 will let NYPD handle that.

2 NYPD: Sure. Thank you Council Member,
3 and I want to congratulate and welcome, uh, Council
4 Member Diaz. I look forward to working with her as
5 well. Um, I think the five cases, one of them is in
6 litigation so obviously we can't speak to that. Um,
7 two of the cases were suspensions that the
8 individuals, um, wound up getting their press passes
9 back after the suspension and two of the suspended
10 passes, the individuals did not appeal and the case
11 effectively, uh, for lack of a better term, died on
12 the vine so they did not get their press pass back.
13 It wasn't revoked but they chose not to exercise
14 their rights under the process.

15 CHAIRPERSON FERNANDO CABRERA: Just to be
16 clear, has there been any passes revoked, permanently
17 revoked?

18 NYPD: No, not in the last five years.
19 We didn't look back beyond that. But in the five
20 year look back that we performed to prepare for this
21 hearing there were no revocations.

22 CHAIRPERSON FERNANDO CABRERA: I have
23 many more questions but I want to have the sponsor of
24 the Bill, Council Member Powers, I know he has

2 questions and my, my colleagues as well. And then I
3 will be coming back

4 KEITH POWERS: Thank you, um, thank you to
5 the Chair. I guess this is for, from the Mayor's
6 Office but I am happy to hear from anyone here, is,
7 are there other recommend-, I mean it seems like I've
8 heard frustration from folks around the qual-, the
9 sort of criteria for getting in which is submitting I
10 think six samples of work and I have some folks who
11 told me that, um, found it difficult early on in
12 their career to get the press pass. Some told me
13 frustration with, um, just the overall process of
14 having to go down to the 1 Police Plaza and things
15 like that. Can you talk to us about any
16 recommendations that you see, or any changes to the
17 process, in addition to moving authority to MOO or
18 another agency that you see as maybe a reasonable
19 adjustment to the process to help facilitate the ease
20 in getting a, uh, in getting a press pass, press
21 credential?

22 PAUL OCHOA: I can take it and then I'll
23 turn it over to the NYPD. Um, Council Member it is a
24 great question. I have not personally heard of big
25 impediments in, uh, accessing press credential. If

2 that is a problem, we're happy to address it. I do
3 know that the NYPD, uh, just did a relook at the
4 process and actually then are publishing new rules to
5 streamline some of that process, but alternatively I
6 would like to see if there is, if they've heard any
7 concerns with the ability to get, um, press passes.

8 OLEG CHERNYAVSKY: I'll turn it over to,
9 um, Counsel Bland. Um, I think we've . . .

10 LISA BLAND: The process of forgetting
11 the press cards is fairly straightforward in terms of
12 its just filling out an application that's online.
13 It's on the, the NYPD website. We can do a basic
14 google search for NYPD press cards, um, in addition,
15 the, as far, as far as the, um, requirements itself
16 again it is just basic requirements that's codified
17 in the rules that's, that's written out. And again
18 it is a simple process in terms of as soon as you
19 send us an applications, um, by email, which is done
20 by email, those applications are reviewed within two
21 to three days, um, most are reviewed within 24 hours
22 and they will be scheduling for you to come down to
23 get your press card. The process itself is very
24 seamless.

2 KEITH POWERS: Yeah, I mean, that defers,
3 I'm not saying that you guys are making the
4 impediment here but I, it does differ from some of
5 the antidotes that I've heard from folks around. Um,
6 even just the qualification criteria and well, as
7 aware talking about this Legislation I will share
8 some of those antidotes with folks so they can take a
9 look at it and we can think together about how to
10 approve any, any, you know hitches in that process.
11 And I think particularly with the advent of new forms
12 of media, perhaps that's a, you know sort of needed
13 anyway. Um, and you know is this process ba-, is
14 this process online? You, did you say you can email
15 it in or can you actually fill the application out
16 online and send it in? What I supposed did you just
17 like you have to download the form and I thought you
18 had to bring it in in person but what is the online,
19 what is the ability for someone to do this all
20 digitally?

21 OLEG CHERNYAVSKY: I think the, the app
22 with the initial application itself. So, there is a
23 couple of parts to this and I, I think it's worth
24 since we are having the hearing to go over some of
25 the qualifications and the fact that you rightfully

2 say there are different media, um, mediums now other
3 than the traditional mediums of the past and we've
4 accommodated for that as well, so I will let Council
5 Bland talk about that. I think it is also worth
6 noting that, um, well, first thing is the application
7 itself is online, ultimately when all the supporting
8 documents and all the criteria are met the individual
9 would then come down to 1 Police Plaza to get
10 photographed and, and, and the like, um, I think what
11 you may be referring to were some of the complaints,
12 recent complaints, is because of COVID, um, there
13 has, we, we obviously have to institute certain
14 safeguards not to have a cash of people gathering in,
15 um, in the press office, they got photographed. So,
16 the, the amount of people processed in any given day
17 has slowed down to account for the safety issues
18 involved but it's still being done and the other, the
19 other important piece is, is that press passes are
20 issued for a two-year period and what we have done is
21 extended the expiration date to account for what's
22 going on with COVID and the pandemic and to account
23 for the fact that we have slowed down in the amount
24 of people that we are seeing in any given day. So,
25 press passes that were set to expire, have been

2 extended so the individuals are, that are bearers of
3 the press passes are not left with an expired press
4 pass so they can't do their job. With that said, I'd
5 like Council Bland to talk about some of the criteria
6 that are in place for getting the press pass and, um,
7 the new medium that, you know, that have been
8 accounted for.

9 LISA BLAND: So, again the standards or
10 requirements for getting a press card is in the Rules
11 of the City of New York. Um, it is described there
12 and outlined in those rules. Again, the individual
13 who is a member of the press, will just, or is
14 required to have six stories, photographs, books,
15 print, digital media within a 24 month period of
16 time, understanding of course that because of COVID
17 that there may not have been a lot of press
18 conferences or we've not had parades. The department
19 has taken that in to account, so any stories
20 involving COVID, um, whether or not that was outside
21 where police lines are established was acceptable as
22 a requirement for the press card.

23 MICHAEL CLARK: And I'd just like to add
24 this is not a subjective standard, it's an objective
25 standard. So, if you have the 6 stories in the 24

2 month period, you are getting a card. There is no
3 further review about the stories.

4 KEITH POWERS: I guess, I guess my concern
5 would be like, like let's say for example last year,
6 when we're hav-, one of the most covered moments, you
7 know in modern times, with all the, all the, um,
8 marches and protests going on. You have a tremendous
9 amount of folks who are showing up to document a
10 report, what's going on. And in some cases, you are
11 right, some folks may have just started their job,
12 maybe they didn't have the documentation, maybe
13 working from a new outlet or a newer outlet. Um, I,
14 you know it feels to me like, you know, there was a
15 lot of potential here for folks to not be able to not
16 qualify. I mean in addition to I think there was a
17 moment where the system shutdown. But, I, you know,
18 I guess the question is, you know, are the
19 qualifications as they need, as they exist today, um,
20 allowing folks who are in either, they are in a new
21 position or a new media outlet the ability to . . .
22 um, you know, in that case. Where we were talking
23 about last year, like I think you certainly did need
24 a press credential based on what it afford you to be
25 able to go over police lines and get access to places

2 where you probably ordinarily weren't allowed to go.
3 Although I think we saw some issues there as well.
4 But, I guess my question is like, are we ab-, I
5 think, I think the aspiration here will be to say is
6 to make sure that folks who are desiring to be able
7 to do their jobs, some of who we have here today are
8 really well established and I, I, we've had the last
9 couple of years but there are lots of new folks who
10 are maybe even starting in a new position and, you
11 know, maybe don't qualify and so I think that is one
12 of the things that we would like to look at.

13 MICHAEL CLARK: Sure.

14 KEITH POWERS: Uh, the question I think,
15 some of the expiration date for a second. I was told
16 that everybody's press pass expires but I was told
17 that they are all expiring on January 15, are they
18 all. I know you extended them but why would they all
19 be due to expire at the same time. That feels like
20 that creates an unnecessary backlog of work for the
21 agency.

22 LISA BLAND: The press credentials are
23 given on a two-year cycle and that's as written in
24 the rules. So, every two years they are issued and
25 they are set to expire on the same date every two

2 years. Um, again, and taking into account of COVID,
3 the department has extended that expiration date, so
4 those cards that have an expiration date of January
5 15th are now due to expire on April 15th. So, we are
6 taking into account that we are not able to process
7 the 25 or 30 individuals due to COVID restrictions
8 and now we are processing about 10 per day.

9 KEITH POWERS: I, I, I get it. I just
10 don't understand why you would make them all expire
11 on the same day being that, that just creates an
12 unnecessary amount for the agency at one time versus
13 like, just, just extending them out. Um, the, you
14 know I will stop there, I mean but I just want to
15 just clarify one last thing, right now, just, just in
16 terms of applying for one, you could email it in and
17 the only thing you have to do in person is to go pick
18 it up and take, and take your photo rather?

19 LISA BLAND: That is correct. You can
20 email the application along with your submissions of
21 your supporting documentation, we review it online
22 and we will schedule an appointment date when you
23 come in the only thing that you have to do is bring
24 that documentation with you, we will take your
25 picture and give you a card at that moment.

2 KEITH POWERS: Okay, well, we have, I
3 think, you know as part of this dialogue I think
4 we'll talk about you know criteria and qualifications
5 in addition to talking about where to exactly house
6 this to make sure that we are . . . I, I, it's just a
7 necessary, I feel like it is a necessary
8 modernization either way to continue to look at this
9 process, um, and to make sure that we are making it
10 easy and accessible to folks, in particularly in
11 light of, I think it gives radius to, to me and the
12 Council around accessing things like that. Um, and
13 we will continue to work with the Mayor's office
14 about exactly where can get you housed, there and
15 there, they are actually on this as well. So, thank
16 you. Thank you to the Chair.

17 CHAIRPERSON FERNANDO CABRERA: Thank you
18 Council Member Powers. I will now call on Council
19 Members in the order they have used the Zoom Raise
20 Hand Function. Council Members if you would like to
21 ask a question and you have not yet raised your hand,
22 please do so now. You will have a total of five
23 minutes to ask your question and receive an answer
24 from the panelist. The Sergeant at Arms will keep a
25 timer and I will let you know when your time is up.

2 Once I have called on you, please wait until the
3 Sergeant has announced that you may begin before
4 asking your question. First, we will hear from
5 Council Member Rodriguez, followed by Council Member
6 Yeger. Council Member Rodriguez you may begin upon
7 the Sergeants announcement.

8 SGT. KOTOWOSKI: Your time starts now.

9 YDANIS RODRIGUEZ: Thank you and
10 congratulations to Paul Ochoa and his team. It is
11 your responsibility to be a Director so end up always
12 being accessible to all of us in his previous role so
13 good luck in your responsibility. You know, you make
14 all of us very proud.

15 PAUL OCHOA: Thank you.

16 YDANIS RODRIGUEZ: And I think that by
17 now as you look for the participants in the Zoom, you
18 see the faces of so many advocates for the members of
19 the press and lawyers, and I think that everyone, um,
20 recognizing give credit to the members of the press
21 for the great job that they are doing. So,
22 addressing you know the ability to you know get the
23 pass, get the credential, do their job, is very
24 important for democracy. Eh, but one are that I want
25 to touch is about allowing the members of the media

2 to wear their plate, to go and use a bilko to cover
3 story. Encourage someone that allocates for the City
4 of New York to put together a plan to reduce the
5 numbers of people that have cards from 1.4 million
6 that we have today to 1 million by 2030. I'm not in a
7 sense inviting anyone to go and get a card, I know
8 that many members of the press, when there is event,
9 press conference, the Mayor, whoever put it together,
10 Queens, any borough, they take the train. However,
11 we also know that New York City has a lot of area
12 transportation deficits. In New York City, we have,
13 you know teachers, have their permit to buy the car,
14 elected official and many other agency. What is
15 holding us to also allow members of the press who
16 have their, their plate; that would allow them also
17 to not call them privilege but to have the right also
18 to park the car when they are covering a story?

19 MICHAEL CLARK: Sure, do, you, Paul do
20 you want me to handle that?

21 PAUL OCHOA: Yeah, why, why don't you
22 handle it and I can add anything else after.

23 MICHAEL CLARK: So, I think Council
24 Member I'm familiar with the Bill. I don't know if
25 it was re-introduced but this is a topic that I know

2 you've, um, you've advocated for, um, in the
3 transportation committee for a while and there has
4 been Legislation introduced. I mean, I think in
5 light with our prior testimonies and I think a lot of
6 the press would, would agree that you know our
7 officers make a accommodations for press vehicles,
8 and press vans covering breaking news stories. I
9 know that what the Bill is aiming to do is to go far
10 beyond that and we recognize that there is a need for
11 press, um, to park at, when they are covering news
12 stories. I think the way that particular bill was
13 drafted left a lot of ambiguity but we certainly said
14 back then and we, we iterate now that, we're open to
15 speaking with you further about, you know, how that
16 would look. I mean, I just think that that
17 particular bill in its current form was so broadly
18 written that it, it just wouldn't be feasible.

19 YDANIS RODRIGUEZ: More than happy to
20 continue conversation and I, I think that you know
21 that's a, the positive, um, energy that we can have,
22 any conversation around this and again from my
23 friend, Ms. Black, I'm not calling to give unlimited
24 press permit. I am not saying that I am encourage
25 members of the media not to pay for whatever this is

2 about you know as a teacher that I wa-, that I was I
3 know that and we worked with this administration to
4 accommodate a number of those permits and this is not
5 something new. The members of the press, they used
6 to have them. Bloomberg stopped then as he also did
7 with the teacher, so this is about restoring but I am
8 more than happy to work with you guys and you know
9 our colleague at City Hall and DOT to see how we can
10 make progress in that Bill. So thank you.

11 CHAIRPERSON FERNANDO CABRERA: Thank you.

12 Next, we will hear from Council Member Yeger.

13 Council Member Yeger you may begin upon the Sergeants
14 announcement.

15 SGT. KOTOWSKI: Your time starts now.

16 KALMAN YEGER: Thank you very much. Good
17 morning. Um, my question is for Commissioner
18 Chernyavsky and um, I hope you can just help me, um,
19 get some of the, the policy reasons, um, on the
20 record for why we have, um press passes in the first
21 place and my question really is starting off with
22 that, why do we have? What's the reason for a press
23 pass? I mean why can't anyone just go anywhere they
24 want in this City?

2 OLEG CHERNYAVSKY: Well, I think, um,
3 it's, it's a balance really. It's, we are trying to
4 maintain the integrity of some of sometimes crime
5 scenes or emergency situations where police lines are
6 set up but at the same time there is a recognition
7 that the press, I mean I think we all agree is the
8 fourth branch of government, it keeps us all true and
9 honest and reports the news to keep the public
10 informed. So, there is an absolute need to have, um,
11 to have press, um, that's able to have a vantage
12 point that they can deliver the news, um, to people
13 sitting at home so those folks are aware. So, to the
14 extent that we can facilitate press going behind
15 police lines in a manner that doesn't disrupt crime
16 scenes, contaminate evidence of doesn't create unsafe
17 conditions, um, we want to facilitate that and the
18 press pass is the vehicle we use to do that.

19 KALMAN YEGER: Well, if that's true and,
20 and some of us may actually believe the press is the
21 first branch of government, not the fourth. Um, but
22 if that's true why wouldn't the police department be
23 the best arbiter of ought to and ought not to have a
24 press credential in this City. I mean I don't have a
25 press credential, I can't just go anywhere I want.

2 Why wouldn't the police department be the best
3 arbiter of that question?

4 OLEG CHERNYAVSKY: Well, I think, um, I
5 think recognizing the current movement of, um, you
6 know, I think where, where we are going and reimaging
7 policing, I think there are certain things that, um,
8 rightly we need to look at and examine whether they
9 truly belong within the police department? Whether
10 they fall within the department's core mission? I
11 think the Mayor has made a series of commitments, you
12 know, from vending to homeless, um, and this is just
13 yet another example of when we are looking at, um,
14 duties or responsibilities that the department
15 currently carries, um, there is a re-examination of
16 what should or should not remain here.

17 KALMAN YEGER: Okay, um, if, if
18 contamination of preventing the contamination of a
19 crime scene, um, maintaining public safety,
20 maintaining order is the reason why the, from time to
21 time places in the City are courtened off and but for
22 the, um, the holding a press credential one would not
23 be able to go back, actual a press credential or a
24 police department badge, would, do you believe that
25 DCAS or the Mayor's Office of Media or another agency

2 is in a better position than the police department to
3 maintain the order at a particular crime scene or a
4 dangerous location?

5 PAUL OCHOA: I can take this, Oleg, if
6 that's okay. And then I'll turn it over to you. Um,
7 Council Member, that's a great question. The, what
8 we are envisioning is not removing PD or having MOME
9 officers or MOME, um, staff be at these scenes. It is
10 really talking about the application process, not the
11 actual, um, work that gets done or the implementation
12 of how those press passes are used. So, and that's
13 an area where PD would still be responsible in their
14 best judgment to allow press, um, in a, in a crime
15 scene or any other scenarios that you mentioned.

16 KALMAN YEGER: Okay, um, the, I view
17 legislation as maybe, I'm somewhat alone on this but
18 I'm used to that here. Um, as a tool to fix
19 something that's broken. Um, you know to look at the
20 way we do things right now and say that the only way
21 to do it a little better is to do it legislatively.
22 Do you believe right now that the system is broken?
23 The system of issuing press credentials is somehow
24 not working right? And, nor for that to the police
25 department I mean with respect to the Office of City

2 Legislative Affairs, I think they are the ones who
3 are doing the work right now and I would like to hear
4 from the Deputy Commissioner on whether or not he
5 believes that the police department is somehow not
6 doing it right, right now?

7 OLEG CHERNYAVSKY: I mean, I don't think
8 that's, you know I don't think that's, that's really
9 where the question is. I think, I certainly think
10 that we run a fair process. I think that, I think the
11 um, the numbers spell that out. Um, you know five
12 suspensions in five years and over 3,000 press passes
13 issued in any two year cycle. I think that bears the,
14 the data bears that out. I think realistically as I
15 said before that, you know, if we are in the time
16 that we are reimagining policing, that we're looking
17 at what, what the police department's footprint needs
18 to be or should be, um, and given the various tasks
19 that we are involved in and I think, um, without
20 speaking to the fairness of the process, which I
21 truly believe is fair, um, in the way that we've
22 administered it, if the decision by the Council and
23 the, the decision by the administration is that it
24 should be housed, um, elsewhere we fully support
25 that.

2 KALMAN YEGER: Okay, I'm not going to ask
3 for specifics of the five suspensions except that I
4 want to reiterate for the record that in five years
5 as, as you've stated there have been five suspensions
6 and, um, and I think that is an incredibly low number
7 in giving, given, you know how big the City is and
8 how many things are going on, on a day to day basis
9 and how much the press is working, um, throughout
10 those, those places to see what's going on and to get
11 the closest shot that they can and get as close as
12 possible to get the information out to the public.
13 Um, five suspensions means to me at least the police
14 department is, is pretty forgiving, um, when somebody
15 with a press card wants to push the envelope and get
16 as close as possible. I, I haven't heard, um, an
17 outcry. Um, perhaps I don't talk to the press that
18 often, but I haven't heard this great outcry that the
19 police department, um, has not been willing and able
20 in every single way and actually acted out working
21 with the press. Um, I would like to ask, um, a
22 question regarding the application process and the,
23 and the amount of evidence that you need to, to make
24 the case that somebody is actually a working member
25 of the press and I preface that by saying again, I

2 write a lot of things, I'm, I'm published quite
3 often. But I am not a member of the press and if I
4 were to fill out an application and submit it with
5 copies of everything that I've say I, you know, well
6 give me a press credential because every once in a
7 while I write something interesting. Um, I think you
8 would rightfully turn me down. Do you believe that
9 the police department's criteria for determining what
10 constitutes a member of the press, entitled to cross
11 police lines and I want to differentiate that one
12 could be a member of the press and also not
13 necessarily need, um, to bear the right to cross
14 police lines. Do you believe that your criteria is
15 too harsh? Or too demanding?

16 OLEG CHERNYAVSKY: Um, I don't, I mean I
17 think you know as, as Counsel Bland had outlined,
18 really the basis is six stories, six local stories
19 over a two year period and I wouldn't be so sure that
20 you wouldn't qualify for a press pass, Council
21 Member. Um, you may if you have six stories that
22 you've written over the past two years that deal with
23 local issues, um, that are you know, I think, I could
24 be missing or misstating it and you tell me, you tell
25 me if I am. But you know what.

2 KALMAN YEGER: Don't worry.

3 OLEG CHERNYAVSKY: No, no, but I think,
4 again I think it goes back to the numbers bearing
5 this out. Um, I think that you know we have over
6 3,000 press passes issued. Um, we're you know having
7 a revocation hasn't happened in the five year look
8 back that we did, a suspension was very limited, so,
9 you know, I think we are very judicious about pulling
10 a press pass. I think we certainly, we certainly
11 trained our officers. There is a comprehensive
12 training both at the academy, at every promotion, um,
13 every time a Sergeant intending to Captain gets
14 promoted. Um, the press team goes in and trains them
15 about, you know, how to deal with the press at, at
16 scenes and events. Um, so, yeah I think it was, um,
17 I think to answer your question, I think it's a fair
18 process and I think it, the standards that we've
19 created or at least when we've handled it is just
20 ensures that the individuals applying for press
21 passes seeking to go behind police lines are actually
22 engaged in the business of, um reporting the news.

23 KALMAN YEGER: Okay, my, um, the Sergeant
24 hasn't announced but I see on the video here that my

2 clock has expired. So I will ask the Chairman for
3 just a brief moment of two if I may? Mr. Chairman?

4 CHAIRPERSON FERNANDO CABRERA: Yeah, go
5 ahead.

6 KALMAN YEGER: The, thank you Chair. The,
7 you know as I view it, um, and, and I don't want to
8 speak for the press at all but, um, I believe that
9 the press for the most part, um, has, and I think
10 your numbers bear it out have acted responsibly in
11 those who carry the press credential. Um, obviously
12 the concern I think in setting the criteria for
13 should or shouldn't get a press credential is based
14 on the idea that we don't want everybody, namely a
15 guy like me saying hey, every once in a while I write
16 something. Give me a press card so I can go wherever
17 I feel like and cross your lines that are there for
18 very important civic purposes. Um, so you know I,
19 going back to the point that I made at the beginning.
20 I view Legislation as a tool to fix something that's
21 broken. Um, sometimes we tend to do things, um,
22 where we promulgate Legislation has solutions in hunt
23 of a problem and I'm sitting here this morning and we
24 are 48 or thereabout minutes in and I'm still trying
25 to hunt for the problem and I haven't seen it yet.

2 Um, and my brother Councilman who proposed this
3 Legislation I know is quite wise in his ideas about
4 the future of the City. I'm just trying to hunt for
5 the problem and I hope that sometime during the
6 course of this morning's hearing we will learn what
7 the problem actually is. And with that, I go back to
8 the Chair with my thanks. Thank you Mr. Chairman.

9 CHAIRPERSON FERNANDO CABRERA: And
10 Counsel, do we have anyone else?

11 C.J. MURRAY, COMMITTEE COUNSEL: Chair,
12 no other hands are raised so feel free to ask any
13 follow up questions at this time.

14 CHAIRPERSON FERNANDO CABRERA: Thank you
15 so much. Um, I see Council Member Powers, I think he
16 wants to chime in to Council Member Yeger's comment.

17 KEITH POWERS: Thank you, I, I always
18 appreciate Council Member Yeger and his, uh, and his
19 insights and we are dear friends so I take no offense
20 to any, any questions on my, criticize it. But I
21 will say I just wanted to add some commentary to this
22 as we are thinking about what people had. I don't
23 actually thing suspensions is really the measurement
24 of how the system works. I think it is whether there
25 is access to the press credentials in the first

2 place. I have somebody just Tweeted at me who said
3 who covers transportation issues for the last 15
4 years, who said they've never been able to get one. I
5 have a photographer who is a constituent who has just
6 had, I mean these are just the ones I'm getting right
7 now, who is saying that, um, he has both the
8 frustration with this potential expiration date issue
9 but also has had his own issues in terms of getting
10 it. I, I've heard these antidotes, I've heard from a
11 photographer who became a reporter who was not able
12 to get a press credential in that period of time
13 because that person needed I think six, able to prove
14 six different things and was unable to prove, that
15 persons time so I've heard these stories and I think
16 that the access to it is actually more of the issue
17 than the suspensions and taking away of it. We also
18 have folks on here I know who have had historical
19 issues with getting it as well, so, I wanted to think
20 about making it easier. I wanted us to think about
21 modernizing it. I also want to frankly say, like,
22 this is not an attack on the NYPD but I just frankly
23 thing that any agency that is going to be as widely
24 covered as either the PD, the Department of
25 Transportation, whatever it may be should not be the

2 one that is issuing press passes if you want to have
3 absolute certainty and clarity in the freedom of the
4 press in New York City. We have a Mayor's Office of
5 Media and Entertainment. It is, I think it makes a
6 lot of sense for them to be in the business of
7 issuing the, the press credentials. What we need,
8 NYPD's partnership on is making sure that folks are
9 acknowledging that when people show up and want to
10 use the press credential and get to the, the place
11 where it is needed, whether it is at City Hall or
12 going over a police line. So, you know, I, I just
13 want to clarify that as we are thinking about this
14 issue, that I think access is an issue. I think
15 suspensions is not really how I would measure this
16 and I'm not even here to say to the NYPD, any, I just
17 feel like this should be housed in an Agency and does
18 Media and Entertainment, that doesn't get widely
19 covered by NYPD and I think, we, it is just a good
20 opportunity for all of us to reconsider and revisit
21 all the things that make up the press credential
22 process in New York City right at this moment. So, I
23 just wanted to add that in and I have no questions,
24 so I will leave it at that.

2 CHAIRPERSON FERNANDO CABRERA: Thank you
3 so much, Council Member Powers. Um, I have a few
4 questions, of, I would like to leave my questions to
5 the end so my colleagues, um, could ask. I'm just
6 curious, um, Director Ochoa, if you could share with
7 us what additional resources are going to be needed,
8 um, to implement Intro 2118, will the NYPD be able or
9 should they move their press credential staff, or are
10 you going to get new staff in the new agency, any
11 thoughts about that?

12 PAUL OCHOA: Yeah, those are great
13 questions, um, Chair. So, you are absolutely right
14 MOME is a small office. We do think they are the
15 right office to do, to take on this work and we will
16 be supporting them and new resources they may need
17 either technology or staffing wise to get this done.
18 We do not envision anyone from PDs Civilian Workforce
19 to be moving. I think this would have to be, um,
20 just a, you know a staffing issue and a resource
21 issue for, for MOME.

22 CHAIRPERSON FERNANDO CABRERA: You think
23 you have enough staff there to do this type of work?
24 Or are you going to have to hire new staff?

2 PAUL OCHOA: Yeah, I think, yeah I think
3 we are going to have to talk to them about them and,
4 and what bandwidth they have. I know they do work
5 very hard with the, the small team they have so it
6 may require some staffing but we are going to help
7 them out and work that out on the backend with our
8 friends OMD.

9 CHAIRPERSON FERNANDO CABRERA: One of the
10 thoughts I, I had and I know they are some, perhaps a
11 need for Charter Revision if we were to do this. My
12 wife counsel has pointed out to me, the County Clerk
13 being another option, being that of an independent
14 body. That might be a point of consideration. I
15 wanted to know should police officers or other city
16 officials be permitted to, um, to, to seize press
17 credential without first conducting a hearing.

18 PAUL OCHOA: That's a good question, I'm
19 going to turn it over to NYPD to talk about what they
20 do currently. I believe it is only in instances
21 where something of breach has happened. But again, I
22 will turn it over to the NYPD.

23 OLEG CHERNYAVSKY: Sure, so in terms of
24 seizures, you know you could have again, I think Paul
25 said it right, in agree to circumstances where. I

2 mean I'll give you an example. Say for example, we
3 are at the scene of a shooting and we establish
4 police lines and there is a determination made by
5 officers and we allow, um, members, credentialed
6 members of the press to go beyond the police lines
7 and then there's a determination made by detectives
8 or police officers on the scene that the police line
9 has to be extended because they found shell casings
10 or whatever if a member of the press for example
11 refuses to move and they are not abiding by the
12 orders of the officers or detectives at the scene,
13 they may pull the press pass but historically when we
14 do a look at this they get it back, um, the next day
15 or, or later that day and we certainly set up
16 protocols, um, for police officers or detectives at
17 the scene to reach out to our press office that has
18 regular dealings with members of the press so they
19 can try to intervene so it doesn't get to the extreme
20 while pulling the press pass at the scene. But again
21 that, pulling a press pass at the scene in those
22 limited circumstances when it is done is not even the
23 suspension because the individual would get it back
24 in short order.

2 CHAIRPERSON FERNANDO CABRERA: Do you
3 have a record of how many times, um, we have such
4 occurrences? How many times they are being taken
5 away and given back on the same day or the next day?

6 OLEG CHERNYAVSKY: I don't have that
7 number with me but I'll, I'll take a look into it and
8 get back to you.

9 CHAIRPERSON FERNANDO CABRERA: Okay. Um,
10 to what extent, um, with the new agency, I'm not
11 going to say which agency it's going to be but will
12 collaborate with the NYPD, City Hall or other
13 mentioning services in issuing press credentials if
14 at all?

15 PAUL OCHOA: I can take this Oleg. Um, I
16 think you are right Council Member, the new, the
17 transition needs to be seamless and there is going to
18 have to be collaboration. Because NYPD mentioned
19 they have been doing this for decades, so it is, um,
20 very important that, you know that when MOME takes it
21 this on or if MOME takes this on that we coordinate
22 with the NYPD and the relevant agencies to make sure
23 that, um, you know they've learned the process and
24 the transition is seamless.

2 CHAIRPERSON FERNANDO CABRERA: And once
3 they learned that process, would there be any, any
4 form of engagement, involvement, um, by the NYPD or
5 any other agency?

6 PAUL OCHOA: The way we are envisioning
7 this, is the, the process, so the application
8 process, the press, press credentials would be housed
9 at MOMÉ but the actual implementation of how those
10 press credentials are used would still fall under the
11 NYPD. So, yes, to answer your question, yes, yes
12 that will definitely happen.

13 CHAIRPERSON FERNANDO CABRERA: I wanted to
14 ask you, um, to give the specific as to how many
15 press credentials, does the NYPD typically issue in a
16 given year, um, to how many journalists?

17 PAUL OCHOA: Do you have that? How many
18 press credentials by type and to how many
19 journalists?

20 LISA BLAND: Over the, again, we do the
21 press credentials over a two year cycle and over that
22 two-year cycle we issue approximately 3,000, um,
23 press credentials to individual journalist, in
24 addition, reissue a number of reserve cards to news
25 organizations or news outlets for them to give to

2 journalists who don't have their own individual six
3 stories to qualify for their own individual.

4 CHAIRPERSON FERNANDO CABRERA: And how
5 many reserve cards are we talking about?

6 LISA BLAND: I don't have the exact
7 number for the reserve cards in itself but we will
8 check DCPI records for that information and get back
9 to you.

10 CHAIRPERSON FERNANDO CABRERA: Do you
11 know how many maj-, major networks do you give out
12 these to?

13 OLEG CHERNYAVSKY: I think the networks,
14 a-.

15 CHAIRPERSON FERNANDO CABRERA: You might
16 not know the number, but do you know how many
17 networks do you give it out to?

18 OLEG CHERNYAVSKY: I think they all,
19 look, I'll double check, I'll verify but I think all
20 major networks have it and the question is, is how
21 many, I guess non-major networks have I and we will
22 give you a comprehensive number. But, I think it's
23 fair to say that the major networks have reserve
24 passes so I think one of the council members had
25 mentioned. I think maybe, uh, council member powers

2 that if you have somebody that just started, um, as a
3 reporter they can use one of these rever-, uh,
4 reserve passes and cover a story, cause they are
5 acting under the umbrella of their organization.

6 CHAIRPERSON FERNANDO CABRERA: Just to be
7 clear, the 3,000 does not include the event passes,
8 correct, or they do?

9 OLEG CHERNYAVSKY: The event, the one
10 time?

11 LISA BLAND: Yeah.

12 CHAIRPERSON FERNANDO CABRERA: Yeah.

13 OLEG CHERNYAVSKY: No, it's not.

14 CHAIRPERSON FERNANDO CABRERA: So these
15 are 3,000 different individuals who are journalists,
16 uh, who have passes? Correct? I just wanna, I just
17 wanna be clear.

18 LISA BLAND: Absolutely.

19 CHAIRPERSON FERNANDO CABRERA: Okay,
20 great. I only have a couple of more questions and
21 then I'm going to pass it to Council Member Yeger who
22 is very eager today. I didn't know you were so eager
23 regarding the press, uh, Councilman Yeger. I'm moved,
24 I'm moved. In June 2020, the NYPD proposed new rules

2 to govern press credentials. Please describe the
3 reason for these proposed rules and why now?

4 OLEG CHERNYAVSKY: So, yeah, we
5 proposed new rules and it didn't, I think Paul had
6 mentioned earlier, it didn't affect the rules about
7 application for press credentials. It improved the
8 due process rights that reporters had in the case of
9 a suspension or revocation of press credentials. We
10 had a process in place, um, and we as part of, as
11 part of litigation but also something that we had
12 to look at and we wanted to improve these, this
13 process, uh, and that's what the purpose of those
14 rules were, those proposed rules I should say.

15 CHAIRPERSON FERNANDO CABRERA: All right.
16 How do you measure whether it actually improved?
17 These rules made the process better?

18 OLEG CHERNYAVSKY: Well, I think
19 transparency. I think anytime you, you shed more
20 light on the process and make it more transparent,
21 that's an improvement that in and of itself and the
22 nature of, of the rule making process is that it for
23 example we, we find that you know the rule isn't
24 working the way it was intended that you can always
25 change the rule and improve upon the rule but I

2 think, you know, it's very hard to measure it now but
3 I think it is broadly stated anytime you could make a
4 process more transparent to the public and to the
5 individuals that are affected by these rules, such as
6 the press, that's an improvement in itself.

7 CHAIRPERSON FERNANDO CABRERA: Alright, I
8 believe there are going to be members of the press
9 who are going to testify and some examples of seizure
10 and they have led to some allegations that
11 journalists were not informed of their rights to an
12 appeal hearing or the reason for a seizure. Uh, what
13 changes have the NYPD made to its procedure in order
14 to ensure that journalists are informed of all
15 procedures related to press credential. And also,
16 are you looking, uh, any other ways to make it
17 better?

18 OLEG CHERNYAVSKY: Well, I think the rule-
19 making, as we said the rule-making process is aimed
20 directly at what you've just stated. So, we have the
21 proposed rules. They were put out for public comment
22 to include members of the press as well. Those
23 comments have come in and we've been working on those
24 rules diligently and incorporating, uh, some of the
25

2 comments that we've heard, both from members of the
3 press and from the public.

4 CHAIRPERSON FERNANDO CABRERA: I'm going
5 to pass it to Council Member Yeger. I know we have
6 members of the press so we would be parsimonious at
7 this moment, I really appreciate it. Uh, but Council
8 Member Yeger.

9 SGT. KOTOWSKI: Chair, sorry. And uh,
10 Council Member Yeger, before we move on with your
11 questions, we are going to need to pause the hearing
12 momentarily to fix an issue with the live stream.
13 Um, please everyone stay tuned and we should be back
14 momentarily. (Recording: Ending the live now.).

15 CHAIRPERSON FERNANDO CABRERA: So, this
16 is what it looks like behind the scenes, uh.

17 SGT: Just give us one second please,
18 don't speak. We want to make sure that it is
19 recorded.

20 SGT. KOTOWSKI: Alright folks. Thank you
21 for your cooperation. Let's just keep it in silence
22 for now until we make the changes. Uh once again, we
23 appreciate your cooperation.

24 SGT: We are live. Chair you can begin.

2 CHAIRPERSON FERNANDO CABRERA: Thank you
3 so much. Uh, Council Member Yeger?

4 SGT. KOTOWSKI: Your time starts now.

5 KALMAN YEGER: Thank you Mr. Chairman.
6 Uh, I'll be brief. I just want to touch on the topic
7 of the reserve cards, just to make sure that the, uh,
8 that that information is, is, uh, is properly
9 recorded here this morning. Uh, the as I understand
10 it this, so this the, the department approximately
11 3000 press cards over a two year per-, a two year
12 period. These are the individuals cards that our,
13 that are tied to the record of the individual member
14 of the press who is able to demonstrate his or her
15 right to have the press card based on his or her
16 submissions. And then there are these reserve cards
17 that the media outlet/publications, etc. have I guess
18 in some editors desk drawer and says to a random
19 reporter, hey you weren't able to qualify for the PD
20 press card, here's one go cover this. Am I properly
21 describing how the reserve card works?

22 LISA BLAND: Yes. That is correct.

23 KALMAN YEGER: So, the, at the reserve
24 card, uh, when issued to a working member of the
25 press by a publication or media outlet gives the

2 holder all the rights, privileges, etc. of, of the
3 actual press card that bears the name of the holder?

4 LISA BLAND: That is correct.

5 KALMAN YEGER: Okay, so hav-, I guess
6 this is more a deep dive then, has the department
7 received any requests for reserve cards from a, from
8 a media outlet or publication that it has either
9 declined or not been able to accommodate for any
10 reason without being specific, if you can just let
11 me know what that reason is. I see Mr. Siegel is
12 here so he's going to tell me if I'm, if I'm asking
13 this wrong when he gets on, but, I guess he is
14 nodding and I have immense respect for his, for his
15 comprehension of the first amendment that he will
16 correct me later. I'd like to ask PD?

17 LISA BLAND: I'm not aware of us denying
18 requests for reserve cards. Uh, we have limited the
19 amount of reserve cards that are given to a particular
20 outlet depending upon how large the outlet is. So,
21 it's the difference between a large outlet like a
22 local newspaper that have a lot of reporters or a
23 brand new outlet that may have one or two, um,
24 members of their organization.

2 KALMAN YEGER: Okay. Are you in a
3 position with the information in front of you to tell
4 us what's a, you know, a large outlet. Let's say. I
5 don't want to single anyone out but let's say the New
6 York Times, paper of record. Uh, how many reserve
7 cards they might have? And if it's not something
8 that you are able to say then I understand that,
9 that's fine.

10 LISA BLAND: I do not have that
11 information in front of me.

12 KALMAN YEGER: Okay, alright, Mr.
13 Chairman I yield back. Thank you very much.

14 CHAIRMAN FERNANDO CABRERA: Thank you so
15 much and with that, let me turn it over, um to the
16 Committee Counsel. I want to thank the panelists for
17 your in-service and we will definitely be continuing
18 our discussions, uh, with the sponsor, prime sponsor
19 of the bill with the administration. We are looking
20 forward to hear from member, members of the press.
21 Committee Counsel.

22 C.J. MURRAY, COMMITTEE COUNSEL: Thank
23 you Chair. We will now turn to public testimony. I
24 would like to remind everyone unlike our typical
25 Council hearings we will be calling on individuals

2 one by one to testify. Each panelist will be given
3 three minutes to speak. Please begin once the
4 Sergeant has started the timer. Council Members who
5 have questions for a particular panelist should use
6 the Zoom Raise Hand Function and I will call on you
7 after the panelist has concluded their testimony.
8 For panelists, once your name is called a member of
9 our staff will unmute you and the Sergeant at Arms
10 will set the timer and give you the go ahead to
11 begin. Please wait for the Sergeant to announce that
12 you may begin before delivering your testimony. I
13 would now like to welcome Jane Tillman Irving to
14 testify, followed by Mickey Osterreicher and then
15 Norman Siegel. Jane Tillman Irving you may begin
16 upon the Sergeant's announcement.

17 SGT. KOTOWOSKI: Your time starts now.

18 JANE TILLMAN IRVING: Thank you very
19 much. My name is Jane Tillman Irving. I am the
20 President of the New York Press Club and a retired
21 reporter and news writer for a number of media
22 outlets but mostly for WCBS News Radio 880 for many
23 decades. I'd like to thank you for holding this
24 hearing. It's a very important topic. I'm going to
25 speak somewhat extemporaneously and provide you with

2 written testimony. We're a membership organization
3 founded in 1948 to represent the interest of all
4 journalists in this City and we're, the position of
5 the New York Press Club is that we believe that the
6 issuance of press cards should remain with the New
7 York City Police Department. We would prefer to see
8 that power remain with the NYPD but with more clearly
9 defined, uh, requirements for the suspension or the
10 revocation of press credentials and possibly civilian
11 input. Now, that doesn't mean organizations like
12 ours. We're not quite sure what, but civilian input
13 would be a good idea. The press card allows for
14 passage behind press lines by emergence-, I mean
15 policy lines, emergency lines that are set by the
16 police department; therefore, we think the police
17 department is the organization that should issue it
18 and determine how those press cards are used. Now,
19 there have been times where, and particularly
20 recently last summer when the police and the press
21 were operating at more, in a more adversarial than
22 they have previously or in recent years. We'd like,
23 we recognize that that happens and we would like to
24 see the police department recognize that we are all
25 trying to keep the City informed and safe. They are

2 concerns with safety. We are concerns with
3 information. We are not the fourth branch of
4 government in the sense that, uh, to use the cliché
5 that we are writing the first draft of history and to
6 put on and to use another cliché we are afflicting
7 the comfortable and comforting the afflicted that
8 sometimes makes us adversaries. But we are, we
9 believe that the police department with perhaps some
10 modification is certainly the best organization to,
11 to issue press credentials. Also, Chairman Cabrera,
12 mentioned background checks. This is the first that
13 we've heard of that and frankly I find that a bit
14 disturbing. I'm not sure what a background check
15 would mean in this instance and I don't necessa-, I
16 don't think that that is the purview of issuing press
17 credentials. So, to sum up, as a person who has had
18 many, many years.

19 SGT. KOTOWOSKI: Time expired.

20 JANE TILLMAN IRVING: Of press card
21 issuances I think that it should remain with the NYPD
22 with modification. We thank you. We look forward to
23 working with you on this.

24 CHAIRMAN FERNANDO CABRERA: Thank you so
25 much. Uh, just a point of clarification. I

2 inquired clarification regarding background checks,
3 whether there were any of any sort and so that was
4 clarified and I think it is important that the
5 public, uh, knows and we are able to call upon the
6 NYPD whether that is done at all. And so, that was
7 put further, so, thank you. Thank you for, um,
8 mentioning that. Uh and with that I will turn it
9 back to Committee Counsel to call members, I see
10 someone already, one of my colleagues have a
11 question.

12 CJ MURRAY, COMMITTEE COUNSEL: Thank you
13 Chair. Next we will hear questions from Council
14 Member Powers.

15 SGT KOTOWOSKI: Time begins now.

16 KEITH POWERS: Thank you and thank you for
17 the testimony. I did, yeah, basically one question
18 which is one I raised earlier, which is, you know I
19 know it's something that you care about of course,
20 but to me, to me, well, let me ask this in a
21 question. Do, do, don't, do you feel like there is a
22 conflict in a large City and in a functioning
23 democracy with an agency that had, that is the
24 largest agency in the City, one of the largest in the
25 Country and is the recipient of lots of press

2 coverage, none notably in the last year to be the
3 entity issuing and have the authority to evoke the
4 ability for someone to have access to a, to a press
5 credential and access to a press, or to a police, or
6 a site or a City Hall or something like that, do you
7 see any conflict between those two things, the
8 freedom of the press to cover large agency that is
9 widely covered and that also has the ability to
10 determine who gets access to a press pass?

11 JANE TILLMAN IRVING: Well I don't think
12 that thus far there has been that much of a conflict.
13 There may be conflicts at certain events, at certain
14 times but I think that the system has worked fairly
15 well as far as, for the most part. Last summer may
16 have been, um, and not necessarily an anomaly. We
17 have had, we have seen restrictions on the press from
18 various, um, Administrations more and more so. We
19 are sometimes penned down the block than we'd like to
20 be away from the action and admittedly, when I was
21 a reporter on the street decades ago, this did not
22 happen as frequently and this is a concern and that's
23 why we think that there should be some kind of
24 civilian participation. I understand the point that
25 you are making and it's not a bad one but I do think

2 if the issue is going behind police lines, the best
3 judges is that are the police.

4 KEITH POWERS: When, so, I think the
5 counterpoint to that though to be frank is that there
6 might be the wrong one for the ri-, the reason that I
7 am stating which is that they are in the middle of a
8 protest for instance is the incident that I think
9 would be most relevant to us right now, would either
10 where they are the ones who are a major, um, piece of
11 the coverage could be exactly the wrong ones and not
12 because anybody has to dislike the NYPD to believe
13 that but that you might believe that not having that
14 agency that is, is so widely covered being the
15 determining factor and the press credentials would
16 just be the way to ensure and to ensure in all cases.
17 And so, let me ask you a different question, do you
18 see a confl-, what would be your concern about the
19 Mayor's Office of Media Entertainment having, as
20 example, this is what the Mayor has said that they
21 support, having access to that? Maybe sorry having
22 authority.

23 JANE TILLMAN IRVING: Having the
24 authority to, um, issue it. I think that the
25 concern is for the most part that the police at least

2 recognize that this is a credential, I am holding an
3 old one but the credential that they themselves have
4 issued. I don't know that they are going to respond
5 as favorably to another agency's issuance. I don't
6 know, I can very, um, easily imagine and my
7 colleagues I have discussed this with of course and,
8 um, can, I don't think that they can, I can easily
9 imagine a police officer on the job saying I don't
10 know what that credential is. I don't know who they
11 are, even though they might very well know and you
12 go back to that line. I can very easily see that.
13 I don't, I think that the press credential issued by
14 the police department offers a certain amount of
15 insurance, not much, in that regard but some more
16 than another agency might.

17 KEITH POWERS: Do you see a problem in
18 the City where one agency doesn't acknowledge the
19 work of another Agency?

20 JANE TILLMAN IRVING: Not really, but I
21 see the potential for it. I definitely see the . .
22 .

23 KEITH POWERS: I, I see it as a really
24 large problem if one agency is issuing press
25 credentials and another agency won't acknowledge

2 that. I mean that to me is like a breakdown of some
3 public confidence and trust if agencies are unable to
4 work together and to one can issue and the other
5 could acknowledge. I mean it would be no different
6 than, I suppose NYPD showing up to a place where
7 another agency has issued something, a health permit
8 or something like that and doing enforcement on it,
9 acknowledging that the work was issued by one agency
10 but that they play a role in that. And I, I think
11 there is an issue with and there is a fear of lack of
12 cooperation. I think that is an issue that exists
13 and we should also have a conversation about but I, I
14 recognize you, I recognize your concern that
15 functionally in the field here may be a, a
16 disconnect. What is, you know, with, with the
17 understanding that you know I, I think the Mayor has
18 said, you know potentially MOME, I am open to that or
19 another agency as well. Can you just, uh, uh, talk
20 to us if you moved it to another agency for
21 instance, which might be necessary to help solve
22 those issues around making sure that the police when
23 you show up to a scene would acknowledge it? Is it,
24 you know, representation of something on the badge?

2 Is is, uh, like what other, what other measures might
3 give you more confidence, I guess, in the?

4 JANE TILLMAN IRVING: I think that would
5 be. I think the proof there would be in the
6 action and I don't, I'm not sure at this point that
7 it is, that we want to risk that. I think it, I
8 think wo-, I think that it should, obviously the NYPD
9 wants to move out of the press credential business
10 but our position is that we would prefer that if they
11 are going to be issued and of course they should be,
12 then we believe the NYPD should be the issuing
13 agency. I also was interested in Council Member
14 Rodriguez's point about the placards. We have, the
15 placards are very important for parking and people,
16 extra police, I mean, uh, reporters arriving at
17 stories often find that they have no place to park.
18 Many a time I took a cab or the subway to a story
19 because I knew I would not have a place to park the
20 WCBS mobile unit.

21 KEITH POWERS: Okay. Uh, all right well
22 thank, thank you for your testimony and I, I think
23 there is a way to, you know, address some of the
24 concerns that you are being, that are being raised
25 here regarding access and cooperation and things like

2 that but I do recognize your, your concern, I know
3 we've chatted about these in the past. So, thank you
4 for your testimony and taking time with the questions
5 as well and I will hand it over to the others. I have
6 no more. Thank you.

7 JANE TILLMAN IRVING: Thank you.

8 C.J. MURRAY, COMMITTEE COUNSEL: Thank
9 you Council Member. Next we will hear questions from
10 Council Member Yeger.

11 SGT. KOTOWSKI: Your time starts now.

12 KALMAN YEGER: Thank you Mr. Chairman,
13 um, um, good morning Ms. Tillman Irving.

14 JANE TILLMAN IRVING: Ms. Ir-. It's Ms.
15 Irving.

16 KALMAN YEGER: Since you seem to put a
17 face to it and it's really good to see you.

18 JANE TILLMAN IRVING: Thank you.

19 KALMAN YEGER: I would like to make the
20 following point just to, to, uh, to bring back
21 something that you mentioned, Um, obviously you, you
22 see it, uh, you see it as okay and not objectionable
23 that it remain with the police department but
24 something that is just, you know, I guess that's been
25 bandied about, this idea that the police department

2 is the most covered entity in the City and what if
3 the, issuing the press credential being a valid
4 question. Uh, but at the same time the Mayor is
5 probably the most covered individual in the City of
6 New York and the police department for whatever its,
7 its, its benefits or detriments is arguably I think
8 fair to say far more independent of the Mayor's arm,
9 I think than has been demonstrated than say the
10 Mayor's Office of Media or than DCAS even, uh, as we
11 have learned over the last several years and what I
12 am saying is not a reflection on the individual who
13 currently holds the office but rather the office
14 itself. The Mayor of New York City is probably very
15 fair to say the most covered individual in the City.
16 Um, does it make sense that, that an agency with I
17 guess less independence than the police department
18 be, and certainly like an agency like the Office of
19 Media which is not an independent department as much
20 as an arm of the Mayor's Office be issuing these
21 permits?

22 JANE TILLIMAN IRVING: I think, that is
23 the one of the reasons that we believe that the
24 police department is the better agency. We believe
25 that there may be changes in the requirements in the,

2 the, the requirements for revoking or suspending a
3 press credential. There can be changes but that is
4 why we believe that the NYPD is the best agency for
5 this operation.

6 KALMAN YEGER: Okay, and I want to go to
7 your second point, um, and this is perhaps a place
8 where Mr. Siegel and I might agree. I, I also have a
9 problem, um, and maybe it's not a fully developed
10 thought right here but the idea of the background
11 checks, being, are necessary predicate to receiving
12 press credential. Once an applicant has made the
13 demonstration of being a bonafide member of the press
14 by presenting the, the coverage that he or she has
15 done in the past and providing that she is an
16 employee of a press organization or actually
17 participated in coverage or things of that nature.
18 I'm not really sure what information would be
19 elicited from a background check that would be
20 conclusive that an individual ought to or ought not
21 receive a press credential. Yeah, my point being is
22 if so what if a year before that person was arrested
23 for something or not, or has some kind of criminal
24 history. We're a City that believes in second
25 changes and if somebody is working for the press

2 and is able to prove that they are working for the
3 press, um, I'm not really sure what information
4 would be elicited in a, in a background check and
5 I'm, I'm curious if, if you can think of any
6 situation where a report might have been denied
7 access to a press credential based on those
8 reasons.

9 JANE TILLMAN IRVING: Are you asking me?

10 KALMAN YEGER: I am asking you. You are
11 the only one up here.

12 JANE TILLMAN IRVING: All right, uh, no,
13 I don't know of any either and that's why I was
14 questioning, uh, the Chairman. Chairman Cabrera
15 said something about background checks and this was
16 something that had not come up before and I found
17 that very concer . . . , a matter of, of considerable
18 concern. That's why I responded.

19 CHAIRPERSON FERNANDO CABRERA: Let me
20 interject 'cause my name was brought up. I want to
21 be clear. I think there is some confusion here. I'm
22 not suggesting there should be background checks. I
23 don't know is anybody even insinuating that. Asked
24 me whether there were any background checks.

25 JANE TILLMAN IRVING: I see.

2 CHAIRPERSON FERNANDO CABRERA: And the
3 reason I asked, the reason I asked is because in
4 the 11 years I've been a Council Member here no one
5 has ever asked the NYPD that question. It is very
6 possible that there were and no one in the press ever
7 knew about it and so I wanted it on the record to
8 make sure that such behavior and actions were not
9 taking place.

10 KALMAN YEGER: Chair, if I may.

11 JANE TILLIMAN IRVING: Thank you very
12 much for clar-.

13 CHAIRPERSON FERNANDO CABRERA: Thank you.
14 You have extra time of course.

15 KALMAN YEGER: Um, if I may I can clear
16 up the confusion. The reason I think that background
17 checks is an issue here at the hearing, well maybe
18 not an issue but at least being discussed is because
19 there is language in the draft of this bill that
20 would require that an agency, an unnamed agency do
21 background checks. I think the agency that is most
22 typical to do background checks is DOI or NYPD and I
23 think it is a fair question whether or not background
24 check ought to be a pre-requisite to receiving a
25 press credential if the bonafides of the actual

2 applicant are actually met, by, by reason for
3 demonstrating that the person who is applying is
4 actually a working member of the press and I think
5 that's always a fair question. We just want to give
6 these press cards to people like me and you, Mr.
7 Chair, um, but surely if somebody can demonstrate
8 that they are a working member of the press it ought
9 not necessarily matter, uh, if somebody has a
10 background check that, you know, maybe you don't want
11 to put them behind the, you know, counter of a bank,
12 but you know, we do have the first amendment and
13 there has to be a very, very, very high bar to
14 restricting the access of the press to information in
15 my view and uh, with that, Mr. Chair, I think
16 that's all. Ms. Irving it is good to see you. Thank
17 you very much and I yield back to the chair.

18 JANE TILLMAN IRVING: Thank you.

19 CHAIRPERSON FERNANDO CABRERA: Thank you
20 Council Member Yeger and thank you for pointing that
21 out. Of course, that is going to be a point of
22 discussion that the Committee would have with the
23 sponsor, the prime sponsor of the Bill. So, thank
24 you so much. Um, I believe Committee Counsel, we
25 have another Council Member who has a question.

2 C.J. MURRAY COMMITTEE COUNSEL: Yes, thank
3 you Chair. Next we will hear questions from Council
4 Member Levin.

5 SGT. KOTOWSKI: Your time starts now.

6 STEPHEN LEVIN: Okay, hi Ms. Irving.

7 JANE TILLMAN IRVING: Hi.

8 STEPHEN LEVIN: I just wanted to ask a
9 question, has, has, any, have you or any of your
10 members had experience of NYPD restricting access to
11 credentialed members of the press, um, in instances
12 where they should have been allowed but, you know,
13 were, were times when the police department might,
14 might not want press to be there, so, for example, at
15 a, at a protest. I mean some of the, uh, this, this
16 past summer was a very, um, tense time between, um,
17 the police department and people exercising their
18 first amendment rights of assembly, um, um, National
19 Lawyers Guilds, you know, people being arrested at
20 National Lawyers Guild, identified members, um, I
21 don't know if any members of the press were arrested
22 but its, is it a concern that your members have
23 raised to you or that you've seen as an issue in, in,
24 especially in this past year?

2 JANE TILLMAN IRVING: Well, in this past
3 year we have seen that overall, we have seen not just
4 as we have seen, some press credentialed members of,
5 of the press being not necessarily they've not had
6 their, their credentials revoked or anything of that
7 nature but several photographers who I believe have
8 had that happen but what concerns us is that over the
9 years there have been a certain lack of. They have
10 been less forthcoming and so the members of the press
11 are frequently sequestered down the block from the
12 action and penned in to small areas and unable to get
13 close to whatever is taking place. Those are the
14 kinds of things that we see more of in New York.
15 Those are the kinds of things that are a concern and
16 it has been the case over various administrations.
17 Um, very different. The Koch Administration, the
18 Dinkins Administration were very different in their
19 reactions to the press and the access they garnered
20 to the press as opposed to subsequent administrations
21 and that's what has been more of a concern.

22 STEPHEN LEVIN: And that would be
23 different Mayoral Administrations but the police
24 departments in those different Mayoral
25 Administrations, so there is some kind of.

2 JANE TILLMAN IRVING: Yes, the police,
3 yes the police departments in those administrations
4 and I, we believe that certainly they were not
5 necessarily acting without the knowledge of the
6 Mayoral Administration. I won't say that an order
7 came down or anything of that nature but I believe
8 that there has been less access over the years. It
9 has been gradual but it has happened.

10 STEPHEN LEVIN: Okay and I, I understand
11 your concern about, um, the police respecting a
12 credential created by another agency, I mean that is
13 problematic if they recognize a credential created by
14 another agency that is a rightful credential that
15 gives the member of the press that ability or
16 authority so that is very problematic if they
17 wouldn't. Um, it shows a . . .

18 JANE TILLMAN IRVING: We don't know that
19 they wouldn't be we think that they would be more
20 likely to represent th-, to respect and one and
21 acknowledge that they have.

22 STEPHEN LEVIN: One that they, yes.

23 JANE TILLMAN IRVING: That they have
24 issued.

2 STEPHEN LEVIN: Right, understood,
3 understood but it kind of speaks to a little bit of a
4 bigger concern too, which is their recognizing of
5 other agencies and authorities. Um, and you said
6 that, um, you don't know of any journalists that
7 were, had their credentials revoked, maybe some ph-,
8 maybe photographers that were but do you know of any
9 instances where they were not allowed behind, behind,
10 you know, or allowed access when, when presenting the
11 credential?

12 JANE TILLMAN IRVING: The police establish
13 a perimeter and that perimeter is at a distance from
14 the action as it were then they're not being, they
15 may not be but they are allowed up to that point but
16 the point is not where the press needs.

17 STEPHEN LEVIN: Yeah.

18 JANE TILLMAN IRVING: In order to get the
19 story.

20 STEPHEN LEVIN: Do you know of any
21 journalists that were arrested this summer during the
22 protests? Just for doing their job?

23 JANE TILLMAN IRVING: Um, I don't, not in
24 New York. I don't but there may be and, and I'm not
25 privy to everything that has happened but I don't

2 know of any, but certainly in other jurisdictions
3 they have. They were, there were protests all over
4 the country and we saw police, a reporter arrested
5 live on television in Minneapolis. A CNN reporter.

6 STEPHEN LEVIN: Right.

7 JANE TILLMAN IRVING: So, it does happen.
8 It does happen.

9 STEPHEN LEVIN: Thank you so much, thank
10 you, thank you very much. Thank you Chair.

11 C.J. MURRAY, COMMITTEE COUNSEL: Thank
12 you Council Member. Um, I would now like to invite
13 Mickey Osterreicher to testify. After that I will be
14 calling on Norman Siegel and then Jason B. Nichols.
15 Mr. Osterreicher you may begin upon the Sergeant's
16 announcement.

17 SGT. KOTOWSKI: Your time starts now.

18 MICKEY OSTERREICHER: Thank you, um,
19 good morning Chair Cabrera and members of the
20 Council. Thank you for the opportunity to testify
21 regarding this Bill. My name is Mickey Osterreicher
22 and I'm the general counsel of the National Press
23 Photographer's Association. I am also speaking on
24 behalf of the New York State Bar Associations Media
25 Law Committee and several other press organizations.

2 I've been a photo journalist for about 40 years in
3 both print and broadcast. Um, we, when I saw we,
4 these organizations have submitted extensive comments
5 in response to NYPD's notice regarding its proposed
6 changes to the rules that govern the suspension
7 and/or revocation of NYPD issued press credentials
8 and amending/appealing certain sections of title 38
9 of the RCNY. The rule-making itself was part of a
10 settlement coming from years of litigation over press
11 credentialing. We appreciate the Council's interest
12 in approving the process but we are extremely
13 concerned that enactment of this Bill would short-
14 circuit and undermine the rule-making process which
15 has been months in the making and for which a final
16 rule is long overdue given that the NYPD reportedly
17 completed its revisions in November 2020 and
18 publication is still awaiting approval from the
19 Corporation Councils Office and the Mayor's Office of
20 Operations. While the NYPD credentialing process is
21 far from perfect, the rule-making process must be
22 finalized and reviewed before wholesale changes are
23 made. Especially in situations where press
24 credentials other than those issued by NYPD have not
25 been honored by officers and where NYPD issued

2 credentials have been seized or threatened to be
3 seized. We also are troubled that while the language
4 of 2118 gives the cast sole authority it fails to
5 specify that the procedures and the criteria for
6 press credential qualification issuance suspension
7 revocation and appeal what those will be. Therefore,
8 we respectfully request that further action on this
9 measure be tabled until such a time as the NYPD final
10 rule is published and an assessment of its impact can
11 be made. Alternatively, we propose that the Bill be
12 amended to include specific language detailing
13 procedures and criteria for DCAS or whatever agency
14 regarding press credentialing is made available. If
15 that is not possible, then we must oppose this bill
16 for the reason stated. In the event that 2118 is
17 enacted, we ask that we are included in helping to
18 determine which agency will have authority over the
19 credentialing process and develop any new policies
20 and procedures. I thank you for your time. We will
21 be submitting more extensive written testimony within
22 the filing period following this hearing. I am happy
23 to answer any questions and it looks like I might
24 have a second or two, I just wanted to also agree.

25 SGT. KOTOWSKI: Time expire.

2 MICKEY OSTERREICHER: In terms of the
3 fact that we believe that because the NYPD is ones on
4 the street dealing with people with press
5 credentials, we've seen time and time again,
6 especially this summer that press credentials from
7 the state department from other cities have not been
8 honored. It's like you might as well bring a note
9 from your mother if you don't have an NYPD credential
10 so we are worried that if it is not an NYPD
11 credential that it is not going to be respected on
12 the street.

13 C.J. MURRAY, COMMITTEE COUNSEL: Thank
14 you. Next, we will hear questions from Council
15 Member Adams.

16 SGT. KOTOWSKI: Your time starts now.

17 ADRIENNE ADAMS: Thank you and thank you
18 Chair Cabrera for holding this, this, important
19 hearing, um, you know we've met in the past, it's
20 good to see you Mickey, it's good to see you Ms.
21 Irving. Uh, I echo the sentiments of my colleague,
22 uh, Kalman Yeger and when we initially met a few
23 months ago that voice of yours is just, it brings us
24 back to such a special place, um, when media was
25 different. I will just put it that way. It was

2 different. Um, and it's always great to hear your
3 amazing voice. Mickey, I, I, I hear you as far as
4 the integrity of the press pass is concerned for
5 NYPD. I understand and we've spoken about it, what
6 that, what the credential means across the board.
7 Um, you know our concern, with, when we first started
8 talking about, um, this, this Bill, a lot of it had
9 to do with the treatments of, of individuals,
10 journalists that are not typical media over the
11 course of the summer when it came to the BLM protest.
12 So, my concern still is, um, Mickey I hear you as far
13 as looking at the Bill and maybe you know tweaking it
14 in some areas but for me to have this authority
15 remain in NYPD with the same behavior happening
16 again, through these individuals. So, I guess my
17 question is to, um, Ms. Irving as you concerned at
18 all, if this, if this authority is left with NYPD, if
19 we leave it in the hands of NYPD, are you concerned
20 at all that we will possibly feed this, this behavior
21 that I personally consider to be prejudicial? I
22 thought it was an abuse of power this summer. I
23 thought that some journalists were treated horribly
24 by NYPD. So, are you concerned at all that if this
25 authority remains in the hands of NYPD that this

2 behavior would not continue in instances of peaceful
3 protests?

4 JANE TILLMAN IRVING: In the first place,
5 Council Member Adams, thank you very much for your
6 kind words, I appreciate it. I do, I am concerned
7 but we were also in a time where there was
8 considerable animist towards the press from the
9 highest office in the land and we are not, and I
10 don't expect to see that in the same way from the
11 current Administration. I think that there is a
12 difference in climate from that part that will
13 trickle down to a certain extent and I think that
14 also that we, we are hopeful that a better climate
15 for the press and the police to operate though they
16 have different, they and we have different, um, goals
17 at times, I think that we are hoping for a better
18 climate. I, there is always that concern, but that
19 was as I said a culmination of various Administr . .
20 . of attitudes exacerbated by Washington D.C. but
21 also be Administrations at City Hall. Maybe there
22 will be an election? Maybe there will be a different
23 response from City Hall as well?

24 MICKEY OSTERREICHER: Council Member
25 Adams if I could also address that. I, your, I think

2 the problem is here, we're in this rule-making
3 process about suspensions and revocations; 10 years
4 ago there was another lawsuit and Mr. Siegel will I'm
5 sure address that maybe at some point since I believe
6 he was representing on the people that were involved
7 and it was a matter of we redid the credentialing
8 process back then and we submitted comments on that.
9 So, I mean again, if you are looking at a wholesale
10 re-vamp of everything from not only the agency but
11 the application, the suspension, revocation, appeals
12 process, I think it would be better to wait at least
13 where I think all was there to see what this final
14 rule looks like regarding suspensions and revocations
15 before we kind of undermine the whole process and
16 then at least the Council will have something to work
17 with rather than you know starting from scratch on
18 all of those things but I certainly understand what
19 you are saying, you know, our position has been if
20 you are in a public, a traditional public forum such
21 as on a street parking.

22 SGT. KOTOWSKI: Time expired.

23 MICKEY OSTERREICHER: These events as we
24 saw this summer, you don't need a credential of any
25 kind, uh, if you are out there covering that but we

2 saw time and time again where journalist were
3 arrested when they didn't have an NYPD credential.
4 They might have had a credential from the State
5 Department. They might have had no credential, but
6 the bottom line is crossing police and fire lines is
7 one thing and being out in a public place just like
8 the protesters and the press if you recall was exempt
9 from the curfew. So, we are seeing these kinds of
10 things. I know there were questions, were people
11 arrested and yes they were. Mostly they were
12 photographers but I was dealing with that and we are
13 still dealing with those kinds of issues. So,
14 there's a whole lot of things to be done but I just
15 think in the administrative process we really need to
16 let that final rule at least come out so we can see
17 what it looks like and so the Council can see what it
18 looks like.

19 ADRIENNE ADAMS: Great. Absolutely.

20 MICKEY OSTERREICHER: The organization is
21 going to be taking up and needing some kind of
22 guidelines and template for the rules that it is
23 going to develop.

24 ADRIENNE ADAMS: Yeah, I appreciate that,
25 Ms. Irving and certainly Mickey and I don't

2 necessarily disagree with either of you. Um, again,
3 and I will just conclude here because my time is
4 expired. The concern with me still is, we are
5 talking about climate and hoping for the best when it
6 comes to new administration and other things right
7 now. Uh, my concern still stands with the body of
8 the NYPD which is why we are really pushing for
9 reform. This Legislation being a part of that,
10 although we may need to look at it a little bit
11 closer with some more input but the climate itself.
12 We are speaking about administration, Federal
13 Administration but in looking at our own NYPD and
14 looking at the fact that at the fact that the PA
15 system was used in a certain area of this City to
16 promote the former President. The fact that the
17 former President's items were touted on uniforms at
18 NYPD. The fact that union representatives show up at
19 rallies for the former Administration. I am not too
20 sure that that climate has necessarily changed in the
21 City of New York when it comes to the NYPD. So, my
22 concern still stands there. I'm still willing to of
23 course engage in dialogue with all of you that have
24 been in this business far longer than I've been in

2 this New York City Council. So, I thank you very
3 much for your testimony today.

4 C.J. MURRAY, COMMITTEE COUNSEL: Thank
5 you Council Member. Next, we will hear from Norman
6 Siegel followed by Justin Harrison and then Robert
7 Roth. Norman Siegel you may begin upon the
8 Sergeant's announcement.

9 SGT. KOTOWSKI: Your time starts now.

10 CHAIRPERSON FERNANDO CABRERA: I believe
11 he's in a frozen mode. Mr. Siegel you are on mute
12 right now.

13 NORMAN SIEGEL: Thank you. Um, the first
14 amendment provides a Governmental not abridged
15 freedom of the press. Clearly free expression by
16 journalists in the fundamental principal of our
17 constitutional an essential element of what makes
18 American unique. The challenge to uphold these basic
19 principal is unfortunately an ongoing struggle. The
20 history of the NYPD and how it exercised authority
21 and jurisdiction of issuing of press credentials has
22 been unsatisfactory. Transferring authority to
23 another entity is warranted. For example, in 2009, I
24 and other lawyers filed a Federal Lawsuit against the
25 City and NYPD to get press credentials for three

2 online journalists and to amend the process and
3 standards for obtaining press credentials. We have
4 also resulted in the recognition that ongoing
5 journalists are entitled to press credentials.
6 Periodically I received reports that NYPD personnel
7 threatened to pull the press credentials from
8 journalists and photo journalists. One of the things
9 emerging last summer after the death of George Floyd
10 is to consider transferring many functions from the
11 police to other entities. Issuing press credentials
12 is precisely such a function that needs to be
13 transferred; however, we need to be careful who takes
14 over the job. 2118 is DCASs sole authority to
15 suspend and revoke press credentials and to issue
16 them. I need to know why DCAS was selected and not
17 for example the City's Department of Consumer
18 Protection which already has authority and
19 jurisdiction over the issuing of numerous City
20 licenses. We also need to closely monitor what the
21 procedure and criteria will be for the applications
22 suspension and revocations first. The process must be
23 an open process where the public including
24 journalists are given notice of an opportunity to
25 comment on the proposed rules prior to its enactment.

2 Second, the standard should not be lawful arrest, it
3 should be lawful conviction. An arrest is based on
4 probable cause not on the guilt on the violation of
5 crime. There are arrests that do not result in
6 conviction. It is also unfair to lump all violations
7 to crimes together. The standard should be lawful
8 conviction of a violation of crime that is related to
9 a journalist's job, activity or purpose. Third, the
10 standards for suspension and revocation should not be
11 vague and overly broad. Press credential holders need
12 to have a clear notice as to what grounds are for the
13 potential loss of the license. Fourth, we need to
14 consider the most important question, who qualifies
15 as a journalist? Freedom of the press strengthens
16 us as a City and Nation. It helps us keep informed
17 to hold elected and appointed officials including
18 police officers accountable. Let's continue to
19 respect and support this. The journalists and photo
20 journalists are our eyes and ears. The key is and
21 some people have touched upon it is a conflict of
22 interest. The police department issues all of the
23 press credentials. They are the ones that make the
24 complaint that someone's press credentials should be
25 removed and they are the judge and jury that is the

2 conflict of interest. You cannot continue this
3 systemic violation.

4 CHAIRPERSON FERNANDO CABRERA: Mr. Siegel
5 thank you so much for your testimony. One quick
6 question, how do you feel about transferring the
7 responsibilities to the City Clerk since it is an
8 independent body from the rest of the City, from the
9 Mayor especially?

10 NORMAN SIEGEL: Well, premises transfer it
11 out of the NYPD. Second, I don't think it is good to
12 give it to the Mayor's Office of whatever. I think
13 you need to have an independent agency as the Chair
14 is raising. I would look to see whether the Clerk
15 has the capacity to do this. My suggestion would be
16 Consumer Affairs because they issue most of the
17 licenses to people in the City of New York. They
18 have the experience. The decision-maker with regard,
19 and Mickey is right, with regard to the standards for
20 the rules and regulations, who determines whether or
21 not the press credential person meets the criteria?
22 Who determines whether or not someone should be
23 suspended or their license be revoked? It has to be
24 an independent interested person. If you don't have
25 that system, we are going to have these problems over

2 and over again. And when you talk about conflict of
3 interest, it's the access, it's the threats
4 especially to photo journalists where they target
5 them and say we're going to take your press
6 credential if you don't listen to what we say. It's
7 not just the police and fire lines as Mickey said,
8 it's out on the street. It's out when there's a
9 protest and a demonstration and a march and press
10 credential people who have a livelihood are
11 intimidated and chilled under the first amendment
12 because the threat for someone with a badge will
13 intimidate and chill them and they will accommodate
14 then when they should not and finally to Ms. Irving
15 about your concern, if someone in the police
16 department did not recognize a press credential
17 issued by some City agency, one, that's the
18 responsibility of the Mayor and the City Council and
19 police commissioner to educate and train people and
20 second if that still doesn't happen then people like
21 Mickey and I and others who will go to court to then
22 challenge that process so that we stop that
23 suspending violation of people's rights. Take it away
24 from the NYPD that is the most important point that
25 you all should be hearing over and over again.

2 CHAIRPERSON FERNANDO CABRERA: Thank you.
3 Committee Counsel.

4 C.J. MURRAY, COMMITTEE COUNSEL: Thank you
5 Chair. Next we will hear from Justin Harrison
6 followed by Robert Roth and then Towaki Komatsu.
7 Justin Harrison, you may begin upon the Sergeant's
8 announcement.

9 SGT. KOWALSKI: Your time starts now.

10 JUSTIN HARRISON: Uh, Chairman Cabrera,
11 members of the Committee, other panelists, thank you
12 for allowing me to speak here today. Um, my name is
13 Justin Harrison. I am a senior policy counsel with
14 the ACLU of New York. Um, you have our written
15 remarks. I'm going to keep my, uh, statement here
16 short. Um, shift press credentialing authority from
17 the New York Police Department to an independent
18 agency is essential. It will strengthen journalistic
19 freedom and enhance press protection in New York City
20 at a time when those first amendments rights have
21 never been more important or unfortunately never
22 been under greater attack. Uh, reporting on last
23 year's Black Lives Matter protests and the police
24 treatment of demonstrators all over the country put
25 the rights of Black Americans, the rights of

2 protestors and the rights of journalists at the
3 forefront of our national debate and have shown how
4 important it is that journalists be allowed to report
5 truthfully, accurately and completely on the
6 activities of our police departments. To do that, we
7 have to give journalists the freedom and the access
8 they need to find and tell the truth and that access
9 should not be regulated by an organization famously
10 resistant to public scrutiny and criticism. If
11 journalistic access is to be regulated at all it
12 should be regulated by a neutral agency that will
13 grant credentials freely, liberally and without
14 regard for platform, viewpoints or agenda and the
15 rules governing the credentialing process should be
16 clear, open and easy to follow. Uh, in light of the
17 testimony that I have heard here today, I would like
18 to add one quick note about background checks,
19 someone's criminal history should have little to no
20 bearing on their ability to collect and report facts
21 and the chilling effect of a background check and
22 whatever standard list discretion that might entail
23 will only stifle press freedom. A criminal record
24 does not keep someone from entering the Capital
25 Building in Albany or walking into any courthouse in

2 the state and it should not keep someone from
3 reporting the news in public spaces. Also, there
4 has been a lot of discussion about whether the entity
5 that controls physical access to police lines. That
6 would be the NYPD is the correct entity to issue
7 credentials? I respectfully suggest that the two
8 are unrelated. Issuing a set of credentials in
9 advance using a set of standards that are free of
10 biased agenda or influence has nothing to do with
11 controlling the physical space in real time for
12 public safety reasons. Um, you know it is certainly
13 possible that an independent agency be permitted to
14 issue press credentials and that the NYPD still be
15 allowed to secure the scene of a newsworthy event.
16 That said, we also feel that rules regarding on the
17 street confiscation of press passes should also be
18 clear, easy to follow and should set a very high
19 standard. A very high standard for when a pass can
20 be confiscated in real time at some newsworthy event.
21 Uh, to sum up the ACLU of New York believes that
22 transferring press credentialing authority from the
23 NYPD is the right thing to do and that some other
24 independent agency, whether it is DCAS or the Office

2 of Consumer Services or some other office is the
3 appropriate move. Thank you very much.

4 C.J. MURRAY, COMMITTEE COUNSEL: Thank
5 you. Next we will hear from Robert Roth followed by
6 Towaki Komatus and then Joel Kurtzberg. Robert Roth
7 you may begin upon the Sergeant's announcement.

8 SGT. KOTOWSKI: Your time starts now.

9 ROBERT ROTH: Um, good morning Mr. Chair
10 and Manhattan, good morning members of the Committee.
11 My name is Robert Roth and I have more than 40 years
12 of experience as a journalist and as a lawyer. I
13 represent other journalists who hold New York City
14 Press Cards and just as a matter of information,
15 Mickey Osterreicher and I are both members of the New
16 York State Bar Association Committee on Media Law
17 where we serve together and I chair its subcommittee
18 on New York City News Gathering. While there are some
19 people who would like the issuance of press cards
20 taken away from the NYPD there is almost no one who
21 wants this to happen without much clearer policies to
22 be delineated than those laid out in the current
23 version of Intro 2118? Last August 18th, the NYPD
24 held a hearing on proposed revisions to the rules
25 governing the suspension and revocation of press

2 credentials. The Department has not yet published
3 its final version of the new rule and I would urge
4 this Committee to hold off action on Intro 2118 until
5 the new rule is published. This will provide the
6 much needed view of both the Corporation Council and
7 the Mayor on this topic. In the meantime, as
8 requested by the staff of the prime sponsor, I have a
9 few brief points on the bill in its present form.
10 First, as in 1971, when this Council took the
11 jurisdiction of taxi cabs away from the NYPD and
12 created a new agency, the Taxi and Limousine
13 Commission, set up a new agency now and staff it with
14 experienced and qualified people to take over the
15 important tasks of press credentials. Second, mandate
16 under the law that any new credential must be
17 recognized by all City Agencies in the same way that
18 the current card is recognized. Third, provide for
19 the expansion of different types of cars. Bring back
20 the press identification card that was eliminated in
21 2010 so sports journalists for example especially
22 photographs will have official press identification.
23 And finally, restore the press vehicle cards that
24 went away in 2009 as testimony bore out in the
25 hearing on Intro 332 which I worked on with Council

2 Member Rodriguez and which was supported by the Press
3 Club Jane Tillman Irving testified. The news business
4 should not be the only business that cannot park
5 legally while doing its job. Thank you very much for
6 your consideration. I would be pleased to answer
7 your questions.

8 C.J. MURRAY, COMMITTEE COUNSEL: Thank
9 you. Next, we will hear questions from Council
10 Member Yeger.

11 SGT. KOTOWSKI: Time starts now.

12 KALMAN YEGER: Thank you, um, Mr.
13 Chairman I apologize there was a little unmute issue.
14 First, um, Mr. Siegel, you and I, you and I are in
15 the same place on the first amendment. I think we've
16 had these conversations in the past and um, um, I am
17 I keep my little constitution right behind me, um, I
18 used to carry it in my pocket everywhere I go, I just
19 don't really go that many places these days and, and,
20 it's the same one I got in law school. Um, Mr. Roth
21 I will tell that and I just want to say this for the
22 record, I support, #2, #3, and #4 of your
23 suggestions. #1 I just, I have to say this, I don't,
24 you know I'm one of those folks perhaps in the City
25 that, that don't look at the idea of a new city

2 agency as the fix to anything ever. Um, and I don't
3 think that whether you call it an office or an
4 agency, or, however you frame it I just don't think
5 that that is the right idea. I do think that we have
6 to be in a place where, where the credentialing of
7 press is, is, um, unchecked by any, uh, uh outside
8 issues. You know it can't be that somebody doesn't
9 like a reporter. Um, it can't be predicating it on a
10 background check of some sort that, that may bring up
11 information that has nothing to do with whether or
12 not the individual applying is, is, uh, a bonafide
13 member of the press, a journalist, uh, you know
14 somebody who is making this application and we know
15 this as attorneys. You know we say the truth on the
16 application, we make the request. For example, we
17 can obtain the passes to go in and out of
18 courthouses, bypass the detectors, why? Because we
19 are members of the bar. We have to make the
20 representation to the, to OCA that we are members of
21 the Bar. We should be entitled to have this card.
22 If we are not members of the Bar we shouldn't get the
23 card. I say this with regard to the press as well,
24 if they are bonafide members of the press and doing
25 the recording, they ought to be able to prove that

2 relatively simply and if so they should get the card.
3 And the revocation should only be for, for
4 noncompliance with the rules and for no other reason.
5 It can't just be because you know they, their
6 reporting is not okay or they got too close to a
7 particular scene at a particular time but we also
8 have to recognize the fact that to keep order, and
9 that's the most important job of a free society is to
10 maintain order that every once in a while it will
11 become necessary to put up barricades and ask people
12 to stand to stand on the other side of the
13 barricades, even the press. It's necessary and I
14 know that the members of the Press Core agree with
15 that and you know there are people, I'm not going to
16 call anybody out by name but there is one person who
17 I recognize in this hearing today. I don't know if he
18 will or won't testify but I will say that he is
19 somebody that I know has an incredible longevity in
20 this City of being able to get "that shot" and maybe
21 we will hear from him and then I will say that I was
22 talking about him, um, but he does it in incredible
23 ways and he's, he's a very well respected member of
24 the press core. They do it by complying with the
25 rules but they work hard to do it. Everybody knows

2 that the press works hard to do it. I think we have
3 to come up with that situation, that solution that,
4 that, um, melts public safety with that first
5 amendment, not right but obligation of a government
6 to ensure that the first amendment is being complied
7 with in every single way and I don't know that this
8 Bill does that. I don't know that there's a reason to
9 take it out of the police department for a player to
10 be named later without really knowing what that's
11 going to look like. Uh, one last point to the
12 Chair's point about the City Clerk maybe being the
13 right entity, I will say that if we have concerns
14 about any entity being answerable to the Mayor, the
15 City Clerk works for us, he's our appointee. I don't
16 know that it makes any more sense that the City Clerk
17 be the appointee, um, be the, be the licensing
18 authority for press credentials if the City Clerk
19 works for the City Council. Mr. Roth go ahead, I'm a
20 phila-buster by nature. Go ahead.

21 ROBERT ROTH: Well, thank you sir, I,
22 first of all Council Member Yeger, I must say you and
23 I are not in disagreement on anything. Uh, I did not,
24 I did not ask, I am not one of the people who asked
25 for the jurisdiction of press credentials to be taken

2 away from the NYPD. I got my first press card in
3 approximately 1980 and um, you know I have not
4 complained about the system. What my testimony and
5 thank you for allowing me to clarify this, if Intro
6 2118 is going to continue on, if there will be a
7 version B hopefully, a version AB, whatever, I, and
8 in fact there will be the jurisdiction of press
9 credentials transferred from the NYPD, then I'm
10 saying if this is going to happen, this is what I
11 would like to see which would be a separate agency.

12 SGT. KOTOWSKI: Time expired.

13 ROBERT ROTH: Because I think that we
14 need to take this out of the Mayor's office and we
15 need to have it in an agency that will be created and
16 staffed by people who have familiarity with how the
17 press works, and with how regulations work.

18 KALMAN YEGER: Agree.

19 C.J. MURRAY, COMMITTEE COUNSEL: Mr.
20 Chairman, I see that Mr. Siegel has his hand up and
21 if, if the chair would be okay with it and it would
22 be alright with Mr. Sigel answering or saying
23 something.

24 CHAIRPERSON FERNANDO CABRERA: Yes.
25 Quickly please because we have people that have been

2 waiting for over two hours and we want to respect
3 their time as well.

4 NORMAN SIEGEL: I will be brief. To
5 Councilman Yeger, the respect is two way. Let me
6 make the point, the conflict of interest. The NYPD
7 issues the press credential. It is the police officer
8 out on the street who becomes the complaining party
9 and then it goes back to the NYPD who becomes the
10 judge and the jury and the decision-maker. You can't
11 have a fair system that's set up that way. And
12 second, if you look at the opening in the
13 constitution, justice comes before order. You have
14 to have justice before you have order. I respect
15 you, your point about the background checks, Chair.
16 In the Bill, he's got it right, you can't allow them
17 to open that door. The background checks like we had
18 in the 50s. The first amendment is a neutral
19 principal, applies to everyone regardless of their
20 ideology and regardless of their past in-, including
21 criminal activity. It's got to be related to the
22 journalist's job, his person and his activity. Not
23 some general thing where he was doing something in a
24 bar one evening on his own time. Thank you Congre-,
25 Congressman, uh, City Council Member Yeger, it's a

2 pleasure. Thank you Mr. Powers for pushing this Bill.
3 For Adams and the Chair, push this issue, take it
4 away from the NYPD. Thank you.

5 CHAIRPERSON FERNANDO CABRERA: Thank you
6 so much and again I want to clarify. The reason why
7 I brought it up. Uh, not because it was in the Bill
8 and not in the Bill, I wanted to see Ms. Siegel
9 you've been around longer than I have. Where there's
10 been times that we've asked the questions whether a
11 certain practice has been done, right? And then all
12 of a sudden we didn't know that that practice was
13 adopted so now we have it on the books. We have it
14 on the record. And, I, I know you appreciate that as
15 well. I want to give it back to our Committee Counsel
16 if there are no other panelists.

17 KALMAN YEGER: Mr. Chair, may I for a
18 moment, Mr. Chair may I for a moment. I think if I
19 may just a final point on this and I think there is a
20 way to do what Mr. Siegel is suggesting and also keep
21 the integrity of the system current as it is, is, is
22 without tinkering with the licensure per se but
23 dealing with the revocation and, and Mr. Siegel's
24 point about the judge, jury, executioner, uh, you
25 know it's not a quote, it's a paraphrase being

2 appropriate here. I think that there is a way to
3 remove the adjudication of the removal from the
4 police department and I say put it in OATH which is
5 universally and I think Mr. Chair you mentioned that
6 earlier which is a universally respected, uh, court
7 system within our City's charter and at the same time
8 that shouldn't affect the licensing question, because
9 recall at the beginning of today's hearing the police
10 department said that there had been only five
11 suspensions/revocations. I think they were only
12 suspensions over the last five years. I think those
13 of us who love the first amendment might say that
14 five may be five too many, uh, we don't know the
15 reasons and I'm not here to ask what the reasons are
16 but I think that to Mr. Siegel's point about the
17 prosecutor not being the jury and not being the
18 judge, maybe transferring the adjudication of
19 revocations to OATH and yet still keeping licensure
20 with NYPD might make the both sense. No, Mr. Siegel
21 doesn't like that either but I am going to turn it
22 back to the Chair.

23 CHAIRPERSON FERNANDO CABRERA: Thank you,
24 uh, Council Member. I appreciate it and I am sure we
25 will having that level of discussion with the prime

2 sponsor of the Bill. Um, Committee Counsel, let's
3 move ahead with the next panelist and thank you
4 everyone who has been waiting patiently.

5 C. J. MURRAY, COMMITTEE COUNSEL: Thanks
6 Chair. Next we will hear from Towaki Komatsu
7 followed by Joel Kurtzberg and then Jason B.
8 Nicholas. Towaki Komatsu you may begin upon the
9 Sergeant's announcement.

10 SGT. KOTOWSKI: Your time starts now.

11 TOWAKI KOMATSU: Hi, can you hear me?

12 CHAIRPERSON FERNANDO CABRERA: Yes.

13 TOWAKI KOMATSU: Okay, uh, Mr. Cabrera,
14 uh, I previously had a conversation with you where I
15 talked about the fact that you had a public town hall
16 meeting in the Bronx in July 2017 at the Mayor's
17 Administration NYPD security detail illegally kept me
18 out of. I currently have roughly 10 federal lawsuits
19 against the City of New York. The question is, we
20 are having this meeting today about press access. The
21 question is where are the reporters? Who are the
22 reporters? All that I see around me in New York City
23 are censors in journalism. There hasn't been a single
24 story about the litigation I've been involved in
25 against Howard Redman, the head of the Mayor's NYPD

2 Security Detail. Um, Ms. Castro of the New York City
3 Council, she completed a declaration not too long ago
4 in which she committed perjury in that declaration
5 against me in federal court. So the question again,
6 um, with regard to the first amendment. The first
7 amendment does not provide any greater access to
8 information with regards to the press than members of
9 the public. So the question is, instead of having
10 some agency grant access to members of the press for
11 press credentials why not actually have
12 whistleblowers who consistently have theirs news
13 censored by alleged members of the press, control who
14 gets a press credential and who keeps against it. So
15 again, this meeting is about first amendment rights.
16 I've talked to several of you. I am not going to
17 name names here but essentially like I said, um,
18 statements have been made during today's hearing are
19 patently false. I can clearly substantiate that so at
20 the end of the day there is something called Federal
21 Rule of Civil Procedure Article Rule 65 where
22 essentially I can have a federal judge essentially
23 override any determination that you make such that
24 whistleblowers instead of an agency will have full
25 control over who gets a press credential and who

2 keeps it. So, you have a decision to make. Um, are
3 you actually going to listen to supporters or are you
4 going to continue to sensor them and do nothing about
5 things such that members of the public get terrorized
6 by the NYPD while exercising in good person their
7 14th amendment rights in public forums. So, I guess
8 the last question is this, who is going to be the
9 next victim of the NYPD and how many of you are going
10 to talk about that? Have a good day.

11 CHAIRPERSON FERNANDO CABRERA: Thank you.
12 Any questions by colleagues? Committee Counsel,
13 none, the next panelist.

14 C. J. MURRAY, COMMITTEE COUNSEL: Yeah,
15 no hands raised so we will move to the next panelist.
16 I would now like to welcome Joel Kurtzberg to
17 testify. After that, I will be calling on Jason B.
18 Nicholas followed by Todd Maisel. Joel Kurtzberg, you
19 may begin upon the Sergeant's announcement.

20 SGT. KOTOWSKI: Your time starts now.

21 JOEL KURTZBERG: Thank you Council
22 Members. Um, my name is Joel Kurtzberg, I am a
23 partner at the law firm of Cahill, Gordon and
24 Reindel. I am also Counsel to photo journalist and
25 journalist Jason Nicholas who has been referred to

2 not by name today. He happens to be the photo
3 journalist who has the pending litigation against the
4 City that lead the City to proposal changes to its
5 rules about seizure and press credentials and rights
6 of journalists surrounding that. I think that it's
7 important for the Council to have some background. I
8 know at one point Council Member Yeger asked whether
9 this was a solution in search of a problem or is the
10 current system working in site of the fact that there
11 were only five seizures over the last five years that
12 had been reported. I want to highlight for the
13 Council Members what we've learned in the law suit
14 that Mr. Nicholas has about why the current system is
15 not working and we have some issues with the current
16 bill. The current bill is problematic because it
17 provides for a change of agency without any promises
18 of having what guidance that agency would have for
19 the new rules. That is, we need to make sure that
20 any new rules, uh, take into account the due process
21 rights and first amendments rights of journalists.
22 What we learned about the current system in our
23 litigation is that there were not due process rights
24 for journalists whose credentials were seized. In
25 fact, the City's litigation position to this day is

2 that journalists have no due process rights in this
3 situation. We got the court to say otherwise, but in
4 a nutshell there are no criteria for when a
5 credential can be seized or when a credential can be
6 suspended. Journalists have got no notice about what
7 infraction existed, why it was seized. Uh, they had
8 no right to see the evidence against them. When they
9 had a hearing, they asked, we asked to see the
10 evidence against us, we weren't permitted to, we
11 weren't allowed to cross-examine witnesses that were
12 taken in to account by the hearing examiners and
13 there were also first amendment problems. Some of
14 which have been highlighted today, the press has been
15 put in press pens far away from the action, so far
16 they can't see. There are many instances where the
17 public has been provided better access to scenes that
18 journalists who have press credentials and there are
19 so many instances, forget about the five where the,
20 the credential is seized, but, um, so many instances
21 where the credential is threatened to be seized and
22 that is a bigger problem than anything else.

23 Journalists have no recourse when that happens. The
24 problem with the current Bill is that it switches to
25 another agency without any promises or guidance to

2 that agency just says send it to rule-making. Well,
3 if you want to send it to rule-making you need to
4 make clear that the rules have got to have certain
5 due process and first amendment protections in them;
6 whoever drafts them. As a result of our litigation,
7 the police were going to promulgate a new rule which
8 they have not done yet done.

9 SGT. KOTOWSKI: Time expired.

10 JOEL KURTZBERG: And we would advocate
11 that we see what those new rules are before we
12 consider writing a blank check and now knowing
13 whether the new rules would be worse or better for
14 journalists and just, but, I know my time is up but
15 Mr. Nicholas also opposes the background check
16 provision that's in the current bill which I think
17 has been thoroughly repudiated against every member
18 who has spoken so far. Um, it doesn't seem to have
19 support but we want to be on the record as saying.

20 C.J. MURRAY, COMMITTEE COUNSEL: Thank
21 you. Next we will hear from Jason B. Nicholas
22 followed by Todd Maisel and Colin DeVries. Jason B.
23 Nicholas you may begin upon the Sergeant's
24 announcement.

2 JASON B. NICHOLAS: Thank you. A bird
3 in the hand is worth two in the bush. My name is
4 J.B. Nicholas. In 2015, I filed a lawsuit that
5 resulted in a settlement that reformed the way the
6 NYPD suspends or provokes press credentials.
7 Implementation of the new rules that the settlement
8 requires has been de-railed by this Bill. Although
9 the City has finalized the rules, it has not
10 published. I condemn this bill in no uncertain terms.
11 It does not protect the first amendment, it threatens
12 it. Background checks can't amount to a licensing
13 scheme that violates the first amendment. Just as
14 wrong, the bill fails to specify what due process
15 rights and procedures a journalist is entitled to
16 whenever his press credential is suspended or
17 revoked. I spent almost 30 years of my life defending
18 the constitution, first in prison as a jail house
19 lawyer and advocate, then after my parole as a
20 journalist. I fought for and won a five year legal
21 battle to establish the nation's first Prisoner
22 Rights Organization. I fought another five year
23 battle to bring greater fairness to parole hearings.
24 For the last six years, I fought a law suit with
25 Doyle against the NYPD to reform the way it deals

2 with press. My inspiration for this suit came
3 directly from my experience as a prison. We reached
4 a settlement that reforms the system but this bill
5 de-railed its implementation. I urge you to stop
6 this bill dead or entirely change it by eliminating
7 the background check requirement and specifying the
8 procedures to be used whenever, by whatever agency
9 has jurisdiction over press credentials. These
10 question are too important to let an agency decide.
11 The problem is not just the NYPD, in my experience,
12 all administrative agencies can act like the NYPD.
13 No administrative agency can be trusted to enact
14 regulations that satisfy the constitution. Unless
15 the Council legislates the rights and procedures to
16 be attended upon the suspension or revocation of
17 credentials I guarantee you that passing this bill
18 will put me and everyone else fighting with me back
19 to square one without sufficient legal rights to
20 protect the first amendment. Lastly, I want to
21 respond to something that I heard during the hearing,
22 allowing the NYPD to seize credentials even if they
23 are issued by another agency will accomplish nothing.
24 The NYPD cannot be allowed to seize credentials, only
25 the new issuing agency should be allowed to suspend

2 or revoke credentials through a specific process.

3 Thank you for hearing me and again, I think a bird in
4 the hand is worth two in the bush and if anybody has
5 any questions I would love to answer them.

6 C.J. MURRAY, COMMITTEE COUNSEL: Thank
7 you. Next we will hear by Todd Maisel followed by
8 Colin DeVries and then Al-Amyr Sumar. Todd Maisel,
9 you may begin upon the Sergeant's announcement.

10 SGT. KOTOWSKI: Your time starts now.

11 TODD MAISEL: Hi, I'm Todd Maisel with
12 the Press Photographers and I am the vice-President.
13 I've been in this business 38 years and I got to tell
14 you I've been experienced what you are talking about
15 many, many times and I am still in favor of the press
16 cards to be issued by the police department because
17 those cards are scrutinized extensively by the law
18 enforcement and act essentially as a security
19 clearance at scenes of breaking news. They are not
20 nor were they ever intended to be a license to
21 practice journalism. While there are still some
22 significant issues plaguing the process such as the
23 NYPD's frequently delayed issuing the press cards. By
24 the way, COVID is a poor excuse and your law
25 enforcement partners such as MTA, federal, county

2 police are not informed. We believe the NYPD is
3 still most qualified to distribute the vital document
4 due to those security concerns. We've found however
5 that our lines of communications with the Office of
6 Deputy Communication of Public Information have been
7 predominantly closed and our repeated efforts in
8 engaging dialogue with them are ignored up until
9 yesterday. By the way, I don't see any police
10 officials on this call, they all left. Um, we at
11 the NYPPA would urge Commissioner to keep those lines
12 of communications open. For the issue at hand, we
13 are concerned that allowing issuance of the press
14 cards to DCAS will degrade the card in the eyes of
15 law enforcement which almost certainly leads to
16 complication. Currently the NYPD has the right to
17 confiscate press cards from holders who allegedly
18 engage and proceed in misconduct. Should DCAS issue
19 them instead, it would almost certainly be put the
20 NYPD in a position of arresting members of the press
21 rather than simply taking up their card. This will
22 result in a waste of time and resources, particularly
23 in your received infractions committed by the members
24 of the press during the course of their work is never
25 pursued by prosecution. In the system, the NYPD has

2 already in place theoretically shaves countless man
3 hours and resources that would otherwise be spent
4 potentially detaining and litigation the press.
5 Further, the criteria for giving out cards, the NYPPA
6 has some serious concerns about the stringency of the
7 issuance of press cards and extension of DCAS ability
8 to vet the cards. Should DCAS be the distributor of
9 press cards? It would give the NYPD valid reasons
10 to refuse to honor them. The truth of the matter is
11 is that NYPD has a more sophisticated vetting system
12 than possibly any other state agency let alone in the
13 City itself. Perhaps, most important criteria for
14 distribution of the cards, we at the NYPPA have some
15 serious questions about what the new card criteria
16 would be for revoking a card. We haven't heard
17 anything from the NYPD. They haven't put anything
18 out. Um, we acknowledged there is a problem with the
19 NYPD but those issues come down to what oversight.
20 While some things certainly need attention by the
21 Council and the Mayor and the difficulty with the
22 NYPD can be corrected with more open communication.
23 The NYPD press card was created over a century ago,
24 solely as an issuant to help journalists access the
25 scenes of emergency, not a pondant to report the

2 news; however, the credentials honored by other
3 agencies and organizations is a valid ready form of
4 identification. Again, we believe the NYPD should
5 issue cards and that they should be obligated to
6 treat all members of the media equally, eliminating
7 the conflicts of interest that would certainly plague
8 the industry and most of all that they make a good
9 faith effort to respond to our request to address
10 problems. We hope to continue to work with Deputy
11 Commissioner Richard Espisito and his staff on these
12 management future. We are hopeful that our upcoming
13 meeting with the Deputy Commissioner, the first since
14 he's took office will result in better working
15 relationship. We thank you Council.

16 C. J. MURRAY, COMMITTEE COUNSEL: Thank
17 you. Uh, next we will hear from Colin DeVries
18 followed by Al-Amyr Sumar and then Craig Ruttle.
19 Colin DeVries you may begin upon the Sergeant's
20 announcement.

21 SGT KOTOWSKI: Your time starts now.

22 COLIN DEVRIES: Dear Council Members,
23 I've worked as a reporter and newspaper editor in New
24 York City and upstate New York previously as a
25 managing editor for the Times Ledger Weekly Newspaper

2 group in Queens and as a digital editor at the New
3 York Daily News. I'm president of the Deadline Club
4 which has hundreds of members as the New York City
5 Chapter of the Society of Professional Journalists.
6 The club has been in existence since 1925 and has
7 dedicated itself to the perpetuation of a free press
8 as the cornerstone of our nation and our liberty. In
9 August 2020, the Board of Governors of the Deadline
10 Club opposed efforts by the New York Police
11 Department to make it easier for press credentials to
12 be suspended or revoked. The first amendment
13 safeguards the right to freedom of speech and the
14 press and fundamental liberties and a free
15 government. Unaware of at least a handful of
16 documented cases of journalists being harrasased,
17 arrested or assaulted by police in New York City over
18 the past year. There are likely others that have
19 gone undocumented. I am happy to share those things
20 with you or you can find them yourself using
21 pressfreedomtracker.us. Whether the NYPD or another
22 agency issues the press card, I can see both sides of
23 that argument, though I tend to side with Mr.
24 Siegel's comments but I do believe those freelance
25 journalists and reporters who do not cover police or

2 breaking news events should have an opportunity to
3 share their concerns and experiences. At times,
4 simply covering a meeting, a court hearing or a
5 political event might require an NYPD issued press
6 credential which a journalist who doesn't regularly
7 cover breaking news or what NYPD defines as a
8 "covered event" might not be able to obtain.

9 Additionally, under the new proposal, 2118, there is
10 some language which I find troubling including the
11 addition of background checks. What about a person's
12 background would make them ineligible for a press
13 credential? Would that apply to a single event pass
14 or all types of proposed passes? More broadly would
15 we then be inadvertently imposing a standard of
16 access for the press in New York City? There remains
17 too many unanswered questions that present
18 opportunities for confusion, misinterpretation and
19 abuse which could then ultimately lead to a more
20 restricted press and limited first amendment and a
21 less informed public. I would suggest the
22 affirmation of a task force including members of the
23 press associations represented here and others to
24 better study and make recommendations on the press
25 credentialing process. That would make the process

2 more inclusive and result in a stronger press
3 credentialing process without limiting press freedom.
4 Thanks.

5 C.J. MURRAY, COMMITTEE COUNSEL: Thank
6 you. Next we will hear questions from Council Member
7 Powers.

8 KEITH POWERS: Thank you for that, I, I
9 just wanted to add. I was going to do this earlier
10 and I just wanted to add some clarification on the
11 question of the background checks in here. The
12 intention here is not to do background checks and I
13 think, I think it's not my intention here. I know
14 I'm reading the bill here as well but I do recognize
15 and understand the concerns with that and we are
16 talking and we will talk to folks offline about,
17 about that but I do want to be clear here that I do
18 not want to create new obstacles for folks too, but
19 again a press credential here in the City of New York
20 and I don't know that we need to subject people to a
21 background check in order to do that so I want to
22 clarify that. And second on the recommendation that
23 I've some folks also made online and also I think
24 that was just made we want to work with the folks
25 that are, that are, um, in the industry and the

2 field on these issues. We want to solicit them. I've
3 met with some folks so far, we will meet with more to
4 hear those insights and I just want to clar-, and to
5 make a process that works for everyone and recognize
6 the concerns. We are not trying to thrush this upon
7 anybody, we do want to work with folks so. I just
8 want to clarify that just so it's on the record for
9 this hearing on both those accounts and we will be
10 happy to meet with anybody that we have not had a
11 chance to meet with yet to talk more about their
12 issues and concerns. Thank you.

13 C.J. MURRAY, COMMITTEE COUNSEL: Thank
14 you. Next, we will hear from Al-Amyr Sumar followed
15 by Craig Ruttle. Al-Amyr Sumar you may begin upon the
16 Sergeant's announcement.

17 AL-AMYN SUMAR: Thank you and I was
18 going to say good morning but I guess it's good
19 afternoon now Chair Cabrera and members of the
20 Council. My name is Al-Amyr Sumar, I am Counsel at
21 the New York Times Company, uh, and I just want to
22 speak very briefly on two points. The first is that
23 whatever the intentions of his bill, it's premature.
24 There is a valid question been raised about whether
25 press credentialing should be housed within the NYPD

2 or within another agency but that's not a question
3 that has to be answered today. As Mr. Osterreicher,
4 Mr. Roth and Mr. Kurtzberg pointed out, there is an
5 NYPD rule-making on this issue ongoing that rule
6 hasn't been published yet. We should wait for that to
7 happen before Counsel takes any further steps so we
8 can assess whether, you know there is merit to
9 changing the system to moving press credentialing to
10 another agency, so we should wait for that to play
11 out before doing anything. The second point is the
12 alternative, this Council is determined to press
13 ahead with this bill, um, it should add what others
14 have said, contain very strict rules about the
15 issuance, suspension and revocation of press
16 credentials and there should be no circumstance in
17 which an NYPD officer for any reason should be
18 permitted to suspend a reporters credentials on the
19 street. If a report commits an infraction, violates
20 the rules that can be taken up at another time.
21 That's all I have to say, happy to take questions.
22 Thanks very much for the opportunity.

23 C.J. MURRAY, COMMITTEE COUNSEL: Thank
24 you. Next we will hear from Craig Ruttle. Craig

2 Ruttle you may begin upon the Sergeant's
3 announcement.

4 SGT. KOTOWSKI: Time starts now.

5 CRAIG RUTTLE: Hi, pardon me, I haven't
6 talked for a while. Thanks for having me. Um, I just
7 wanted to mention a couple of things. So, I've
8 actually been working for about 41 years as a photo
9 journalist. I've been a staff photographer, I've
10 been a freelance photographer and for the last 14
11 years or so I've been here, back in New York after
12 leaving from an earlier time. And, um, so my
13 experience on the street has been, I started out like
14 many of us, we get our press credential we are out
15 on the street and it's this instrument that we use
16 to, to get recognized at a, at a scene. Pardon me
17 about that and so what I have seen in the last, um,
18 probably specifically the last few years it seems
19 like that credential as proud as I am to have it, it
20 seems to be at times an impediment. Uh, I can tell
21 you that, I am sort of sharing antidotes with you,
22 there is a lot of other conversation here about the
23 process, about this bill, so this is mostly
24 antidotal and I am speaking for myself, I'm not
25 representing everyone here. My relationship with the

2 ECPI who we deal with on the street is good and I am
3 proud of that as well, but the fact is often this
4 press credential is, it can actually work against us
5 and it's recognized immediately by officers on the
6 street and sometimes I think those officers see it
7 and they see us coming from yards and if not dozens
8 of yards away and they, and they will see us coming
9 and the first thing they say is, you need to go over
10 there or you can't stand there. And so the
11 credential system to a degree is broken as far as I'm
12 concerned. In a way, maybe it doesn't represent the
13 conflict that Norman speaks of but too, in a way it
14 is a conflict in that it has almost become a marker.
15 Sometimes people literally tuck it in to their
16 jacket, um, and I think that one of the frustrations
17 that we've had with this press credential and I'll
18 give you a recent example, was covering the New
19 Year's Eve activities and this specifically, I wish I
20 had more time but I'm going to talk about the Mayor's
21 Office I believe MOME or Mayor's Office of Media and
22 Entertainment issued the permits for the activities
23 on Times Square which obviously let the networks set
24 up, it let the events happen. As a matter of fact
25 the Key Motor Corporation literally took over an

2 entire block of Times Square but when it came to the
3 press access even during the times of COVID you will
4 find that a couple of hundred of us got jammed into a
5 press pen. There is no possible way we were meeting
6 any sort of COVID regulations or, or recommendations.
7 So, again the issue, the press pass itself ended up
8 becoming a bit of a detriment to perhaps our safety.
9 I mean I am certainly willing to go out but I found
10 it really ironic that we at that point were sort of
11 in the worst position when it came to our, our press
12 pass and its use.

13 SGT. KOTOWSKI: Time.

14 C.J. MURRAY, COMMITTEE COUNSEL: Thank
15 you. Next we will hear questions from Council Member
16 Powers.

17 KEITH POWERS: Thank you and I'm sorry to
18 keep intervening. I just want to go back to the
19 gentleman from the New York Times because I had my
20 hand up but I didn't get a chance so, uh, to, to ask
21 him a question so I apologize to him.

22 CHAIRPERSON FERNANDO CABRERA:

23 Absolutely, absolutely.

24 KEITH POWERS: Thank you for that, uh,
25 testimony, your editorial board has editorialized on

2 this and in fact I think took a different opinion
3 than the testimony that you are offering and I think
4 in fact when I had Tweeted out you know considering
5 the Legislation had, done an editorial in support of
6 it and you said basically more serious proposal to
7 move the credentials elsewhere. I don't of course,
8 bully, the editorial board has to agree with everyone
9 else in the New York Times, in fact, I don't want
10 that but, uh, I want everybody to have, to be able
11 to form their own opinions as they desire but you
12 know do you have anything to offer there, I mean it
13 just seems like your editorial has gone and has
14 support of that and have said that they think that
15 this is a worthwhile proposal for us to consider
16 moving it in order to preserve the freedom of the
17 press and I would just be curious to hear if you had
18 anything to say with regard to that?

19 AL-AMYN SUMAR: Yeah, thanks Council
20 Member Powers, I want to be clear that I am not
21 talking about the substance of the bill other than to
22 say that it should contain more guidance on issuance,
23 suspension and revocation of credentials. I am
24 certainly not walking away from what the editorial
25 board said in July. Um, and in fact from the

2 comments that we submitted to the NYPD in advance of
3 the hearing on August 18th and the comments were to
4 be effect the editorial that we have serious problems
5 with a system in which the NYPD can suspends a
6 reporter's press credentials on the street before
7 there has been any kind of process. Um, so, I'm not
8 here to say that the substance of the bill or just
9 the general idea that press credentials should be
10 housed elsewhere it's a bad one. All I'm saying is
11 that the NYPD rule-making should be allowed to play
12 out and whatever the result of that rule-making it
13 may not be one that the Times likes, it may not be
14 ones that others on this call likes but it at least
15 gives us a reference point, it's something to compare
16 this to and say well what are the ways in which the
17 current system is deficient and can be improved, so,
18 I really don't want to kind of malign your attention
19 in that they are good and I am certainly not walking
20 away from the editorial board said, it's a matter of
21 more procedure than substance if that makes sense?

22 KEITH POWERS: Yeah, I think we can do
23 both at the same time frankly. Have a conversation
24 about moving it and as we await it but, but I hear
25 ya, I just was curious to hear.

2 AL-AMYN SUMAR: And, and I think the
3 ongoing discussions are a great idea and very
4 welcomed.

5 KEITH POWERS: Okay, thank you, thanks to
6 the chair.

7 C.J. MURRAY, COMMITTEE COUNSEL: Thank
8 you, we've heard from all of our registered
9 witnesses, so at this time if you have not been
10 called and you wish to testify please raise your hand
11 using the Zoom Raise Hand Function. Seeing no hands
12 raised, I will now turn it back to Chair Cabrera for
13 closing remarks.

14 CHAIRPERSON FERNANDO CABRERA: Thank you
15 so much and thank you to all the staff who made this
16 hearing possible. I want to thank all the panelists
17 that were here today. I really appreciate all of the
18 different points of view. I was pleasantly surprised
19 to hear uh from the press how there are averse point
20 of views regarding this Bill. We are going to be
21 looking at it very closely. Working with the prime
22 sponsor of this bill, Council Member Powers. I want
23 to thank also my colleagues, you guys stayed all the
24 way through you know this hearing. With that, we
25 conclude today's hearing. (gavel pounding)

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 April 15, 2021