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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY
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March 16, 2021
Start: 9:36 a.m.
Recess: 8:03 p.m.

HELD AT: REMOTE HEARING (VIRTUAL ROOM 2)

B E F O R E: Adrienne E. Adams,
Chairperson

COUNCIL MEMBERS:
Justin L. Brannan
Fernando Cabrera
Chaim M. Deutsch
Robert F. Holden
Vanessa L. Gibson
Carlos Menchaca
I.Daneek Miller
Keith Powers
Kevin C. Riley
Ydanis A. Rodriguez
Stephen T. Levin
Helen K. Rosenthal
Kalman Yeger
Brad Lander
Farah N. Louis
Deborah L. Rose
Alicka Ampry-Samuel
Inez Barron
Public Advocate Jumaane Williams

COMMITTEE ON PUBLIC SAFETY

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A P P E A R A N C E S

Dean Fuleihan
First Deputy Mayor

Dermot Shea
NYPD Commissioner

Benjamin Tucker
NYPD First Deputy Commissioner Benjamin Tucker

Kristine Ryan
Deputy Commissioner for Management and Budget

Rodney Harrison
Chief of Department

Danielle Pemberton
Deputy Commissioner for Strategic Initiatives

Oleg Chernyavsky
Assistant Deputy Commissioner for Legal Matters

Matthew Pontillo
Assistant Chief

Ernest Hart
Deputy Commissioner for Legal Matters

Juanita Holmes
Chief of Patrol

Elizabeth Daitz
Executive Director of Strategic Initiatives

Kim Royster
Chief of Transportation

David Barrere
Chief of Housing

Tanya Meisenholder
Deputy Commissioner of Equity and Inclusion

Jeffrey Maddrey
Chief of Community Affairs

COMMITTEE ON PUBLIC SAFETY

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A P P E A R A N C E S (CONT.)

Chauncey Parker
Deputy Commissioner of Community Partnerships

Michael Lipetri
Chief of Crime Control Strategies

Kathleen O'Reilly
Chief of Transit

Theresa Tobin
Chief of Interagency Operation

Chelsea Davis
Chief Strategy Officer

Marco Soler
Acting Director of the Mayor's Office of Criminal
Justice

Martin Morales
Chief of Personnel

John Miller
Deputy Commissioner of Public Information and
Intelligence and Counterterrorism

Kenneth Corey
Chief of Training

Raymond Spinella
Chief of Operations

Amy Litwin
Deputy Commissioner Department Advocate

Rev. Frederick Davie
Chair of the Civilian Complaint Review Board CCRB

Jonathan Darche
Executive Director Civilian Complaint Review
Board CCRB

Marcos Soler
Chief of Staff and Acting Director of the Mayor's
Office of Criminal Justice

COMMITTEE ON PUBLIC SAFETY

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A P P E A R A N C E S (CONT.)

Deanna Logan
Deputy Director Crime Strategies

Dana Kaplan
Deputy Director Justice Initiatives

Eric Cumberbatch
Deputy Director Office of Neighborhood Safety

Osvaldo Cruz
Chief Financial Officer

Janet Sabel
Chief Of Legal Aid Society

Adriene Holder
Attorney in Charge of the Civil Practice of the
Legal Aid Society

Tina Luongo
Attorney in Charge of the Criminal Defense
Practice at the Legal Aid Society

Lisa Schreibersdorf
Executive Director at Brooklyn Defender Services

Justine Olderman
Executive Director of the Bronx Defenders

Shane Correia
Center for Court Innovation

Ravi Reddi
Associate Director for Advocacy and Policy at the
Asian American Federation

Yao Chang
Staff Member in the Community Organizing and
Public Advocacy Department of the New York City
Anti-Violence Project, AVP

Jasmine Bowden
Community Member of the New York City Anti-
Violence Project AVP

COMMITTEE ON PUBLIC SAFETY

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A P P E A R A N C E S (CONT.)

Michael Sisitzky, Senior Policy Council with the
New York Civil Liberties Union

Joo-Hyun Kang
Communities and Adequate Police Reform

Donald Nesbit
Local 379

Jim Hamlin-Mcleod
Local 1549

Ralph Palladino
Local 1549

Andrea Bowen
Sex Workers Project

Dawn Yuster
Advocates for Children

Sarah Sitzler
Riders for Black Lives

Anton Lowe
Riders for Black Lives

Sandra Sanchez
Ya-Ya Network

Angelique Larsen
Ya-Ya Network

Josh Melendez
Sisters and Brothers United

Humberto Flores
Sisters and Brothers United

Marcos Romero
Youth Leader at Sisters and Brothers United

Chris Kwok
Asian American Bar Association of New York

COMMITTEE ON PUBLIC SAFETY

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A P P E A R A N C E S (CONT.)

Madeline Borrelli
Teachers Unite

Alexandra Haridopolos
Teachers Unite

Rodrigo Camarena
Parent

Dulce Revolution
Former City School Teacher

Samantha Rubin
Teacher at a high school in East Flatbush
Brooklyn and Member of Teachers Unite

Caitlin Delphin
Special Education Teacher at a high school in
Bensonhurst Brooklyn and a member of Teachers
Unite

Bonnie Massey
Teachers Unite

Kamil Ghoshal

Jennifer Finn
Teachers Unite

Alexa Aviles
Brooklynite and parent

Brandon West
Organizer with the New York City Workers for
Justice

Jeff Strabone
Lifelong Resident New Yorker and Former Vice
Chair of Community Board 6 in Brooklyn

Ashley Prather
Member of the Democratic Socialists of America

COMMITTEE ON PUBLIC SAFETY

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A P P E A R A N C E S (CONT.)

Eileen Vicencio

Resident of District 26 in Queens and a member of
New York DSA, the Democratic Socialists of
America

Kay Gabriel

University Instructor

Emmy Hammond

Resident of District 34

Tracey Fu

Resident of District 6 in Manhattan

Eliot Colbert

Student at CUNY School of Labor and Urban Studies

David Jenkins

Lifelong New Yorker living in District 40 and
Member of the NYC Chapter of the Democratic
Socialists of America

Aliffer Sabek

Artist, Educator, Community Organizer and Member
of District 50

Vanessa Pereda

District 43

Rob Katz

Member of NYCDSA

Garon Scott

Resident of District 35 and Member of NYCDSA

Adika Pimentel

Organizer with Make the Road New York and the
Urban Youth Collaborative and Teens Take Charge

Meril Mousoom

High School Student and Member of Teens Take
Charge and Dignity in Schools

Pat Keeton

Resident of New York City for 44 years

SERGEANT POLITE: Recording to the computer all set.

SERGEANT BIONDO: Thank you.

SERGEANT SADOWSKY: Recording to the cloud all set.

SERGEANT BIONDO: Thank you.

SERGEANT PEREZ: Backup is rolling.

SERGEANT BIONDO: Thank you. Good morning everyone and welcome today's Remote New York City Council FY22 Preliminary Budget Hearing for the Committee on Public Safety. At this time, would all panelists please turn on their video for verification purposes.

Once again, all panelists please turn on their video for verification purposes. To minimize disruptions, please place all electronic devices to vibrate or silent mode. If you would like to submit testimony, please send via email to

testimony@council.nyc.gov. Again, that is

testimony@council.nyc.gov.

Thank you for your cooperation. Chair Adams, we are ready to begin.

CHAIRPERSON ADAMS: Good morning. Thank you all for being here today. I am Council Member Adrienne

Adams, Chair of the Committee on Public Safety.

Welcome to day one of the Public Safety Hearing to discuss the City's Police Reform and Reinvention Collaborative Draft Plan and the Preliminary Budget's for the NYPD, CCRB, MOCJ and the Legal Aid Society.

We will continue with Day 2 of the Public Safety Budget Hearing where we will hear from the DA's next Monday, March 22 at 12:00 p.m. I must say we have a full agenda, so I want to start off by saying in advance that I really appreciate everyone's patience. I will try to be brief, so we can get to testimony and questions.

As noted, we are here today to talk about the City's Police Reform and Reinvention Collaborative Draft Plan and the Preliminary Budget's for the NYPD, CCRB, MOCJ and Legal Aid. This is not typical for the Council. When it is budget season, we like to focus on just the Budget but we were really left with no choice here.

If the Council doesn't vote on a policing reform plan by April 1st, we stand to lose substantial amounts of state and federal pass through aid. So, there are massive budget implications if we don't get

1
2 this done. Not just for the police but for the
3 entire City of New York.

4 It didn't have to be this though. We have been
5 calling on the city to show us real progress for
6 months now. The city has known about this deadline
7 since June but for months, we have heard nothing.
8 Then promises that something was coming soon but we
9 didn't actually see a first draft until March 5th,
10 the latest part was just released on Friday. That
11 makes it almost impossible for my Council colleagues
12 and the public to have any real time to prepare for
13 today's hearing. But we are going to do our best.

14 We were supposed to get a draft plan in December.
15 When that didn't happen, we held a hearing. We
16 pushed the Administration to move more quickly and to
17 have a truly transparent collaborative process.
18 Well, if you following along, you know that it didn't
19 happen. This plan feels like you are mailing it in.
20 Like you rushed to get it in under the gun without
21 really taking in necessary time to give the proposals
22 a real wait at all.

23 Most of the plan, with a list of vague goals,
24 that frankly has been talked about for years. The
25 fact that we need to say it again, shows us how

1
2 extremely difficult it is to hold the NYPD
3 accountable. I am tired of plans that lack details,
4 timeliness, oversight and enforcement. And I will
5 not, I repeat, I will not support a plan that's all
6 talk.

7 This was an incredible opportunity to bring real
8 change to policing and it's been a long time coming.
9 Many of our communities have faced decades of
10 disinvestment and discrimination. The police were a
11 major part of that. For too many New Yorkers, the
12 police were the face of injustice. While their
13 budget rose year after year.

14 We watched many parts of our social safety net
15 get cut again and again. So, we need to set things
16 right. Changing police protocols will only get us so
17 far if we don't adequately fund anti-poverty efforts
18 and reduce the NYPD's footprint.

19 I appreciate the new recommendations that focus
20 on the decriminalization of poverty. Ending the
21 cycle of poverty might be the single most important
22 thing we can do to make New York City a more fair
23 place to live.

24 To be perfectly honest with you, I was not that
25 impressed with the first draft released by the

Administration. I did not see voice of impacted communities. I did not see a commitment to tackle the underlying issues that led to New York City having the largest police force in the entire country.

What I did see though, was the large focus on the police force itself, rather than a system that leave Committee men who live in Black and Brown communities feeling hopeless. That leaves women in abusive situations with few places to turn and that leaves communities feeling divided because they are trying to confront dual crises. The effects of decades of over policing and a historic increase in shootings. No one should ever be forced to choose between safety and respect.

We didn't get to this place overnight. Many of our communities have faced decades of disinvestment of discrimination. Without so much as a second glance. The police were a major part of that. For far too many New Yorkers, there were the face of injustice. The path here isn't just to reform the police. It's to address racial bias and disproportionate policing, and to address the needs of our vulnerable communities in need.

1
2 So, I am more hopeful after seeing this new
3 draft, the draft that actually should have been
4 presented first. I want to thank the three advisors
5 to the Mayor that pushed for many of these updates.
6 Jennifer Jones Austin, Arva Rice and Wes Moore. I
7 have the upmost respect for their work and I know
8 that they have put a tremendous amount of time and
9 effort into this work.

10 I don't want to see that good work go to waste.
11 To really move the needle here, we need to put in
12 resources. I cannot support a plan that's all talk.
13 I want to see communities that have suffered from
14 systemic racism and police brutality actually lifted
15 up. I want budget justice in New York City but this
16 isn't just about money. I want to see that this
17 Administration is going to put in the work and give
18 us a real path forward, so we actually achieve
19 something. I want to hear what metrics we will use
20 to assess the efficacy of each of these proposals.
21 How will we know that they are working?

22 I want to hear timeline implementation. I want
23 to know how we are going to incorporate impacted
24 communities in the planning stages. Because if we
25

1 don't properly follow through here, this plan isn't
2 worth the paper it is written on.

3 So, again, I want to thank everyone who is here
4 today to offer testimony on these imperative goals.
5 Now, I turn it back into the hand of our moderator.

6 COMMITTEE COUNSEL: Thank you Chair. I am Daniel
7 Ades Counsel of the Public Safety Committee at the
8 New York City Council. Before we begin testimony, I
9 want to remind everyone that you will be on mute
10 until you are called to testify. At which point, you
11 will be unmuted by the host.

12 Members of the Administration who are testifying
13 will not be muted during the Q&A portion of the
14 Administration testimony. With one exception, the
15 individuals in the PC conference room will all be
16 unmuted as well as the First Deputy Mayor. We will
17 mute the remainder of the Administration witnesses.
18 I will ask the Police Commissioner if you could
19 indicate when you pass the mic to one of your
20 colleagues and we can indicate their names and we can
21 unmute them.

22 This hearing will be divided into five sections.
23 First, we will hear from the NYPD and the Mayor's
24 Office followed by the CCRB at noon. The Mayor's
25

Office of Criminal Justice at 12:30. Legal Aid and Indigent Defense at 1:00 and members of the public at 2:00.

The first panelist to give testimony will be the First Deputy Mayor and Representatives of the New York City Police Department. I will call on you shortly for the oath, then again when it is time to begin your testimony. During the hearing, if Council Members would like to ask a question of the Administration or a specific panelist, please use the Zoom raise hand function and I will call on you in order.

We will be limiting Council Member questions to five minutes, which includes the time it takes to answer questions. All hearing participants should submit written testimony to testimony@council.nyc.gov if you have not already done so. The deadline for written testimony is 72 hours after the hearing.

The Committee Chair has also asked me to note for the public that we will be reviewing written testimony which is also part of the record in case you need to leave before you are called upon to testify.

Before we begin testimony, I will administer the oath to all members of the Administration who will be offering testimony or will be available for questions. Please raise your right hands. I will begin with the First Deputy Mayor, then turn to the PC Conference Room and then turn to the remainder of the NYPD officials.

I will read the oath and call on each of you for a response. Do you swear or affirm to tell the truth, the whole truth and nothing but the truth before this Committee and to respond honestly to Council Member questions? First Deputy Mayor Dean Fuleihan?

Uhm, can we unmute the First Deputy Mayor?

DEAN FULEIHAN: Can you hear me?

COMMITTEE COUNSEL: Yes.

DEAN FULEIHAN: Alright, thank you. Yes and I do.

COMMITTEE COUNSEL: Thank you. And we will turn to the PC Conference Room. Commissioner Dermot Shea?

And I believe we need to — there we go.

DERMOT SHEA: I do, yes.

COMMITTEE COUNSEL: Thank you. First Deputy Commissioner Benjamin Tucker?

BENJAMIN TUCKER: I do.

COMMITTEE COUNSEL: Uh, Deputy Commissioner for Management and Budget Kristine Ryan?

KRISTINE RYAN: I do.

COMMITTEE COUNSEL: Chief of Department Rodney Harrison?

RODNEY HARRISON: I do.

COMMITTEE COUNSEL: Deputy Commissioner for Strategic Initiatives Danielle Pemberton?

DANIELLE PEMBERTON: I do.

COMMITTEE COUNSEL: Assistant Deputy Commissioner for Legal Matters Oleg Chernyavsky?

OLEG CHERNYAVSKY: I do.

COMMITTEE COUNSEL: Assistant Chief Matthew Pontillo?

MATTHEW PONTILLO: I do.

COMMITTEE COUNSEL: Deputy Commissioner for Legal Matters Ernie Hart?

ERNEST HART: I do.

COMMITTEE COUNSEL: Okay and Chief of Patrol Juanita Holmes?

JUANITA HOLMES: I do.

COMMITTEE COUNSEL: Elizabeth Daitz, Executive Director of Strategic Initiatives?

ELIZABETH DAITZ: I do.

COMMITTEE COUNSEL: Kim Royster, Chief of
Transportation?

KIM ROYSTER: I do.

COMMITTEE COUNSEL: David Barrere, Chief of
Housing?

DAVID BARRERE: I do.

COMMITTEE COUNSEL: Tonya Meisenholder, Deputy
Commissioner of Equity and Inclusion?

TONYA MEISENHOLDER: I do.

COMMITTEE COUNSEL: Jeffrey Maddrey, Chief of
Community Affairs?

JEFFREY MADDREY: I do.

COMMITTEE COUNSEL: Chauncey Parker, Deputy
Commissioner of Community Partnerships?

CHAUNCEY PARKER: I do.

COMMITTEE COUNSEL: Michael Lipetri, Chief of
Crime Control Strategies?

MICHAEL LIPETRI: I do.

COMMITTEE COUNSEL: Kathleen O'Reilly, Chief of
Transit?

KATHLEEN O'REILLY: I do.

COMMITTEE COUNSEL: Theresa Tobin, Chief of
Interagency Operation?

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THERESA TOBIN: I do.

COMMITTEE COUNSEL: Martin Morales, Chief of
Personnel?

MARTIN MORALES: Did you hear me? I do.

COMMITTEE COUNSEL: John Miller, Deputy
Commissioner of Public Information and Intelligence
and Counterterrorism? Deputy Commissioner Miller?

JOHN MILLER: Yes, I do.

COMMITTEE COUNSEL: Thank you. Uhm, Kenneth
Corey, Chief of Training?

KENNETH COREY: I do.

COMMITTEE COUNSEL: Raymond Spinella, Chief of
Operations?

RAYMOND SPINELLA: I do.

COMMITTEE COUNSEL: Amy Litwin, Deputy
Commissioner Department Advocate?

AMY LITWIN: I do.

COMMITTEE COUNSEL: Matthew Fraser, Deputy
Commissioner of Information Technology? Do we have
Deputy Commissioner Fraser?

Okay, if we have to turn to Deputy Commissioner
Fraser, we will swear him in when we have him back.
Thank you everyone.

Now, I will invite First Deputy Mayor Dean Fuleihan to begin your testimony.

DEAN FULEIHAN: Try again, can you hear me?

COMMITTEE COUNSEL: Yes.

DEAN FULEIHAN: Okay, thank you. Thank you very much. Good morning. Good morning Chair Adams, Members of the Public Safety Committee and other Council Members joining us this morning.

Uhm, I am joined by Police Commissioner Dermot Shea and the NYPD leadership, as you have just heard. As well, uh, joining me here, Chelsea Davis the Chief Strategy Officer for my Office and Marco Soler, Acting Director of the Mayor's Office of Criminal Justice.

Thank you. Thank you for inviting me today to discuss this critical topic. I am here to speak about the New York City Police Reform and Reinvention Collaborative Draft Plan.

The de Blasio Administration made the plan available for public review in two parts after really months of engagement. The first part was released on March 5th and March 12th was the second. The plan was created with input of New Yorkers. A long list and I do think it is important that we go through those.

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2 CBO's, advocacy groups, clergy, racial justice
3 advocates, cure violence providers, youth groups,
4 youth voices, ethnic and religious organizations,
5 business improvement districts, small business
6 groups, nonprofits, LGBT QIA plus community leaders,
7 the deaf and hard of hearing community, people with
8 disabilities, tenant associations, shelter-based and
9 affordable housing communities and providers.

10 People involved in the justice system, crime
11 victims policy experts, prosecutors, oversight bodies,
12 elected officials, academic leaders and many more.
13 Most important, we heard from New Yorkers from across
14 the city but especially from communities that have
15 suffered the most from our history of racialized
16 policing.

17 I want to take this opportunity to thank all New
18 Yorkers in communities across the city who bravely
19 came forward to give honest and often painful
20 testimony. And I want to join our Chair in thanking
21 our community co-sponsors. Jennifer Jones Austin,
22 President and CEO of the Federation of Protestant
23 Welfare Agencies, Wes Moore, CEO of Robinhood and
24 Arva Rice, President and CEO of New York's Urban
25 League.

1
2 These three New Yorkers and their staffs provided
3 critical support during the creation of this Draft
4 Plan. They offered powerful insight that informed
5 every part of life. The result is much stronger
6 because of it. I am grateful for their time, their
7 effort and their insight. And I believe they have
8 submitted a joint statement, a testimony into the
9 record in support of the plan this morning.

10 I want to thank the members of the City Council
11 for their part in bringing this process to where it
12 is today. For the thoughtful discussions we have had
13 and for the work we will do together moving forward.

14 I want to thank the NYPD Commissioner Dermot Shea
15 and the entire NYPD leadership for their extensive
16 work during this process.

17 Finally, I would like to thank my staff for
18 constantly moving us forward. Before I get into the
19 details of the plan, I want to say this a beginning.
20 There is no plan, no single administration that can
21 fully repair the damage caused by over policing. We
22 cannot erase the trauma experience by victims of
23 police violence and those who love them. Cannot
24 bring back Anthony Baez or Amadou Diallo. We cannot
25 bring back [INAUDIBLE 19:43] and Sean Bell. We

1 cannot bring back Ramarley Graham or Patrick
2 Dorismond. We cannot bring back Eric Garner and too
3 many more. We cannot bring back George Floyd or
4 Breonna Taylor.
5

6 We can acknowledge our past and take a new path
7 to combat this legacy of injustice. Together, the
8 two parts of our New York City Police Reform and
9 Reinvention Collaborative Plan offer a way forward.
10 Our goal is clear. We envision an NYPD that is a
11 national example of fair and just transparent and
12 accountable policing. Regardless of race, gender,
13 ethnicity, sexual orientation, religion, immigration
14 or social economic steps.

15 Our plan includes more than 60 concrete
16 recommendations to help us achieve our vision. These
17 recommendations are built on the feedback and lived
18 experience of New Yorkers from all walks of life.

19 Now, I would like to briefly walk you through the
20 five main goals of the plan. I want to stress; these
21 weren't created in effect they are interconnected
22 pieces of an overall path forward.

23 First, recognition and continued examination of
24 the historical and modern day racializing policing
25 within New York City.

Two, transparent, transparency and accountability to the people of New York City. Three, community representation and partnership. Four, the decriminalization of poverty and five, a diverse resilient and supported NYPD.

Now, I want to offer a bit more detail to how we achieve these goals. Recognition and continual examination of historical and modern day racialized policing in New York City. To address the harm done by racialized policing, we must first publicly acknowledge the departments troubled history and its current challenges.

Then we must urgently move forward with a reform detailed in these reforms. The City commits to acknowledge addressing and repairing past and present injustices and the trauma caused by racialized policing. The NYPD will participate in a comprehensive and independent review to identify persistent structures of racism. The NYPD will require supervisors and monitor officers activity for signs of bias-based policing and take immediate measures.

The city will limit the use of unnecessary force by changing culture, adding virtual biased training

1
2 for NYPD leadership and instituting restorative
3 justice. We will work in partnership with effected
4 communities to repair relationships and build trust.
5 We will include neighborhood coordination officers in
6 the process and require that all levels have
7 sufficient training to be active bystanders and
8 prevent discount. [LOST AUDIO 22:59-23:13].

9 COMMITTEE COUNSEL: I am sorry, uhm, First Deputy
10 Fuleihan, we cannot hear you. {LOST AUDIO 23:18-
11 25:10]}.

12 SERGEANT AT ARMS: Folks, we apologize for the
13 delay. We are experiencing some audio issues with
14 the First Deputy Mayor, if you could just give us a
15 moment. Thank you. [25:17-25:45]

16 COMMITTEE COUNSEL: Mr. First Deputy Mayor, we
17 still can't hear you. I think uhm, Commissioner
18 Shea, if you are able to begin your testimony,
19 perhaps we can have you read your statement while we
20 sort out the technical issues on the other end.

21 DERMOT SHEA: Good to go.

22 COMMITTEE COUNSEL: Thank you so much.

23 DERMOT SHEA: So, I would like to start, good
24 morning everyone. Before I begin my prepared
25 testimony, I would like to echo Dean Fuleihan's

1
2 thanks to Wes, Arva and Jennifer for their support of
3 the process and for their willingness to take us at
4 our word and work with us over the last several
5 months. They have been invaluable partners and we
6 continue to look forward to their continued work with
7 us as we tackle these difficult issues.

8 So, thank you for the opportunity to testify this
9 morning before the Committee on Public Safety and to
10 discuss the Mayor's Preliminary Budget for the 2022
11 Fiscal Year. This in my opinion is a historic moment
12 in time. Unprecedented in fact. While the NYPD
13 continues to evolve and carry out reforms, we started
14 seven years ago. We are coming off a recent citywide
15 listening tour. More than 100 meetings with our
16 community partners during which we heard directly
17 from the people we serve. They spoke their truth and
18 we absorbed a broad range of criticism, praise and
19 ideas for the future.

20 We heard about accountability and frankly lack
21 thereof, transparency, diversity, trust, fairness and
22 the basic respect shown by police officers often
23 lacking in some communities.

24 We heard about how some officers approach people
25 on the street and how New Yorkers want far less of

1
2 the aggressive policing they experienced in days gone
3 by. Sometimes in the not too distant past. These
4 lengthy discussions have proven invaluable to us
5 because we believe that if we are not evolving, we
6 are simply not moving forward and all of it factored
7 into the city's reform plan which was released last
8 week by the Mayor's Office.

9 Simultaneously, we were taking large steps, a
10 discipline matrix. Our memorandum of understanding
11 with the Civilian Complaint Review Board. A
12 discipline data base that went live online within a
13 couple of days of a court decision that allowed us to
14 legally release the information. We made great
15 strides in the diverse composition of our department,
16 particularly at the executive level. We also trained
17 tens of thousands of officers in implicit bias, de-
18 escalation techniques and much more.

19 Around the five boroughs, what we also heard was
20 that New Yorkers are deeply concerned about
21 increasing violence. They spoke of hope but also
22 expressed the anxiety about their own safety and that
23 of their loved ones and neighbors.

24 We heard moving stories from parents who lost
25 their children to gun violence on our streets,

1
2 heartbreaking stories, unconscionable. Advocates
3 talked of concerns about over policing in some
4 communities while many residents of those same
5 communities sometimes voice concerns about under
6 policing. We heard it all. The bottom line, people
7 want to be safe and they want to feel safe but they
8 expect and demand and deserve to be treated with
9 dignity and respect in every encounter with their
10 police.

11 I understand all of these concerns. We engage
12 with our community partners to walk with us on this
13 path to change because we realize it is not just
14 enough to consider how we see ourselves but also how
15 others see us. What we found is that New Yorkers
16 want to help their police find a way forward
17 together.

18 To make tomorrow a better time and place for all
19 of us. And I would offer that the future of New York
20 City is already here. Although it is not a light
21 switch that can simply be flicked, the efforts to
22 effect change are well underway.

23 I recently referenced as much at event hosted by
24 the Greater Harlem Chamber of Commerce and the City
25 College of New York. I told them that we at the NYPD

1
2 recognize and apologize for past wrongs committed by
3 us or our law enforcement predecessors here in New
4 York City and that we are pushing ahead. Arms linked
5 with our partners to foster a fairer and more just
6 tomorrow.

7 As I told that large and virtual audience last
8 month, we have inherited the burden of our collective
9 history. And our challenge now is to ensure that we
10 will not participate in or tolerate any further
11 inequality or injustice.

12 Turning to the Preliminary Budget and its impact
13 on the NYPD in the coming year, the NYPD's Fiscal
14 Year 2022 Expense Budget is \$5.4 billion. The vast
15 majority of which 93 percent is allocated for
16 personnel costs. The remaining seven percent is
17 dedicated to nonpersonal costs including technology
18 that provides officers with immediate access to
19 critical safety equipment, tools and applications.

20 As you know, last years adopted budget saw
21 significant operating reductions of \$417 million,
22 including a recruit class cancelation that diminished
23 our uniform workforce by over 1,000 officers. A
24 uniform overtime decrease, a civilian overtime
25 decrease, the cutting of 100 civilian positions, a

1
2 delay in police cadet hiring and other nonpersonal
3 reductions.

4 The NYPD's capital budget was also reduced by
5 \$537 million. Eliminated was funding for a new 116th
6 Precinct and its station house and construction of a
7 much needed consolidated property clerks warehouse,
8 that would improve evidence and property storage.

9 Indeed, we are here today to talk about the
10 budget but we do not have three months until the end
11 of June to make these important tough decisions. We
12 have to make these decisions today, now. So, that we
13 do not see another crime victim acted to a horrific
14 talent.

15 The NYPD is a police department watching its
16 manpower reduced for the first time in decades. Yes,
17 overall crime is down but we are seeing violent crime
18 rising to levels not seen in many, many years. In
19 2020, murders were up by 40 percent. Shootings were
20 up by nearly 100 percent. Numbers are cold
21 calculations but each number represents a victim and
22 victims have names. And we remember when the gun
23 violence began to climb last summer.

24 A one-year-old Davell Gardner Jr shot dead in a
25 playground before his family could ever know his

1
2 potential. In the Bronx, Brandon Hendrix family,
3 knew all about his potential by the time he was 17-
4 years-old, when he was cut down. He had a college
5 basketball scholarship. He had a bright future
6 ahead. In October, Bertha Arriaga was with her two
7 children when she heard a noise and went to her third
8 floor window in Queens. She was shot in the head and
9 died.

10 On Halloween, an eight-year-old girl in a
11 costume, shot while walking with her father. Thank
12 God she lived. And just this past week, last Friday,
13 Gudelia Vallinas, killed by a stray bullet during gun
14 fire exchange between gang members. She was out to
15 get milk for her two children 37-years of age.

16 Brian Sanon was shot in a drive by shooting on
17 Saturday hours later in Brooklyn. Two others were
18 wounded but Bryan died. He was 17-years of age. And
19 that same morning, five other people were shot in
20 crowded night club. And that was all just this
21 weekend.

22 Almost none of those I mentioned was the intended
23 victim of gunfire. They were people caught in a
24 crossfire and equally startling is that 97 percent of
25 our shooting victims are people of color, which is

1
2 why we heard in communities of color asking for more
3 police and more visibility.

4 It is clear that opportunity and equality are
5 tied directly to safe streets and safe neighborhoods.
6 In fact everything we strive for as a society is
7 built upon a foundation of public safety. It is
8 imperative that parents feel comfortable whether they
9 are shopping down the block or bringing their
10 children to the local playground. Anything less is
11 wholly unacceptable.

12 Some people said cynically that crime was going
13 up because police were slowing down in the face of
14 relentless criticism. We heard that last year. That
15 it was morale problem. Well, that does not square
16 against the fact the New York City Police Officers
17 made more gun arrests in the first two months of this
18 year than they did during the same period in any of
19 the last 25 years.

20 Meanwhile, 41 of our officers were shot at last
21 year. Seven of them were hit. Struck and injured
22 and so far this year in just over two months, 17
23 officers have been shot at and three struck. Two
24 just last week. That one fact tells us two things.

1
2 That our police are fully engaged and that far too
3 many people are carrying guns on our streets.

4 I am not one who believes that we must choose
5 between dynamic police reform and enforcement. I
6 believe we can and more importantly, we must choose
7 both. I have also learned that it cannot be
8 accomplished in two separate conversations, it must
9 be one. To ensure reform in public safety, we cannot
10 be divided. We need to operate as a team. We need
11 the community, we need the district attorney's, we
12 need the courts, we need the advocates but we also
13 need the City Council, we need our State Legislatures
14 and we need to have hard, honest discussions about
15 how to protect New York City without finger pointing
16 and divisiveness.

17 Despite the headwinds, when you look at what has
18 been accomplished throughout neighborhood policing in
19 this city, through precision policing, through fresh
20 or reinforced partnerships in our communities. We
21 have accomplished a great deal. Still utilizing our
22 crime fighting philosophy, we can get better and I
23 believe we will get better. We know we can do this
24 because of the relationships that we have all across
25 this great city. But make no mistake, when we say

1
2 public safety is a shared responsibility, we mean it.
3 We need help financial, emotional and legislative and
4 we must discuss the tools our offices need to combat
5 the surge in gun violence and other crimes.
6 Resources that not only keep our officers safe while
7 performing their sworn duties but also help them keep
8 safe all the people we serve.

9 After all, victims are what this is all about.
10 Helping victims find justice and preventing
11 additional victims. Across the NYPD, we will
12 continue to leverage every tool available to us to
13 keep New York City safe. Including the use of new
14 and innovative technology.

15 We are keenly focused on such advances and how
16 they can be applied to fighting crime, creating safer
17 and more efficient ways for police officers to do
18 their jobs. And contributing to the important work
19 of building trust and strengthening relationships
20 across the city.

21 That goes for the entire public safety spectrum
22 from traditional crime to terrorism. To the
23 activities that can draw young people down paths of
24 criminality. This is our mission and we owe it to
25 every New Yorker. Nothing but our best efforts.

1
2 There is no cookie cutter answer to anything in
3 our line of work. But our renewed focus on our
4 city's young people slowed last year unfortunately in
5 part by the COVID-19 epidemic is part of our
6 evolution now, as a Police Department and as a
7 community.

8 The approach we take must always be about all of
9 us working together to reduce crime and violence. I
10 can tell you that the police and the public turning
11 professional relationships into true partnerships is
12 already fundamentally changing law enforcement and
13 New York City is quite frankly a model for the rest
14 of the nation.

15 I thank you for the opportunity to testify today
16 and I welcome your questions.

17 COMMITTEE COUNSEL: Thank you Commissioner Shea.
18 We will now return to the First Deputy Mayor. We
19 resolved those issues and he can pick up where he
20 left off.

21 DEAN FULEIHAN: Alright, can you hear me?

22 COMMITTEE COUNSEL: Yes.

23 DEAN FULEIHAN: Okay, well, I went to a different
24 location. Chair Adams, members, my apologies. Thank
25 you Commissioner Shea for jumping in. I will start

1
2 by saying I look forward to that point and time when
3 we don't have to do it this way. Hopefully soon and
4 we can actually be in Council Chambers and doing it
5 together.

6 So, I do apologize for our technical
7 difficulties. Uhm, I believe you were hearing most
8 of what I had said. So, unless someone tells me
9 that's not correct, I will pick up on the goals. The
10 five goals and the plan - can you hear me? Yes,
11 okay. I am sorry, I am just making sure you can hear
12 me.

13 I will pick up on the five goals and the two
14 parts of our New York City Police Reform and
15 Reinvention Collaborative Plan. Our goal is clear
16 and I apologize if you heard some of this but our
17 goal is clear. We envision an NYPD as the
18 Commissioner just said, that is a national example of
19 fair, just, transparent and accountable policing.
20 Regardless of race, gender, ethnicity, sexual
21 orientation, religion, immigration or socioeconomic
22 status.

23 Our plan includes more than 60 concrete
24 recommendations to help us achieve that vision.
25 These recommendations are built on the feedback and

lived experience of New Yorkers from all walks of life.

Now, I would like to briefly walk you through the five main goals of the plan. I want to stress; these weren't created in a vacuum. They are interconnected pieces of an overall path forward. They are first, recognition and continue examination of historical and modern day racialized policing in New York City.

Two, transparency and accountability to the people of New York City. Three, community representation and partnership. Four, the decriminalization of poverty. Five, a diverse, resilient and supported NYPD.

Now, I want to offer just a bit more detail on how we achieve each goal. Recognition and continual examination of historical and modern day racialized policing in New York City. To address the harm done by racialized policing, we must first publicly acknowledge the department's trouble history and its current challenges and the Commissioner has done that in the opening letter of the second of this draft.

Then we must urgently move forward with the reforms detailed in this report. The City commits to acknowledging, addressing and repairing past and

1
2 present injustices and the trauma caused by
3 racialized policing. The NYPD will participate in a
4 comprehensive and independent review to identify
5 structures of racism. The NYPD will also require
6 supervisors to monitor office activity for signs of
7 bias-based policing and take immediate measures.

8 The city will eliminate the use of unnecessary
9 force by changing culture. Adding racially bias
10 training for NYPD leadership and instituting
11 restorative justice. We will work in partnership
12 with effected communities to repair relationships and
13 build trust. We will include neighborhood
14 coordination officers in the process and require that
15 all officers have sufficient training to be active
16 bystanders and prevent misconduct.

17 Two, transparency and accountability to the
18 people of New York City. To earn and keep the public
19 trust, we must hold officers accountable in a
20 consistent, transparent and fair manner. But first,
21 NYPD disciplinary system penalty guidelines will be
22 commonly referred to as the discipline matrix, gives
23 us a clear, consistent and fair way to assess
24 discipline.

But accountability also requires a full command of the facts. We will now systematically include an officers complaint and disciplinary history in the promotion process. We will also expand our early intervention program to identify officers who are at risk and get them the help before harm occurs. Strong oversight is also necessary to ensure trust. That's why we announced the largest expansion of the scope and powers of CCRB since it was established in 1993.

Under the David Dickins Plan, we will consolidate the powers of the Department of Investigation Office of Inspector General for the NYPD. The Commission, to combat police corruption and put both of these under the structure of CCRB. These three offices

will be more effective working together in this one structure.

Transparency requires the public have information about NYPD policies and information. To that end, the city wish a memorial executive order establishing a citywide policy on fair and responsible use of biometric technology, which will cover all agencies including the NYPD.

Three, community representation and partnership. Creating meaningful partnerships at the neighborhood level must be at the center of NYPD's mission. And engrained in everything the department does. We will strengthen community input and cooperation in violence prevention and response in recruiting, hiring, retention and promotion. And in working with agencies to improve public spaces.

We will ensure that whenever an officer starts in a new precinct, they will establish a relationship in surrounding neighborhoods. They will empower community members to help select their precinct commanders. We are also expanding precinct commander advisory councils, so the community has a formalized way to discuss outreach engagement and resource development with precinct leadership.

1
2 The NYPD will consistently solicit real time
3 feedback from the community about positive and the
4 negative experiences to ensure the public gets the
5 best possible service.

6 We will also take important steps to improve
7 relationships with immigrant communities and work
8 with people with disabilities to expand partnership
9 and services.

10 Four, the decriminalization of poverty. Police
11 are often the first public servants to address
12 complex, social, emotional and behavioral issues.
13 This pattern is particularly true in low-income and
14 communities of color. This creates a poverty to
15 prison pipeline. The city will systematically
16 examine and end policies that over police lower
17 income residents in communities of color.

18 When possible, we will have health professionals
19 respond to mental health crisis. We will use
20 civilian agencies to address quality of life issues.
21 We have moved enforcement of street vending
22 regulations, the Department of Consumer and Worker
23 Protection. We are shifting primary responsibility
24 for homeless outreach to the Department of Homeless
25

Service. We are moving School Safety Agents through Department of Education.

We will also do a better job helping victims of crime. We will provide special training to officers who deal with victims of domestic, gender-based and family violence. And ensure victims receive access to critical resources. We will develop new policies and approaches to sex trafficking that do not entangle victims in the criminal justice system.

Fifth, the diverse resilient and supported NYPD. We are committed to creating the most diverse and resilient law enforcement agency in the nation. We owe our officers the best training equipment and resources. We owe them a department that continues to improve its culture. A department that prioritizes officers health and wellbeing. A department that offers a clear, consistent pathway to rewarding careers and promotions.

We will recruit and promote officers, so that NYPD leadership reflects the communities it serves and the values of our city. We will make residency in the five boroughs a more significant factor in hiring. We must perform the promotion process to improve transparency and fairness and build a more

1
2 diverse equitable and inclusive department. And the
3 city is committed to providing officers with the
4 necessary support they need to be successful.

5 As part of supporting professional development
6 and improve careers at all levels, we are developing
7 training to help officers management. We will also
8 expand the NYPD's Critical Incident Stress Management
9 Program, to help build a culture that supports
10 seeking help and addressing promptly.

11 To conclude, we have laid out concrete detailed
12 and ambitious agenda, to tackle the legacy of
13 racialized policing head on. Increase transparency
14 and accountability. Increase community
15 representation, partnership, decriminalize poverty
16 and create a diverse and resilient police department.

17 This plan builds upon seven years of reforming
18 policing in New York City. We have achieved a great
19 deal but recognize we have to go much farther. These
20 are big goals but they are achievable and necessary
21 goals. As the legacy we are confronting is deep and
22 our urgency is high. Yet we approach this task with
23 confidence. We know from experience that New Yorkers
24 and their police department are capable of changing
25 history.

1
2 I want to thank the Speaker, the Chair, the
3 member of the Committee for inviting me to testify
4 and the Commissioner. We want to continue the
5 conversation with the Council on these proposals and
6 your legislation as we move along in this reform
7 process. Thank you again and I look forward to your
8 questions.

9 COMMITTEE COUNSEL: Thank you. I will now turn
10 it over to questions from the Chair. Uhm, if we can
11 have the First Deputy Mayor and the Police
12 Commissioner conference room remain unmuted and to
13 each of you, if you need one of your colleagues to
14 answer a question, please just refer to that specific
15 colleague and we will unmute them.

16 Uhm, a reminder to Chair Adams, you will be in
17 control of muting and unmuting yourself during this
18 period and thank you everyone. Chair Adams, you may
19 begin.

20 CHAIRPERSON ADAMS: Thank you very much Counsel
21 and thank you for your testimony everyone. I would
22 also like to say another thank you to all of NYPD
23 personnel who are here. Uhm, with your presence and
24 with your testimony this morning. We appreciate you
25 being here for this really, really important hearing.

1 Commissioner Shea, it is good to see you today
2 and uhm, just want to uhm just relay that we
3 appreciate your apology overall. The reality is that
4 the average New Yorker though isn't watching these
5 hearings right? They don't read 187 page report, so
6 how do we actually get the message to regular people?
7 How do we translate the talk though that there is an
8 impact that people actually feel on the ground?

10 DERMOT SHEA: Yeah, Chair Adams, I think you know
11 when you talk about policing, certainly this last
12 year and it's not just confined to New York City,
13 it's across the country, do you often start and then
14 talking about trust. And I know that to my right is
15 Ben Tucker and we talk about this all the time and it
16 drives really all the policy decisions that we make
17 from training, from hiring, from how we continue
18 training when officers are out of the academy.

19 Uhm, how we police this city and when you talk
20 about neighborhood policing and devoting resources to
21 the youth and the youth coordination officers with
22 the work I have done with Chauncey Parker, so I agree
23 with you, uhm, I thought it was important to say for
24 a lot of different reasons but I also think words
25 have to be backed up by actions and my commitment is

1
2 to stand behind my words and in everything that we do
3 with this agency. I think the men and women of this
4 police department are some of the best that New York
5 City has to offer but it is my job and Ben's job
6 beside me to lead them and guide them and to make
7 sure that they turn those words into credible
8 realized actions and people need to, to your point,
9 they need to feel it every day with every encounter.

10 So, I will stop but I could talk about our
11 customer service plan. I could talk about the
12 accountability. How we police with build a block
13 meetings. It runs throughout everything literally
14 that we are trying to do.

15 CHAIRPERSON ADAMS: Thank you Commissioner. I am
16 just going to add, the majority of my questions are
17 going to be for the First Deputy Mayor. I wanted to
18 make sure that I get my questions for you. I just
19 have another one because you and I have spoken about
20 this in the past and we have spoken about the
21 different ways of operation in the precincts across
22 the city.

23 Uhm, the precincts across the city to my
24 estimation have different brains if you will, across
25 the board and there really is no one uniform way of

1
2 operating across those brains. Uhm, we have had for
3 example, recently in one of my precincts No Knock and
4 one of my constituents homes was turned upside down,
5 nothing found, No Knock Warrant. The officers
6 actually covered their badges, so she didn't know who
7 was who, what was what. Uhm, we actually still have
8 verbiage coming out of precincts across this city.
9 If there is a problem, call your Council Member.
10 Well, you Council Member is not Law Enforcement.
11 That is still a resignation scene throughout
12 precincts across this city. Most recently as last
13 week you know, in one of mine again.

14 So, again, how am I supposed to convince my
15 constituents? How am I supposed to convince them
16 that these aren't just words as far as reform? How
17 am I supposed to convince them when they see day
18 after day instances where they are still treated the
19 same. They are still being disrespected. They are
20 still being dishonored. Their words aren't valued
21 and it seems as their lives are not valued. How are
22 we to convince them that this is not more talk and
23 rhetoric?

24 DERMOT SHEA: Yeah, that's a great point Chair
25 Adams and uh, there is a lot there to unpack. Uhm, I

1 think it's you know the work that we all are
2 committed to doing. Uhm, you are right and you know,
3 as you are talking I think you know one bad incident
4 sets us back and there is no doubt that that's the
5 truth and whether it happens in Minneapolis or
6 whether it happens in an apartment as you said, I
7 don't know the details of what you are referring to
8 but that incident in Queens, I don't know the details
9 and I would love to and I am sure we will follow up
10 but if what you describe is right, that story will be
11 told 100 times and that's the message we are trying
12 to tell our cops. That they represent a brand and
13 don't be remembered for your worst day. You know,
14 how do you want to be remembered ten years from now?
15 Because believe me and I know you know this, you know
16 that's the conversation we have to the cops that are
17 youngest in the academy or tenured officers. That
18 you know, you have millions of encounters and that
19 one bad one, you don't want to be remembered for that
20 way.

21
22 I think when you talk about the scope of the
23 NYPD, a large agency, I think that's our strength and
24 our weakness. The strength is that you know we get a
25 lot of different talented people that do amazing

1 things across this city. I know you know a lot of
2 them in terms of the work we do with outreach and
3 community affairs and neighborhood policing but the
4 weakness is, is, is one represents all too. And
5 that's something that we have to constantly uh, fight
6 back. I am not going to pass it - I would love to,
7 to Juanita Holmes because you know, as Chief of
8 Patrol, I know she is thinking right now and has a
9 lot to say. She is probably chomping on the bit but
10 on the topic of No Knock, you know, this topic is
11 being examined across the country right now with the
12 tragic incident with Breonna Taylor.

14 What I will say on that is please, to anyone
15 considering legislation, invite us to the table
16 before decisions are made. Because we also have to
17 think of the safety of officers going through the
18 door on very dangerous circumstances. I know that a
19 lot of Police Departments Chair, across the country
20 right now, are looking at their policies and
21 modifying policies. I am happy to say that a lot of
22 the things that they are coming to, we have had in
23 place for a number of years. We have a very high
24 centralized process that feeds through our
25 intelligence bureau with very high to the chief

1
2 levels where before a warrant is executed, it is
3 reviewed. Is the information credible? Is it fresh?
4 What is the purpose of going through that door? Do
5 we have a No Knock capacity because many warrants do
6 not. And I think that we are in a much better place
7 than most Police Departments across the country in
8 terms of our policies and practices in this area.

9 CHAIRPERSON ADAM: So, what — with all that said,
10 what is actually the plan to implement the plan and
11 who is going to be in charge of making sure that you
12 follow through? Uhm, uh, are we working on any
13 potential budget updates to reflect any of the
14 proposals at all?

15 Uhm, who is going to be in charge of making sure
16 that the plan is followed through?

17 DERMOT SHEA: Are you — you are referring to the
18 reform plan Chair?

19 CHAIRPERSON ADAMS: Yes.

20 DERMOT SHEA: Okay, I am going to pass it to Dean
21 in one second but let me just say uhm, you know, it
22 was myself that reached out to Jennifer, Wes and Arva
23 and had a conversation. I want to say it was back in
24 September or October. I don't remember exactly when
25 and the conversation basically, I did not know — I

1
2 had spoken to Wes at some interactions unrelated to
3 reform prior once or twice. I don't know that I had
4 ever really spoken to Wes, excuse me, to Jennifer or
5 Arva before that.

6 So, I was calling them up really cold and what I
7 asked them to do and they took a leap of faith was to
8 trust me number one and to come in on the ground
9 floor of an opportunity to change policy. I would
10 not always agree with them I told them but I expected
11 differing opinions and give and take. I like to
12 think that you know, your reputation is everything
13 you have. That is they were pulled right now; they
14 would say I was fair and you know, they would agree
15 with I upheld so far what we have set out to do.

16 But it's a process and I know that Ben next to me
17 is also thinking about the work that he has done over
18 the last seven years. In everything from training to
19 the Risk Management Bureau, to implementing body
20 cameras. Some of it forced on us, the monitor. Some
21 of it forced on us.

22 Much of it not forced on us and we have been on a
23 path to lead this Police Department, to continue to
24 be the best in the country and to be the most
25 innovative and to keep crime down but to be fair.

1
2 So, whether it's neighborhood policing, whether
3 it is the Discipline Matrix, whether it's you know
4 with the recent MOU sign with Fred Davie, the Chair
5 of the CCRB, in law it is mandated that when I differ
6 from Fred, it is reported. I said, that's not good
7 enough. I am going to also tell the public when I
8 differ from Fred.

9 So, I think I have demonstrated uhm, on multiple
10 occasions. You know, the willingness to take bold
11 steps but compromising that balance, not compromising
12 public safety but also doing it the right way.
13 Getting rid of anti-crime in response to many, many
14 multiple complaints from the community. I thought we
15 could do things differently. I think I was proven
16 right in that we are still getting far too many guns
17 off the street. But at the same time, our civilian
18 complaints have gone down.

19 So, I think there is a lot of positive there and
20 it is hard to say - again, back to that trust word.
21 People, we need to earn it and that's the bottom
22 line.

23 CHAIRPERSON ADAMS: Commissioner, I am just going
24 to jump in because you just made me think of
25 something. When you spoke of CCRB -

DERMOT SHEA: Yeah.

CHAIRPERSON ADAMS: Chair Davie.

DERMOT SHEA: Yes.

CHAIRPERSON ADAM: I recognized the fact that uhm, there is some discrepancy there between CCRB's decision and you are overriding CCRB's decision some of the time. What are some of those deciding factors? Because from my vantage point, there should indeed have been disciplinary measures taken and followed through when it comes to several, several opinions that were overridden that I actually give validity to coming out of CCRB.

So, can you tell us what your motivating factors are for dismissing the views and the opinions of CCRB when you do?

DERMOT SHEA: You know when I said that Chair Adams, I said, here comes that question and I did it purposely because I think that -

CHAIRPERSON ADAMS: You got me.

DERMOT SHEA: That article in you know, I forget what paper it was in, caused a lot of harm. It really did and I don't think it was fair. So, I will tell you that most of that article focused on pre-Discipline Matrix. That's the first point to

1
2 recognize that I think is really important and pre-
3 MOU signed with CCRB. I think and I will not speak
4 for Fred but I think that all of us have the general
5 opinion now that whether it is police officer
6 accused, whether it's person that makes a complaint,
7 whether it is the CCRB investigating or whether it is
8 me that's ultimate disciplinarian.

9 We are working off the same play book and we
10 never had a playbook before. I think that's a huge
11 step forward. Remember that we are now posting these
12 decisions with the repeal of 50A, so the evidence is
13 going to be right there a year from now, two years
14 from now to look and say, how is - whoever the Police
15 Commissioner is, how are they doing?

16 I also want to point out that there was an
17 article in the paper yesterday that also may come up,
18 where it said, there is still some discrepancies. It
19 is interesting that when they talked about me, they
20 said, he lowered the decision I think five times but
21 raised it four times. That's - I don't know that
22 that's terrible. Uhm, each case is scrutinized
23 incredibly.

24 What led to most of the discrepancies in that 70
25 percent number, was it left out the fact Chair, that

1
2 when a case goes to CCRB, this is one of the biggest
3 points and I will end here. And its investigated and
4 CCRB says, we are substantiating this and it gets
5 turned over then to the NYPD for discipline or a
6 trial.

7 The trial still has to take place and sometimes
8 the trial was innocent. Clearly, there is going to
9 be a discrepancy in the penalty then because they
10 were asking for X but the person was found innocent
11 after trial. That factored into that and that was
12 not made clear in the article.

13 Sometimes they are going to be found guilty but
14 it is partially guilty. So, if you are accused of
15 four things and the penalty for the four things is
16 let's say, 20 vacation days. But then the trial
17 happens and you are only guilty of one of the four,
18 that's going to change. There are multiple factors
19 like this. I do not believe that that was a fair and
20 impartial description of this discipline process.

21 DEAN FULEIHAN: Chair Adams, may I jump in?

22 CHAIRPERSON ADAMS: Yes certainly.

23 DEAN FULEIHAN: So, thank you. Let's step back
24 for a minute and thank you Dermot and I think, let's
25 step back for both CCRB and the NYPD. This was a two

1
2 year process. This took a lot of effort and by the
3 way, it was very helpful. The original Disciplinary
4 Matrix was put out for public review and the final
5 Disciplinary Matrix much stronger, much more
6 encompassed. It was put out in the middle of
7 January. There was an MOU binding agreement between
8 the Commissioner and the head of CCRB. And a
9 statement at that moment that we will follow, except
10 in very rare and unusual cases but in the vast
11 majority of cases, both committed that this would be
12 the guidelines for the first time in New York City
13 history. 60 pages of recommendations detail on
14 discipline. Here is the standard discipline. Here
15 is the aggravated discipline for additional problems
16 and here are mitigating factors.

17 And it goes list by list by list and it is
18 important actually for New Yorkers to be – the three
19 co-sponsors participated. Jennifer Jones Austin, Wes
20 Moore and Arva Rice participated. We all did. CCRB
21 was very active in this decision process. It's the
22 reason that we all took pride in finally putting this
23 forward. This is actually how discipline goes
24 forward. It is fair to communities. It is fair to
25

neighborhoods. It is fair to officers, so they understand what they are doing as they move forward.

So, I do think yes, we need to talk about the past and clearly we do. We need to understand where the problems were. Where discrepancies occur. Where incidents occur that shouldn't have happened. Where discipline occurred that we would not agree with. But we also need to say okay, here is how we are moving forward. And this was a fundamental change. Thank you.

CHAIRPERSON ADAMS: Thank you.

DEAN FULEIHAN: I just thought we needed to put that in context.

CHAIRPERSON ADAMS: I appreciate that. I appreciate that. I also want to say that I notice that neither part of the plan addresses the issue of the Police Commissioner's discretion over final discipline and it is something that we have heard a lot about from advocates and from my colleagues. Majority Leader Cumbo has a Resolution. We heard calling for the CCRB to have final authority. I don't know how we restore confidence if we continue to see situations like what happened with Tonie Wells. I spoke about her in my past two hearings.

Where officers can completely neglect their duties. Allow an innocent person to die and walk away with a slap on the wrist. It is just a gut punch to the families of the victims and compounds to their tragedy. So, Commissioner Shea or First Deputy Mayor Fuleihan do you have any response to these concerns Elizabeth Rivera who is probably watching this? That's Tonie's mother. What do we say to the family of Delrawn Smalls? Officer Isaacs that is still being paid? Still on budget? The issues that we are talking about today are budgeted issues. These officers are still being paid, so what do we say about this? What do we say about this?

DEAN FULEIHAN: So, I will jump in and then I am pretty sure the Commissioner will want to and I also want -- I don't want to forget your question about who is responsible, which you started with the Commissioner on.

So, I will end with that but let's go back to this point. I want to emphasize again that this document is how we move forward. We do have additional discipline measures. We are asking for your support in additional unpaid suspension for officers who can meet egregious acts. I think we all

1
2 can rightfully determine who that it is. We need
3 state law to make those changes. We are operating
4 under state law restrictions and we are asking for
5 modifications both on the amount of time unpaid
6 suspension occurs and in egregious cases on pension
7 mortgage.

8 So, but I am going to go back to this. You
9 should judge, I will disagree with the Commissioner
10 on one thing because I know he agrees with me on
11 this. The Disciplinary Matrix and how we are
12 following it and I know – if we are going to be doing
13 constant, it's not going to be six months from now,
14 it's not going to be a year from now. We are going
15 to be doing this ever single week. We are going to
16 be doing this every single month. You should do it
17 with us.

18 If there are deviations, we should all understand
19 what those were. We should question them. We should
20 have a clear understanding but I am going to again
21 say that I don't believe that that's what we are
22 going to see. I think we are going to see the
23 product of two years of really thoughtful work. Say,
24 here is discipline. Here is the adjudicated process
25

1
2 and here is the result. And I think you are going to
3 see that consistently.

4 On responsibility, I do want to say, look, we are
5 all responsible. We are going to work with you. We
6 take responsibility. We are going to spend as much
7 time as we need to work with you. I am happy to have
8 conversations with you and your fellow members on an
9 ongoing basis and of course, absolutely, this needs
10 to be reflected in the executive budget process.

11 Look, we are all very fortunate to now have the
12 stimulus bill that we had all waited over a year for.
13 We all thought this would have happened last spring.
14 It didn't happen. Finally, with our president and
15 the change in the senate, we are able to have a
16 stimulus bill to allow us to address the problems
17 that became accentuated in the pandemic and that we
18 know we need to address.

19 So, with a sense of urgency, of course we are
20 going to talk to you in the Executive Budget in that
21 way and we are happy to start that process.
22 Definitely there is funding that needs to be
23 accomplished to effectuate these 60 reforms and the
24 many more reforms that I know you want to talk to us.

CHAIRPERSON ADAMS: I would really like to hear a response to what we say to those families uhm, who are still impacted where officers are still being paid for misdeeds.

DERMOT SHEA: Yeah, Chair Adams, I would just add in uhm, because you know when you talk about some of these tragic circumstances and you review them and you try to find out you know what happened and how do you get better and how do you make sure these incidents like this don't happen again. That's the goal here. I think it comes down to what uhm and I would agree with everything that Dean said in terms of having a solid system and looking to always constantly improve it. If there are issues with it that are identified that are not you know in line with our current way of thinking.

This Discipline Matrix has gone under some changes. It went out for public comments. This is the real, I would categorize it as the starting point but it is not going to be a static document and we are being transparent about it. If we change it, we are going to tell people that we are changing it and why.

1
2 If we differ from it and I agree with Dean, there
3 should not really be occurrences. But if there is,
4 then we will be public about that to the public and
5 to both CCRB. And I think that's fair to all
6 involved parties.

7 Regarding the incident that you mentioned — you
8 mentioned two incidents Madam Chair. The first, if I
9 am thinking of the same one, it's the incident in
10 Brooklyn a couple years ago. Terrible incident where
11 uh, from my recollection officers responded. There
12 was a woman that lost her life in a building. I
13 thought that was uncovered actually by the NYPD. I
14 don't know if it was a CCRB related incident that was
15 covered under the Matrix and they took a penalty for
16 it and no penalty is going to bring back that young
17 woman. I mean that's just the sad truth.

18 We look at all the factors of every individual
19 case. What did the officers know at the time. Uhm
20 and I wish I could say something that was more but
21 you know, I am incredibly sorry that anyone loses
22 their life in New York City, including that young
23 woman.

24 The Delrawn Smalls one, I am going to be a little
25 more careful because that will ultimately come to me

1
2 Madam Chair for ultimate decision making. What I
3 will say about that incident is this, there was a
4 terrible situation where a man lost his life. No one
5 is disputing that.

6 An officer was charged criminally and prosecuted
7 and found not guilty in a court of law. Due process
8 is important here. Uhm, Fred Davie came to me and
9 made me aware recently in the last couple months of
10 his intention to go forward with a civilian complaint
11 prosecution regarding that case.

12 This is after the officer had been found not
13 guilty in a criminal court of law. The current
14 process is that I could have stopped that from
15 happening and I did not stop that from happening.
16 So, it will go through this process with the Civilian
17 Complaint Review Board and there will be a trial
18 within the Police Department and ultimately, it will
19 come to me and I am not making any pre-judgements
20 regarding anything additional with it.

21 CHAIRPERSON ADAMS: Okay, thank you Commissioner.
22 I think we are going to leave it there. The stories
23 are still very, very fresh.

24 DERMOT SHEA: Yes.
25

CHAIRPERSON ADAMS: In a lot of our minds. Uhm, the Tonie Wells case, the officers basically it seems they were cold and sat in their police – in their patrol cars and what happened to her, happened to her. We will wait and we are still standing with both of those families for justice on both of those cases.

Uhm, First Deputy Commissioner, the Mayor's Plan promises full transparency in NYPD discipline. But the website the NYPD launched this week, is limited to guilty findings from formal charges. Will the Mayor and the NYPD commit to making all NYPD disciplinary charges public? Including settlements, demand discipline and other charges result to a guilty finding at trial?

DEAN FULEIHAN: Can you hear me? Again, I am sorry.

CHAIRPERSON ADAMS: I can hear you.

DEAN FULEIHAN: I was muted, so I couldn't jump in.

CHAIRPERSON ADAMS: Yeah, we can hear you.

DEAN FULEIHAN: Uh, thank you. Uhm, gosh, I really can't wait until we can actually be in the same room.

1
2 Uhm, I want to go back a minute and then address
3 this question and then the Commissioner obviously
4 will jump in. I want to — you asked what assurances.
5 You were talking about families but what assurances
6 are we given residents.

7 Look, we are putting together — this is the most
8 historic change since the creation of CCRB. We are
9 expanding its scope. We are expanding its power. We
10 are — last year we increased its authority. This
11 year, we are saying that they will do bias related
12 crimes. We are going to state to give them ability
13 to do sealed records. We are allowing them to do
14 their own investigations.

15 They are going also through the Patrol Guide. It
16 is a very different oversight entity and as part of
17 that, while we have increased the CCR Budget by 40
18 percent together since the beginning of this
19 Administration. It's clear that we are going to have
20 to give them the resources and quickly, so that they
21 can address accusations and cases and do them quickly
22 and responsibly. So, that is also part of the answer
23 that we are going to do together with you.

24 DERMOT SHEA: And —

25 DEAN FULEIHAN: Go ahead Dermot.

DERMOT SHEA: Well, I would just say Madam Chair regarding the Dashboard. We had that dashboard built for some time. Constantly making thoughts to it. A lot of thought went into what we published.

I am awfully proud, well, it wasn't me that did it but I have Matt Frasier, our Commissioner of ITB in the room with me and others. Uhm, it is probably a dashboard that will serve as a template for the whole country in law enforcement and that's not to say we are content with everything. I think we can make changes but we put a lot of thought into striking that balance of information, what information should we put on it that the public has a right to know? What information and privacy for the officers too went into it frankly.

So, what we came up with was the substantiated cases as you know. Respecting the due process piece of this that could I have made a decision to put up cases where a complaint is made and the officer is found innocent or not guilty of it? I could have but I didn't want to be in a position where giving less due rights and process to officers than we do to other people charged with offenses throughout the criminal justice system.

1
2 I think I struck the right balance but I respect
3 the right that others have a difference of opinion.
4 We also, I would say took a step, which I think is
5 important here, that we link this website. So, when
6 you go onto our dashboard, we link directly to other
7 places where you can find additional information if
8 that is your prerogative.

9 So, regarding trial decisions, we link right to
10 the CCRB. The CCRB puts different information than
11 we do up. So, it's not as if we are hiding it but I
12 do - I am going to do what I think is right and
13 whether it is trial decisions, we had lengthy
14 discussions speaking to many members of the NYPD. I
15 think we put an awful lot of information here and I
16 think we took a bold step and a pretty significant
17 step in terms of transparency.

18 DEAN FULEIHAN: Yeah, I agree with that and
19 again, CCRB is putting online and CCRB are the
20 complaints that come from our residents and they are
21 the more serious and they are putting everything on
22 line and it is there right now.

23 So, there is a great deal of information that we
24 are putting forward and we are going to constantly be
25

reevaluating and talking to you about what improvements you think we need to make.

CHAIRPERSON ADAMS: Thank you. In talking, you know, just extending this conversation a little bit more, a lot of the plan seems to be an expansion of projects that you are already doing. Other than Cure Violence, which of course we fully support and there is a strong evidentiary bases for, do you have any evidence based to support the conclusion that the expansion of these programs will have a positive impact? Many of these programs uhm, including Precinct Commander Advisory Council, which you have mentioned. People at Police Academy, the CompStat Customer Service Pilot in East Harlem and in my district in South Jamaica and Pop Up with a Cop project that presumably came along with some project assessment yet none of that has been released.

Have you asked MOCJ to evaluate any of these programs? And how do you expect Council to endorse a police plan without any evidentiary basis for the assumption that these programs actually do have value?

DEAN FULEIHAN: Look, we're — and the Commissioner will jump in also and Chelsea Davis on

1
2 my staff, you should jump in and the Acting Director
3 of MOCJ is also on.

4 So, look, before I had it over, look, I said, I
5 didn't emphasize it but I did say at the end in the
6 conclusion that we are building on seven years of
7 success that we take pride in but we know we have
8 much farther to go and I am not using that to
9 minimize any of our urgent needs and any of the
10 problems that we have to confront.

11 So, we are building on — that's correct, we are
12 building on those but we are also being more
13 transformative. We really do believe every one of
14 those five categories has recommendations that we do
15 believe are more community engagement. We are taking
16 it as an article of faith and we need to now show
17 that that's happening. We need to look at the next
18 Precinct commander with you in the selection process
19 and the community engagement.

20 We understand that this is an — when I said week
21 by week on the discipline and making sure it was
22 happening properly, we mean those things.

23 So, yes, we need to see if the proposals we are
24 putting forward are working, are effective. We
25 believe they have been in the past. We believe

1
2 doubling down on them, putting more resources on
3 them. Exactly what you said about Cure Violence
4 where we have seen positive gains including MAP at
5 NYCHA.

6 We need to move forward with those and we are
7 willing to do that with you and we are willing to
8 talk to you about what kind of metrics would you
9 like to see? What do you need from us to help you be
10 part of that process and to convince you we are
11 moving in the right direction?

12 Chelsea, do you want to say anything before I
13 pass it to the Commissioner?

14 COMMITTEE COUNSEL: We are going to get Ms. Davis
15 unmuted and I just have to administer the oath if she
16 is going to -

17 DEAN FULEIHAN: Would you please? Thank you.

18 CHELSEA DAVIS: Hello.

19 COMMITTEE COUNSEL: Do you swear to tell the
20 truth, the whole truth and nothing but the truth and
21 answer all questions honestly and to the best of your
22 ability?

23 CHELSEA DAVIS: Yes, I do.

24 COMMITTEE COUNSEL: You may proceed.
25

1
2 CHELSEA DAVIS: Great, thank you. Uhm, I will
3 just add a couple of things. There are certainly
4 aspects of this plan that are expansions like
5 doubling the Cure Violence workforce. There are
6 certainly new pilot programs that are included. A
7 lot of those are focused on institutionalizing
8 community engagement in ways that we haven't done
9 before. And that's at the local level, at the
10 precinct level and also, in collaboration with
11 leadership at the Police Department to make sure that
12 there is community input in actual decision making
13 and finding new ways that communities can collaborate
14 with the police to define public safety for
15 themselves.

16 There is also expansions in the role of course of
17 CCRB but also, some really new foundational changes
18 included in the Dinkins Plan. So, there is certainly
19 a mix of expansion of pilots and of some big
20 foundational changes because we know that there is no
21 single initiative that's going to cause the kind of
22 change that we need.

23 CHAIRPERSON ADAMS: Okay, thank you. Uhm, again,
24 sticking with this plan a little bit before I let my
25

1
2 colleagues in here. I know that they want to get in
3 here and uh, we do have a long day.

4 Uhm, how can you expect to gather and incorporate
5 public and community feedback on a plan that you only
6 started to release a week ago? That has to be passed
7 by the Council by the end of this month? These
8 documents are hundreds of pages long. Hundreds of
9 pages long and you actually expect members of the
10 public to read it, digest it and comment on them?
11 For their comments to be read, digested and
12 incorporated into a revised plan in just over two
13 weeks? I am just trying to understand the thought
14 process.

15 DEAN FULEIHAN: So, respectfully Chair, the
16 process begins much, much sooner than that. The
17 process has now been engaged for months. Over 85
18 community meetings, countless conversations within
19 the NYPD, within effected communities. The
20 engagement of the three cosponsors who bring with
21 them a wealth of experience and a wealth of
22 participation.

23 We actually do believe that it is not -- this is
24 just part of that continuum. It's just one stop.
25 That what we have agreed to and I am working on

1 through the summer, through the fall, the discipline.
2 I am going to keep going back to it because as
3 Chelsea said, it is a foundational change. The
4 expansion of the adoption of the Discipline Matrix,
5 the MOU enforcing of it, the expansion of – the
6 incredible expansion of CCRB and their powers. All
7 those things came out in January.
8

9 The anti-violence, working on new ways to do
10 anti-violence and the more than doubling of Cure
11 Violence. Something that we have already increased
12 by I think 60 percent already. All those things I
13 have been part of a process. We are not stopping
14 here. You have been holding hearings that have been
15 thoughtful and have moved us. These reports are part
16 of that process. We are going to keep working with
17 you beyond this. We are working with you now on your
18 legislation. We are going to work with you in the
19 Executive Budget to make all of these things a
20 reality and to keep going.

21 Yes, we want constant public input. We want the
22 criticism and we are committed to constantly keep in
23 change but we do believe this is the product of
24 public input.
25

CHAIRPERSON ADAMS: How many comments have you gotten on the website?

DEAN FULEIHAN: On the current piece, Chelsea or Marcos, I need somebody to — and on the NYPD one, I would need somebody to jump in and help.

CHAIRPERSON ADAMS: Since the release of let's say since the release of Part 2. We are looking for the public to be interactive here. How many comments have you gotten on the release Part 2?

DEAN FULEIHAN: If we don't have that immediately, we will make sure to get that for you.

CHAIRPERSON ADAMS: Okay.

DEAN FULEIHAN: Alright, so we will follow up with that.

CHAIRPERSON ADAMS: Have you met with any groups or stakeholders after the release of the first draft?

DEAN FULEIHAN: I beg your pardon, I didn't — I am sorry.

CHAIRPERSON ADAMS: Have you met with any groups or stakeholders after the release of the first draft?

DEAN FULEIHAN: I am quite sure that there are many people on this call who can jump in and speak to the number of engagements they have had since the release of the first draft. Obviously, I have had

1
2 numerous conversations with Jennifer Jones Austin,
3 Wes Moor and Arva Rice but I will allow others to
4 jump in on it.

5 CHELSEA DAVIS: We have been partnering with the
6 Community Affairs unit and still working with PD to
7 have more meetings. We can get you a detailed list
8 of the ones that we have had since March 5th but they
9 have certainly been ongoing and we have had many
10 different kinds of forums. So, as you are aware, the
11 engagement kicked off with the nine townhall
12 listening sessions that were facilitated by the
13 cosponsors and NYPD. And I can go through in detail
14 the different kinds of meetings that we have that
15 make up those approximately 85 meetings that the
16 First Deputy Mayor detailed.

17 CHAIRPERSON ADAMS: No, we have gone over that in
18 the previous hearings. I was actually involved in a
19 couple of them. They are actually – a couple of them
20 were troubling to me quite frankly, I think we have
21 spoken about that in previous hearings. I just
22 wanted to know as far as uhm, the last release was
23 concerned, how much interaction has gone on? You
24 know since the last release, was anything
25 incorporated as a result of any responses with the

second piece? And then I will go onto – I will let Council take over and get my colleagues in here.

CHELSEA DAVIS: I don't have the exact number of public comments that we have received so far since March 5th on the first draft or since March 12th on the second part but we will get that number to you right away as well as the list of meetings that we have had since.

Uhm, we are certainly reading through those comments and making revisions based on them. We have certainly been hearing – I think the feedback has been really consistent to what we heard in all of the meetings. People are really focused on accountability, on making sure that there are implementation plans on improving training. And on making sure that the reforms to the discipline system are put in place. But we will come back with the exact number of comments in the meetings that we have had.

CHAIRPERSON ADAMS: Thank you.

DEAN FULEIHAN: Right and we have been obviously talking to Care Violence providers. We have been talking, as the recommendations have come out to try to make sure and to move forward on the

1
2 implementation. But look, part of this is your
3 hearing and to get more information out and the best
4 place to hear reactions is of course from one of the
5 better places is Council Members. So, we appreciate
6 your time.

7 CHAIRPERSON ADAMS: Okay, thank you. Counsel, I
8 am going to turn it over to you for questions from my
9 colleagues.

10 COMMITTEE COUNSEL: Thank you Chair. I will now
11 call on Council Members in the order they have used
12 the Zoom raise hand function. If you would like to
13 ask a question and you have not yet used the Zoom
14 raise hand function, please do so now. Council
15 Members, you will have a total of five minutes to ask
16 your question and receive an answer from panelist and
17 given our packed schedule today, I know the Chair
18 will be holding you to that clock.

19 The Sergeant at Arms will let you know when you
20 time is up. Once I have called on you, please wait
21 until the Sergeant has announced that you may begin
22 before asking your questions. I will just read the
23 first few Council Members. We have Council Member
24 Holden, Council Member Lander, the Public Advocate
25

and Council Member Cabrera followed by several others.

We will now turn to Council Member Holden.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER HOLDEN: Thank you Commissioner Shea for your testimony and it was so important that you mentioned shooting victims in your testimony. Uhm, looking at the impact of \$1 billion cut to the NYPD budget, most notably the increase in shootings and its impact on certain communities.

Because of personnel cuts, are we experiencing a drop in arrests across the board? And the second part of my question and given our so-called tough gun laws, can you give us a breakdown of after NYPD makes a gun arrest, what percentage of those arrested are incarcerated?

DERMOT SHEA: Thank you. Am I live? Yes I am. Thank you Councilman. You know, early on in COVID when the financial crisis was hitting New York City, I think all city agencies realized what was coming to a degree. Certainly a \$1 billion cut caused us to have to be very uhm, innovative in terms of continuing to provide the quality of service that New York City residents demand and deserve.

1
2 Did it have an impact? Certainly, it had an
3 impact particularly as we moved into the summer
4 months last year. You know, we had a pretty
5 significant cut to the overtime budget, which
6 translates into tours, which translates into cops on
7 the street in those neighborhoods that were getting
8 hit pretty hard by that summer violence.

9 And you know, I think we all know what has
10 happened in terms of 100 percent increase in
11 shootings last year. We are at a 40 percent increase
12 now. It ties directly to your second question, which
13 I am going to turn it over to Chief Mike Lipetri, who
14 I know is on this call. But you know, phrasing – we
15 do, we have the toughest gun laws in the country but
16 what is most important for everyone on this hearing
17 to know is that that does not necessarily translate
18 into tough in terms of getting these dangerous people
19 with guns multiple times off the streets. Mike
20 Lipetri.

21 MICHAEL LIPETRI: Good morning. When we look at
22 gun arrests last year, we saw approximately a 30
23 percent increase. When we look at that population,
24 approximately only 12 percent are actually
25 incarcerated today.

1
2 We also look at the overall bail set last year
3 for gun arrests. We were at the lowest percentage
4 that we have ever seen and we were at the highest
5 percentage that we ever seen as far as released on
6 their own recognizance.

7 As far as people who got rearrested with an open
8 gun arrest last year, we were also at the highest
9 percentage that we have seen. That also continues
10 this year with an increase from last year. When we
11 look at gun arrests with prior gun convictions, last
12 year we were also at the highest percentage that we
13 have ever seen. That this year has also increased.
14 The one thing that has increased this year is the
15 incarceration rate for gun arrests. We are presently
16 at about a 17 percentage for incarceration this year
17 with a 12 percent last year.

18 COUNCIL MEMBER HOLDEN: So, if uhm, we have tough
19 gun laws but if just a very small percentage are
20 actually doing time, what's going on here?

21 MICHAEL LIPETRI: So, you know again, when we
22 look at it, when they are getting bailed, they have
23 to get the least restrictive manner of that bail.
24 So, even this year with the increase in bail being
25 set, those individuals are still getting out because

1
2 of a lower bail or a nonmonetary release or a
3 supervised release. And that falls from a new
4 legislation from 2020.

5 COUNCIL MEMBER HOLDEN: It kind of looks like
6 that the NYPD is doing their job but the rest of us
7 are not. And if we are serious about protecting the
8 public, let's start putting individuals who commit
9 multiple felonies and shots fired and are arrested
10 for either having a gun or shooting a gun, there
11 should be mandatory — like the law says, mandatory
12 jail time.

13 DEAN FULEIHAN: I am going to come to the defense
14 of the NYPD, which I — pleasure to do. Uhm, that
15 what's happened — this what we are seeing happened
16 around the country. This was not unique to New York
17 City and we are seeing a large number of gun arrests
18 in ways we have not seen before. We know there is
19 much more work to be done. The NYPD is out there
20 doing that work. We know, we know for example what
21 the court systems — we are hearing this from the
22 District Attorneys. The court system needs to
23 reopen. The Mayor has been saying this weekly uhm,
24 on his press conferences that we need the court
25

1
2 system up and running. We need grand juries back.
3 We need to make sure they get vaccinated.

4 There are many ways that we know that we need to
5 address this and we need your help in addressing that
6 and the way to do it is to get the system back
7 moving, part of the recovery process is how we are
8 going to do this.

9 COUNCIL MEMBER HOLDEN: But Deputy Commissioner,
10 we, I am sorry, Deputy Mayor, we have the toughest
11 gun laws in the country. That's what we are told.
12 So, you are saying the courts are not open, that's
13 why we are not, you know enforcing our tough gun
14 laws?

15 DEAN FULEIHAN: I am saying that there are many
16 factors that happened across the country that we all
17 know that occurred during this pandemic. We now need
18 and all of our efforts should be at recovery and
19 that's what we are going to be doing and that
20 includes the entire criminal justice system being up
21 and running.

22 COUNCIL MEMBER HOLDEN: Alright Chair –

23 DEAN FULEIHAN: And the other piece that I want
24 to say because we have mentioned this. There are
25 community solutions that need to be part of this,

which is also part of the antigun violence package.

And we are not going to forget that.

Part of the whole presentation by both the Commissioner and my comments, is about how we are going to engage – how we are going to have community participate and build even more community trust. Build neighborhood policing to an even higher level.

COUNCIL MEMBER HOLDEN: Yeah, we still have a lot of innocent victims out there getting shot. Uhm, just happened to be in the wrong place at the wrong time. We need more than just talk. We need action and it sounds like the NYPD, like I said, during their job but it is not the rest of us that are enforcing these gun laws. We need that to be enforced.

If we have tough gun laws, let's enforce them and stop letting people out of jail to do it again.
Simple.

CHAIRPERSON ADAM: Commissioner and I am just going to jump in here and I apologize, I didn't want to do this and step on my colleagues questioning. But I really do have to say this. Are we going to acknowledge another piece of the violence which most of us should know was a post budget NYPD float out?

1
2 Are we going to acknowledge that today? Are we going
3 to admit that? I am just asking a question. To me
4 it was very obvious. It was spoken of and uh,
5 mentioned in the ranks along with the beginning of
6 the "your Council Member tag line in our precinct."
7 Are we going to acknowledge that?

8 DERMOT SHEA: Chair, Chair, I hope and I think
9 you do know that I have great respect for you but I
10 could not disagree more with that statement. Uhm,
11 you know, let's look back to last May and June. We
12 all remember what was going on. You had 20 percent
13 of the NYPD out with COVID. You had uhm, the
14 protests, which were raging throughout New York City
15 which was pulling mass amounts of resources.

16 At the same time, you had the budget pass which
17 slashed the budget by 60 percent on the overtime
18 which led to real significant problems with
19 attrition. And at the same time as all of that was
20 going, the cops never, never, never stopped working.
21 They were getting shot at during that period. They
22 were making gun arrests during that period. There
23 was no slow down.

24

25

CHAIRPERSON ADAMS: Commissioner, with all due respect, we are going to agree to disagree. The ranks told me something totally different. Counsel.

DEAN FULEIHAN: So, I am going to jump in on both of you respectfully. Look, the past year has been incredibly difficult in so many ways. There were budget actions that were taken that I will say I believe were responsible and thoughtful and many of those were about moving priorities and moving where it is, so the NYPD could be more focused. That's one of the goals of these reports that's articulated in this report. But this is really about how are we going to move forward and how are we going to address our multiple problems as we are on this road to recovery.

COMMITTEE COUNSEL: Next up will be Council Member Lander followed by the Public Advocate.

SERGEANT AT ARMS: Time starts now.

DEAN FULEIHAN: Council Member, I can't hear you.

COUNCIL MEMBER LANDER: Can you hear me now?

DEAN FULEIHAN: Yes.

DERMOT SHEA: Yes.

COUNCIL MEMBER LANDER: Thank you Chair Adams. I appreciate what you said in your opening. This is

not a serious effort to transform public safety in New York City and confront the harms of discriminatory policing and I am having the feeling of Yogi Bear called déjà vu all over again. Last year – the Mayor’s Preliminary Budget this year for FY22 proposes to increase the NYPD budget by \$196 million even as it cuts CUNY, Youth Services, Neighborhood Arts and Culture and Sanitation and when the NYPD is already one out of every six employees.

So, I am going to focus my questions today on what happened with the current year’s budget FY21 because we can’t move forward with meaningful transparency if we aren’t honest about what’s in the budget and what is really happening and you can follow along with a spreadsheet I have put online at bitly/nypdfy21budget or on my Twitter.

So, last year, as part of the budget that the Mayor and Council adopted, City Hall told us that this year’s budget would reduce the NYPD budget by \$1 billion and many of you may remember this chart that I got from the Speakers Office but I assume came from City Hall.

Uhm, the Mayor, the NYPD, the Speaker, told us that this year’s budget would reduce the NYPD budget

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2 by \$1 billion. Council Member Holden repeated that
3 number just now and Commissioner, you then repeated
4 back to him. But advocates and budget analysts knew
5 then it wasn't true and Commissioner Shea, I think I
6 heard you say in your testimony today, that the
7 Budget contained \$417 million in reductions. About
8 \$420 million if we count the DHS shifts as well as
9 cuts. So, did I hear that correctly that the cut was
10 \$417 million in the budget and not \$1 billion?

11 DERMOT SHEA: Yes you did and I can have my
12 budget director follow up with you in a second.

13 COUNCIL MEMBER LANDER: Great so — but even that
14 number, the \$417 million significantly overstates the
15 actual reduction in NYPD spending because
16 Commissioner, as you have said, the purported NYPD
17 savings relied heavily on a \$354 million cut to
18 overtime, which budget watch dogs from the IBO to the
19 Citizen's Budget Commission knew was overblown. And
20 we have learned that you have already spent the full
21 amount budgeted for overtime in just the first seven
22 months of the year and if we project forward based on
23 actual spending to date, you will overspend the
24 overtime budget by \$180 million.

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2 What that means in total is that the reduction of
3 the NYPD Budget was only \$240 million. In other
4 words, we are spending \$760 million more on policing
5 than the Mayor, the NYPD and the Speaker told the
6 public and the media last June. It's impossible to
7 believe plans for reform when we just aren't telling
8 the truth about what's really happening.

9 So, I want to ask about one data point that's not
10 reflected in this chart. Uhm, Commissioner or Deputy
11 Mayor, can you tell me the amount that New York City
12 spent on court settlements for charges of abusive
13 policing last year?

14 DEAN FULEIHAN: We will get that for you. I have
15 a rough idea but let's not guess. We will get that
16 for you but I want to take the opportunity and
17 correct the record -

18 COUNCIL MEMBER LANDER: The FY20 number Deputy
19 Mayor, which I think you know because it was in the
20 materials you gave us was \$240 million. The full
21 amount. The full \$240 million of what was actually
22 reduced in this year's budget, that's what we spent
23 in FY20 on settlements \$240 million.

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2 So, that's what's really happening this year. We
3 did not meaningfully reduce the NYPD budget and we
4 did not tell the truth about it.

5 DEAN FULEIHAN: Well, you know I don't agree.

6 COUNCIL MEMBER LANDER: I want to get my
7 questions in with respect. I would like to get my
8 questions in about this coming years budget because
9 we can disagree about what's in last year's budget.
10 I am just giving the public the numbers you have
11 given us. But now, we are proposing to increase
12 policing next year by another \$196 million while
13 cutting Sanitation, Parks and Youth Programs and I am
14 worried that's not even the full increase.

15 So, I just have two questions about next year's
16 budget. First, is there a plan to hire 475 new
17 school safety agents at the hearing on School Safety
18 the most honest comment felt like the admission by a
19 DOE senior staffer, that we are planning for that.
20 Can you commit that that's not happening?

21 DEAN FULEIHAN: The statement by that person
22 which was immediately corrected by Deputy Chancellor
23 was inaccurate.

24 COUNCIL MEMBER LANDER: Can you commit that the
25 NYPD is not going to hire 475 -

DEAN FULEIHAN: No, no, what we said was it was something that was not in the Preliminary Budget and it was being evaluated and would be evaluated and no decision had been made. Let's go back to the Adopted Budget.

COUNCIL MEMBER LANDER: You are saying it might be in the Executive Budget. We don't know yet.

DEAN FULEIHAN: Many things may be in the Executive Budget or it may not be.

COUNCIL MEMBER LANDER: Okay, so you won't commit not to hire 475 new school safety agents?

DEAN FULEIHAN: I won't commit to hiring 475 new school agents.

COUNCIL MEMBER LANDER: Okay, my last —

DEAN FULEIHAN: No, no, let's go back to the Adopted Budget.

COUNCIL MEMBER LANDER: I have one more, just one more really important question.

DEAN FULEIHAN: We actually did have an agreement.

SERGEANT AT ARMS: Time expired.

DEAN FULEIHAN: There was at no point in time did anyone say there is \$1 billion expense cut in the Adopted Budget. It is just not true. You know that

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2 on that sheet there is going to be -- that you knew
3 that a significant portion of this was kept. You
4 knew that a significant portion of it was shifting.
5 School Safety Agents over a two year period, that was
6 the agreement.

7 We shifted other responsibilities and those
8 things are happening. Yes, the overtime budget. Yes
9 the overtime budget is a significant reduction. It
10 is 40 percent below where it was over the past five
11 years and significantly below that --

12 COUNCIL MEMBER LANDER: You told us it was going
13 to be \$354 million of cut and it is only going to be
14 \$154 million of cut. \$180 million more is being
15 spent.

16 I just, I would invite people to go to the -- to
17 check out my chart because it has been really hard to
18 get real good information but like all I did was take
19 this chart that City Hall and the Speaker gave the
20 Council and gave the budget. If people will go to
21 the bitly I gave before, will go to my Twitter, you
22 will see just what's in here. What we were told by
23 the Administration. You will see what was actually
24 in the budget and you will see what's really
25 happening. There is a \$154 million cut if you

project forward from the actuals on overtime but that is \$180 million less than was in the budget.

So, my last question is this though because I do just want to ask quickly. Uhm, you are bringing us this reform plan today. Have you projected what it would increase the NYPD budget by? How much more in police spending would we – should we expect that you are going to bring us in the Executive Budget or in the future to implement this so-called reform plan?

DEAN FULEIHAN: Look, as I answered to the Chair, we need to work together on deciding what the priorities are here. The biggest increases in here are actually going to be at CCRB and that's pretty apparent.

If there are resources that we need as part of that oversight, we will obviously have that conversation with you as the budget continues.

COUNCIL MEMBER LANDER: So, just to wrap up.

COMMITTEE COUNSEL: I am sorry Council Member we have to stick to the clock. We are well over uhm. Thank you very much for your questions. We will turn to the Public Advocate now followed by Council Member Cabrera.

SERGEANT AT ARMS: Time starts now.

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2 PUBLIC ADVOCATE WILLIAMS: Uh, okay, uh, thank
3 you very much everybody. Uhm, Terrea Stance[SP?] and
4 Jeffrey Whitehead, those are two people I went to
5 high school with who was shot and killed while I was
6 in high school. I still remember discussing how
7 Terrea's bullet hit one of her teeth and ricocheted
8 to her brain. And I remember when they announced
9 Jeffrey Whitehead had accidentally shot himself with a
10 gun he was playing with.

11 The first gun I saw actually was in the Brooklyn
12 Tech high school. At the same time, I remember being
13 harassed by police. I remember being arrested,
14 waiting for a train to go to Play Land. I also
15 significantly remember because we had a mixture of
16 folks, the way the officers treated myself and others
17 of darker hue and our White students.

18 I remember as I began to go to school, Domingue
19 Sylvester, I didn't know him but one of the rooms in
20 Brooklyn was named after him because he was shot and
21 killed and I didn't realize how young he was until I
22 went back as an adult and saw him. And I remember
23 thinking then that when I grow up, I want to try to
24 do something to change this because it doesn't make
25

sense to have so much policing in communities and still gun violence.

So, Council Member Holden, I just want to say I do not need more people to tell me but the problem here is that we are not being arrested enough and we are not being incarcerated enough. Please stop doing it.

I understand fully that Law Enforcement has a role to play and I appreciate that from them. When there are bullets flying and we ask them to run into those bullets to protect, I appreciate that and I am saddened when I hear that they are shot and harmed. But I hope from the beginning that this discussion will be about reforming and reimagining public safety. Not just the emphasis on reforming police. I have come to the conclusion that that is where we have been wrong for so many years. In Minneapolis Police Department had most of the reforms that we would want to see before George Floyd was killed.

I remember Alex who didn't want to give up his chain in the 90's and was killed for it. The people who are dying and their mothers who are mourning look like me and mine. I appreciate the work of Wes Moore, Arva Rice, Jennifer Jones Austin and I always

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2 have but there were many people I believe
3 intentionally left off of this discussion who have
4 been working on these issues for a very long time.

5 Chair Adams, I very much appreciate your opening
6 statements and how you are conducting this meeting.
7 Dean, Deputy Mayor, I appreciate you saying that this
8 is the beginning. I have been doing this for about
9 11 years now and so there have been a lot of
10 beginnings. And what frustrates me is not this plan
11 because the basis of the plan actually is pretty
12 good. But it would have been awesome if this came
13 seven or eight years ago, so we can be much further
14 in figuring out the plan in its entirety.

15 Not so much of the frustration. I appreciate the
16 advance piece model that I was happy to stand with
17 the Mayor on. Look, there are so many people who
18 have died. Our communities are sandwiched between
19 gun violence and over policing and if they did ask
20 about the over policing, they will get under
21 policing.

22 Commissioner, I appreciate the apologies that you
23 gave because it was meaningful and you said that
24 communities are asking for more police and I often
25 believe that. The problem I have is the fervor and

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2 the energy when that is said is not heard when they
3 are begging for mold and rats not to be in their
4 apartments.

5 And for doors that lock and cameras, so that
6 mothers and grandmothers aren't murdered and when
7 they are asking for health and when we look at the
8 lines of who is lined up for food and can't tell if
9 it is a food line or a vaccine line or to get the
10 testing line. And being told that it has nothing to
11 do with public safety.

12 So, please, the question is what makes a
13 community safe and where is those resources as we are
14 trying to increase the NYPD 6 percent and decreasing
15 DYCD 10 percent. What message is that sending? Pat
16 Lynch is using the blood of Black people and the pain
17 of mothers to tell us that all we need is additional
18 police. Although I went to a scene where there was a
19 mass shooting but there was a police officer on a
20 corner when it happened. There was a police car. A
21 shooting of a young man in Queens where a police
22 officer almost ten yards away.

23 So, the question is, what else is needed and how
24 we are funding those things. We have a great
25 opportunity right now. Tens of thousands of New York

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2 City people have died from coronavirus. More on the
3 state level. If cannot use this opportunity to not
4 go back to normal. To put down a system that really
5 works, at least in memory of people that we have lost
6 for across the board. That is the only silver lining
7 that we have.

8 Let's use the opportunity wisely. From corona to
9 gun violence, people are dying and they are Black and
10 Brown and it hurts. I remember through high school
11 to right now and if policing and incarceration could
12 have worked, it would have already. We are
13 apologizing 30 years later for what we did to
14 communities 30 years ago. Let's not do that again.
15 The knee jerk reaction doesn't work. There are risks
16 to the plans we are putting forward. But what we are
17 doing now has risks as well.

18 We have said that gun arrests are up. We have
19 said incarceration is up. So, what else are we
20 doing? We know that our diminished returns to simply
21 putting police on the ground, we know that.

22 So, I don't have any questions. I am just
23 pleading with all of us to move from out of our
24 corners and really redefine this thing because a
25 nation locked is what New York City is doing. We all

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2 have our parts to play and I really mean that. But
3 communities are hurting and they are looking for
4 answers, so they will grab whatever is there. Let's
5 give them more than what we given them for the past
6 30 years. Please, I have been to funerals for police
7 officers, for civilians, they look remarkably the
8 same in pain. Thank you.

9 COMMITTEE COUNSEL: Thank you.

10 DEAN FULEIHAN: I will just echo. Thank you.
11 Obviously there is nothing that we are going to
12 disagree with in that statement and we just need to
13 continue as you did yesterday with the Mayor to
14 address these challenges. To implement this plan but
15 recognize that we need to go further and we need to
16 do it immediately.

17 COMMITTEE COUNSEL: Next up will be Council
18 Member Brannan followed by Council Member Cabrera and
19 Council Member Rosenthal.

20 SERGEANT AT ARMS: Time starts now.

21 COUNCIL MEMBER BRANNAN: Thank you Chair. Thank
22 you Counsel. Uhm, I will be very brief because I
23 know there is a lot of my colleagues who want to ask
24 questions. I wanted to get an idea of the cuts that
25 were made last year. How that impacted the NCO

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2 program, the Neighborhood Policing program which
3 seemed to be a pretty popular program but wanted to
4 get a sort of granular idea of how the cuts that we
5 made effected that.

6 DERMOT SHEA: Yeah, I am going to turn it to a
7 new Chief of Department to be, Chief Rodney Harrison
8 and then Kristine, you can follow up on the budget
9 side.

10 RODNEY HARRISON: So, thank you for that question
11 Councilman and I had an opportunity being part of
12 this Police Department being the Chief Patrol as well
13 as the Chief of Detectives and uh, I was here when we
14 created neighbor policing working with Chief Monahan.
15 And I saw some great success throughout the city
16 regarding building relationships, working hand and
17 hand with the community that we are here to serve and
18 make sure that's very important and uh, public safety
19 was being addressed and uh, you know, one of the
20 things that's maybe being missed here is the
21 importance of public safety.

22 And that's what neighborhood policing was all
23 about. Then during the uh 2020 campaign where we
24 kind of got hit with this pandemic, we saw some of
25 the struggles with neighborhood policing and we had

1
2 to kind of fall back regarding how we police the city
3 in 2019 with the strengths of neighbor policing and
4 working with the community.

5 And as the Chief of Detectives, some of the
6 struggles that we observed were people were reluctant
7 to come forward. They were scared to talk to us.
8 They were scared to go forward with a lot of the
9 investigations that we probably would have solved in
10 2019. So, one of the things you saw you saw was a
11 lot of violence occurring. Some of my clearances
12 were struggled and those numbers dipped. And
13 neighborhood policing really is a pillar within the
14 NYPD because we can't do our job if we don't have the
15 residents of this great city on our side and in order
16 for us to keep this city safe, it starts with
17 relationships. It starts with dialogue. It starts
18 with knowing one another. Knowing your local law
19 enforcement officers and your commanding officers and
20 working with all the residents that touch the
21 different communities that we are here to protect.
22 So, yeah, we saw some struggles in 2020 when it came
23 to neighborhood policing. 2021 we are going to make
24 sure we rebuild it, make it stronger, get back to our
25 Build a Block meetings.

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2 I have a great Executive Staff and Juanita Holmes
3 and Dave Barrere and Kathy O'Reilly that have
4 neighborhood policing in their borough. And we are
5 going to get it back up and running and we are going
6 to make sure that there is a strength in
7 relationships that we kind of lost during the
8 pandemic.

9 KRISTINE RYAN: And building on what the Chief
10 said, I think what's paramount to remember is that
11 for neighborhood policing to happen, the department
12 was provided with additional headcount and with
13 resources for civilianization. While we have really
14 worked with regard to the reduction in the budget,
15 which with a combination of the expense resources
16 directly to our budget and the \$537 million capital
17 cut, was \$1 billion directly to our budget and then
18 additionally as the Deputy Mayor mentioned,
19 additional transfers that are anticipated to happen.
20 We have been working to try to reduce overtime but
21 that impacts the resources we have to do everything.

22 We have shifted resources. We have modified work
23 schedules and we are proactively managing overtime
24 but a cut of 59 percent coupled with the impact of
25 the reduction in our headcount has been challenging

and as was indicated, we are exceeding the budget.

And we will have to continue to spend overtime on anticrime purposes. This is appropriate and necessary for investigations. It is necessary for operational OT including overtime to ensure the provision of uninterrupted emergency services.

When we started the year, essentially our budget did not include resources for crime reduction and enhanced resources for housing and transit.

SERGEANT AT ARMS: Time expired.

KRISTINE RYAN: So, while we have been working and benefited from the fact of the unintended consequence of the COVID, having reduced events, which has reduced overtime in that area, those events will return and we see a sustained reduction in our overtime budget with the cut in Fiscal Year 21. So, while the budget does grow, between the current year and next year, we have to take into account that we will have events returning and we do need to have the resources so that commanding officers can fill gaps that they have as a result of not having the same level of resources they previously had. And ultimately the goal is to maintain public safety and the provision of core public services, that tie very

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2 much into being able to continue the foundational uhm
3 improvements and efforts that have been made for
4 community policing and elsewhere in the department.

5 DEAN FULEIHAN: And I am just going to add that
6 the goal here is to enhance, as Chief Harrison said,
7 the goal is to enhance neighborhood policing and I
8 know the Police Commissioner will say it repeatedly.
9 Customer services, all these initiatives, everything
10 we are talking about is to enhance that. It is about
11 community relations. Can't say it better than the
12 Chief.

13 COUNCIL MEMBER BRANNAN: So, just really quick,
14 so are we - I mean it sounds like we are talking like
15 the NCL program was sort of put on pause. Is that -
16 or were they just sort of dispatched elsewhere or?

17 RODNEY HARRISON: It's not on pause but
18 unfortunately there was some setbacks. Once again
19 because of social distancing and being able to get
20 out there and work hand and hand. It was a little
21 bit of a struggle. Some of the setbacks regarding
22 financial concerns that the NYPD had to face. That
23 also kind of hurt us as well because of attrition and
24 some other things where we lost a lot of uniform
25 members of the service due to retirement.

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2 But once again, I want to reassure you that we
3 are going to make sure going forward that the
4 neighborhood policing philosophy is a team effort.
5 It is going to be something that we are going to make
6 sure that all residents of the city know who the
7 neighborhood Coordination Officer is. I bring issues
8 or concerns to their attention and make sure we are
9 working together to address them. And that's one of
10 the things that I am really looking forward to taking
11 on this new endeavor as the Chief of Department.

12 DEAN FULEIHAN: Right, this is about enhancing
13 neighborhood policing and how we move forward and it
14 is throughout – the community engagement is
15 throughout this plan. It's throughout all public
16 discussions.

17 COUNCIL MEMBER BRANNAN: Okay, thank you.

18 COMMITTEE COUNSEL: Thank you Council Member. We
19 will now turn to Council Member Cabrera followed by
20 Council Member Rosenthal and then Council Member
21 Barron.

22 SERGEANT AT ARMS: Time starts now.

23 COUNCIL MEMBER CABRERA: Thank you so much.
24 Thank you Madam Chair. Thank you for your
25 leadership. Commissioner, First Deputy Mayor and

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2 everyone here present today. One of my proudest
3 moments in the Council was working alongside with
4 Council Member — back then, Council Member no Public
5 Advocate Jumaane Williams in the Cure Violence
6 Program.

7 The reason I am mentioning it is because as we
8 looked at the numbers, we had the lowest numbers in
9 terms of crime as of February of last year. And a
10 large part of that I attributed to the Cure Violence
11 Program and I am preparing that context to ask you
12 first Deputy Mayor to see and explore the possibility
13 of doubling of the funding for Cure Violence Program.

14 We know they work. What we are finding in our
15 district right here in the Bronx and Brooklyn and so
16 forth is that, though they are making a huge impact,
17 their range due to the lack of funding — and we are
18 grateful for the funding that they have but it is
19 just simply not enough for the bandwidth that they
20 need.

21 They take care of ten blocks but the reality is
22 they are doing much more than those ten blocks. But
23 we have gaps in the districts and I know we started
24 this week with events, a program, very glad that we
25 got that going. But what if, we can imagine uh

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2 doubling the amount of the funding for Cure Violence
3 Program and what would that look like? I truly
4 believe that we will see the numbers drastically
5 change.

6 We know it works. As a matter fact, it is the
7 most successful Cure Violence Program in all the
8 nation, hands down. And so, we have something that
9 is working, why not expand it? I think and at the
10 end of the day the amount of funding that they need
11 to be able to expand it and what I mean expansion, I
12 am talking about doubling it. I know we are talking
13 about 27, 27 maybe \$30 million more but when you see
14 the level of impact and while we are expanding so
15 many other things in the city, I think that we will
16 get a great return.

17 So, I am just curious as to your thoughts about
18 the possibility of doubling the funding for the Cure
19 Violence Program.

20 DEAN FULEIHAN: My thought are it has been very
21 successful. We need to — we are expanding. We are
22 doubling. We committed to a doubling of the
23 workforce. There is already and you have certainly
24 participated in this. A significant from where it
25 was in 2013. It barely existed to where we are now

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2 and we, look and it is part of this community
3 relations. It is part of restorative justice, which
4 again is throughout the pages and pages of the plan.
5 Are we open to further doing that? Well, yes. We
6 did it yesterday with the Mayor and the Public
7 Advocate announcing an expansion. In a different
8 model but basically a very similar to cure violence,
9 which I know is actually going to be in your
10 community. One of your neighborhoods will actually
11 be the beneficiary of the new and innovative approach
12 to cure violence, taking it to a different level to
13 see if we can even be more successful.

14 So, are we willing to have this conversation with
15 you. Yeah, I am happy to start this right after
16 there.

17 COUNCIL MEMBER CABRERA: And I want to thank you
18 and I want to thank the Administration, the Public
19 Advocate and the Speaker and indeed in the 46th
20 Precinct we are going to have the program solute you
21 for it. I am just, my level of eagerness and
22 optimism regarding the fact that it worked so well
23 that I think is little money compared to the result
24 that we would get.
25

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2 So, appreciate your consideration. We started
3 with \$6 million back some years ago and we had to
4 greatly increase it but looking forward to the
5 expansion of it and getting a tremendous return.
6 Which at the end of the day, the return is save
7 lives. To see our young people having a pathway to
8 success.

9 Thank you so much and I think I will be the first
10 one to finish on time Madam Chair.

11 DEAN FULEIHAN: And I am just going to add and
12 you are hearing us Commissioner. I think you are
13 hearing it from all of us responding. You heard it
14 in my opening remarks. All of this, we recognize the
15 urgency and how much we have to accomplish and how
16 quickly.

17 COUNCIL MEMBER CABRERA: Thank you. Thank you
18 Madam Chair.

19 COMMITTEE COUNSEL: Council Member Rosenthal
20 followed by Council Member Barron and Council Member
21 Miller.

22 SERGEANT AT ARMS: Time starts now.

23 COUNCIL MEMBER ROSENTHAL: Thank you so much.
24 Thank you Chair Adams for your extraordinary opening
25 statement. Your pain is felt and clear and the same

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2 to Public Advocate Jumaane Williams. Your pain is
3 palpable and I hope, I hope the people need to hear
4 it and feel it. I really did.

5 I have a couple of questions. The first is, you
6 know, as we talk about police reform, I am wondering
7 if this extends to the sexual violence division, the
8 Sex Crimes Unit. And you know, I am wondering if you
9 Commissioner Shea and Deputy Mayor Fuleihan,
10 interested in really addressing the issues that were
11 raised in the DOI report from 2018? We did pass some
12 legislation encouraging you to follow those
13 recommendations but we have not seen the trauma
14 informed training that has to happen. For example,
15 we have not seen the increase in the number of
16 detectives and I raise it because this morning I did
17 do the — I did join the Mayor in his advisory about
18 the DV the NYPD and the DV programs but I saw the
19 words trauma informed education over and over again.
20 And I am hard pressed to believe that those words
21 reflect how the advocates describe trauma informed,
22 which is like a ten day training that involves trust
23 building and you know walking a day in the shoes of
24 survivors.

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2 So, there is a lot packed in there. Also, since
3 then you have been waiting, I don't know where we are
4 on trying to get to best practices for the special
5 victims division. We were going to hire a
6 consultant. I think one of the advocates was able to
7 sort of set that up and it was pursued. I don't know
8 what that is going on. I don't know if perhaps the
9 Administration, Deputy Mayor Fuleihan, you would be
10 willing to take on this expense of doing a real best
11 practices analysis of the NYPD SVD. There is a shop
12 uhm, at the Research Triangle in North Carolina that
13 does this work. It is their expertise and uhm,
14 perhaps we can use this moment in time to actually do
15 that work.

16 The second comment and this is a little bit of a
17 throw away because I really want to hear the answer
18 to the Special Victims Division issues. You know,
19 your budget director, who I think is amazing and have
20 very deep respect for was talking about the necessity
21 of overtime and you know, juggling sort of how do you
22 manage you know, dealing with crime and reducing
23 overtime.

24 I just want you to know that in my district, I
25 have the Columbus Statue in Columbus Circle and at

1 every moment of the day, because I have gone by it at
2 different times of day, there is a police car with
3 two officers sitting in the circle with its whoops
4 whoops going on. And every time I see it, I get just
5 a tiny bit of a pit in my stomach that this is how we
6 are spending overtime money and it is this money that
7 could be going to Cure Violence Programs, restorative
8 justice, all these other things we are talking about.
9 And to hear you say like, oh, we just can't cut back
10 on that overtime.

11 Like, I urge you to go back and do a detailed
12 analysis of where you are spending the overtime now
13 and whether or not there aren't some areas that you
14 could cut back on.

15 So, those are two questions. Thank you very
16 much.

17 DERMOT SHEA: Rodney, you want to jump in Special
18 Victims?

19 COUNCIL MEMBER ROSENTHAL: No, listen and listen
20 Chief Harrison is terrific and he came in. He has
21 brought issues to the advocates, to myself. We have
22 tried to follow up. Look, his heart is in the right
23 place. I am not talking about Chief Harrison. He is
24 terrific. I think he is trying to do what needs to
25

1
2 be done but Commissioner Shea, this really rests at
3 your feet. We started talking about this in 2018 and
4 I have not heard you say that you believe in the
5 problems that were raised in the DOI report and I
6 have not seen your commitment to doing these three
7 things about training and staffing levels, case
8 management. You know, really I am sorry sir but and
9 I know you have a lot on your plate but we have met
10 just too many times for you not to know the answers
11 to these questions.

12 DERMOT SHEA: And if you would like the answers
13 to the questions, they will be provided right now.
14 Rodney.

15 RODNEY HARRISON: Councilwoman, thank you once
16 again. It is always good to see you. It has been a
17 pleasure working with you since I have taken over the
18 Chief of Detectives. Regarding your concern about
19 the trauma informed sexual assault training. Just to
20 let you know, we are not using FED anymore. I am
21 sure you are very familiar with that.

22 The last training that we had regarding that was
23 in March of 2020 and right now, we have 217 of our
24 256 investigators trained.

1
2 COUNCIL MEMBER ROSENTHAL: Trained in what? I
3 mean, one of the bills asked you, the NYPD to lay out
4 exactly what the training would entail and you are
5 supposed to issue an annual report that. I haven't
6 seen what the training, I mean, maybe I missed the
7 report but last time I checked.

8 So, I am sorry to go back and forth with you and
9 you know how much respect I have for you Commissioner
10 Harrison. It is not about you. I think that it's
11 Commissioner Shea who makes the final decisions about
12 how detective, moving people to first class
13 detective, how that runs you know. And we have
14 talked about this nauseum and I am not going to
15 continue but you know, we all know that homicide is
16 the cool unit.

17 So, everyone gets promoted to detective there.
18 Why would anyone want to join SVD. We have lost
19 first level detectives there. There has been no
20 increase. So, I don't know. It's hard to hear this
21 again. It's hard to hear the same old answers again.
22 We have just been in too many meetings for there to
23 be the same answers. I don't know.

24 First Deputy Mayor Fuleihan, do you have any
25 thoughts about this? I think you and I met about the

DOI report. And no disrespect. I mean, seriously Chief Harrison, I admire you to the moon and back.

RODNEY HARRISON: Thank you. Thank you, Councilwoman, if I could just real quickly just jump in before you pass it over to the First Deputy Mayor.

If you just take a look at every single time there was a promotion and I really took pride in this. Somebody from Special Victims, be it a Lieutenant, be it a Sergeant, be it an Investigator was on that list.

Sometimes it was two investigators. So, we really have jumped leap years regarding the importance of making Special Victims one of the pristine investigated units within the Detective Bureau.

COUNCIL MEMBER ROSENTHAL: That's awesome, how many first grade detectives are there right now? Last time I checked, there were three.

RODNEY HARRISON: Well, right now, it is at — I have it at four right now, which is still a number that we need to improve on. You know and I have shared some of the concerns about people coming into Special Victims. It's not work for everybody. It is

1
2 a very difficult job of investigating somebodies
3 crimes, sex crimes or even child abuse crimes.

4 So, the most important thing Councilwoman is we
5 want the right people conducting these
6 investigations. We don't want to just grab people
7 and put them in there. We want to make sure that
8 people –

9 COUNCIL MEMBER ROSENTHAL: Yeah, I know. This
10 has been your work for the seven years I have been
11 there and I know this is your job, so of course, you
12 want to get the right people and look, I defer to the
13 advocates to say what the qualifications of those
14 right people are.

15 So, right, of course, that's their job, that's
16 your job. I understand that. Chair Adams, I mean I
17 don't want use up too much time if we are not going
18 to get new answers.

19 CHAIRPERSON ADAMS: Yeah, I appreciate that
20 Council Member Rosenthal. We are being asked to
21 adhere strictly to the clock, so I am going to thank
22 you for your questions and uhm.

23 DEAN FULEIHAN: Let me jump in. If I may jump in
24 and I will do it quickly. Uhm, we care deeply. You
25 are clearly hearing that. You participated with the

1
2 Mayor on victims assistance this morning. That in
3 the report, I can hand it over to Chelsea to do more
4 but look, you are asking additional questions and I
5 am sincere in this, we are happy to sit down with the
6 Commissioner and have a conversation.

7 If you think there is something we are missing in
8 best practices, I know the department, I know the
9 Commissioner, I know the Chief. They are always
10 going to be open in having that conversation. If
11 there is something we can do, we will do it.

12 DERMOT SHEA: Hey Dean? Yeah, Dean, I can just
13 jump in and answer a couple other questions too. I
14 mean regarding SVD reports, we comply with the laws.
15 They are posted online. I encourage not just
16 Councilwoman Rosenthal but anyone that is interested,
17 you can read them.

18 COUNCIL MEMBER ROSENTHAL: They are mediocre at
19 best sir. They are mediocre at best. Yes, they
20 comply with the strict definition of the law but does
21 it move the ball forward? No.

22 DERMOT SHEA: I am sorry, I wasn't done
23 Councilwoman, I am sorry.

24 COUNCIL MEMBER ROSENTHAL: Sure.
25

DERMOT SHEA: Regarding RTI the Sexual Assault Review that was recommended by the advocates, you know, I got to give Rodney credit. I got to give Mike King credit and everyone, the whole team at Special Victims. They are really you know, incredibly dedicated to the survivors of these complaints that they get. They took the step to have the RTI do the review. It is already underway and we expect it to be completed by this fall.

And I think Rodney spoke of the you know Dean, the dedication regarding the promotions. Special Victims is strongly advocated for by Rodney. All those recommendations come directly to me and we have made sure that they have received more than their fair share of promotions as we spread them throughout this agency. But thank you for your questions.

COMMITTEE COUNSEL: Thank you Commissioner. I am sorry Council Member. We have to move on. Council Member Barron you are up next followed by Council Member Miller and Council Member Reynoso.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER BARRON: Thank you. Thank you Madam Chair. I have to make sure that I go and find

1
2 your opening remarks because all of my colleagues
3 have cited that.

4 So, I have to go back. I wasn't here for all of
5 the hearing but I am glad that I have this
6 opportunity now.

7 We have to recognize that the history of this
8 country and yes, I am going back into the past.
9 Although people seem to not want to address things in
10 the past and just want to move forward. But the
11 history of this country is such that they stole the
12 land from the Native Americans and imprisoned and
13 kidnapped Africans that brought them here and used
14 their unpaid labor to get to the point where we are
15 now without any compensation.

16 A police department in its foundation was
17 established to maintain that system that used the
18 unpaid labor and in fact captured those who were
19 running from enslavement. Because they wanted to
20 maintain the economic system of this country.

21 They began to then criminalize certain acts that
22 have before been misdemeanors. Such as if you stole
23 a pig after slavery you were then incarcerated.
24 Before, if you had stolen a pig because you needed to
25 provide for your family, you would be given a fine.

1
2 So, with this move towards establishing the NYPD,
3 acts that have before been misdemeanors were now
4 criminalized. Why does crime happen? Crime happens
5 for many reasons. Some of it are people who have
6 mental health issues. Others are people who are in
7 poverty and don't have the ability to get those other
8 resources through so called legal means and then
9 there is also of course the issue that the system has
10 not provided basic needs to people in our country.

11 The Police Department now is engaged in this
12 policy of getting this reform package and the reform
13 program to respond to the Executive Order and I do
14 believe that much of what has been given to us is
15 simply to respond to that Executive Order and not
16 anything on which we can rely.

17 Well, Councilwoman, why would you say that?
18 Let's go back to the record. The Police Department
19 on record has repeatedly lied to this body about
20 practices that they say that were implemented in
21 their policies that were being inactive. I go back
22 to the case of them telling us, oh, we are not
23 putting two rookies together. We are always going to
24 make sure we have an experienced partners on that
25 team. I don't know how many other people remember. I

1
2 remember it and subsequent to that is when we found
3 out that was not happening with the death of Akai
4 Gurley by the officer who was not following policy,
5 not following training.

6 So, this message of we are going to improve our
7 training and we are going to make sure they follow
8 policy has not been demonstrated in the past to be
9 something that we can rely on the NYPD to do.

10 I believe that the actions in this plan are
11 politically motivated to be able to just say that
12 this is what we are going to do.

13 The meetings that were held in the community were
14 not welcoming to those persons and organizations that
15 were critical of the NYPD. And I got that from
16 organizations that told me they were unwelcome in
17 those gatherings.

18 And we also want to recognize that uhm, there has
19 not been an ability for people to really demonstrate
20 fully what they would want to see. In my comments to
21 the body, to the group that came to talk to me said,
22 we will not get any place as long as we now have a
23 Commissioner who said when he was yes, and I am going
24 to say it again. You always say, I knew you were
25 going to ask that.

1
2 Yes, when Commissioner Shea was the Chief of
3 Crime Control, "I do not believe that NYPD officers
4 treat Black communities any differently than they
5 treat White communities."

6 Now, recently, I hear he has had an epiphany and
7 yes, there have been differences and this plan is
8 going to make sure that as we move forward, we have a
9 better reach of action. So, my first question and I
10 am seeing my time so I am going to hold off on that
11 question and simply say that as we move forward to
12 create a new model for providing safe communities, it
13 needs to involve those community-based organizations
14 that have an established record of being effective
15 and getting results in their community.

16 We need to put resources and finances into the
17 mental health issues that community members face and
18 provide the social services that people need, so that
19 they can move beyond the assistance level of living –

20 SERGEANT AT ARMS: Time expired.

21 COUNCIL MEMBER BARRON: Thank you. To be able to
22 provide themselves with jobs that are reasonable.
23 And what we need is an Elected Civilian Review Board,
24 not one where the members are acquainted by the
25

Mayor, appointed by the Police Department and by the City Council.

So, if the Commissioner would like to explain his epiphany, I would appreciate that and I support the comments of my colleague Brad Lander, when he talked about the fact that there was no reduction in the headcount of the NYPD and yet you were still asking for more money. Thank you.

DEAN FULEIHAN: I will jump in. I would like to say and we have known each other a long time.

COUNCIL MEMBER BARRON: Yes, from Albany. Yes, where much of the same things happened, yes.

DEAN FULEIHAN: But what we have put forward in these plans, is about serious and transformative change and we are happy to just a minute, I will be quick.

We are happy to work with you, any of you and we recognize it is just one point on this. And I will say the Commissioner and it is worth reading, a letter that begins in the second report is a clerical. So it is clearly in there and that's the statement by the Commissioner on behalf of the whole department that we all are excepting the very goals that we talk about. The decriminalization of

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2 poverty. The ending of racializing police. Every
3 single one of these, of the goals that we are
4 articulating. The forms that we are committing to
5 and the future work, the immediate future work we are
6 willing to do with you. Our recognition of that
7 history. Our complete recognition. We know we
8 haven't gone far enough. We are willing to work with
9 you to go that extra distance.

10 COUNCIL MEMBER BARRON: Thank you. Commissioner
11 Shea, would you like to explain your epiphany of when
12 you realize that there was a difference between the
13 way Black and White communities were treated? When
14 did you come to this realization?

15 DERMOT SHEA: Yeah, Councilwoman Barron, thank
16 you and just really two or three points and I will
17 save that for last because I think it is most
18 important.

19 You made the statement about certain people being
20 excluded from the process and from the meetings. If
21 that happened —

22 COUNCIL MEMBER BARRON: I said they felt
23 unwelcome. I didn't say they were excluded.

24 DERMOT SHEA: Oh okay and you are right and that
25 was certainly not our goal. Regarding the quote and

1
2 the epiphany, I didn't have an epiphany. You know, I
3 will go back to the quote, when you didn't like my
4 comment probably three or four years ago, I stand by
5 the comment. The question you asked me at the time
6 and I don't remember the exact and I am sure you have
7 it, was that the Police Department of the NYPD is a
8 racist Police Department that goes out there. I
9 don't agree with that -

10 COUNCIL MEMBER BARRON: That was not my question.
11 That was not my question. Go back and read the
12 record.

13 DERMOT SHEA: Yeah, I don't agree with that point
14 now either but that's not to say that the Police
15 Department or Law Enforcement in general doesn't have
16 to own its mistakes. It's not an epiphany but I
17 thought it was important that you know, there is a
18 lot of different sides and I will go back to Jumaane
19 Williams statements earlier and I give him credit and
20 I agree with everything he said.

21 You know from the heart, speaking about tough
22 things that have to be done. And that goes for
23 everyone on this call. And I don't think it does
24 anyone justice or helps the balance of where we have
25 to go to continue in our historical positions of

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2 let's be on opposite sides. I think we need more to
3 the middle Councilwoman and that includes me. In
4 terms of hearing people, listening to people, making
5 sure that I do the best job as Police Commissioner
6 for the City of New York.

7 But last week, last year or today did I have to
8 you know, have an epiphany about the role that Law
9 Enforcement has played and it is a complicated role
10 with people of color and uh, you know I think my
11 words stand for what I have said on that several
12 times now.

13 COMMITTEE COUNSEL: Thank you.

14 COUNCIL MEMBER BARRON: Thank you Madam Chair.

15 COMMITTEE COUNSEL: Thank you Council Member.
16 Thank you Commissioner. We will now turn to Council
17 Member Miller followed by Council Member Reynoso and
18 Council Member Rodriguez.

19 SERGEANT AT ARMS: Time starts now.

20 COUNCIL MEMBER MILLER: Good morning, good
21 afternoon. Thank you so much Madam Chair for your
22 leadership here this morning and what you have
23 demonstrated during your time as Chair of Public
24 Safety.

Commissioner and First Deputy, thank you for being here to you and the rest of the team. A lot of this mornings conversation has been surrounded around the area of reform. And I would submit that from my seven plus years in this Council that we have – I spent on this Committee and with my colleagues, not just on the Committee but throughout the Council, spent significant time around police reform and different initiatives that would address policing in the City of New York, particularly around communities of color.

So, I would submit that we remain committed to those issues and that we want to see those issues move forward. Now while as Council Member Barron articulated, the rush is based upon the Governor's mandate to have something by the 1st of April. Certainly, that is not something that's realistic considering that all of the things that we have talked about over the past years incrementally are happening but at the same time, continue not to be addressed.

Also, mention the lack of engagement and where those who participated in this process came from within those communities and sometimes you know, we

1
2 have to step outside of our comfort zone and hear
3 from those who aren't necessarily speaking the truth
4 that we want to hear. And that is something that I
5 experienced in that.

6 And so, I say all that portion to say that I do
7 not want to get away from what has led us here and
8 the things that we have talked about in the
9 department, particularly as it relates to the budget.
10 The civilianization or the lack thereof and how that
11 narrative of the budget has now got coopted and does
12 not necessary coming from those who are most impacted
13 by a law enforcement and perpetuated these injustices
14 on those communities and then, we are just looking at
15 the low handed fruit and having conversations of that
16 and criminalizing school safety agents. Which are
17 Black and Brown women who sometimes are the only
18 civilians our community that these children see day
19 in and day out or traffic enforcement. That is part
20 of the transparency or lack thereof that the NYPD has
21 put on us to say that we are this majority Black and
22 Brown force and you take away the traffic agents and
23 you take away the school safety agents and they
24 continue to be White males, right?

Let's talk about how do we deliver services in an equitable and efficient way. That's what we want but most importantly, we want to be treated with dignity and respect. We don't want all of these new nuances based on something that happened last year when folks of color have been treated disproportionately in a negative way for generations, right? And we know what that is.

And then, just some of the things - I don't want to get away from just the quality of life and the dignity and respect, right? We pass laws here overnight trucking and truck enforcement and we got more trucks all over the city, which not only is a quality of life but you can't send your children to school because the only place that they get to park is in front of Parks and trucks, right. And you go

1
2 past and you get 10 and 20 tractor trailers lined up
3 and they can snatch a child or a woman or a male from
4 between there. It's not just you know that they are
5 messing up the environment but its unsafe and nothing
6 is being done about it. And there are so many
7 different nuances that happen about quality of life
8 and about policing that aren't being addressed here
9 today that as we talk about a budget, how do we
10 address those things? How do we address the fact
11 that I know you said that we didn't have a tow truck
12 or we didn't have somewhere to put them but it
13 continues to happen. Is that addressed in this years
14 budget?

15 We talked about — we announced with the Mayor —

16 SERGEANT AT ARMS: Time expired.

17 COUNCIL MEMBER MILLER: Late last spring about
18 expanding Cure Violence, particularly to South
19 Jamaica in 103rd Precinct which continues to be at an
20 all time high in gun violence.

21 Guess what? It has not happened. So, the
22 rhetoric about what we are going to do have not been
23 put into action. Does this budget reflect action or
24 does this budget reflect more rhetoric about what we
25 can do?

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2 DEAN FULEIHAN: So, I will jump in and the
3 Commissioner may want to add somethings. Look, let's
4 stick with your very last point on Cure Violence. We
5 are talking about right now doing a really
6 significant expansion. Let's have a conversation
7 with you and make sure your community, your
8 neighborhoods are getting the right kind of service
9 they need. We are committed to doing it.

10 If it is not happening, I give you my assurance
11 and we will right after the hearing, we will make
12 sure that we look at that and see that you are
13 getting the kind of intervention you need there.

14 The whole plan, the whole plan and I don't mean -
15 I apologize if I am repeating it. But all of this
16 are about serious reforms to address the problems you
17 are talking about.

18 COUNCIL MEMBER MILLER: Hey Dean, I am sorry. If
19 I may please Madam Chair. Surveillance is a big
20 issue when it comes to our community and I know
21 before Commissioner Shea, we were talking about
22 surveillance and the last Chair, it was a big issue.

23 Could we talk about that and the budget and in
24 terms of domestic terrorism particularly as it
25 relates to White Supremacy? What does the budget

1
2 look like? What is happening there? Because I don't
3 know, this is a conversation that we generally have
4 and what policing looks like. Can we have that
5 conversation because there are a lot of folks in
6 communities of color that are very much concerned
7 about that as well.

8 DEAN FULEIHAN: Yes, yes, we will have that
9 conversation.

10 COUNCIL MEMBER MILLER: I expect to hear from
11 Police Commissioner.

12 DEAN FULEIHAN: I will allow the Commissioner but
13 have something to do with the budget, so I can say
14 that yes, we will do that.

15 COUNCIL MEMBER MILLER: Okay, great. And I see
16 all the Chiefs there and don't want to just dismiss
17 the work that they are doing, the Yeoman's work.
18 They have been very attentive, very much so and I
19 look forward to continue to work with them and being
20 engaged. And I think that's what we want. We want
21 to be engaged but we want to be treated with dignity
22 and respect and not lose site of all the things that
23 work, all the things that we worked on and have the
24 narrative to be changed. If we could commit to that.
25 Continue, commit to that and not the manifesto of

1
2 call your Council and get down to real work then I am
3 satisfied.

4 COMMITTEE COUNSEL: Commissioner Shea, did you
5 want to add something?

6 DERMOT SHEA: Yeah, I would just add Councilman
7 Miller, thank you. You know for your support and you
8 have been a big supporter and I thank you for that.
9 Regarding your earlier statement on school safety and
10 traffic agents and then the larger diversity issue,
11 that's something that we heard throughout New York
12 City when we did the different listening sessions. I
13 would just say that you know, I really support, I
14 really thank you for the support of the school safety
15 agents. I think they are the fabric of their
16 societies. I think they do phenomenal work and I
17 think they were cast in an unfair light in my
18 opinion.

19 You know, when we speak of being a majority,
20 minority Police Department now, that does not include
21 those numbers. At the police officer rank, we are
22 now more than 50 percent, I believe it is 56 percent.
23 You know, Ben, next to me here, uhm, regarding people
24 of color. Certainly in some positions when you talk
25 to traffic agents and school safety agents, that is

1
2 excluded in those numbers and when you categorize
3 civilians across the department, those numbers go up
4 significantly.

5 Ben, do you have anything you want to add to
6 that?

7 BEN TUCKER: Well, I just uh, I will just back
8 up, you know, jump in on what you said. Councilman
9 Miller -

10 COUNCIL MEMBER MILLER: Hi Ben, how are you sir?

11 BEN TUCKER: Alright, good to see you. Thank you
12 for your support as the Commissioner said. But also,
13 you know, you and I have had this conversation a
14 number of - both online at Council meetings but also
15 offline. And I have to tell you and I think you know
16 this, that our commitment to you know, providing fair
17 and equitable police services you know across the
18 board and certainly, that includes communities of
19 color, is unconditional.

20 And yeah, we have challenges and certainly with
21 the crime existing in many of those communities of
22 color, that certainly exacerbates the challenge that
23 we have but we are you know, the shootings and so
24 forth. As was mentioned earlier, when it comes to
25 our commitment there, it is again unconditional and

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2 we have proven that in the amount of guns that we
3 have taken off the streets.

4 At the same time, you know, that means what we
5 see is that there are just an enormous amount of guns
6 still out there and that is a real challenge for us
7 and certainly in the budget context, uh, it's been
8 spoken about already so I won't belabor it but
9 certainly any cuts that we have sustained have had an
10 impact on our ability to really cover. And we have
11 had to move resources around, so it has impacted our
12 neighborhood policing commitment and philosophy in
13 the way in which we do what we do.

14 But you know we, as part of and then the final
15 thing I will say is when you talk about the reform
16 effort. It is building on — it really is building on
17 the progress that you, I think are aware of that's
18 been made in this agency over the last seven and a
19 half years or so. And this process is cumulative and
20 I think some of the changes that have occurred so far
21 have given us a solid foundation upon which to build
22 going forward. And some of these issues are you
23 know, certainly beyond the scope of NYPD in
24 particular and have more to do with I think the
25 larger issues around systemic challenges that we all

1
2 know exist and you mentioned some of those already as
3 well.

4 In terms of housing, in terms of public health,
5 in terms of a variety of issues, mental illness and
6 so forth that other members of the Council have
7 mentioned and referenced as well. So, I will leave
8 it there.

9 DEAN FULEIHAN: Yeah, I want to add, echo the
10 comments of the Commissioner and the Deputy
11 Commissioner on school safety agents. I just want to
12 make it very clear the respect we have for them. The
13 new Chancellor has already begun the conversations
14 about the transition. We are going to work very
15 carefully with the NYPD, the Department of Education.
16 We are going to involve the union. We are going to
17 make sure that the transition is done as a way that
18 these employees are appropriately and properly
19 respected. That's a commitment on the whole
20 Administration.

21 COUNCIL MEMBER MILLER: Thank you.

22 COMMITTEE COUNSEL: Thank you. We will now turn
23 to Council Member Reynoso followed by Council Members
24 Rodriguez and Council Member Deutsch.

25 SERGEANT AT ARMS: Time starts now.

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2 COUNCIL MEMBER REYNOSO: Uh, thank you Chair for
3 the great work that you are doing in this hearing. I
4 guess for me, it is pretty straight forward. I just
5 want to make sure that the public knows that the
6 safest neighborhoods in New York City are the ones
7 with the least amount of cops but they have the most
8 secure housing. They have the most secure education.
9 The most secure jobs. The most secure healthcare.
10 All these other resources that are plentiful in
11 neighborhoods that are safe, that are not in ours.

12 What we do have is over policing or more cops.
13 If cops were to drive crime down, then you would
14 assume or suspect that they would be in these low
15 crime neighborhoods but they are not. Because cops
16 don't necessarily stop crime and we have seen that
17 with just two recent shootings in Brooklyn where cops
18 were stones throw away from incidents and the
19 incidents that were happening.

20 So, they don't necessarily stop crime, they might
21 respond to them but they don't necessarily stop them.
22 But I guess the core issue here is that remember, the
23 safest communities are the ones that have all these
24 other resources, not policing. And that we start
25 thinking about what we want our communities to look

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2 like. Whether we want a high quality education for
3 our children, access to real jobs, union jobs in our
4 neighborhoods.

5 Whether our housing is dignified in any way.
6 Those are the conversations that we should be having.
7 Not talking about needing more police to address
8 these issues that are rooted in poverty and that are
9 the real cause of crime, which is poverty ultimately.

10 I actually think that we are just biding time
11 until we get a new Mayor and at some point a new
12 Commissioner as well. I just don't think that this
13 police department in the seven and a half years that
14 I have been a Council Member has been serious about
15 reforms.

16 There are things that they have done that are
17 just unacceptable. So, it's time, you know, I am not
18 going to just move with the theater and ask questions
19 that I know for sure that they will answer well
20 because they are prepared but don't really execute
21 and don't effect change in my neighborhood or effect
22 change in your neighborhood.

23 But I will ask about something that I think is
24 meaningful. And it's about schools and metal
25 detectors. Our schools are more a reflection of a

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2 prison or jail system then it is institutional, like
3 educational institutions and I want to ask, how many
4 schools currently have metal detectors in our city?
5 Where are those schools located and where are the
6 metal detectors located and what are the resources
7 that are put forth by the NYPD to not only maintain
8 the metal detectors but also man those metal
9 detectors with more school safety agents?

10 And I guess those are my questions.

11 DERMOT SHEA: Chief Obey, is Chief Obey on?

12 COMMITTEE COUNSEL: I am sorry Commissioner. Who
13 would you like us to unmute?

14 DERMOT SHEA: I don't know if she is on. She may
15 not be Chief Obey and if not, we will have to get
16 back to the Councilman with specifics on the number
17 of schools, the number of metal detectors. You know,
18 it's greatly diminished. I apologize and I know it
19 is set forth in policy agreements with the Board of
20 Ed but Lola may not be on right now.

21 COMMITTEE COUNSEL: I don't believe that we have
22 her on the list.

23 DERMOT SHEA: Councilman, we will have to get
24 back to you with those specifics and that would be
25

1
2 maned by school safety agents and not police
3 officers.

4 COUNCIL MEMBER REYNOSO: Right but school safety
5 agents wear the uniforms of police officers. So,
6 it's just the perception of a system that is not
7 necessarily you know, encouraging of education. But
8 uhm —

9 DERMOT SHEA: I agree with that and I wish we
10 were in a world where we didn't need metal detectors
11 at all. I think we all want that. Where kids could
12 walk into school, have a safe environment. I think
13 that's been behind the push to limit them, to when it
14 is absolutely necessary. I know Ben has a lot more
15 expertise on this issue than I do. But we also have
16 to make sure that we have a safe environment for the
17 kids. That's paramount too and I know that that's
18 what everyone wants. Whether it's you, whether it is
19 the teachers, whether it is certainly the parents.

20 So, we have done a lot of good I would say in
21 recent years in reforming policies regarding schools
22 to have a much, much softer touch. To reforming
23 policies of minimizing when arrests or the police get
24 involved at all to an eliminating, to minimizing
25 traditional handcuffs.

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SERGEANT AT ARMS: Time expired.

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DERMOT SHEA: So, there is a lot of reforms that have been done in and around the schools. And you know, we look forward, we can follow up with you, with Chief Obey you know for any other suggestions that you have.

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COUNCIL MEMBER REYNOSO: Yeah and I appreciate that Commissioner. I just, you know for the budget purposes and given the amount of attention that is being put on school safety agents and just policing in school. I wish you have been prepared for that but I guess for my colleagues, we have these conversations in budget negotiating and this is what I see from elected officials on this call right now, is a very different reality than what we have in budget negotiating.

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19

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21

I just want folks to really focus — hi Poppy. I really want folks to pay attention to what we are talking about when it comes to the resources that we actually need in our neighborhoods.

22

So, thank you so much for this opportunity Chair.

23

24

25

DEAN FULEIHAN: I want to jump in and just echo what the Commissioner said. The footprint of the NYPD is very different. We made dramatic changes

1
2 over the past few years no what happens in the
3 school. The role of the school safety agents. The
4 amount of suspension significantly down. Alternative
5 placements significantly down.

6 What I really think would be helpful is as we are
7 doing this process of how we transform and deal with
8 school safety agents with the new Chancellor, I think
9 it would be worthwhile having a meeting with you and
10 actually sitting down and having the new Chancellor
11 have this conversation.

12 COMMITTEE COUNSEL: Thank you Council Member. We
13 will turn now to Council Member Rodriguez followed by
14 Council Members Deutsch and Gibson.

15 SERGEANT AT ARMS: Time starts now.

16 COUNCIL MEMBER RODRIGUEZ: Thank you. First of
17 all, I can say that as someone during 1987 or '88 was
18 arrested by the NYPD on 1st and St. Nicholas Avenue
19 after taking political science 101 exercising my
20 constitutional right, when I was told to move from
21 being there given a flyer and I said, why should I
22 move? And I was told, because I said so by the
23 members of NYPD. I said, but I have my right. And
24 the answer was, you don't have any right if
25 Dominicans.

1
2 I can tell you that on many occasions, the
3 interaction that I have with the NYPD for many years
4 was you know, very bad. And I can say not serving in
5 previous inquiry administration, as a father of two
6 daughters, I also can say that even though there is a
7 lot more work that has to be done, I also understand
8 that the discovering of the administration, the
9 effort to train and retrain the members of the NYPD
10 is real by this Mayor. I hope that we will continue
11 seeing more changes and I do believe that also, we
12 need to build a balance on building, investing more
13 on prevention to be sure that the men and women of
14 the NYPD, they are not there to work in the
15 underserved community with so many challenges that we
16 have. Instead of you know going there and yes,
17 enforcing. I feel that it is our responsibility as a
18 city to invest on prevention at the same time that we
19 made the men and women of the NYPD accountable for
20 continuing improving the relationship between the
21 police and the community.

22 I also believe that we as a city have the
23 responsibility to continue also funding the NYPD so
24 that they can have the resources necessary to do
25 their job. But I feel that all those questions

related to over budget, overtime in other areas is a legitimate question that we need to address.

I have a question, two questions. One is, on the topic of ICE. In my district in Taylor Avenue, ICE went and knocked on the door and there was someone with a jacket, the NYPD. I checked with the local inspector to be sure that it was the NYPD or not. Well, the answer was, no that the NYPD was not there. However, there was someone with the NYPD jackets together as ICE. Has the NYPD write, put something in writing denouncing ICE? If it is true that the NYPD is not collaborating with ICE?

DERMOT SHEA: Councilman.

COUNCIL MEMBER RODRIGUEZ: If you don't mind Commissioner if you give me like one minute, so that — I need time to answer the other question.

DERMOT SHEA: Yeah, do you want to ask the other one now and then I will just address both?

COUNCIL MEMBER RODRIGUEZ: That's fine yeah. So, my second part is about — I am proud to see you know, more in this case of American leaders in the top leadership of the NYPD. And I know the detective, the Chief department, Harrison. I know many Dominican Latinas and even with you Commissioner, I

1
2 know that you have a great close relationship with my
3 Latino brothers and sisters but I do have issues. We
4 lost Chief Pichardo. However, I don't think that we
5 have one Dominican right now at the NYPD. I don't
6 think that we have the Latino diversity in the
7 leadership of the NYPD.

8 I am proud to see so many men and women inside
9 the NYPD coming from you know, the Latino's community
10 as a Black community. What are the steps that you
11 are taking to be sure that there is more - I would
12 like to see fewer Dominicans, fewer Latino. In this
13 case bringing things local, how can we have your
14 support and the support of First Deputy and the
15 others to be sure that during this - we can see few
16 Dominicans also being promoters as a one and two
17 start.

18 DERMOT SHEA: Yeah, I will address that one
19 first. That damn Pichardo guy, really left me high
20 and dry. He was a good friend of mine. I love
21 Fausto. It is very important Councilman. It really
22 is. We heard this also over and over in the city.
23 You know the good thing is that we have a very deep
24 bench here and a lot of great, real strong talented
25 men and women of many ethnicities to pick from but we

1
2 heard from communities all over New York City that it
3 is real important for kids and people to have role
4 models. And they want to have -

5 SERGEANT AT ARMS: Time expired.

6 DERMOT SHEA: A connection with people that look
7 and sound like them. I could tell you that diversity
8 at every rank of the department is very important to
9 me. I could tell you that we have promotions coming
10 up this Thursday and we, you know, one of the
11 promotions will be promoted to Chief Armando Mondo.
12 You know but many others you know and when we make
13 those difficult decisions of who to promote, uhm,
14 diversity is a key point of what I look at to make
15 sure that the representation of all levels of the
16 department sideways and top to bottom is well
17 represented.

18 COUNCIL MEMBER RODRIGUEZ: Commissioner, I think
19 that we are doing good in the low entry. Our issue
20 is leadership. I was thinking of the NYPD. There is
21 no and again, you inherit you know what you have
22 right now and what we have seen is and I give a lot
23 of credit. You know I think the first lady having
24 played an important role to be sure that there is
25 more brothers and sisters from the African American

1 community in leadership positions. But I don't know
2 if I can say that New York City has 10,000 leadership
3 positions to an agency. There is only 200 Latinos.
4 When Dominicans made almost 1 million for the 8.6, I
5 think that there is a lot of people waiting to be
6 promoted to detective. It's not only about that it's
7 a different job. It's also about I don't want to see
8 anyone from the Irish, the Italian, the other any
9 group to lose their spot. But I feel that we need to
10 understand. We have failed for so many decades and I
11 think again, to address the improvement or
12 relationship between the police and the community
13 it's not only on having people at the top.

14 I think a lot has to do to continue the work that
15 Mayor de Blasio, that I support his initiative to
16 train and retrain the NYPD and I have seen the result
17 in our community but much more has to be done.

18 So, you know, I think that I hope in the next
19 couple of months you and the team that you have with
20 your right now with the understanding that - if just,
21 imagine right now that this hearing would be
22 happening only without African American or White
23 testifying. Just think about how the Latino who made
24 up 29 percent of New York City, the second largest
25

group, doesn't have anyone sitting with you right now at the top of the leadership of the NYPD.

So, it's about telling people frustration say how our number is there. Why we are not in the top leadership decision in the NYPD as other agency when it can being the second largest group in New York City.

DERMOT SHEA: Yeah, I think you are right and I do have members of Latino ancestry on this call. I could go to Chief Marty Morales who is the Chief of Personnel who is not next to me but he is on. Eddie Delatorre worked with the department and others.

COUNCIL MEMBER RODRIGUEZ: There is like five Commissioner. There is like five Latino in the NYPD. There is only like five right now.

DERMOT SHEA: I am agreeing with you. I am not disagreeing. You know that why it was so important and I was so proud to appoint Chief Phil Rivera as the highest ranking uniformed member of Manhattan North. To lead that entire borough but I agree with you. We have a lot more work to do. You are right. You are right.

COUNCIL MEMBER RODRIGUEZ: We need again, we need your support. My two daughters knowing that they

1
2 have been born and raised knowing that they are
3 Black, they are Latino's, they are American.

4 So, I identify and I know that the Chief of
5 Department both the Chief that you have right there,
6 you know, I know that I can represent - they can
7 represent my Latino community too. But I believe it
8 is our responsibility as a city to bring in diversity
9 and literature. But again, I just want to be clear
10 that in '21 New Yorkers wants to see improvement of
11 the NYPD. New Yorkers want for the NYPD to control
12 their costs but I also know New Yorkers believe that
13 the NYPD needs to get other resources you need to
14 keep us safe.

15 DEAN FULEIHAN: Yeah, I want to just also -

16 DERMOT SHEA: Dean, can I just - Dean, can I just
17 jump in because I didn't, I missed the first question
18 on the ICE issue. Listen, that's Councilman, that's
19 the strength of our country, really. We have very
20 strict protocols regarding immigration. Regarding
21 not talking to people about their immigration status.

22 I'm the first generation. Both my parents were
23 born in Ireland and immigrated to this country. We
24 take it very seriously. ICE is not going to be
25 wearing NYPD rank jackets under any circumstances.

1
2 We have heard this from time to time. I would like
3 to categorize but I will follow up and it's a mistake
4 and it is not true. But I have legal here that could
5 just touch on that to really strengthen that response
6 but we take that extremely seriously.

7 CHAIRPERSON ADAMS: Commissioner, I am going to
8 jump in and say that we believe you. We need to end
9 the questioning by my colleague Council Member
10 Rodriguez and I thank him so much. We are going to
11 move on.

12 DERMOT SHEA: Okay.

13 CHAIRPERSON ADAMS: To I believe Council Member
14 Gibson.

15 DEAN FULEIHAN: Right, I am just going to quickly
16 you know echo that we have made it very clear to ICE
17 that that's not happen in case it ever does. So, I
18 just want to ensure that and I need to at least say
19 that a plan talks about not just recruitment and even
20 more intensive recruitment and not only giving
21 additional points for entering into recruitment to
22 diversify the NYPD but it also talks at the
23 leadership plan.

24 So, we are all recognizing that and we are all
25 committed.

COMMITTEE COUNSEL: Council Member Gibson.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER GIBSON: Good afternoon. Thank you everyone. Thank you Chair Adams for leading a great hearing today. I continue to lift you and your family up in my prayers my sister and I want to thank our First Deputy Mayor Dean Fuleihan as well as Commissioner Shea and all of the Executive members of the department. All of my colleagues and those who are watching, it's been a very long hearing and I do appreciate all of the work that is being done in having this very spirited conversation.

I too, want to continue to lift up the families that we have, just worked with who have mourned the losses of their children. In my own district back on June 29th, we lost 17-year-old Brendon Hendricks, who was a high school graduate on his way to college with a scholarship and he was gunned down in our community.

And then July 5th, I had a father 29-year-old Anthony Robinson, who was walking down the street with his 6-year-old daughter in broad daylight on a Sunday evening, gunned down in front of his child. The trauma that these families experience is

1
2 permanent and the pain that they will live with is
3 also permanent.

4 So, I appreciate the efforts and the
5 acknowledgement of the deep rooted history that
6 communities of color have experienced with policing
7 in New York City. Yes, we have to recognize the
8 problems and the issues as we proceed but it is
9 really important to acknowledge what has happened in
10 the past.

11 I launched Operation Save our Sons and Sisters,
12 Operation SOS last summer Commissioner and I am
13 grateful that Chief Maddrey and Community Affairs
14 joined us. Because we were really experiencing a
15 high level of crime in my district alone and we had
16 peace rallies and marches. We have youth summits and
17 we engaged our CBO's, the anti-crisis management
18 system and all of our organizations including the
19 Mayor's Office to prevent gun violence.

20 So, with all of that being said, I thank Chair
21 Adams for recognizing that in the Dinkins Plan, there
22 are a lot of pages, a lot of information that we are
23 asking the public as well as Council Members to
24 review in a matter of a few weeks, although we have
25 to vote on this.

1
2 So, I am greatly concerned about that and
3 certainly recognize the work of Jennifer Jones Austin
4 and Arva Rice and Wes Moore but I do believe we have
5 to do a lot more.

6 I want to ask a couple of questions. If I can
7 get an update on civilianization and where we are.
8 When I Chaired the Committee, we started at 200. We
9 went to 416 positions and I know there are more
10 positions that are currently held by uniformed
11 officers that can be done by civilian members of the
12 service.

13 I also wanted to ask about the summer season. We
14 have the ability to add more to Summer Youth and
15 making sure we have a comprehensive youth program.
16 So, I wanted to understand, probably from Chauncey
17 Parker, about efforts on the Youth Academy, Saturday
18 Night Lights, opening some of our community centers
19 and our underutilized parks and spaces, in some of
20 our school buildings. Can we get a commitment from
21 the department to work with the Council on having a
22 robust summer youth program?

23 I also wanted to ask about the Brownsville Safety
24 Alliance. This was an initiative that was started by
25 the CO of the 73 Terrell Anderson, where you combine

1
2 CBO's and city agencies collaborating to reimagine
3 what public safety is all about. I want your
4 feedback on that. Is that a model that we could look
5 at in other parts of the city? Because certainly in
6 the Bronx, we certainly could use that.

7 And then the final question I have relates to the
8 Capital Plan. Could you provide us with an update on
9 some of the capital in the Bronx? Namely the 40
10 Precinct and Rodman's Neck. Are there any updates on
11 that? And then just continue working with all of you
12 in making sure that we can have these conversations
13 very honestly and very deliberately about the work
14 ahead but also the challenges that we have.

15 So, thank you so much for your time today.

16 DERMOT SHEA: Thank you Councilwoman Gibson.
17 Thanks for your support always. A lot of questions
18 there, so Chauncey, you are first. Chauncey, if you
19 could just keep it quick in your reply, then we will
20 go to Juanita. Juanita, you will be second on the
21 Brownsville piece, same thing and then I am going to
22 go to Marty Morales and then last, Kristine on the
23 civilianization, Marty and Kristine.

24 So, Chauncey, you are up. You got a minute.
25

1
2 CHAUNCEY PARKER: Yes Commissioner. Thank you
3 Council Member Gibson. When I started here it was
4 over a year ago, the Commissioner said, the most
5 thing to focus on is what we can do for kids. And as
6 a Police Department, I committed YCO's or Youth
7 Coordination Officers.

8 A lot of what you are going to see this summer,
9 you have been a major part of from the very
10 beginning. For example, Saturday Night Lights under
11 the leadership of the Mayor, will now expand to 100
12 sites. As you remember hashtag 100 gems, 100
13 programs beginning this summer will be available,
14 there are currently 20. There are going to be 100
15 across the city.

16 Second, we have been working with our federal law
17 enforcement partners at the request of Commissioner
18 Shea to find new resources and they have been able to
19 dedicate asset forfeiture under Chief Barrere. Where
20 15 basketball courts in public housing including -

21 SERGEANT AT ARMS: Time expired.

22 CHAUNCEY PARKER: That are broken down are going
23 to be transformed into mint condition. Basketball
24 courts, we are working on doing the same with soccer
25 pitches across the city.

1
2 So, you are going to see as you have asked us to
3 from all of our discussions, you are going to see
4 activities with Chief Maddrey, Chief Barrere, Chief
5 Holmes across the city for kids this summer.

6 DERMOT SHEA: Thanks Chauncey. Juanita 73.

7 JUANITA HOLMES: Hi, how are you?

8 COUNCIL MEMBER GIBSON: Good afternoon.

9 JUANITA HOLMES: Good afternoon to everyone.
10 Thank you for your question. So, as far as the 73
11 Precinct model, yes, that's been titled Community
12 Solutions. That's a community solution approach
13 that's been pushed out citywide.

14 As far as your district, I know in the 40
15 Precinct, we have Robert Gallitelli who put together
16 a significant plan to address a location 139, I
17 believe between Brook and Alexander. That's been
18 very problematic to the community. It involves the
19 community. You have interrupters, SOS, you have Guns
20 Down Life Up. You have the Bronx DA's offices he is
21 working with, local officials, Councilwoman Diana
22 Ayala, as well as community partners Gabe De Jesus,
23 the Community President, Council President and a lot
24 of other organizations.

1
2 And that's been pushed out citywide Councilwoman
3 Gibson. It is something that I thought worked very
4 well. It is something that we need but you know,
5 when you talk about public safety, it is definitely a
6 team effort. We speak a lot about our neighborhood
7 policing teams, right? I don't like the neighborhood
8 policing officer because it is a constant, constant
9 fight as far as the teams efforts out there. And I
10 think a lot of people forget about that we have
11 sectors, steady sectors on every tour throughout the
12 city agency.

13 That's also equally responsible for meeting
14 members of the community and the trusted
15 neighborhoods. So, I like the model in the 40. I
16 like the one in the 101 Precinct, but I can assure
17 you it's bringing a lot of city agency partners to
18 the table, as well as elected officials, clergy and
19 then naturally the Police Department. Sitting down,
20 looking at the problems, identifying top community
21 concerns, prioritizing them, then identifying the
22 community solution team. And after that team is
23 identified, they devise a plan of action and they
24 deploy. And they are constantly coming back to the
25 table with biweekly meetings just to address the

1
2 concerns, see if it is working, does it have to be
3 tweaked? Does it require civil litigation? Or does
4 it ultimately graduate to some criminal sanctions.
5 But I think that soft approach starting at the bottom
6 level with the community-based organizations and
7 moving forward and gradually building is the key
8 answer.

9 DERMOT SHEA: Marty Morales, if you could just
10 talk real quick on numbers of civilians and then
11 Kristine, you will finish up and I just got to give a
12 plug to Chief Morales because him and his team this
13 year, I don't know if everyone on the Council knows
14 this but has been instrumental in vaccinating, not
15 only members of the NYPD but members of New York City
16 across the city, including in public housing. So,
17 Marty, to you and your team, thank you.

18 MARTIN MORALES: Thank you, thank you
19 Commissioner. Can you guys hear me?

20 DERMOT SHEA: Yeah.

21 MARTIN MORALES: Alright good, so Councilwoman
22 Gibson, to your question on civilianization. Since
23 Fiscal Year '17, we have identified 417 positions.
24 That includes 95 evidence of property control
25

specialists, 100 service auto workers, 100 criminal analysts, 120 police administrative aids.

We also conduct quarterly surveys to see if we could identify the positions. We currently identified 368 additional positions but they have not been funded at this time.

DERMOT SHEA: Kristine.

KRISTINE RYAN: Yeah, I will add to that that we are committed to civilianization and moving it forward as the Chief just said, we don't have the funding or the headcount for that additional 368 and you know, understanding the city's fiscal situation, we have in fact had our Fiscal Year '21 civilian budget cut by 700 positions.

So, we are trying to balance everything here. Ultimately, we would like to move forward with those additional positions. Council Member, you also asked about two capital projects. The 40th Precinct, we anticipate construction will be completed in November of 2022. There were some delays on capital projects tied to the pause related to COVID, but thankfully everything is moving forward. So we are on target for the November 2022 construction completion there and Rodman's Neck, the final design scope is being

1
2 finalized with DDC and we anticipate construction
3 completion in the winter of 2027.

4 DEAN FULEIHAN: If I could just actually say more
5 to what Chauncey said about youth and your question
6 on youth and how it is – many agencies that are going
7 to be involved and we want to work with you. As you
8 know, the Mayor and our new Chancellor announced that
9 BSAL will continue through the summer, so we are
10 going to have sports through the summer and we are
11 clearly working with DYCB and DOE on a more expansive
12 program for enrichment this coming summer that we
13 clearly want to work with you.

14 COMMITTEE COUNSEL: Thank you. We will turn now
15 to Council Member Deutsch followed by Levin and
16 Powers.

17 SERGEANT AT ARMS: Time starts now.

18 COUNCIL MEMBER DEUTSCH: Thank you. Good
19 afternoon to the entire panel. So, this is to the
20 First Deputy Mayor. So, with a lot less of ridership
21 and now a transit system, we have seen an increase of
22 horrific crimes occurring in our transit system.
23 Riders are getting killed, raped, assaulted. We have
24 also seen an influx of people on our transit system
25 with mental health issues.

1
2 Since last years budget discussion hearing, the
3 Administration and elected officials have been
4 talking about replacing police officers with mental
5 health professionals. Aside from just talking, what
6 conversations had the administration had with elected
7 officials to implement this plan? And what has the
8 administration actually done? That's two questions
9 and if this administration has not done enough, then
10 why aren't we seeing mental health professionals on
11 our entire transit system?

12 And on another question, I just want to take a
13 different topic because I only have five minutes. In
14 addition, we have seen a continued increase of street
15 homelessness. What is the feedback that this
16 administration is receiving from breaking ground as
17 to why street homeless individuals refuse to go into
18 shelter?

19 DEAN FULEIHAN: Okay, there is a lot there.
20 Let's start with transit and when I conclude, I am
21 going to ask the Commissioner to jump in on the
22 actual crime in the transit system.

23 COUNCIL MEMBER DEUTSCH: Well, I am not -- my
24 question is not about the actual crime right now. My
25 question is for those crimes --

DEAN FULEIHAN: But it implied something about crime.

COUNCIL MEMBER DEUTSCH: Okay, so those crimes that are being done by people with mental health issues, that's what I am talking right now.

DEAWL FULEIHAN: But to answer your question, we did increase. We do have much more outreach on mental health teams. So, I will give you the from last year's budget exactly what it is and what was funded.

In addition though, I think one of the things you are referring to, which is in the plan and in the report was the response at 911 and how we were going to respond and have more crisis intervention with mental health. That pilot, which involves FDNY and EMT's and health and hospitals is happening right now. We have negotiated successfully with the unions on how to move forward with that pilot. We are doing that right now. We need to be very careful that 911 calls are answered appropriately and we are doing the proper amount of response.

So, we are actually moving on that right now. We are also moving on 311 to be available in our transit system. That was not the case and we are quickly

1
2 advancing that. So, we are addressing these issues.
3 Does more need to be done? Yes. Does more need to
4 be in the executive budget? Absolutely. And that's
5 going to be a conversation we are going to have with
6 you to be able to expand the crisis intervention.

7 COUNCIL MEMBER DEUTSCH: So, we could all agree
8 that whatever the administration is doing, more needs
9 to be done.

10 DEAN FULKEIHAN: Well but also and the
11 Commissioner should speak to this. There was a
12 significant amount of increase of NYPD presence in
13 our transit system.

14 COUNCIL MEMBER DEUTSCH: I am not talking -- with
15 all due respect First Deputy Commissioner, I am not
16 talking about the NYPD now. I want to know that if I
17 go on the two train right now or the number five
18 train --

19 DEAN FULEIHAN: You were talking about crime.
20 You were talking about crime.

21 COUNCIL MEMBER DEUTSCH: I am talking about -- my
22 question is -- I am talking about crime that is
23 happening from individuals who have a mental illness.
24 Now, why is it that if I am walking -- If I go onto
25 two train now or the five train, I don't see people

1
2 out there who are mental health professionals walking
3 around and being proactive and not waiting for an
4 incident to happen?

5 DEAN FULEIHAN: Look, we respond to incidents.
6 We are increasing outreach. We are increasing mental
7 health teams. We are also using the NYPD. All of
8 these things come together.

9 COUNCIL MEMBER DEUTSCH: The homeless, first of
10 all, the NYPD was taken away from being out there and
11 the street homeless.

12 DEAN FULEIHAN: That's not --

13 COUNCIL MEMBER DEUTSCH: We moved it away.

14 DEAN FULEIHAN: The prime responsibility was
15 moved to the Department of Homeless Services but the
16 NYPD obviously still has a role and they still
17 perform that.

18 COUNCIL MEMBER DEUTSCH: I have to say I am very
19 dissatisfied by having a conversation every single
20 year and we had a number of conversations at hearings
21 and that's why these hearings are kind of frustrated.

22 DEAN FULEIHAN: Well, you are asking for an
23 update, so let me get you an update. We will get you
24 an update of what happened in last years budget --
25

COUNCIL MEMBER DEUTSCH: The update to me is nothing. There is nothing going on.

DEAN FULEIHAN: But that's not true.

COUNCIL MEMBER DEUTSCH: We should be — we should have — people should see and there should be things on social media. I haven't seen one — I haven't seen anyone putting anything on social media saying, oh, look, I am on the train and I see a mental health professional being proactive, speaking to someone on the transit system who has a mental illness.

All I am seeing is Tweets and on social media, showing people with a mental illness. Our transit system should be flooded with mental health professionals taking care of those people on our transit system, as well as on our streets who have a mental health issue.

I drove yesterday from my house, eight blocks, I saw two people on the streets who obviously were talking to themselves and almost nearly got hit by a car. There should be people flooding those streets where mental health professionals. Not enough is being done. With a very large budget for mental health that we should see people out on the streets.

1
2 DEAN FULEIHAN: Again, I know no administration
3 that's put more activity into addressing mental
4 health issues anywhere in the country and is leading
5 the way on this and I will get you the numbers of the
6 intervention that does not stop the role of the NYPD
7 which is going to be continuing. Do we have more to
8 do? Yeah, we recognize that and we are going to
9 continue to do that and the crisis intervention is a
10 way to do that.

11 COMMITTEE COUNSEL: Thank you Council Member.

12 COUNCIL MEMBER DEUTSCH: No, I still have the
13 second part of my question to get an answer. I asked
14 this question before. What feedback is this
15 administration receiving from breaking ground as to
16 why street homeless individuals refuse to go into
17 shelter?

18 DEAN FULEIHAN: Again —

19 COUNCIL MEMBER DEUTSCH: Now, with all due
20 respect, I just want to tell the City Council,
21 whoever is the Chair, I just want to ask the Chair
22 that having five minutes on such important topics and
23 when we don't discuss this you know, throughout the
24 year, we are very limited on having conversations
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2 about this. I would like to ask for a few more
3 minutes.

4 DEAN FULEIHAN: I think the right way to do this
5 and I know you are going to have a hearing with the
6 DSS Commissioner, is the right way to have this
7 conversation of exactly how homeless services and
8 what the numbers are on homeless service –

9 COUNCIL MEMBER DEUTSCH: Yeah, I already over two
10 dozens conversations and it hasn't gone anywhere.

11 DEAN FULEIHAN: But you are also going to have a
12 public hearing on this and it is the appropriate
13 place and we will make sure that they are prepared to
14 answer this.

15 COUNCIL MEMBER DEUTSCH: Okay, so if you could
16 just answer me the question on what feedback has this
17 administration received from breaking ground as why
18 to a street homeless refuses to go into shelters.

19 DEAN FULEIHAN: I am going to let the expert on
20 this and the Commissioner of Homeless Services. I am
21 going to let Steve Banks answer this. You can do
22 that at the public hearing, it is the appropriate
23 place.

24 You are not asking about what the levels are of
25 individuals in our shelters. You are not asking

about how many people have gone from the subways into shelters.

COUNCIL MEMBER DEUTSCH: No, no.

DEAN FULEIHAN: Those kinds of things we can do. The kind of question you are asking, I really do believe is appropriate for the DSS Commissioner. He has the expertise on that. I am not going to try to speculate on this.

COUNCIL MEMBER DEUTSCH: You are the First Deputy Mayor, so I am sure you get briefed.

DEAN FULEIHAN: But I also know where my knowledge is and we're on a specific question about what is motivating individuals. I am going to turn to the expertise.

COUNCIL MEMBER DEUTSCH: Can you just give me three reasons?

DEAN FULEIHAN: I am not.

COUNCIL MEMBER DEUTSCH: Can you give me one?

DEAN FULEIHAN: I am not giving you a reason but I am going to connect you with Steve Banks and he will give you those.

COUNCIL MEMBER DEUTSCH: So, as the First Deputy Mayor, you cannot give me one reason of why a street

homeless individual refuses to go into one of the shelters?

DEAN FULEIHAN: We have increased shelter capacity.

COUNCIL MEMBER DEUTSCH: I am not talking about the shelter capacity. Why does the street —

DEAN FULEIHAN: Again, again, again —

COUNCIL MEMBER DEUTSCH: One reason, give me one reason.

DEAN FULEIHAN: I am going to suggest and I know exactly what I am going to do. I am going to hook you up with the Commissioner.

COMMITTEE COUNSEL: Thank you. I am sorry Council Member. We have to move on. We are already an hour behind schedule. We have a couple more Council Members to get to. Council Member Levin followed by Council Member Powers.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER LEVIN: Thank you very much. Can you hear me okay?

COMMITTEE COUNSEL: Yes.

COUNCIL MEMBER LEVIN: Okay, first question is for First Deputy Mayor Fuleihan. Deputy Mayor, in 2019, when we went through the borough-based jail

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2 process, the administration made commitments to me
3 that were memorialized in the points of agreement, in
4 the Brooklyn section. These are commitments for
5 restorative justice programming. These were
6 budgetary commitments. They have yet to be
7 fulfilled, so obviously last year was a rough year.
8 And so, I was willing to kind of grant an extension.
9 Being that this is my last year in the Council and
10 these were commitments made to me as part of this
11 negotiation, I expect that all of those commitment
12 will be fulfilled in the FY22 Adopted Budget this
13 June.

14 So, can I get a commitment that that will happen?

15 DEAN FULEIHAN: Yes.

16 COUNCIL MEMBER LEVIN: Okay, great. Commissioner
17 Shea, I wanted to ask about the overtime budget. Are
18 we on track to be in line with the agreement on the
19 OT budget? The agreements that we made in the
20 adoption of the FY21 budget or are we over?

21 DERMOT SHEA: Kristine, you want to jump in. We
22 will give you the exact numbers.

23 COUNCIL MEMBER LEVIN: Okay.

24 KRISTINE RYAN: Yeah, we are exceeding the
25 budget. Year to date, we have spent \$222 million in

city funds and \$242 million in all funds and that is our city funded budget is \$209 million.

So, we have exceeded that. Again, given the current conditions and levels of violence and the cut to our headcount and the need to just continue to provide investigations, resources and allow our commanders to have the flexibilities to do what they need to do.

DERMOT SHEA: Can you just make you have how much it's down.

KRISTINE RYAN: Yeah, so, but that is - thank you Commissioner. That is a 43 percent year over year expenditure reduction.

COUNCIL MEMBER LEVIN: Okay, but you are already past the \$209. So, you are at \$240.

KRISTINE RYAN: Yes, \$222.

COUNCIL MEMBER LEVIN: \$222 sorry. Can we get a breakdown because there is different types of OT. Can we get a breakdown of operational OT by rank, as well as investigative OT Code 8 by rank? And whether or not the officers that are receiving that OT, what percentage are in either on the streets or in precincts and what percentage are at 1PT?

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2 I realize you might not have that with you right
3 now but I would like to be able to get that
4 information for the Executive Budget hearing.

5 KRISTINE RYAN: I don't have that information
6 with me at this time.

7 COUNCIL MEMBER LEVIN: Right, right, right, I
8 realize that. I would like to get it for the
9 Executive Budget hearing. So, the May budget
10 hearing, so in between now and May, I would like to
11 know that breakdown by rank and whether or not cops
12 are in the field and Precincts who are at 1PT.
13 Specifically for investigative OT Code 8 and
14 operational OT. Can you commit to providing that for
15 the Executive Budget hearing?

16 KRISTINE RYAN: Yeah, yes, we can get you that
17 information.

18 COUNCIL MEMBER LEVIN: Okay, okay great. And
19 then, I imagine my time is running out.
20 Commissioner, I wanted to get your reaction to the
21 article by Greg Smith in the City yesterday on
22 detailing 43 instances when yourself as Commissioner
23 or your predecessor Commissioner O'Neil in the last
24 four years overturned or diverged from
25 administrative, NYPD administrative trial judges

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2 determination on disciplinary cases, including five
3 cases in which a guilty determination was actually
4 overturned by yourself or your predecessor
5 Commissioner O'Neil?

6 DERMOT SHEA: Yeah, I don't have any specifics
7 regarding the article. I spoke to something I saw
8 earlier where for myself; it was quoting and again,
9 Councilman, I don't know the data behind it but I
10 think it quoted for me four where I upped it and five
11 where I moved it down. If that's accurate. I am not
12 significantly surprised by that. We review every
13 single case that comes across my desk as the Police
14 Commissioner.

15 I am not intimately familiar with the prior cases
16 of years ago for other Police Commissioners and we
17 weigh all the facts and circumstances including the
18 details, the disciplinary history. Now we take into
19 account the Matrix and we make a decision.

20 COUNCIL MEMBER LEVIN: Were there any cases under
21 your Commissioner Shea, where you overturned a guilty
22 determination by an administrative trial judge at the
23 NYPD?

24 DERMOT SHEA: I think I mentioned one earlier.
25 There was a case mentioned in the paper recently of a

lieutenant and it was alleged that he used improper force in pushing someone. It made it seem like he was pushing someone into traffic.

It was all captured on video tape. I reviewed the entire incident myself and I thought that the decision was 100 percent inappropriate. So, I overturned it.

SERGEANT AT ARMS: Time is expired.

DEAN FULEIHAN: I do want to just go back and point out that — and the Commissioner said this when it was asked earlier. That this was before we concluded the two year process of developing the Discipline Matrix. You know this, you know there are now 60 pages with clear guidelines, clear here is the penalty. Here is the accusation, here is the finding, here is the penalty, here is the mitigating factors or the aggravating factors and we now have an MOU that makes that effectively binding. There can be exceptions, which then then Commissioner must be very clear about but both the Commissioner and the head of CCRB, both have made it very clear that they intend to follow that the intent of the MOU was to follow that Disciplinary Matrix.

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2 So, we do not expect going forward after all the
3 work that's been put into this by CCRB, by the NYPD,
4 by public comment, we do not expect to see that
5 happening again in the future.

6 COUNCIL MEMBER LEVIN: Okay.

7 DERMOT SHEA: Councilman Levin, I will just
8 follow up and say you know regarding that particular
9 case, I think it was an old case but I have committed
10 with the new Matrix as the First Deputy Commissioner
11 said, that I expect to follow the Matrix. I think
12 all parties do and if that's not the case, it will be
13 in writing to CCRB and I took an additional step as I
14 said before that I think it's important for the
15 public to know that. So, I will inform the public
16 exactly why, if it ever happens, why I disagree. And
17 to that specific case, maybe I will do it with that
18 case even though it is retroactively because I think
19 the public will 100 percent agree with me.

20 COUNCIL MEMBER LEVIN: Okay, I mean there is a
21 large diversionary right from the administrative
22 judges and the CCRB, a 71 percent diversion.

23 DERMOT SHEA: Well, I addressed that earlier. I
24 don't know if you weren't on the call but every time
25 that gets repeated it erodes trust in New York City

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2 and I think it is important for people to know that
3 you have to be behind those numbers and when people
4 go to trial and are found not guilty, that's going to
5 effect that rate.

6 So, the article was a little bit -- it could have
7 been clearer, let's say it that way.

8 COUNCIL MEMBER LEVIN: Okay, we can keep talking.
9 One last thing about the OT numbers, if we could also
10 provide, if you are able to get this about the number
11 of years to retirement that those OT numbers are
12 claimed but however you are able to determine that,
13 that would be good to know as well.

14 DERMOT SHEA: I don't understand that question.
15 What was that question?

16 COUNCIL MEMBER LEVIN: It's fine. I can talk
17 offline with your staff to get the details on that.

18 DERMOT SHEA: Thank you, yeah.

19 COUNCIL MEMBER LEVIN: Okay, very good thank you.
20 Thanks.

21 COMMITTEE COUNSEL: Thank you Council Member
22 Levin. And Council Member Powers.

23 SERGEANT AT ARMS: Time starts now.

24 COUNCIL MEMBER POWERS: Thank you. Thank you
25 everyone for being here today and all my colleagues

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2 for their questions. We have talked a lot on gun
3 violence here in the city and the rising numbers
4 around gun violence in over the last calendar year
5 and what is a notable nationwide and local surge in
6 gun violence. Can you talk to us about what you
7 believe are the drivers in gun violence right now in
8 the City of New York? We have heard a lot of public
9 statements and as the Chair of the Criminal Justice
10 Committee, we have discussed this in my committee as
11 well. Can you tell us what you believe are the
12 drivers of that increase in gun violence in the past
13 year?

14 DERMOT SHEA: Yeah and I would say that you know,
15 there has been other times in history, I mean,
16 certainly the First Deputy Mayor is right. There has
17 been a number of cities across the US that have
18 experienced in this last year. This is extremely
19 complicated and I am not saying that to dismiss the
20 question but it has become at this point extremely
21 complicated with all the factors that are behind the
22 rise in gun violence.

23 The First Deputy Mayor — you know, we have had
24 other times in our history where other cities were
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2 seeing significant spikes and we were not. I will
3 add that to it too.

4 We know how to keep crime down in New York City.
5 We know how to investigate crimes. We know how to
6 deploy. That's not to say that we can't learn and
7 always look to do things better and do it with the
8 softest touch too.

9 This last year has presented unprecedented
10 challenges to name a few, the courts have been shut
11 down. Remember when we said that late last spring
12 and it came back well, no, they are not really but
13 here we are and we are still shut down you know to
14 some degree.

15 You can get your nails done. You can go to a
16 movie now in New York City but we still don't have
17 fully operational courts and we need everyone to
18 start speaking up about that and demand that it is
19 not the case. Because literally lives are depending
20 on it at this point. We need accountability when
21 people commit crimes and accountability does not have
22 to equal people going to jail but there needs to be
23 some sense of when you do something wrong, whatever
24 it is there is a spectrum. You are going to be held
25 accountable.

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2 Maybe it's you have to apologize, maybe you get
3 put on probation, maybe you are incarcerated. But
4 right now, believe me, there is a feeling among the
5 criminal element that very small element, that there
6 is no repercussions for committing crimes. So,
7 courts is a big piece of what we are seeing.

8 Chief Lipetri mentioned earlier about the gun
9 arrests and the bail situation. You know, it is
10 extremely complicated but we need to get to a place
11 where when we have repeat people committing crimes or
12 doing bad things, that judges have an ability to say,
13 you know what, that person can't victimize people
14 anymore.

15 You can go onto resources and this is another
16 issue. So, I mean, I could go on to this topic for
17 quite a long time. You are probably tired of me
18 talking about it.

19 COUNCIL MEMBER POWERS: Look, I think that the
20 drivers are to figure out in a pandemic and we are
21 seeing them across the board. And you know it is
22 hard to attribute any sort of a specific law change
23 in New York State to gun shootings in Milwaukee or
24 any other you know city in America. I think there is
25 something going on but when we talk about arrest

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2 rates. What are arrest rates right now compared to
3 normal times, if you want to call it that, when it
4 comes to folks who have committed a crime using a
5 gun.

6 DERMOT SHEA: Sure and I will turn that to the
7 Chief of Detectives, the Chief of the Department but
8 I will also say Councilman that our shooting arrests,
9 our shooting rates were up significantly last year
10 before anyone had heard about COVID.

11 COUNCIL MEMBER POWERS: I agree with you on that.
12 The shootings were starting to go up but are they up
13 or down? Let's just add, are they up or down, the
14 arrests for gun violence?

15 RODNEY HARRISON: So, last year we struggled with
16 arrests when it came to shooting incidents. And I
17 actually kind of want to touch on your first question
18 regarding what are the motivations.

19 One of the things that we saw last year in 2020
20 was a lot of gang motivated shootings. That with a
21 combination of unlicensed locations having events
22 where disputes were stirred up. That turned into
23 violence as well narcotics enterprise shooting
24 incidents was also a struggle in 2020.
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2 And regarding the clearance and regarding these
3 shootings, yes, we were down. We were about 32
4 percent in contrast with the prior year of 2019. The
5 percentage was about 42 to 45 percent. And I have
6 said this quite often in the past, my investigators
7 are the best in the world. But these cases are a lot
8 more difficult to solve due to the fact that people –

9 SERGEANT AT ARMS: Time is expired.

10 RODNEY HARRISON: People try to capitalize off of
11 wearing these face masks to commit their crimes and
12 because victims cannot identify who our perpetrators
13 were, our police officers with their video and
14 capture the incident and still couldn't identify who
15 our individuals or subjects that committed the crime.
16 And the reluctance of witnesses coming forward really
17 made it very difficult for us to solve some of these
18 cases.

19 DERMOT SHEA: Can I jump on that?

20 RODNEY HARRISON: Yeah.

21 DERMOT SHEA: Councilman, I would pose to you,
22 what would you tell a witness when we bring them in
23 and they identify the shooter. What would you tell
24 them when the truth is we cannot protect our
25

identity? Because that's what they are going to be told by the prosecutor?

COUNCIL MEMBER POWERS: What do you mean by not protect our identity?

DERMOT SHEA: Exactly that. They are going to be told by the prosecutor that the person is going to be released or put back onto the street or they are going to say they are going to potentially try to redact their identity but they can't promise it. And this is the hard conversations that are happening the last year every day across New York City.

And I will tell you what happens next. The witness stands up and too often, afraid for themselves and afraid for their family will make a decision and walk out of that room.

COUNCIL MEMBER POWERS: I guess, look, I am not making any allegations against the Police Department here. I am asking questions because there is a noticeable increase.

DERMOT SHEA: Well, I am telling you though, I am telling you, we need your help. We need everyone in New York's help to correct this.

COUNCIL MEMBER POWERS: Look, gun violence —

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2 DEAN FULEIHAN: And let me jump in if I may. We
3 are also – we recognize in the antiviolenace package,
4 recognizes that there are more elements to this. I
5 mean, the Commissioner started it by recognizing
6 what's going on in the past year in the country.
7 It's part of the reason that we are doing the
8 restorative justice. The significant expansion in
9 Cure Violence. This is multifaceted and we are going
10 to have to do that and obviously the NYPD takes the
11 central role. But there are others that we are going
12 to have to play in this and I don't dismiss all the
13 other community relations and other the other reforms
14 that we have been talking about here today.

15 COUNCIL MEMBER POWERS: Yeah, look, I guess, I
16 just want to start backwards again. The whole entire
17 intention of the question is that we can't as elected
18 officials or leaders be able to help you fix a
19 problem about gun violence in the city unless we have
20 a clear understanding of it. I think the
21 explanations given are helpful to us to better
22 understand what the issues are. I think we also
23 recognize there is a nationwide pandemic that is
24 causing some friction in what's going on all across
25 the country.

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2 I am going to ask you because I think it is a
3 really serious issue in our city right now and I
4 think we should be talking about it and figuring out
5 ways to address it, so that people can feel safe and
6 people want to return back to New York City. But
7 also, doing that in a way that actually looks at what
8 is happening in a sober way.

9 DEAN FULEIHAN: Yeah, we all agree with you on
10 that.

11 DERMOT SHEA: You're right, yeah.

12 COUNCIL MEMBER POWERS: Okay.

13 DERMOT SHEA: And we would love to engage any way
14 possible you know, literally in any way possible,
15 members of our team, members of the community,
16 members you know, on the Council because I think -
17 and clergy as well. And it is going to take all of
18 us. I think as Chauncey would say, locking arms.

19 COUNCIL MEMBER POWERS: Okay, thank you for that.
20 My last question is and my time is -

21 COMMITTEE COUNSEL: I am sorry Council Member.
22 We are well behind schedule. Uhm and we are well
23 behind.

24 COUNCIL MEMBER POWERS: Thank you guys. Thank
25 you.

COMMITTEE COUNSEL: We have one more Council Member who has raised his hand. Council Member Yeger and then we will move onto the CCRB.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER YEGER: Thank you Madam Chair. Good afternoon Commissioner. I, first of all before we start, the Public Advocate, before he became Public Advocate represented the district right next door to the district I represent. We shared a large border. He and I both know the neighborhood very well.

Five days ago, on Avenue East 19th Street, a young man name Keon was shot and killed at 12:30 in the morning. It was about 200 feet from my front door. It's like I said, it's a neighborhood that Jumaane knows well. It is a neighborhood that I know well.

The idea that, and I am not saying that Jumaane has promulgated this idea but the idea by some members that you have to look a certain way in order to be horrified by gun violence. That are taking the lives of people who don't look like me and don't look like you Commissioner is offensive.

And there are members of this Council and there are people who we are going to hear from later who

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2 think that if you look like me and you look like you,
3 you are not offended by gun violence and it is
4 disgusting. This is not true. It is taking lives of
5 our fellow New Yorkers and I know that you are
6 horrified by it and I know that I am horrified by it.

7 I got my start in government serving as a young
8 Council aid in the district that Public Advocate
9 Williams represented in the Council, two members
10 before him. I know that neighborhood well. I know
11 the district well and gun violence has absolutely
12 increased. It is not a secret and it's not something
13 that the Administration or the department is denying.

14 So, with that backdrop, uh, I want ask a little
15 bit about some of the cuts because this is after all
16 a budget hearing, not a policy hearing. It has been
17 suggested that perhaps \$1 billion was not cut from
18 the Police Department. That it is smoking mirrors,
19 if you will. By my calculation, when you add the
20 operating expense and the capital expense that you
21 discussed, it's over \$1 billion.

22 So, talking about that specifically, I would like
23 to ask if you believe that the number of personnel on
24 the street right now has been diminished by the
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2 nature of the cuts that the department has endured
3 during the course of this year?

4 DERMOT SHEA: I am assuming that's to me. Yeah,
5 there is no question Councilman. There is no
6 question that we are at a reduced number of officers,
7 detectives, civilians at this point than last year.
8 Kristine and Rodney can talk to you about some of the
9 impacts but we, our job as managers is to manage the
10 resources that we have. This process is important.
11 It's important for all the Council from the Chair on
12 down and others that will come afterwards to set the
13 parameters and make very tough decisions.

14 But the short answer is, there is no question it
15 has had an impact on the ability to fight crime.
16 Kristine.

17 KRISTINE RYAN: I will just add, you are correct
18 that the combination, the operating and the capital
19 were real cuts to our budget that reached the \$1
20 billion threshold and on the headcount, you know just
21 a reminder that the uniform headcount cut of 1163
22 impacts current fiscal year and continues beyond
23 that. It's a baseline reduction but we are actually
24 down more than 1,700 officers from where we were at
25 this point last year. And we also have 1,800 members

of service who are part of our current actual headcount but they are in the academy.

So, they are field effective. So, we are working to maximize the resources, maximize the resources we have but you know, there are challenges that we are all facing and you know, we really want to work to maximize the resources we have and the resources we are able to utilize to do the work that the department does in trying to keep the city safe.

DERMOT SHEA: So Rodney, do you have anything to add?

RODNEY HARRISON: Yeah, just if I could just state real quickly.

COUNCIL MEMBER YEGER: Sure, thank you Chief.

RODNEY HARRISON: Yeah, uh, you know, a couple statements have been made regarding we are over policing. The one thing that I will have to advise everybody that's able to listen to my voice, is you know, putting cops in the right places to deter retaliation is extremely important to public safety.

You know, having officers out there addressing some of the violence that could come back helps. It really has and once again is this, I have been doing this for almost 29 years now. Over policing is not

1 something that we do. It's called protective
2 policing. We want to make sure that we protect all
3 New Yorkers in all the different communities
4 throughout the city.

5 So, just everybody, please keep in mind, we are a
6 professional law enforcement agency. We are arguably
7 one of the greatest police departments in the world.
8 I think we know what we are doing.

9 COUNCIL MEMBER YEGER: Thank you Chief and --

10 DERMOT SHEA: I just want to correct the record.
11 We are the best Police Department in the world.

12 COUNCIL MEMBER YEGER: I know that Commissioner.
13 I know my clock has expired. I am going to just
14 briefly say one more thing because I really don't
15 have the opportunity to ask more questions but I will
16 say that uhm, uh, when I leave my home and walk to
17 Synagogue for the last five days, I pass the place on
18 the sidewalk where there is still blood on the cement
19 for the young man who was shot and killed at 12:30 in
20 the morning. On a block I know well, in a
21 neighborhood that I grew up in and his name is Keon.
22 And there is not a single member of the department
23 here today at this hearing that doesn't feel the pain
24 of that murder victim and every other murder victim.
25

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2 And the idea that we ought to keep on taking away
3 resources from the Police Department and expecting
4 the Police Department to save the lives of people
5 named Keon and like Keon. Because it has to be said
6 by somebody who looks like me. That those are the
7 folks who are getting killed. People who look like
8 Keon are getting killed and it is our job, all of us
9 collectively, to stand up and to give the resources
10 to the Police Department to save their lives and to
11 help them and we have to do that.

12 I have heard members here today; this will be my
13 closing thought Madam Chair. I have heard members
14 today who were the biggest proponents of cutting the
15 Police Department squabbling with members of your
16 department Commissioner over whether or not three or
17 four detectives in a particular bureau is sufficient.

18 They are the ones who didn't want us to have -
19 they wanted us to fire cops. And they are squabbling
20 with you over whether or not we have enough cops.

21 In the last hearing with regard to the
22 transportation issues the department - the traffic
23 investigators, the same argument was made. We need
24 more investigators in that department, in that part
25 of your department. But being made by the same

people who say we shouldn't have this many cops in the city.

So, it's important as we go into the budget because this is not a policy conversation. This is a budget conversation. When people come up with a random number and say this is the amount we should cut. Without looking at what that amount translates to, they are not being responsible.

And with that, I thank you Madam Chair for giving me the extra time. I appreciate it and Commissioner I look forward to hearing the rest of your testimony today. Thank you.

COMMITTEE COUNSEL: That is all the Council Members we have who have used the Zoom hand raise function. I will turn it back to the Chair perhaps to acknowledge the Council Members who are here with us today and close out this portion of the hearing.

CHAIRPERSON ADAMS: Thank you so much Counsel. Thank you to all of my colleagues. Special thank you to NYPD. We have held you over, well over an hour of your time with us. Thank you to the Admin, particularly First Deputy Mayor Fuleihan.

Commissioner, this hearing has been — we realize it has been top heavy in speaking about reform.

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2 There is a reason for that and I think that you know
3 that. So, I am not going to apologize for that. We
4 know that this is a budget hearing and we would
5 definitely have preferred for all of our time to have
6 been spent speaking about the budget today, but
7 unfortunately, we could not do that because we have a
8 very, very restricted clock us with regard to policy
9 issues.

10 So, I thank you for your indulgence and I will
11 also say that if there are any further questions
12 regarding the budget, I am sure there will be, as
13 there should be. We will send you a follow up letter
14 and we will request that response be given back
15 within a two week time period and we thank you in
16 advance for that.

17 Again, this has been a very, very intense first
18 portion of our hearing. We didn't expect any less.
19 I thank all of my colleagues again for your passion.
20 As you can see, we differ on several opinions but I
21 do expect us to work as we always do as a body
22 together in thought so that we can get this right.
23 We are not playing around with anything that we do
24 and we know that we coming into this every budget
25

season. Again, we have got to do the work of this Council.

So, thank you very much. Commissioner, thank you NYPD. We are going to next hear from the Civilian Review Complaint Board. CCRB's Fiscal 2022 Budget is \$20.6 million. Most significant for CCRB is ensuring that it has enough resources to effectively investigate the hundreds of complaints it receives every month. They must be an effective check on the Police Department and we commend them on their work through the challenges during the COVID-19 pandemic.

I am also going to acknowledge my colleagues that have joined this hearing this morning and this afternoon. Council Members Holden, Lander, Brannan, Rosenthal, Barron, Miller, Reynoso, Rodriguez, Gibson, Deutsch, Levin, Powers, Louis, Rose, Riley, Ampry-Samuel, Yeger and Menchaca.

Hopefully I have gotten everyone in that list. I look forward to hearing about hearing about developments in the CCRB budget. Your outlook for the next year and any concerns you might have. We have got about 30 minutes, so I would like to get started. Thank you very much CCRB. Thank you Reverend Fredrick Davie and Executive Director

Jonathan Darche as well to your staff for being here today. I should also mention that we did have the Public Advocate Jumaane Williams with us today giving his very passionate testimony as well.

So, thank you, Counsel, I believe we can begin.

COMMITTEE COUNSEL: Thank you. Chair Davie, I just want to do a mic check with you if we can.

REVEREND DAVIE FREDERICK: Yes, thank you very much.

COMMITTEE COUNSEL: And can we also unmute Executive Director Darche?

JOHNATHAN DARCHE: Good afternoon everyone.

COMMITTEE COUNSEL: And before we begin testimony, I will administer the oath. Please raise your right hands. Do you swear or affirm to tell the truth, the whole truth and nothing but the truth before this Committee and to respond honestly to Council Member questions? Chair Davie?

REVEREND DAVIE FREDERICK: I do.

COMMITTEE COUNSEL: Executive Director Darche?

JOHNATHAN DARCHE: I do.

COMMITTEE COUNSEL: You may begin.

REVEREND DAVIE FREDERICK: Thank you.

Chairperson Adams and members of the Public Safety

1
2 Committee, thank you again for this opportunity to
3 appear before you today. As is known, I am Fred
4 Davie, the Chairperson of the Civilian Complaint
5 Review Board and I am joined by our Executive
6 Director Jonathan Darche.

7 The last year has seen one of the most
8 significant changes or some really significant
9 changes for the world, the city and for the
10 conversations about what policing and public safety
11 can look like. Oversight has always been integral to
12 public safety and the last year has highlighted the
13 need for strong, independent oversight yet again.

14 During my tenure as Chair, the Civilian Complaint
15 Review Board made significant strides in service to
16 all New Yorkers and remained central to the
17 conversation of how we achieve a fairer, more
18 equitable and more accountable public safety system
19 in New York City. During my more than four years on
20 the board and three years as Chair, the CCRB grew to
21 over 200 staff, released a database of officers CCRB
22 disciplinary history and expanded its authority to
23 hold officers accountable for sexual misconduct and
24 false official statements.

We published one of the first ever comprehensive reports on the use of body worn camera footage by an oversight agency, issued a report on NYPD's interactions with the youth accompanied by the first ever public service announcement with our Youth Advisory Council and hired our first ever Director of our new Civilian Assistance Unit.

Caused primarily by the pandemic, the agency saw a 20 percent decrease in complaints received dropping from 4,962 complaints received in 2019 to 3,875 complaints received in 2020. However, the Agency saw a tremendous influx of complaints due to the violent clashes between the NYPD and peaceful protestors following the killing of George Floyd.

CCRB received over 750 complaints of police misconduct at the Black Lives Matter protests resulting in 297 individual cases. CCRB has worked diligently throughout the year to investigate these cases despite a number of challenges, particularly around access to information from the Police Department, the inability to identify officers as a result of the Police Department not keeping track of where officers were deployed, officers wearing

helmets with improper shield numbers and new challenges stemming from remote work.

To date, we have closed 112 of those complaints including 37 fully investigated complaints, 50 truncations and 24 which are closed pending litigation. Of the fully investigated cases, CCRB substantiated misconduct in 38 percent of those cases. As we continue to bring the remaining 185 cases to a close in the coming months, we will share our findings with the public and prosecute officers where the Board recommends charges.

At the beginning of 2021 we adopted the Police Department's Disciplinary Matrix, as has been discussed in this hearing and signed an MOU that will enable the CCRB to recommend discipline in a more transparent and independent manner for all cases, including the majority of the cases stemming from the peaceful summer protests.

I am particularly proud that after the appeal of Civil Service Law 50A, on March 4th, CCRB established an online database containing the CCRB disciplinary histories of the NYPD officers, marking a true change in the community's ability to have transparent public safety. As we continue to advocate for final

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2 authority over discipline in CCRB cases, the agency
3 is encouraged by the direction in which it is headed
4 and hopes to see that direction supported with
5 funding from the Administration.

6 In 2020 as a result of the Charter changes New
7 Yorkers voted to implement, we now have one member
8 appointed by the Public Advocate and the Chair is
9 jointly appointed by the Mayor and the Speaker of the
10 City Council. The Police Commissioner is now
11 required to provide written explanations for
12 deviations from the Board's disciplinary
13 recommendations in all cases and CCRB's jurisdiction
14 has been expanded to include false official
15 statements made to the CCRB in the course of
16 investigations.

17 Finally, CCRB's headcount has been linked to 0.65
18 percent of the NYPD's uniformed officer headcount.
19 After an initial estimated budget increase, CCRB's
20 budget was revised by the Administration due to the
21 pandemic, as the Charter of course allows. Just like
22 the rest of the City, CCRB had to make some tough
23 decisions, including fundraising from private donors
24 to fund the production of the CCRB's first ever
25 public service announcement with our youth. Working

1
2 creatively to ensure staff was able to successfully
3 transition to work from home and internal staff
4 restructuring at CCRB by consolidating senior roles
5 in order to hire much-needed additional classes of
6 investigators.

7 As the CCRB works to incorporate the new
8 Disciplinary Matrix and take on the prosecution of
9 highly sensitive sexual misconduct cases, we will
10 need to make sure our one of a kind Administrative
11 Prosecution Unit is no longer operating with a
12 staffing deficit to take on the increase in cases and
13 workload, while making sure we don't retraumatize
14 victims.

15 Similarly, now that 50A has been repealed, we
16 will need additional FOIL officers to ensure timely
17 responses to New Yorker's requests for information.
18 Recently, the Administration announced the David
19 Dinkins Plan, which is the largest expansion of the
20 Board's authority since its creation in 1993. This
21 includes consolidating all oversight under one
22 entity, which will ensure that oversight is more
23 effective and efficient. CCRB supports this plan and
24 looks forward to working with the Administration and
25 other stakeholders to successfully implement it.

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2 We note that mere consolidations of agencies will
3 only be a meaningful step forward if combined with
4 several key changes that also require funding. We
5 are working with City Hall and OMB to ensure that
6 CCRB has adequate levels of funding in order to do
7 its job effectively.

8 In order to implement the Dinkins Plan, the CCRB
9 will need increased access to NYPD records. To
10 increase our access to evidence, the Administration
11 proposed changing State Law to exempt the CCRB from
12 sealing statutes. This would allow the CCRB to
13 obtain documents so that Agency investigators can
14 properly investigate all cases. Recently, the Council
15 introduced a bill that would allow CCRB to
16 investigate any officers who have engaged in severe
17 acts of bias including acts exhibiting prejudice,
18 intolerance or bigotry. Or unlawful discrimination
19 against any person or group of persons, on or after
20 January 1, 2016. This would be a drastic change in
21 responsibility for the CCRB. OMB is working with us
22 to get the tens of millions of dollars we would need
23 to implement this change.

24 Furthermore, after a year of litigation, the
25 agency will resume its investigations of allegations

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2 of sexual misconduct. Taking on sexual misconduct
3 allegations is one of the reasons the CCRB worked to
4 create a Civilian Assistance Unit within the agency.
5 This innovative unit which will support complainants
6 by assisting them in understanding and navigating the
7 investigatory and disciplinary processes and provide
8 complainants with connections to critical city
9 resources like housing assistance and mental health
10 services. We are currently in the process of hiring
11 advocates to staff this program.

12 These are significant increases in
13 responsibilities for the CCRB, which currently has
14 fewer than 150 investigators investigating the Police
15 Department that has over 36,000 sworn officers. As
16 an already underfunded agency, our overall budget
17 would have to be increased significantly to ensure
18 effective, independent and thorough investigations to
19 be true to our current and expanded mission. CCRB
20 continues to become stronger and more transparent.
21 We look forward to the support of the Administration
22 and the Council, to be better able to accomplish our
23 mission, which is to provide strong, effective,
24 independent civilian oversight of the New York City
25 Police Department. As a result, we need adequate

resources to continue to provide effective oversight of the NYPD, including staffing, training and public education.

I am confident that with your help, that the CCRB will continue to flourish, improve and lead the way in civilian oversight nationally.

I thank you for your time and continued support and Executive Director Darche and I are available to answer any of your questions. Thank you so much.

CHAIRPERSON ADAMS: Thank you so much Chair Davie. Thank you for being here. It is good to see you as always. I think you have done a lot to the conversation about police discipline forward lately. So, I really appreciate your candor during this whole process over these past few months.

Before I ask about the budget, I wanted to follow up on a few items from the plan itself. I know that there are a significant number of CCRB reforms included but I wanted to know if you think there are any areas related to the CCRB that we should consider including or areas where the plan does not go far enough?

REVEREND DAVIE FREDERICK: So, I think it's a really excellent plan. It is a major step forward

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2 and we really appreciate the Mayor and the
3 Administration for advancing it. Obviously, we are
4 still focused on final authority and we appreciate
5 the Resolution that currently exists in the Council.
6 I think introduced by Council Member Cumbo. And then
7 as well as to the State Legislation that has been
8 introduced by Senator Bailey and I think Assembly
9 woman Cruz.

10 So, final authority is a big issue for us but we
11 think the current plan that the Mayor has put forward
12 is a major step and will continue to strengthen this
13 agency and it's ability to exercise civilian
14 oversight of the department. Obviously, you know, we
15 would like to see something – and it is in the plan
16 and we would like to see it actualize and that is you
17 know, what we are here for today to actually carry
18 out the mission that would expand the initiative that
19 we have been tasked with.

20 CHAIRPERSON ADAMS: Okay, thank you. So, let's
21 go ahead and talk a little bit about the budget. Uhm
22 and talk about your staffing.

23 Your budgeted headcount for the next 236
24 positions. Is this enough in your opinion?
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2 REVEREND DAVIE FREDERICK: John, you want to
3 answer that?

4 JOHNATHAN DARCHE: So, thank you Committee Chair.
5 Thank you Madam Chair. I think the 236 number is not
6 what is currently in the budget based on the — I
7 think it is lower than that because it is 0.65
8 percent of the NYPD's member of service headcount and
9 I think that is like a 224 number.

10 But you know, we are working with OMB and the
11 Administration to increase that number. Everyone had
12 to take cuts this year because of the pandemic and
13 the agency actually was proactive in restructuring,
14 so that we could continue to hire more investigators
15 to make sure that we could hire — that we could
16 provide the level of service that New Yorkers need
17 and expect from the CCRB investigating cases of
18 police misconduct.

19 CHAIRPERSON ADAMS: Are you currently under a
20 hiring freeze?

21 JOHNATHAN DARCHE: So, we have recently hired two
22 classes of investigator and we are scheduled to hire
23 another class of investigators in June. And we are
24 on uh — in addition to those three classes, we are on
25

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2 a three to one exchange for people at the Department
3 Agency before we can replace them.

4 CHAIRPERSON ADAMS: What's the turn over for
5 investigators?

6 JOHNATHAN DARCHE: I think we have lost
7 approximately 18 investigators in the last fiscal
8 year.

9 CHAIRPERSON ADAMS: And what's their starting
10 salary?

11 JOHNATHAN DARCHE: Uh, \$42,000 a year.

12 CHAIRPERSON ADAMS: Okay. Alright, let's talk a
13 little bit about the CCRB's investigations of the
14 NYPD's protest cases. How many complaints did you
15 receive that were related to the police protest.

16 REVEREND DAVIE FREDERICK: So, we received 750
17 complaints that uhm, uh, we uhm, when we looked at
18 them, there was a lot of overlap. So, we are
19 investigating 297, I think it is of those actual
20 complaints. Having consolidated some and obviously,
21 dealt with others that weren't particularly relevant
22 to our jurisdiction but 297 is the number now that we
23 are investigating.

24

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CHAIRPERSON ADAMS: We keep hearing that the — that complaints in 2020 were decreased compared to the previous years. Why do you think that is?

REVEREND DAVIE FREDERICK: That is true, as I said in my testimony. I think it is mainly due to COVID. You have fewer people out in public engaging with members of service. And because of the COVID restrictions on peoples ability to be out in public, I think it is just a lower number.

We expect that you know those levels of complaints to resume once the restrictions on COVID interactions are lifted and clearly we had this burst of additional complaints around the June George Floyd and Black Lives Matter Protest.

CHAIRPERSON ADAMS: Okay, can you provide any specifics on the number of cases substantiated and the discipline you recommended and whether or not the Police Commissioner deviated from any of your recommendations?

REVEREND DAVIE FREDERICK: On the protest cases or just in general?

CHAIRPERSON ADAMS: On the protest cases.

REVEREND DAVIE FREDERICK: Yeah, so we have substantiated 14 complaints which comprise 24

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2 allegations against 20 officers. That's a 38 percent
3 substantiation rate of fully investigated complaints.

4 But to date, there have been no deviations from
5 any of the discipline recommendations that we have
6 made.

7 CHAIRPERSON ADAMS: Okay, well in general, how
8 often does the Police Commissioner deviate from your
9 recommendations?

10 REVEREND DAVIE FREDERICK: Well, it depends.
11 When you are looking at the APU cases, uhm, you know
12 it was a challenging year last year for the
13 department. The staff reports to me that the
14 department was an 8 percent concurrence rate on APU
15 cases. Even if you took into consideration guilty
16 verdicts at departmental trials, staff reports that
17 that number, that percentage than increases to about
18 12 percent. It was higher as I understand it for the
19 less serious cases. I think we might have been
20 around 65, 70 percent concurrence rate. I think
21 overall with the department we generally average
22 about 40 percent concurrence on APU cases and higher
23 than that of course on the less serious one.

24 I will say that you know, please that the
25 Commissioner and I have signed, this memorandum of

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2 understanding and that we have the Disciplinary
3 Matrix to guide us and we are going to be diligent
4 about ensuring that both we and the department follow
5 that Matrix. And the extra enforcement or oversight
6 that comes with the MOU and trust that that's going
7 to lead us to greater concurrence rates.

8 One final word on that and on again, I will come
9 back to, if the agency had a final authority on its
10 cases, just those CCRB cases, uhm, I think you know
11 the issue of concurrence would go away. But both the
12 Matrix and the MOU I think are very strong
13 instruments that will lead us to a greater
14 concurrence.

15 CHAIRPERSON ADAMS: Okay, let's talk a little bit
16 about the body worn camera with the issues. How long
17 on average does NYPD take to provide you with body
18 worn camera footage?

19 REVEREND DAVIE FREDERICK: John, you want to
20 address that?

21 JOHNATHAN DARCHE: So, the backlog has
22 essentially been eliminated now. It is tough to use
23 an average because historically there was a very,
24 very large backlog.
25

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2 We haven't fully implemented the MOU that we
3 signed with the department early in 2020 because
4 well, we haven't fully implemented the MOU that we
5 signed in 2019 because as we were getting ready to
6 set up the temporary secure room, the pandemic hit
7 and we have been unable to get it started yet but the
8 department has been working with us to respond to
9 requests quickly. There is still a need for us to
10 have direct access to body worn camera footage. It
11 will allow us to be more efficient but also, it will
12 increase public trust in the process.

13 CHAIRPERSON ADAMS: How often does CCRB receive
14 incorrect footage?

15 JOHNATHAN DARCHE: So, I don't have an exact
16 number on that Madam Chair. I can get that for you
17 but it does happen where we will make the request and
18 then we will get a negative response if there is no
19 footage. And then we you know notify a member of
20 service to come in for an interview, they will tell
21 us that they reviewed their body worn camera before
22 the interview and so, that will let us know that
23 there is body worn camera footage.

24 During the protest cases where we had different
25 complaints from the same protest, you will get

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2 investigators who will have – they request that are
3 responded to positively where there colleague who
4 makes a similar request for an incident that occurred
5 nearby at the same time or a similar time will get a
6 negative response.

7 And the department corrects those once they are
8 aware of them but it is something that would be
9 eliminated if there was direct access to body worn
10 camera footage.

11 CHAIRPERSON ADAMS: Do you know how often the
12 footage is redacted?

13 JOHNATHAN DARCHE: I can get that number for you.
14 The department has been accepting verbal waivers of
15 peoples privacy rights. So that we have been getting
16 unredacted footage very quickly but I will check with
17 you on that redaction.

18 CHAIRPERSON ADAMS: When it comes to issues with
19 the footage itself, how often is footage obscured by
20 clothing or because the camera becomes dislodged or
21 any other issue?

22 JOHNATHAN DARCHE: So, I will get those numbers
23 for you Madam Chair. They did our body worn camera
24 report last year and they have included those issues.
25 And I don't know that they are large in number but

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2 they are significant when they happen and we have
3 been working with the department, which is taking
4 steps to improve the ways in which they secure body
5 worn cameras to uniforms.

6 CHAIRPERSON ADAMS: Has CCRB provided
7 recommendations to the NYPD on how to improve its
8 body worn camera programs? Did you have a part of
9 that?

10 REVEREND DAVIE FREDERICK: Yeah, the CCRB and the
11 department signed a memorandum of understanding on
12 access to body worn camera footage and as John said,
13 the Executive Director Darche said, the access to
14 that footage has improved as a result of that MOU you
15 know, and the backlog basically has been dealt with.
16 But you know again, the technology you know exists
17 where the agency should have direct access to body
18 worn camera footage and that would eliminate any
19 number of these issues that arise while also allowing
20 for the protection of peoples privacy.

21 CHAIRPERSON ADAMS: Okay, thank you. I am going
22 to go ahead and pass it onto my colleagues who have
23 questions at this time.

24 COMMITTEE COUNSEL: Thank you Chair. We have
25 Council Member Holden up first.

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SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER HOLDEN: Thank you Chair. Chair Davie, you described the summer protest a few times as peaceful. Do you actually believe that all of the summer protests were peaceful? Because that sounds like a misrepresentation.

REVEREND DAVIE FREDERICK: Well, clearly there were some of the protests that weren't peaceful but for those protests were and complainant complaints we received from those protests, those were the ones I was addressing.

COUNCIL MEMBER HOLDEN: Yeah, but you did describe it twice as you have got complaints from the peaceful protest. Is that — do you guys determine whether a protest was peaceful or violent?

REVEREND DAVIE FREDERICK: We determine whether or not we got complaints from peaceful protests and that's how I described it in my testimony.

COUNCIL MEMBER HOLDEN: So, you stand by, you call, that means, you got no complaints from violent protests?

REVEREND DAVIE FREDERICK: As far as I am aware, uhm, but we will check that and I will let you know.

COUNCIL MEMBER HOLDEN: Yeah, because it is a little curious because I saw a lot of violent protest. We saw burning police cars. We saw alluding. We saw a lot of things that were violent.

REVEREND DAVIE FREDERICK: Right but sir, we saw a lot of things that weren't violent either.

[INAUDIBLE 4:23:03]. There were some mistakes, some serious mistakes made in how peaceful protests were dealt with and that's what we saw. That's what those were, many of the complaints we received and those are the complaints that we are addressing and investigating.

COUNCIL MEMBER HOLDEN: So, you are only investing the peaceful protests complaints?

REVEREND DAVIE FREDERICK: I said we would get you that information.

COUNCIL MEMBER HOLDEN: You are supposed to be impartial as the Chair of the CCRB and I just felt that statement was strained. That you categorize all the protests, the complaints that you received were peaceful. It's a little odd but.

REVEREND DAVIE FREDERICK: I would not say that I categorized all the complaints we received.

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2 COUNCIL MEMBER HOLDEN: No, you said it twice.
3 You are saying protests would have been sufficient
4 but you went out of your way to say they were
5 peaceful and I don't think any New Yorker can say
6 that all of the protests were peaceful.

7 So, that's why it is a little strange.

8 REVEREND DAVIE FREDERICK: I think it is
9 important to recognize the right and the democracy
10 for people to peacefully protest. Which a majority
11 of the people who were protesting did. And not to
12 have their peaceful protest dispersed by people who
13 were intending violence or improperly impeded by the
14 NYPD or any other law enforcement agency. And we
15 want to encourage peaceful protests and we promise
16 the people of New York City an impartial review of
17 the data and the facts when it comes to allegations
18 of NYPD officers improperly interacting with anyone.

19 But we want to emphasize the importance to a
20 sound democracy of people being able to engage in
21 peaceful protests and to have a proportionate
22 response to law enforcement.

23 COUNCIL MEMBER HOLDEN: Yeah, well, listen, we
24 all want -- if we have protests obviously, that we
25 want them peaceful for everyone involved, police and

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2 protestors but we saw a lot that weren't peaceful.
3 That's all, I am trying to make a point here that if
4 an impartial body Chair, is going to categorize that
5 he got complaints from only the peaceful protests,
6 that's I think a mischaracterization of -

7 So, I would amend that. I would just say
8 protest. There is no reason to be partial because
9 then it does, it really resonated with me that you
10 are making an anti-NYPD determination by saying that.
11 Because there were protests that were violent and the
12 cops were -

13 REVEREND DAVIE FREDERICK: I have a deep respect
14 for the NYPD. I have a deep respect for the work
15 that they do. I have relatives who have been
16 officers. I have friends who are officers. So, for
17 you to say I am making an anti-NYPD, this is your
18 being inflammatory and I think it is unfair.

19 COUNCIL MEMBER HOLDEN: Listen, when I say the
20 impression that I got from your categorizing all
21 protests in the summer, that you got complaints from
22 peaceful, I think that was a huge stretch.

23 I would expect -

24 REVEREND DAVIE FREDERICK: Council Member that
25 you are making to a point -

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SERGEANT AT ARMS: Time has expired.

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COUNCIL MEMBER HOLDEN: Thank you Chair.

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REVEREND DAVIE FREDERICK: Thank you sir.

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COMMITTEE COUNSEL: Chair Davie, did you want to finish your answer or.

7

REVEREND DAVIE FREDERICK: I'm done. Thank you.

8

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COMMITTEE COUNSEL: We will now turn to Council Member Barron.

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SERGEANT AT ARMS: Time starts now.

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COUNCIL MEMBER BARRON: Have I been called, recognized?

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SERGEANT AT ARMS: Time starts now ma'am.

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COUNCIL MEMBER BARRON: Thank you. I had stepped away and didn't know I had been called. Madam Chair, thank you for this extremely important hearing and particularly timely in terms of the Mayor requiring that the City come up with a plan. And we know that there have been meetings that have been held and certain parties have been involved in those meetings and very vocal in those meetings as they try to come up with this plan and present it to us to support it and vote it up before the deadline has expired.

I am very concerned about the CCRB. I have legislation, which talks about doing away with the

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2 CCRB. We can't have the fox guarding the chicken
3 house and making those decisions. And I say that
4 without any disparity to the members that are there
5 but they are appointed by the very body that they are
6 investing. That's problematic.

7 Similar to a special prosecutor being appointed
8 to see particular cases where criminality has been
9 involved and that then prosecutor hiring retired
10 detectives to do the investigation. It's
11 problematic, it's conflictual and we see issues with
12 that.

13 So, we know that the members are appointed by the
14 Mayor, by the Police Department and also, by the City
15 Council. We are proposing in our legislation to do
16 away with that and really talk about representation
17 of, by and for the people by having 17 districts
18 formed from the 51 community districts that exist.
19 There will be 17 districts and each of those
20 districts will elect a person to serve on an Elected
21 Civilian Review Board and that body would then be
22 charged with conducting findings and hearings making
23 a determination which cannot be changed by the
24 Commissioner.

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2 I heard talk earlier about a memorandum of
3 understanding that this is what they intend to do.
4 But there is still wiggle room in that because I
5 heard the Commissioner say that if he didn't expect
6 that there would be reasons that he would not follow
7 the recommendations or findings or determination but
8 if he did, he would be willing to explain it. That's
9 not good enough. We need to have that separation.
10 We need to have that division so that the community
11 which has very questionable trust and justifiably so
12 in the NYPD. Can be assured that the persons who are
13 conducting these hearings, that they have selected to
14 be on the board or in fact representing their
15 interests.

16 So, we want to make sure that people are aware
17 this legislation will be presented soon and we would
18 want this to be the essence for moving forward. We
19 have very, very as I have said, justifiably limited
20 confidence in what the NYPD has proposed. We know
21 that in the past, they have come to us in hearings
22 and made profound, definitive announcements about
23 what they are doing and we found out subsequently
24 that that is not what has been happening.
25

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2 So, I just want to share the information. There
3 are three main tenants of the proposal that we are
4 introducing to become more for an Elective Civilian
5 Review Board. The main tenant first and most
6 importantly that the representatives on that board be
7 elected.

8 And secondly, that the Commissioner not be able
9 to waffle or overturn or not implement what the
10 findings and determination of those elected members
11 have from their hearings and investigations. Anyone
12 can bring complaints. It doesn't have to be the
13 person whose been victimized to bring a complaint.
14 Anyone could bring a complaint. It would be fully
15 investigated.

16 And then the third main tenant, is that there be
17 an independent prosecutor. Persons whose family
18 members have been disrespected by the community, by
19 the misconduct that goes on in the Police Department,
20 even though we are talking about body footage. It
21 doesn't make a difference. We saw what happened. We
22 saw what happened with Rodney King back in how many
23 years ago was that? Whatever number the years are.
24 And we saw what happened with Eric Garner. It didn't
25 make a difference.

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2 So, we are not relying on those police department
3 cameras giving us their footage because as it goes
4 forward, police are not brought to justice by –

5 SERGEANT AT ARMS: Time expired.

6 COUNCIL MEMBER BARRON: Thank you. By losing
7 vacation days for the misconduct that they commit and
8 certainly not brought to justice as inspector Shell
9 was not brought to any type of justice when he shot
10 Ortonzo Boval[SP?] in the back and there was never an
11 investigation. And he rose through the ranks,
12 elevated himself, increased his salary, got his
13 pension with no justice for the family other than the
14 justice that they got through a civil suit.

15 So, I thank you Madam Chair for the opportunity
16 to talk about the legislation that will have a body
17 in place that will seek to get justice and will seek
18 to have appropriate consequences for the misconduct
19 that police commit, particularly against unarmed,
20 innocent civilians in our society. Thank you.

21 COMMITTEE COUNSEL: Chair Davie or Mr. Darche,
22 would either of you want to respond?

23 REVEREND DAVIE FREDERICK: I will say, I
24 appreciate the passion and the commitment to justice
25 and fair policing. I would respectfully disagree

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2 about an Elected CCRB. I think that that might
3 inadvertently introduce a level of politics into this
4 process that could easily twist us in the knots and
5 perhaps grind us to a halt.

6 I think the amount of money that could go in into
7 electing people to an Elected CCRB, such as money
8 that the police unions and other people with less
9 progressive ideas about policing might inject into
10 this process. Could result in a board that was more
11 sensitive to less progressive approaches to policing
12 and civilian oversight than even we currently have
13 and in the direction that we are moving.

14 The Commissioner you know, designates -- the
15 Police Commissioner designates three members to the
16 board but they are actually appointed by the Mayor
17 and of course the Council and the Mayor appoint the
18 balance along with the Public Advocate.

19 I think holding public officials accountable for
20 the work of the CCRB is uh, it seems to me a more
21 effective way to pursue this and then ensuring that
22 the CCRB has final authority over its decisions is a
23 very effective way to approach this.

24 You know, I have lived in New York City for now
25 almost 40 years. I know the horrific feeling that

1
2 one gets. I can only imagine what it is for the
3 families when unarmed civilians are killed or
4 severely injured by officers of the NYPD and I can
5 understand a good deal of the frustration with the
6 low concurrence rates between the department and the
7 agency and the CCRB.

8 But I think we are on the right path. I think we
9 are a lot closer to addressing those problems in the
10 system. Again, final authority would I think put us
11 where we need to be but I you know, out of a deep
12 respect for you Council Member and all that you have
13 done, the ways in which you and your husband and
14 others have put your lives on the line for the people
15 in New York City in ways that haven't and could never
16 dream of and would not probably have the courage to.
17 And I am really appreciative of that. I just, the
18 notion of an Elected CCRB and all the politics and
19 all the money that could get involved in that for me
20 personally is one that I would ask that we seriously
21 consider not doing and just strengthening the current
22 approach that we have.

23 COUNCIL MEMBER BARRON: Well, thank you for the
24 acknowledgement of the work that we do for our people
25 and also the advocates that are in this. But we do

1
2 have a disagreement fundamentally and the group that
3 has presented this legislation to me as the prime
4 sponsor was well aware of that and we went into
5 discussions. My group and that group also to talk
6 about the very things that you talked about. That
7 there might be an opportunity for the union to try to
8 construct that and it was something that they felt
9 would be overridden by the people who are in the
10 community and understanding no, this is a candidate
11 that we are advancing because they have a track
12 record in our community.

13 But thank you once again and we can continue to
14 dialogue about that. Thank you so much. Thank you
15 to the Chair. Thank you Madam.

16 COMMITTEE COUNSEL: Thank you Council Member. We
17 will now turn to Council Member Rosenthal.

18 SERGEANT AT ARMS: Time starts now.

19 COUNCIL MEMBER ROSENTHAL: Thank you so much and
20 thank you Chair and Chair Davie, it's an honor to be
21 speaking with you and asking you questions. I want
22 to ask two questions. One is a follow up from Chair
23 Adams, who asked about the number of people – the
24 attrition that you are seeing at CCRB. And then, at
25

one point I heard there are three classes during the same time.

I am curious, how many people are in a class? And then, uhm, where has it left you net, net?

REVEREND DAVIE FREDERICK: John, I will turn that over to you.

JOHNATHAN DARCHE: So, the number of people in a class varies between E and 12 in recent years. In net, net we are probably going to be even after we hire the June class.

And one of the things we are looking for in the June class is the final number will depend on if any other people leave. They may allow us to hire more folks.

COUNCIL MEMBER ROSENTHAL: Right, right.

JOHNATHAN DARCHE: So, it's a work in progress.

COUNCIL MEMBER ROSENTHAL: Right and hypothetically, if in the Executive Budget the Mayor added funds for staff, hypothetically it could run another class after the June one or make it larger.

JOHNATHAN DARCHE: Correct.

COUNCIL MEMBER ROSENTHAL: Okay, great. My second question Chair Davie is for you. Over the past three years I have spent a lot of time looking

1
2 at the NYPD Special Victims division and have been
3 very disappointed meeting after meeting after meeting
4 when promises are made and not kept.

5 There are still cases, I am working with
6 advocates where you know the survivor just doesn't
7 want to proceed because they have been treated so
8 badly. There was one recently where she was treated
9 so badly, she left town and anyway, are those cases
10 that could be brought before the CCRB?

11 REVEREND DAVIE FREDERICK: If a person in an
12 encounter with an NYPD officer?

13 COUNCIL MEMBER ROSENTHAL: Yes, a detective.

14 REVEREND DAVIE FREDERICK: I am sorry?

15 COUNCIL MEMBER ROSENTHAL: Detective.

16 REVEREND DAVIE FREDERICK: So, I think our focus
17 is on uniformed officers only but I am going to let
18 John weigh in here. On the detective John?

19 JOHNATHAN DARCHE: So, we have jurisdiction over
20 sworn members of services, which includes detectives.
21 We have jurisdiction over excessive force, abuses of
22 authority, discourtesy and offensive language and now
23 also, untruthful statements.

24 So, if the conduct by the member of service is on
25 duty conduct or they invoke their authority and it is

1
2 against a civilian, then it fits into one of those
3 categories we have jurisdiction over.

4 COUNCIL MEMBER ROSENTHAL: Right, so if a
5 detective did something like they are filling out a
6 form with a survivor and says, uhm, you know, uh, are
7 you okay with us closing your case because we haven't
8 been able to do any calls with the perpetrator, with
9 you and it is just not holding together.

10 I am making that up. That's probably a terrible
11 example but you get where I am going. Like, just in
12 the work of their doing their job. It's an abusive
13 of their authority that they are making a
14 recommendation that probably is not true. And the
15 survivor does not know that. But upon working with
16 an advocate, learns that in fact, the department is
17 not doing enough and could be doing more. Could be
18 investigating by looking at tape, video for example
19 or calling other witnesses. But if the detective is
20 not doing that, could that be a case?

21 JOHNATHAN DARCHE: So, I would have to really
22 look at the individual facts that the civilian
23 brought to us and we would of course listen and we
24 have been training our investors in trauma informed
25 interviewing and -

SERGEANT AT ARMS: Time expired.

JOHNATHAN DARCHE: Can I finish Madam Chair? So, we have sent 12 people on staff, we are sending another five soon but I think in the facts that you were describing, I don't know if that abuse of authority may be a discourtesy but we would have to look at each individual case that is brought to us and determine if it is in our jurisdiction.

COUNCIL MEMBER ROSENTHAL: Thank you. As a follow up, perhaps would it be okay if I work with some of the advocates who have a better you know, better examples than I have to see if you know, we should be thinking about CCRB?

REVEREND DAVIE FREDERICK: Yeah, I would say, if I might Madam Chair, Council Member Rosenthal that anyone who believes that they have been uhm, unfairly treated by a member of service as Mr. Darche said, should register a complaint with the CCRB and let us sort out where it belongs.

COUNCIL MEMBER ROSENTHAL: Thank you Chair.
Thank you Chair.

COMMITTEE COUNSEL: Thank you Council Members. I don't see any other Council Members with their hands raised, so I will turn it back to the Chair.

CHAIRPERSON ADAMS: Thank you very much. I have no further questions. If there are no further questions from my colleagues, I will thank the panel.

JOHNATHAN DARCHE: Madam Chair, there is one issue.

CHAIRPERSON ADAMS: Go right ahead.

JOHNATHAN DARCHE: So, one of the issues that the agency has is that sometimes documents are considered sealed by the Police Department that we need in order to investigate cases. One of the items in the Dinkins plan calls on the state to exempt CCRB from a lot of the sealing statutes that sometimes prevent us from getting access to information. And I think that is something that I urge you all to look at and consider a whole new Resolution supporting the CCRB's ability to access information in order to successfully investigate matters that are in front of us.

CHAIRPERSON ADAMS: Dually noted. Thank you very much.

REVEREND DAVIE FREDERICK: Thank you for the time.

JOHNATHAN DARCHE: Thank you Madam.

CHAIRPERSON ADAMS: Thank you very much. Okay, we are going to move on. We are moving onto MOCJ.

COMMITTEE COUNSEL: I will now call on the panelists from the Mayor's Office of Criminal Justice. Before we begin testimony, I will administer the oath to all representatives of MOCJ who will be offering testimony or will be available for questions. Please raise your right hands. I will read the oath and call on each of you individually for a response.

Do you swear or affirm to tell the truth, the whole truth and nothing but the truth before this Committee and to respond honestly to Council Member questions? Marcos Soler Acting Director?

MARCOS SOLER: I do.

COMMITTEE COUNSEL: Deanna Logan Deputy Director of Crime Strategies?

DEANNA LOGAN: I do.

COMMITTEE COUNSEL: Dana Kaplan Deputy Director of Justice Initiatives?

DANA KAPLAN: I do.

COMMITTEE COUNSEL: Eric Cumberbatch Deputy Director from the Office of Neighborhood Safety?

ERIC CUMBERBATCH: I do.

COMMITTEE COUNSEL: And Osvaldo Cruz Chief Financial Officer?

OSVALDO CRUZ: I do.

COMMITTEE COUNSEL: Thank you very much. You may begin your testimony when ready Mr. Soler.

MARCOS SOLER: Thank you. Good afternoon Chair Adams and members of the Committee on Public Safety. My name is Marcos Soler and I'm the Chief of Staff and Acting Director of the Mayor's Office of Criminal Justice. I am joined here by Deanna Logan Deputy Director for Crime Strategies, Dana Kaplan Deputy Director for Justice Initiatives, Eric Cumberbatch Deputy Director for the Office of Neighborhood Safety and Osvaldo Cruz Chief Financial Officer. Thank you for the opportunity to testify about MOCJ's budget and priorities for this year.

MOCJ advises the Mayor on criminal justice policy and is the Mayor's representative to the courts, district attorneys, defenders, and state criminal justice agencies, among others. MOCJ designs, deploys and evaluates citywide strategies to promote public safety, reduce unnecessary enforcement and incarceration and improve fairness. MOCJ works with law enforcement, city agencies, not-for-profits,

foundations and the public to implement effective strategies that makes the City safer by improving system coordination.

Together with our partners, the fight to end gun violence in all city neighborhoods is our top priority for this year. This year has been particularly difficult and challenging for our City. With our partners and stakeholders, we sought to continue to operate our many programs and initiatives in the midst of a uniquely difficult year. We are incredibly grateful for the essential work that our providers and criminal justice stakeholders have performed during the public health emergency.

In conjunction with these partners, MOCJ helped mobilize a historic effort to ensure that the criminal justice system continued to function during this crisis. MOCJ worked with our partners across the justice system and used the broad resources and expertise of City government to navigate the challenge of maintaining safety during the pandemic. As the administration's primary representative to the courts, district attorneys, defenders and the state criminal justice agencies, MOCJ communicated feedback and ideas from these stakeholders to the mayor and

1
2 other city agencies regarding court procedures,
3 vaccine priority and health protocols, providing a
4 crucial communication bridge that helped to
5 facilitate the effective implementation of COVID-19
6 health and safety protocols.

7 As some in-person operations resumed, MOCJ has
8 worked with stakeholders to plan for multiple grand
9 juries to deliberate on felony indictments and some
10 criminal jury trials. The MOCJ team is working and
11 coordinating with City health agencies to clarify the
12 screening guidelines and processes for minimizing
13 COVID exposure in in-person operations.

14 Nearly a year into the pandemic, our working
15 groups continue to meet on a weekly basis, serving as
16 a critical touch point for updates, problem-solving
17 and relationship building at a time when many of the
18 usual pathways of communication within the criminal
19 justice system remain unavailable.

20 In addition to our work to ensure continuity
21 within the criminal justice system, our teams also
22 conducted important education and community-based
23 work during the pandemic. The Office to Prevent Gun
24 Violence launched the media campaign, StayStrongNYC;
25 probably you saw it, to encourage a culture of

community well-being during the public health emergency. The campaign emphasized that New Yorkers are fighting the pandemic together and included social media and digital media components. The campaign finished with a total reach of nearly 5 million, with more than 2.5 million people watching videos and nearly 18 million total impressions.

The Mayor's Action Plan for Neighborhood Safety quickly mobilized within its 15 NYCHA developments to meet community needs during the public health crisis. MAP's Resident Volunteer Corps conducted more than 11,000 remote needs assessments and completed more than 7,000 food deliveries in MAP developments plus Jefferson and Johnson Houses in East Harlem during the course of the pandemic.

Additionally, the Office for the Prevention of Hate Crimes worked to combat the deeply worrying uptick in anti-Asian bias incidents and hate crimes by creating a comprehensive interagency plan to ensure that city agencies are effectively supporting the Asian community.

This is part of our legacy. Over the last 7 years, the Mayor has made historic investments to promote safety, reduce unnecessary arrests and

1
2 and over 99 percent are not re-arrested on a violent
3 felony in each month. These rates are similar across
4 all the different programs that we run and whether a
5 supervised release or others.

6 Reducing New York City's jail population is a key
7 commitment of this administration and we have seen
8 significant reductions in the City's jail population
9 since the start of the administration. New York City
10 currently has the lowest incarceration rate of all
11 large cities in the United States and we have seen
12 historic declines over the course of this
13 administration. Alternatives to Incarceration,
14 Supervised Release, and effective re-entry services
15 are vital to the reduction of the city's jail
16 population. Our commitment to close Rikers Island is
17 also dependent upon continuing to reduce the jail
18 population and we are all in our commitment.

19 Allow me to share a bit more about these programs
20 and initiatives and how they continue to further
21 MOCJ's goal to — sorry, not MOCJ, the city's goal to
22 reduce unnecessary incarceration.

23 Alternatives to incarceration, Alternatives to
24 Incarceration programs are court-mandated diversion
25 programs that provide participants with supportive

1
2 services in their communities instead of a jail or
3 prison sentence. Alternatives to Incarceration
4 programs are key components of the city's investment
5 in reducing the court's reliance on incarceration.
6 MOCJ currently invests \$35 million in contracts.
7 Invested \$35 million in FY21 with 15 non-profit
8 organizations and we run 24 ATI programs throughout
9 New York City.

10 In 2017, the City increased its investments in
11 ATI programs to serve approximately 5,500 people, as
12 well as to provide additional behavioral health
13 services to ATI participants and housing resources
14 for women enrolled in ATI programs.

15 In 2020, with the passage of bail reform
16 legislation, the City expanded its ATI programs even
17 further to divert more people, as well as to provide
18 additional supportive services to more fully address
19 participants' needs.

20 Overall, the number of people served by ATI
21 programs is expected to increase from 4,000 at the
22 beginning of the administration to about 20,000
23 people over the next two years. During the COVID-19
24 pandemic, these programs were able to redirect many
25 of these services to remote models, furnishing ATI

clients with cell phones and other means to engage in services safely during our public health emergency.

I want to talk to you about Supervised Release.

In 2016, the city launched Supervised Release citywide, offering judges the option of releasing appropriate and eligible defendants under specific supervisory conditions in lieu of setting bail.

Supervised Release is designed to address the likelihood to return to court. Defendants in Supervised Release are required to report to program case managers regularly and are offered reminders of their court dates, case management support services and voluntary connections to social services as needed.

MOCJ contracts with three organizations at the present to provide supervised release citywide. The current overall value of these contracts is more than \$70 million and we will release an RFP for Fiscal '22.

We also do a lot of work that invests in re-entry, a key mandate from the Mayor. Changes in practices of police and judges have meant that 43 percent fewer people left jails in 2019 than at the start of this administration and we anticipate that

1
2 number to fall to less than 14,000 by 2026. During
3 this administration, we have seen some promising
4 reductions in the return to jail, with re-offending
5 falling to 36 percent. While this reduction is
6 encouraging, the numbers of those who return are
7 still too high. We are currently making significant
8 investments in services and reshaping the way we
9 deliver those services to ensure that they are
10 effective. These investments and their effective
11 deployment will be key in reducing the return rate
12 further.

13 MOCJ has expanded its re-entry programming to
14 improve transition and release planning and services.
15 The City has invested \$20 million into this new
16 programming, which builds upon the success of the
17 Jails to Jobs re-entry services program that was
18 launched in 2018. Upon release, interested
19 individuals work with re-entry mentors who help
20 facilitate all aspects of re-entry on an
21 individualized basis. The re-entry mentors develop
22 relationships with released individuals to encourage
23 participation in relevant services and programs. The
24 supports provided by this team of service providers
25 include assistance locating temporary or permanent

1
2 stable housing, as well as other wraparound resources
3 determined by the specific needs of each returning
4 individual.

5 We anticipate that the case planning and
6 coordination, combined with expanded service
7 offerings and a stronger relationship will help to
8 ease the path to a stable life outside of the
9 criminal justice and outside custody and reduce the
10 likelihood of return. As I said, reducing recidivism
11 is one of our key goals.

12 Our providers are currently implementing these
13 supports along with DOC and our non-profit partners.
14 Awards have been recently made to 10 non-profit
15 providers. In response to the pandemic, MOCJ's re-
16 entry teams and providers were able to mobilize to
17 quickly re-structure their programming to provide
18 remote services. Additionally, in order to maximize
19 safety, MOCJ worked with agency and non-profit
20 partners to stand up an entirely and set up an entire
21 new set of services in under-enrolled hotels in NYC.

22 Beginning in late March 2020, MOCJ worked with
23 the New York City Office of Emergency Management and
24 non-profit partner Exodus to provide transitional
25 housing to clients leaving jails. These hotels have

1
2 been vital to maintaining safety during the pandemic
3 and we are incredibly proud of the work done by MOCJ
4 and its providers to ensure that those leaving
5 custody had a safe, secure place to go. There are
6 four hotels.

7 MOCJ continues to work with DOC, DDC and other
8 city partners to close Rikers Island and to implement
9 a fairer, smaller jails plan across four boroughs.
10 The updated completion date on full implementation is
11 August 2027. MOCJ has been working with agency
12 partners and stakeholders and members of different
13 communities to provide updates and design workshops
14 in all the communities where the new jails will be
15 located. MOCJ and city agency partners have met
16 regularly with City Council Members, Community Boards
17 and local communities to help develop the designs for
18 the new borough jails and to maintain communication
19 channels among all the stakeholders. This work will
20 continue until the end of this year and beyond.

21 I want to talk now briefly about our commitment
22 as I said to our top priority to bring strong
23 neighborhood to improve public safety and address the
24 problem of gun violence.
25

1
2 Research, evidence has shown us that strong
3 neighborhoods are an essential component of a
4 sustained improved public safety approach. Through
5 the Office of Neighborhood Safety, Led by Deputy
6 Director Eric Cumberbatch, which is comprised of the
7 Mayor's Action Plan of Neighborhood Safety and the
8 Office to Prevent Gun Violence, the administration
9 has made important investments in supporting
10 communities to help residents co-produce lasting
11 public safety. The MAP program was launched in 2014
12 and currently operates in 15 NYCHA developments
13 citywide that had historically experienced high crime
14 rates. While the past year was challenging and
15 unfortunately saw crime rise across the city and the
16 nation, over the last seven years, the MAP program
17 has proven to be an effective driver of change in
18 communities. I will share a bit more about what the
19 program does and how it altered to address the unique
20 needs of residents during the pandemic and the other
21 crisis we are experiencing.

22 Housed within, as I said the Office of
23 Neighborhood Safety, the Mayor's Action Plan enlists
24 residents, City agencies and community-based partners
25 to help move beyond enforcement and address the

1 factors underlying safety. Through NeighborhoodStat,
2 MAP harnesses the collective expertise of residents,
3 government and community partners to drive change at
4 both the neighborhood and administrative levels.
5 MAP's work helped to develop the strong community
6 infrastructure that allowed NeighborhoodStat to
7 remote to successfully respond to the challenges of
8 the pandemic.
9

10 In addition to the investments in building strong
11 neighborhoods, lasting public safety also requires
12 investing in non-enforcement methods of interrupting
13 cycles of violence. This is the work primarily of
14 the Office to Prevent Gun Violence that employs a
15 multi-pronged approach to improve public safety by
16 interrupting the cycles that lead to gun violence and
17 address a culture and ultimately foster the violence.

18 The Office to Prevent Gun Violence launched in
19 2017 and work started really to begin in the
20 administration in 2014 and works to address gun
21 violence through a shift in social norms and the work
22 of community members in mediating disputes to prevent
23 shootings and conflicts that might lead to shootings.
24 The core component of Office to Prevent Gun
25 Violence's work is through the Crisis Management

1
2 System, as you probably have heard, which deploys
3 teams of credible messengers, community members whose
4 backgrounds allow them to connect with and motivate
5 at-risk individuals to 22 sites where they mediate
6 conflicts on the street and New Yorkers to services
7 that can create peace and support healing.

8 These include a year round employment program,
9 mental health services, trauma counseling and other
10 opportunity-centered resources. COVID-19 presented a
11 unique challenge, which the CMS workforce mobilized
12 to meet. We understand how difficult it is for a
13 program that needs to sign to meet face to face to
14 operate under these conditions but still lots of
15 things happen.

16 CMS providers serve some of the first wave's
17 hardest-hit communities and were able to leverage
18 relationships in these communities to help encourage
19 public health mandates at the height of the crisis.
20 As a part of this work, CMS has successfully
21 distributed PPE throughout catchment areas, as well
22 as provided guidance and encouragement around social
23 distancing and COVID-19 testing. This essential work
24 was a core component of the City's eventual success
25 at flattening the curve and was performed while

1 continuing to conduct core Cure Violence work and
2 responding to other crises brought on by the
3 pandemic, including food distribution and the
4 delivery to vulnerable persons of the communities.
5

6 As mentioned previously, in order to address the
7 unique challenges this year has presented in our
8 communities the CMS work will double this year.
9 That's a commitment from the Mayor and as you heard
10 yesterday, we also have committed to implement
11 advance peace.

12 Very briefly we will tell you have called Atlas
13 developed to – it is a voluntary program that is
14 going to deal with and connects court-involved
15 individuals to employment, social and therapeutic
16 services to make sure that we are effective.

17 I would like to conclude to say and our hope is
18 the public safety is a fundamentally coproduction
19 that the city engages with the citizens. New
20 Yorkers, as I said before, are the most important
21 factor in maintaining and improving our city's public
22 safety. While we are striving towards a more fair
23 and just criminal justice system, we believe that the
24 advancements that we have made over the last seven
25 years have fundamentally transformed the way that

1
2 justice works in New York City. New Yorkers are key
3 components of that transformation and we are looking
4 forward to continuing this progress over the next
5 year.

6 Thank you for the opportunity to present this
7 testimony on MOCJ's behalf and I am happy to answer
8 questions with members of my team. Thank you so
9 much.

10 COMMITTEE COUNSEL: Thank you. Chair Adams.

11 CHAIRPERSON ADAMS: Thank you so much Mr. Soler
12 for that extensive opening. I really do want to
13 congratulate MOCJ before I start with my questions.
14 The work that you do is absolutely exponential with
15 just 62 as a part of your headcount I believe. It is
16 absolutely amazing the work that you are able to
17 accomplish in behalf of this city with such a low
18 headcount.

19 So, I just wanted to put that out there and thank
20 you all for your great efforts in the work that you
21 are doing and will continue to do. I was really
22 interested Mr. Soler, you mentioned and I would like
23 for you to speak to this point, uhm, you mentioned in
24 your testimony a minute ago the record reduction of
25 crime number, of the number of crimes committed.

1
2 Yet, the NYPD in their testimony this morning
3 continues to blame bail reform for the spike in
4 crime. Can you just speak to that?

5 MARCOS SOLER: Here is what I would say Madam
6 Chair and thank you for the opportunity to partner
7 with the Council. MOCJ operates across all parts of
8 the criminal justice system as you know. We look at
9 crime holistically. Crime has many different
10 elements particularly in minor crimes etc. In terms
11 of overall crime, the city under the leadership of
12 Mayor de Blasio continues to be at historic lows when
13 compared to other jurisdictions. The city since the
14 beginning of May of 2020, have experience as many
15 other cities in the country and nationwide in gun
16 violence crisis.

17 The crisis that we experience is very focused
18 around gun violence. It is not as extrapolate to all
19 other crimes. We have seen as I said, a significant
20 reduction, it started obviously many years ago but it
21 has accelerated under this administration. So, what
22 I wanted to highlight is the fact that many New
23 Yorkers when we look at the numbers are committing
24 fewer crimes than they were committing before and we
25 know the public safety starts with the work that

1
2 people do with the fact that New Yorkers are less
3 willing commit less crime.

4 We also know that for those who are involved in
5 the system, where we look is to provide strategies
6 and innovations that work. This is why all the array
7 of programs that I have talked about and that's the
8 important thing for me. More than the debate about
9 you know the current crisis of crime. What are we
10 going to do and how we are going to innovate. That's
11 my drive. This is why I provide you with the
12 programs that we do and all of them deal with the
13 same issues. We want to reduce reoffending. We want
14 to provide alternatives outside the criminal justice
15 system. That is the goal of my office. That's the
16 goal of this administration. I know that Mayor de
17 Blasio knows and has pushed this office to continue
18 to be innovative, creative and execute this year of
19 his administration and we will try to do that until
20 the end.

21 And programs that are sustainable beyond this
22 administration because these are worthy programs. As
23 I said, all the programs that I described.

24 CHAIRPERSON ADAMS: Okay, thank you. I also want
25 to note that this is the first time that we are

1
2 hearing from MOCJ that you plan to release an RFP
3 related to Supervised Release for FY22. I would like
4 to know if that means that we can expect to or that
5 you are expecting to expand contracts awards beyond
6 the three current providers and what you expect the
7 total budget to be? How many people you plan to
8 reach.

9 MARCOS SOLER: So, let me frame it this way. As
10 I said before, the administration made a commitment
11 in 2016 to create this program. I think the program
12 is a success. It's not part of the reform. We used
13 different metrics to evaluate as we do all the other
14 programs. We are launching an RFP precisely because
15 we think a competitive process is what is needed.

16 Obviously, I am not going to compromise the
17 process, the contractual process by saying to you
18 whether or not there will be three or 20 providers.
19 This is what we will do. We will have an RFP for
20 every borough. We will expect to have as many people
21 interested and submitting proposals as possible.

22 In terms of the commitment, the Mayor has spoken
23 several times about the commitment in dollar amount.
24 The fact that we are investing in \$70 million this
25 year is an indication that of the commitment of the

1
2 Mayor. The budget is a bit higher for Fiscal Year
3 '22, as we expect certainly and we have made some
4 projects than have been disrupted obviously by the
5 pandemic but if our projections are adequate, the
6 budget will increase. We are very careful. We are
7 spending taxpayers dollars. We are tying very much
8 of work to the number of people that we serve. So, I
9 don't want to offer either a – we are going to offer
10 millions of millions of dollars. What we are saying
11 is, we are connecting to the work that we do to how
12 effective that work is and certainly the
13 administration has committed as I said, a substantial
14 amount of money to support that work. And that work
15 is pretty much essential as you know to the jail
16 population reduction.

17 CHAIRPERSON ADAMS: Okay, alright, so okay. So,
18 let's jump into the budget. Uhm and talk about pay
19 parity for public defense. During Fiscal 2020 budget
20 negotiations, the Council successfully fought for pay
21 parity across many public sectors including for
22 indigent defense providers. The November 2019 plan
23 included \$3.7 million for pay parity indigent defense
24 providers baseline contracts that are managed by
25 MOCJ. Pay parity for indigent defense providers was

1
2 to be implemented in two phases and would be
3 retroactive to July 1, 2019 for attorneys with less
4 than five years of experience.

5 Although the funding was recognized in the
6 indigent defense budget over a year ago, as of March
7 2021, the providers contracts have yet to be amended
8 by MOCJ and this is unacceptable. What is the plan
9 to uphold the administration's commitment and to
10 amend the contract and disburse funds to the
11 providers and as soon as possible?

12 MARCOS SOLER: So, let me say to your comment,
13 that this is unacceptable and we will certainly
14 address these. Deanna Logan, who is my Deputy
15 Director for Crime Strategies and our General Counsel
16 will know the details much more than me and she will
17 be able to address your direct question but
18 certainly, I understand that you find this
19 unacceptable and you have my commitment to address
20 this issue.

21 DEANNA LOGAN: Good afternoon Chair Adams. Thank
22 you for the question and we have been working with
23 OMB because we do understand and we are committed to
24 making this initiative happen over the four year
25 period. The specifics of those discussions and how

1
2 we are going to accomplish that, I would give Osvaldo
3 Cruz, our Chief Financial Officer the opportunity to
4 discuss that but I want to make clear that that
5 commitment to parity, the four year process, that was
6 done for not only indigent defense but also across
7 the criminal justice system with the DA's is
8 something that the administration is in fact
9 committed to. Ozzie.

10 OSVALDO CRUZ: Good afternoon Madam Chair. Yeah,
11 so we have received proposals from the different
12 indigent defense providers that we are working with
13 OMB on implementing. As Marcos and Deanna stated we
14 are in the process of working with OMB to get the I
15 want to say the clearance to go ahead and make the
16 formal adjustments in the different contracts and we
17 expect decisions on those directions to come very
18 soon. We have been in communication with OMB often
19 since having to see the funding, it took some time
20 for us I want to say collect the information and
21 share it across the parties that were involved. And
22 I think we are close. We are very close to having
23 the direction that we need to move forward with these
24 amendments.

CHAIRPERSON ADAMS: Well, with all due respect, it has been over a year. Uhm, who can provide us with a timeline? I think that's a fair question. What does the timeline look like. Close isn't a timeline. Are we looking at a month? Are we looking at six months? Are we looking at 12 months? Can we get a little bit closer with specificity on this timeline?

OSVALDO CRUZ: Yeah, I think if you allow us to get back to you, we can produce the specificity that you are looking for as far as that action.

CHAIRPERSON ADAMS: Okay, I will look forward to that response then.

Okay, it is also our understanding that the salary adjustments only impact attorney's working on MOCJ's baseline contracts. Why are attorney's working on state and Council discretionary funded contracts excluded?

MARCOS SOLER: Ossie please address if you know the answer. I don't know, apologies, I am not familiar with the technical aspects. Obviously, after you have made it very clear that this unacceptable, I am going to get into the details but

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2 my team should be able to address this. Ossie, can
3 you please address.

4 OSVALDO CRUZ: I am sorry, can you please repeat
5 the question Madam Chair, apologies.

6 CHAIRPERSON ADAMS: Sure, salary adjustments as
7 we understand, the salary adjustments only impact
8 attorney's working on MOCJ's baselined contracts.
9 Why are attorney's working on state and Council
10 discretionary funded contracts excluded?

11 OSVALDO CRUZ: As I am sure you understand the
12 funding sources. So, the agreement has been between
13 the city and I want to say the providers for the City
14 Tax Levy resources that we put towards the
15 adjustments that were made related to salary parity.
16 We have been in discussions with the state who bear a
17 significant amount of the cost for the provision of
18 indigent defense services to meet us or to come
19 closer to what the salary parity – salary adjustments
20 have shown us to be the numbers. And again, it's
21 something that I think we are moving closer towards
22 with the state but given the fact that these
23 contracts are mix funded, the decisions are made to
24 address the city tax levy portions of the contracts
25 with the providers.

CHAIRPERSON ADAMS: Okay. I will move on. Can we talk a little bit about the Points of Agreement as part of the closure of Rikers Island? Council and the Administration negotiated a POA for \$391 million in investments for criminal justice reform, including a \$254 million in citywide investments and \$137 million in district investments. The Council understand that these investments will be funded with a combination of new funding and existing resources. The Council has also requested that the Administration provide a clear answer on when new funding will be added to the budget and how much funding is currently dedicated to these new initiatives.

So far we have not gotten that clear answer. So, how much of the total \$391 million for POA investments is funded in the Fiscal 2022 Preliminary Budget? And will MOCJ update its beyond Rikers commitment tracker to reflect these investments?

MARCOS SOLER: So, my colleague Dana Kaplan is the one who is leading this effort in the office. I think she will be able to provide you with the specific details that you are looking for. Go ahead Dana.

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2 DANA KAPLAN: Good afternoon Madam Chair and
3 thank you to the Council for the continued focus on
4 our joint commitment to close Rikers.

5 So, obviously as you know, yes, the Points of
6 Agreement document is something that is very
7 important. Was something that the Council and the
8 Administration worked very, very hard on and reflects
9 a series of key commitments and investments both at
10 the neighborhood level and in justice investments.

11 To answer your last question first, in terms of
12 the update of the tracker, yes, we are working on
13 that right now. We put the tracker on our website I
14 think in early 2020 and it was with a commitment to
15 do an annual update, so that there could be a public
16 way of reporting out on the status of every single
17 one of the Points of Agreement commitments including
18 the status of implementation and operationalization
19 and the extent that obviously a significant number of
20 them have a Fiscal component where they are in the
21 city budget.

22 So, that review right now is underway. Our
23 office is of course the Points of Agreement spans
24 many, many, many city agencies and many city agency
25 budgets. And so, we have been working across the

Administration to make sure that we have an accurate understanding of where each of those items are and it will be updated on our website in short order.

So, in the very near future, I would say in the coming weeks obviously, we will make sure that you are notified when that is available publicly but it will be available on the MOCJ website. I think at that point, I don't off hand right now have the total number of what the investments are across the entire Points of Agreement document because that is the kind of granular review process that we are doing right now. So, I would have to get back to you on that collective number. I will say that as it relates to the justice investment commitments and where things stand you know, in that regard, we have certainly been continuing to move ahead with some of the key programmatic components. Obviously, as Marcos spoke about the commitments to Supervised Release, the expanded alternatives to incarceration programming. The community-based reentry services were all some of the key things that we're committed to in the Points of Agreement document and that are now in place.

There is a transitional housing RFP that is forthcoming imminently to ensure that we move ahead

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2 with the commitment to expand transitional housing
3 citywide. I will say that there are a small number
4 of items that have been delayed and I can speak to
5 each one of those. But I know Council Member Levin
6 asked about the status of the restorative justice
7 earlier in the hearing and you know, heard from Dean
8 Fuleihan directly that the commitment to fund that
9 remains and I can say that across the board, that if
10 there is any item that has been delayed in the Points
11 of Agreement document, and again, I think it's a
12 small number at this point but we are committed to
13 seeing those items funded. That is something that we
14 will move ahead with during this Administration and
15 the commitment to the Points of Agreement document
16 overall remains unchanged from this administration.

17 CHAIRPERSON ADAMS: Okay, great. Thank you Dana
18 and along those lines and just to talk a little bit
19 about Project Reset. It's our understanding that
20 MOCJ has communicated with the Center for Court
21 Innovation that it is supportive of citywide
22 expansion of the pre-arraignment program Project
23 Reset. Which they provide \$3.24 million in one time
24 for in Fiscal 2020 but it was not included in FY
25 2021.

1
2 The DA's are incredibly supportive of this
3 program, as a successful diversion program and it was
4 unfortunate that this funding wasn't renewed just as
5 programs were getting off the ground. Can MOCJ
6 commit to funding this program as part of the \$14
7 million commitment made for expansion of pre-
8 arraignment diversion program in the POA?

9 DANA KAPLAN: So, as you noted, there was
10 specific funding for Reset that was a one time
11 commitment. And of course in the COVID fiscal
12 crisis, because that funding had not been baselined,
13 that was not funding that was able to be secured
14 again. Although we remain supportive obviously of
15 the work of Project Reset and of that pre-arraignment
16 diversion generally, as you noted, there is \$3.5
17 million of funds that are committed to for diversion
18 including at pre-arraignment diversion that is in the
19 Points of Agreement document. And that is one of the
20 items that has been delayed but the Administration is
21 committed to.

22 And so, we are optimistic that that funding for
23 diversion generally is something that we will see
24 move ahead and we will be able to support the types
25 of diversion programs that Reset has funded.

1
2 I will say just specific to Reset, Project Reset
3 was a specific program that there are a couple of
4 providers, such as the Center for Court Innovation
5 that obviously currently provides those services. We
6 are very supportive of you know, the nonprofit
7 providers that are you know, working on that program
8 and have really been leaders in that regard.

9 As it relates to the funding of the diversion
10 program, we will have to work through – or the
11 diversion funding, we will have to work through what
12 a procurement process may look like and it maybe
13 likely a competitive procurement process. So, I
14 can't say specifically that one nonprofit provider
15 would ultimately receive funding for those services
16 but the commitment to ensure that we have pre-
17 arraignment diversion is something that we are
18 supportive of. There is that allocation or that
19 commitment in the Points of Agreement document.

20 I think that to the extent that there has been a
21 gap in that recently, that is something that we will
22 look to fill and can work on again, what a
23 competitive procurement process would look like
24 towards that. As well as I think and I would defer
25 to Council Member Levin on this but I know that the

original intention of that diversion funding was not just to have it fund just the types of program that Reset does but to also think about diversion at all sorts of different stages of the continuum.

And so, I think we want to really explore in conjunction with the Council, not just where that might be able to address some of the holes that are produced by the fact that Reset isn't funded citywide. But also, how can that funding ultimately support diversion across the board.

CHAIRPERSON ADAMS: Yeah, I wouldn't disagree with that at all. I would agree with everything you said. I wanted to find out where we were specifically because I do know that it was successful and it was something, is something that the DA's definitely do support. So, thank you for that.

Okay, let's talk a little bit about the Crisis Management system and antigun violence work. The recent upticks in shootings have been in communities where CMS is present. A recent report released by MOCJ shows a 97 percent increase in shootings in 2020 as compared to 2019. Some of the highest levels in the city as seen in more than ten years, which we have spoken with NYPD earlier today.

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2 All the top ten precincts with the most shootings
3 in 2020 received CMS funding. In fact, in Fiscal
4 2020, these precincts received \$16.4 million, which
5 is nearly half of all funding. And despite this, all
6 experienced an increase in shootings from 2019
7 levels. Why are we seeing a rise in shootings in
8 these communities that receive the majority of CMS
9 funding? And what does this say about CMS?
10 Additionally, what is MOCJ doing to address the
11 recent uptick in shootings in these communities?

12 MARCOS SOLER: So, if you allow me, I am going to
13 address first and then allow Eric Cumberbatch, the
14 real expert on these but I want to say two things.
15 One is, we have documented and we have also partnered
16 with other external resources that have shown the
17 effectiveness of CMS from 2013 to 2019. That is
18 documented there.

19 The CMS sites were more effective in reducing gun
20 violence than areas where we didn't have gun
21 violence. Not only that, we did another type of
22 analysis that shows that neighborhoods that don't
23 have CMS, we saw property values going up. We saw
24 sales values, sales taxes going up in those
25 neighborhood. We know then CMS was effective.

1
2 As I said before, we are leaving a crisis, a
3 public health pandemic crisis but also national
4 crisis where older communities in the United States
5 are experiencing significant increases in gun
6 violence. 51 out of 50 top cities in the United
7 States have experienced increases in gun violence.

8 We have seen some indications that at least when
9 it comes to shootings, that trend is continuing in
10 2021, less so for murders but certainly, we are
11 concerned. But are focus is in the last part that
12 you have indicated and I am going to let Eric talk
13 about the why. Which is what we can do and the
14 strategy comes from doubling the workforce, as the
15 Mayor proposed and advancing his state of the city.
16 We believe that it comes from advance pieces, he had
17 bunch yesterday. Increased from implemented all of
18 the strategies that we think ultimately as Atlas, we
19 think addresses the problem of gun violence and
20 violent crime in the city.

21 But it is very difficult under these conditions
22 to operate. Eric knows very well some of the factors
23 in those areas. Those areas were we found high
24 levels of shootings and gun violence in 2010 when we
25 started this work and continue to be the

neighborhoods that are most impacted. So, please Eric certainly address the question. Thank you.

ERIC CUMBERBATCH: Sure, thank you Marcos. Can you guys hear me? Can you guys hear me?

CHAIRPERSON ADAMS: Yes.

ERIC CUMBERBATCH: Okay, thank you Marcos and good afternoon Chair Adams. It is good to see you.

CHAIRPERSON ADAMS: Good afternoon, good to see you.

ERIC CUMBERBATCH: Thank you. I would add that you know where in those neighborhoods for the reasons that you brought up, we are not — these things aren't happening by accident and if you look historically, it's always been these ten neighborhoods that suffer from many inequalities that ultimately often result and have violent outcomes.

So, you know when we talk about a pandemic, a state of social unrest and this generations criminal justice and just the struggle around humanity. All of these disruptions that occur in the communities that we serve is some of the most vulnerable communities and you compound that. And put it on top of each other, I think what we have seen is a fracture of the supports and networks and systems

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2 that bolster individuals and bolster community uhm,
3 that we have never really recognized as playing a
4 part in public safety efforts.

5 I am talking about having face to face contact
6 with teachers, mentors, community centers. I am
7 talking about having money to go to grocery stores,
8 employment opportunities, even face to face contact.
9 So, many stressors in the most vulnerable areas at
10 one time, you know we saw an uptick. And it is not
11 something that's just a New York City issue, I think
12 we have seen this and we tracked the data. This is
13 happening across the country.

14 What we are doing and have been doing, we track
15 every single shooting in New York City. As shootings
16 occur in these areas, we ensure that our sites are
17 deployed. That they are properly resourced to be
18 effective. When we engage with victims or victims
19 families, we link them to victim services and other
20 support networks and really look to build a sense of
21 resiliency and restore that in community so that
22 community members aren't just left to business as
23 usual when these shooting incidents happen but they
24 actually join us as part of the healing of a
25 community and neighborhood.

1
2 The Mayor announced the doubling of CMS. We are
3 very grateful to have that type of announcement and
4 right now, we want to work in a very inclusive
5 fashion with the CMS partners to really have a data
6 driven approach on what that doubling would look
7 like. So that we can roll out in the next fiscal
8 year with even more resources in these areas.

9 I will say a lot about what efforts or to go
10 further upstream. We look at you know violence in
11 crime data only in a lot of these spaces but really,
12 what we want to do is get very much deeper as close
13 to and if not root causes. And really look at
14 systems that allow violence to perpetrate or exist
15 and flourish and really create environments that are
16 healthy and promote healing and safety for
17 individuals, so that we don't have violence.

18 So, that's what we have seen and that's what we
19 are doing. All of our work is evidence-based and/or
20 informed by evidence and steeped into injury
21 prevention and public health efforts. And you know,
22 we are a small team but we are all over the city and
23 we are working these neighborhoods as hard as we can
24 at this point.

CHAIRPERSON ADAMS: Yeah, Eric and of course you know uhm, I applaud you for your work. Your colleagues for your work. I say nobody does it better than you and your colleagues out there.

ERIC CUMBERBATCH: Thank you.

CHAIRPERSON ADAMS: Thank you. You actually went someplace that I want to expand on. A couple of places that you just took me. Is there any and maybe Marcos has this answer. Is there any analysis and evaluation of CMS to share?

MARCOS SOLER: I am happy to share the analysis that we have done. There are some public data. It has already been out there but I will definitely share with you the analysis that we have been doing for the last 18 months in partnership with John Jay and people from the University of Chicago. We will definitely share those analysis, that data with you specifically. It might need some update but we will share immediately what we have.

I will say two more things because this is to the credit of Eric and his innovation. One of the things that the Mayor announced is the joint force to end gun violence. Part of that is the implementation. The invigorating of cease fire but also the

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2 implementation of something that the city has not
3 tried in this current format, which is piloting the
4 notion of shooting reviews very hyper targeted
5 shooting reviews in specific areas which are going to
6 tell us most about the question that you asked before
7 which is the drivers of violence.

8 We think that that is going to be important
9 because it is not just about individuals but it is
10 also about what is happening in those places. What
11 is happening in those networks and I think Eric and
12 my office will certainly play a key role in pushing
13 forward this mission.

14 The other thing I wanted to highlight from our
15 response to the analysis that we do is as Eric
16 indicated, for us it is always evidence driven. We
17 are not happy where we are. I confess that I think
18 as Eric indicated, the very essence of evidence-based
19 strategies to cure violence requires to meet. So,
20 certainly the pandemic continues. We are going to
21 need to have a much more – other to try other
22 alternatives to tackle the problem and to compliment
23 what the city is doing in terms of enforcement to
24 make sure that we continue to have very robust
25

community driven strategies to reduce gun violence.

So, that is what we will try to do during this year.

CHAIRPERSON ADAMS: Okay great and again, just to touch on something else that Eric just mentioned and that was the doubling. So, let's talk a little bit about that, the expansion of CMS. The Mayor announced in the 2021 State of the City Address, that the CMS workforce would be doubled. The total funding for the crisis management system for Fiscal 2021 is \$42 million. Of which the Administration provided \$40 million. In addition to the Council's discretionary funding allocation of \$2.9 million.

I am aware that the RFP was cancelled, so why doesn't the administration plan to release an RFP for this expansion? It's been over ten years since there has been an RFP for crisis management. Rather the contracts are just continuously extended and extended and extended. What is MOCJ doing to ensure that new community-based organizations are considered for CMS funding? And what exactly does doubling the workforce mean? How many people will be hired? Is this expansion for Cure Violence only or for all CMS programming?

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2 MARCOS SOLER: So, sorry, I am taking notes to
3 make sure I address your two questions. So, the
4 reason why we did not have an RFP. There is a
5 complex reason but there are two elements that I want
6 to highlight. The first one is, as I said, we are in
7 the middle of a public health pandemic. We are in
8 the middle of a legitimacy crisis. We are in the
9 middle of a crisis. We are in the middle of an
10 economic crisis that is effecting the city.

11 We thought that this moment was not the right
12 moment to, after re-evaluated to launch the RFP. We
13 have the RFP ready. We are working on the RFP. We
14 are trying to figure out how to create a competitive
15 process as you have indicated that can include
16 additional partners into this process. So, it's not
17 that we have completely abandoned the idea of an RFP
18 on a competitive process. It's just that we have a
19 very clear direct emergency, as I said, in these four
20 areas that we felt it was important to address
21 immediately and to continue these services. So, we
22 don't have a situation during the summer similar to
23 the past summer.

24 Additionally, as you know the Mayor, obviously as
25 you know is happening in one day come up with the

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2 idea that wanted to work expansion. That we needed
3 to figure out how to have mechanisms to structure
4 these. I think this addresses your second question.
5 The idea of how to double the workforce is obviously
6 connected to what we have already done. We have
7 announced to the vendors, to all the providers that
8 we are extending the current contracts and what we
9 are going to do is work with them. Obviously through
10 the procurement processes of the city to work the
11 specific details of what doubling the force and
12 workforce means, right?

13 Because as you know, every organization has
14 different structures. I cannot simply say to you
15 straight forward okay, everybody is getting this
16 number of people. Everybody is getting this number
17 of dollars. Every organization is now structuring
18 that simply way. Every organization has a different
19 model.

20 So, what we are doing is evaluating all those
21 budgets from those organizations. We are trying to
22 come up with a model, an allocation model that makes
23 sense based as Eric indicated in terms of priorities,
24 in terms of where the need is highest. Where we have
25 the most important emergency and what we are trying

1
2 to do is to adhere to this notion of definitely
3 doubling the workforce to make sure that right now we
4 have 5,300 people working on CMS. We can say
5 effectively in the summer, providers will have the
6 resources to hire an equal amount of greater of
7 individuals working on CMS.

8 But we want to work with the providers and Eric
9 can talk more if necessary is what that means
10 specifically right. Is it, do you want to invest
11 more on public health or a mental health need? Do
12 you want more actual bodies? Do you want to expand
13 the catchment areas. Those are the very specific
14 details that Eric is leading and we, as I said, don't
15 think with 24 providers is a simple you know answer.
16 We are trying to make sure that we get this right.
17 As providers often tell us, it's not just about the
18 quantity but it is also about the quality of the work
19 and what we are trying to make sure is that we
20 address with them the quality.

21 Eric, did I miss anything that you want to
22 address sir?

23 ERIC CUMBERBATCH: I think you covered it well.
24 Uhm, we don't want to be prescriptive in this roll
25 out and we want to be in tune with the needs of each

individual community as we think about resources and roll out resources in these areas. So, we want it to be informed by the community itself.

CHAIRPERSON ADAMS: Okay, I think that's fair.

Alright and touching on the force to end gun violence. As was mentioned, the Mayor announced in 2021 State of the City Address to launch the launch of the New York City joint force to end gun violence to address the national surge in gun violence. This working group will receive — will review shootings that work to address underlying dynamics involved in gun violence and create better communication between law enforcement and antigun violence groups.

What exactly is MOCJ's role in the joint force to end gun violence and how will the group measure success?

MARCOS SOLER: So, let me tell you where I think our role was. We, as I said before, we are the advisors to the Mayor on public policy. We had a very important another unique role in advancing these ideas and you saw in the joint force. Obviously, we tried to be innovative for the Mayor and there are multiple partners in City Hall and other city agencies that has helped us to put this together.

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2 Our role is going to be ultimately determine in this
3 partnership. That's the way we always do MOCJ. We
4 are doing this partnership with a bunch of different
5 people. We don't have personally; I don't have any
6 desire to be the leader of anything. I like to work
7 with everybody. We are trying to work exactly on who
8 will be leading these efforts, where it will housed
9 and other decisions like that but what I can tell you
10 is, our Office of Neighborhood Safety will be part of
11 these. Our Office of Crime Strategies will be part
12 of these. Our resource team will be very much
13 involved in what you are describing.

14 How do we develop a specific metric and allow us
15 to tell what is success. So, how do I measure
16 success of this program? We are doing something that
17 we have seen in other jurisdictions which we think
18 has been successful has been measured in many
19 different ways. There are two metrics that for me is
20 important. Certainly, it is once we implement these,
21 is obviously whether or not at the end of the day
22 whether gun violence goes up or down where we
23 implement.

24 The second metric is much more important to me or
25 as important I should say, which is what are the

1
2 lessons to learn from all of these? Does it really
3 become a structure where the city is learning, not
4 just Police Department is learning, where MOCJ is
5 learning, where multiple agencies, DOC, DOP etc. is
6 learning from this experience. That experience can
7 be shared and as a result of that, we have a
8 different approach to the way we do gun violence.
9 That to me is the essence of sharing reviews. It's
10 one of the multiple strategies that we have there.
11 We want to do network analysis to understand the
12 relationships between folks who are involved, the
13 individuals who are involved in gun violence. We
14 want to invigorate as I said a cease fire, another
15 strategy that we think has been very powerful. We
16 want to certainly figure out other strategies, the
17 strategies that we might have not implemented today
18 but we think might be useful.

19 This is an opportunity for us again, to try to
20 create innovations. To try to bring to the table
21 ideas that today, we don't have. Gun violence is not
22 aesthetic problem. It is a dynamic problem as we
23 have experienced. The city as you know, just two
24 years ago, have the lowest level of murder – the
25 lowest murder rates since 1940's. All of a sudden

1
2 that changed. Why? There are multiple facts but
3 what I can say is we certainly need to always
4 innovate. If we are just happy with what we do, we
5 are not going to come up with something and innovate
6 and to try to be effective.

7 So, the purpose of the joint force is to figure
8 out how we can push ourselves to the limit. How we
9 create these working groups that works better. How
10 we can me more cooperative and how ultimately we can
11 more effective. That's how I measure success for
12 this program.

13 CHAIRPERSON ADAMS: Okay, thank you. I am going
14 to touch on one more area before I bring my
15 colleagues into this. Let's talk about rethinking
16 incarceration. MOCJ has been at the center of the
17 interagency efforts to decarcerate and to reduce
18 intake to our city's jails, especially at the start
19 of COVID-19.

20 MOCJ was instrumental in implementing the 6A
21 program. Negotiating with state parole to overcome
22 barriers to release for individuals held only on
23 state technical parole violations. Assuring that
24 otherwise homeless individuals have a safe place to
25 stay upon release and bridging communication gaps

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2 between the released individuals and service
3 providers. I am sad to see recent reports that show
4 the jail population is now rising back up to numbers
5 we saw prior to the pandemic. Moreover, 52 percent
6 have serious felony cases. 54 percent have a mental
7 health diagnosis and one in five have a gang
8 affiliation. Most concerning to me is that over 75
9 percent of people have had prior admission. The
10 current population is presenting serious systemic
11 challenges.

12 As the city's lead on shaping criminal justice
13 policy and programs and given the increased rate of
14 people in security risk groups in the city's jails.
15 What is MOCJ doing to reduce gang violence and gang
16 related crimes?

17 MARCOS SOLER: So, Eric if you want to take this
18 question. I will just say one very brief thing is
19 our commitment, our specific commitment to reducing
20 the jail population and at the same time, achieve
21 greatest you know, higher levels of public safety,
22 has now changed. We would say that in 2014, the
23 Mayor said that clearly. They have helped to shape
24 that message. We are committed to the goal of both,
25

1
2 as I said before, reducing gun violence and reducing
3 incarceration.

4 What we have experienced is as you have
5 indicated, a very clear problem of gun violence
6 increased which obviously can be clear. You can see
7 it clearly in the jail population. We know that the
8 jail population has gone up about 800 people since
9 last year primarily driven by folks who are there for
10 murder, for gun violence, for gang related
11 activities.

12 That is the reality. We think that all these
13 strategies that we are doing together are the
14 strategies that ultimately are going to bring us to
15 the goal to which we know we are committed and we
16 know that we can achieve, which is the 3,300 by 2026.
17 So, we can implement fully the safer, smaller, fairer
18 jails.

19 But what I can say is, there is no one simple
20 solution to the problem of gun violence, gang
21 violence and certainly that in the jails but Eric, I
22 know we have tried to implement certain initiatives,
23 if you could develop a little more of what we are
24 specifically doing with the jail population and gang
25 violence?

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2 ERIC CUMBERBATCH: Sure, I will speak more so
3 towards that gang violence piece and you know, I just
4 want to put it in context. Often times people that
5 reside in dense areas, when there is acts of
6 violence, it gets attributed or considered gang
7 violence as opposed to people that live in a specific
8 area and the complications that comes with untangling
9 and unpacking what is really structured gang violence
10 versus disputes and other types of things that result
11 in violence.

12 So, I just want to make a clear delineation that
13 there maybe people that are categorized as in gangs
14 that may have exhibited or have exhibited violent
15 behavior. It doesn't necessarily link it to actual
16 gang related, gang or in gang shootings or that type
17 of violence, although that does occur.

18 Uhm, I would say a lot of what we are doing is
19 positive network building amongst young people that
20 are most at risk or have risk factors for violence.
21 One of the key initiatives that we have rolled out
22 and you know as the city really slowed down or was
23 impacted by COVID, we were launching youth led
24 campaigns. Peer to peer messaging that really spoke
25 about young people creating their own narrative

1
2 around exhibiting positive behaviors, making peace
3 actionable and being stewards of their own community.

4 Our antigun violence employment program where we
5 work with outreach workers in neighborhoods to
6 actually identify who our young people with risk
7 factors that we need to bring closer to us and give
8 them leadership responsibilities and show that we
9 actually want to invest in them because we care about
10 their lives. And to see the transition of when we
11 care about young people, how they then care about
12 others and so forth.

13 Our outreach workers and violence interrupters
14 that do great work already. So, violence
15 interrupters really mediating and mitigating just
16 levels of violence in community or different disputes
17 that may be taking place. Getting in between it and
18 really problem solving very granular issues.

19 Outreach workers that do great work, identifying
20 people who have gaps and needs in their lives and
21 ensuring that there is resources that are culturally
22 appropriate and competent for individuals to get the
23 type of supportive networks and get to a place of
24 resilience where we don't see some of these things
25 happening that are being mentioned.

1
2 So, I think there is a lot that we are doing.
3 There is a lot more that definitely can be done and I
4 am very excited about the expansion. I think that
5 will give us more energy and greater reach for these
6 types of efforts to continue to grow.

7 CHAIRPERSON ADAMS: I agree, I agree. Just a
8 couple more questions from me. And one of them has
9 to do with mental health needs and we know that
10 incarceration is not the answer for addressing
11 behavioral mental health needs. What programs does
12 the city need to invest in so that Rikers Island does
13 not become, I am going to say but does not continue
14 to be a mental health care provider?

15 MARCOS SOLER: I would like Dana to please
16 address that since obviously she knows much more
17 about this than me.

18 DANA KAPLAN: Sure. So, yes, you know, I think
19 that since the Behavioral Health Taskforce many years
20 ago, we have still been focused on a number of –
21 implementing a number of different strategies that
22 are specifically targeted around diversion of people
23 who have mental health issues from the justice system
24 and specifically from incarceration.

1
2 I would say you know, obviously these programs
3 and diversions exist at all stages of the system.
4 So, there has certainly been work more recently that
5 is about you know, diversion from either in the front
6 end in terms of arrest and diversion centers and the
7 recent pilots that have been initiated in this
8 regard.

9 As it relates to diversion from the point of
10 detention specifically, one of the things that we
11 have been focused on is within our alternative to
12 incarceration providers and within our supervised
13 release providers, making sure that there are
14 appropriate referral points to mental health supports
15 and social workers. Such that those programs can be
16 relevant and effective for people with mental health
17 concerns and considerations.

18 So, that has certainly been one of our
19 strategies, is we know that there might be particular
20 considerations that judges might have in referring
21 someone to Supervised Release. As an example, if
22 they don't feel as though or the appropriate referral
23 points in you know, supports at the neighborhood and
24 community level to be able to meet those specific
25

needs and a number of our providers have that expertise, which is very welcomed.

There is also of course, you know there is a new RFP or it's not new but DOHMH has been focused on the expansion of justice JISH beds to provide particular supportive housing for people who might have a level of need that goes beyond what is available in other transition housing or other long-term housing placements. And so, certainly, the JISH bed expansion has been a long piece of this.

And then, ultimately long-term, I think that you know there is an effort both to ensure again, that at every stage of the system we are diverting people as appropriate and not utilizing detention for people who can safely be supervised elsewhere but also focused on when people are in detention what is a more appropriate way to meet those needs.

And so, as you know connected towards the long-term plan to close Rikers, as you know Council Members may know obviously, there is also the focus on increasing the capacity in health and hospital facilities to be able to serve 200 individuals who are remanded to detention but essentially would be better served in a more therapeutic environment.

1
2 So, Correctional Health Services is moving ahead
3 with the procurement and design of those beds within
4 hospital facilities and so again, when we talk about
5 kind of you know once people are in detention and at
6 all stages in the system, we are looking towards how
7 we can better serve that community.

8 CHAIRPERSON ADAMS: Thank you Dana. Thank you
9 Marcos and thank you Eric. I am going to let my
10 colleagues in. Counsel.

11 COMMITTEE COUNSEL: First up will be Council
12 Member Barron followed by Council Member Levin.
13 Before we turn to Council Member Barron, I just want
14 to thank everyone from the public who is patiently
15 waiting. I know we are a little behind schedule. We
16 have the indigent defense providers coming up next
17 and I just want to thank everybody. We have a lot to
18 get through. We will get to everyone who wants to
19 testify today.

20 And with that, I will turn to Council Member
21 Barron.

22 SERGEANT AT ARMS: Time starts now.

23 COUNCIL MEMBER BARRON: Thank you Madam Chair and
24 to the host and to the panel for being here. I just
25 have a few questions. First to start out, this whole

1
2 so-called criminal justice system had its beginnings
3 as we said a little earlier, in the carceral system
4 to re enslave Africans. Those who were running from
5 slavery to re enslave them. To capture them and send
6 them back or once the 13th amendment was passed to
7 find a way to fill the jails and get slave labor.

8 So, often times there is a perpetuation of that
9 concept when people are criminalized or put in jails
10 who are really seemingly petty misdemeanors or
11 crimes.

12 So, that is in fact the basis of how the system
13 started and we in fact at this point have what Martin
14 Luther King called domestic colonies. In as much as
15 we get very limited services coming in and the labor
16 is extracted and taken out to the larger system.

17 My question, it regards those who are found to
18 have been wrongfully convicted. I heard you mention
19 your Jails to Jobs program and I would like you to
20 perhaps speak briefly more about that, so I can be
21 better informed but for those who have wrongfully
22 convicted, I am proposing legislation that says those
23 who were found to have been wrongfully convicted
24 should be entitled to have the state pay whatever
25

1
2 child support may have accrued during that time and
3 that they not be burdened with that obligation.

4 And secondly, that those who have been found to
5 have been wrongfully convicted will in fact be able
6 to be entitled to extensive social services and I did
7 hear you talk about a program that helps get housing
8 and other kinds of services.

9 So, I want to know what do you think about those
10 two pieces of legislation and then just also in terms
11 of MOCJ, the work that is being done through the Cure
12 Violence Programs. I have MAN UP. MAN UP is really
13 the model for all that is being done because they
14 started without any kind of funding, with just with a
15 commitment to help increase the peace that existed on
16 the streets and to help deflect any kinds of disputes
17 that would lead to violence.

18 So, they are the model. They are the originals
19 and they have been doing that for years. They did
20 that for years with no funding, just out of their own
21 commitment. So, looking at what they are doing. I
22 think that as you look to say we are going to change
23 the model of safety in our communities, we have got
24 to look at establishing community-based organizations
25 of our constructing and our input and our shaping as

1
2 the base. Not these external police officers and
3 systems that come with a particular mindset that
4 demonizes us and criminalizes us, stops us for no
5 reason. But we have got to be able to have that
6 power within our own communities to determine how we
7 are going to keep our communities safe. We can rely
8 on those persons that have lived in our communities,
9 have credibility and perhaps and had involvement with
10 the system to be able to be heard fully by those who
11 are going down a treacherous path.

12 So, how we have got to look in this new era of
13 looking at how we are going to reshape what's going
14 on to bring that power and that authority and those
15 resources to those community-based organizations.
16 Not the police who have the history that I have
17 talked about. The police who don't see us as
18 citizens that are valued and entitled to respect.

19 So, I just wanted to get your comment on those
20 two pieces of legislation and to just give big opts
21 to all of those Cure Violence groups and the Cease
22 the Fire groups that are working in our communities.
23 Thank you.

24 MARCOS SOLER: I think Eric and I will certainly,
25 [INAUDIBLE 6:03:11] I will say two things. I have

1
2 familiar, apologies, I am not familiar to the two
3 pieces of legislation but I will address the two core
4 issues that I think you are addressing.

5 One is, I think you know that our office is all
6 about building community-based organization across
7 the system. Address obviously, addressing gun
8 violence but as I said before, across the system.

9 And with regards to the broader goal that you
10 have said, I think the Mayor has been very clear. We
11 have tried to drive that - tried to advance the
12 Mayors patient. We have reduced, I understand and it
13 might not seem sufficient but we have reduced
14 misdemeanor arrests significantly under this
15 administration. We have pushed obviously for the
16 kind of things that you were talking about, the
17 criminalization of regular routine behavior. We are
18 addressing the issue of the criminalization of
19 poverty in a police reform.

20 I am with you 100 percent about reducing the
21 footprint of the criminal justice system. I cannot
22 speak specifically to your specific legislation about
23 people who have been unfairly impacted. I don't know
24 enough. Certainly, I will ask my general counsel to
25 look into the legislation and we will get back to

1
2 your office. But I can just say that on those two
3 goals, we have been very clear from the beginning.
4 Reduce the footprint of the criminal justice system
5 across the board and creating the civilian
6 infrastructure that will bring us to safety and not
7 rely just simply on the old criminal justice system.

8 It's two goals in my office. I agree and we will
9 certainly pass you know your information to our
10 vendors. We were just yesterday on the phone with
11 them MAN UP, so we will certainly connect on that
12 basis with them. Thank you so much for your
13 question.

14 COUNCIL MEMBER BARRON: Thank you Madam Chair.

15 COMMITTEE COUNSEL: Thank you Council Member.
16 Council Member Levin.

17 SERGEANT AT ARMS: Time starts now.

18 COUNCIL MEMBER LEVIN: Thank you so much. Two
19 questions. First question for Dana, you spoke a
20 little bit about the restorative justice funding
21 commitment. I asked the First Deputy Mayor Dean
22 Fuleihan about this this afternoon as well. And he
23 committed that the funding that was committed back in
24 2019, that was supposed to be in the FY21 Budget
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2 would actually be in the '22 Adopted Budget. So, I
3 am appreciative of that.

4 My question is can we work together on how we
5 want to see – like, can we start working together now
6 on how we want to see that funding allocated?
7 Because you know, by my count, we should be at about
8 \$3.5 million for the community-based sort of justice.
9 Because it was supposed to be \$2.5 in the FY21 Budget
10 and then up to \$6.5 in the FY23 budget. And
11 obviously I won't be here for the FY23 budget, so,
12 you know if we were to be on track it should be
13 around, really should be around \$4 million, \$4.5
14 million in the FY22 budget.

15 So, my question is, I mean, it would be – we
16 should start working on this now how we want to
17 structure this because I have been talking to some
18 providers who you know are of the opinion that it
19 might make sense for the Council, it should be part
20 of a Council initiative the first year because that
21 gives us a little bit more discretion as to how it is
22 structured, rather than an RFP by MOCJ. Which would
23 be you know, that's a competitive RFP but that then
24 leaves us with less discretion as to how to structure
25 it.

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2 DANA KAPLAN: So, Council Member, the question
3 couldn't be more timely. I think we are thinking the
4 same about the need to plan now essentially for how
5 to spend that funding when it is allocated in
6 recognition that obviously, there will be a
7 transition in the Council and the Administration that
8 we don't want to you know, we don't want to delay the
9 planning for the allocation of the Restorative
10 Justice funding. We know that there is a commitment
11 to fund it and so, we want to make sure that we are
12 poised to execute on that commitment and not begin
13 the planning at the point at which the funding is
14 reflected in the budget.

15 So, we actually just released a very small
16 solicitation to bring on a consultant to help work
17 with essentially MOCJ, the Council. We anticipate
18 working closely with you and other members of the
19 Council on this, as well as some of the provider
20 community and obviously the many people across the
21 continuum that have expertise on restorative justice.

22 I think to the point that you have made clear,
23 that we want it to seed restorative justice
24 programming at every juncture of the system, so both
25

1
2 in community and also for more serious felony level
3 offences in the courts.

4 So, at MOCJ, we were able to self-fund that
5 solicitation to bring that consultant on and we
6 anticipate having a very focused planning engagement
7 timeline that again, works with the Council, with us,
8 but also, with the full range of restorative justice
9 providers and experts to identify where the gaps are.
10 What are the programs that could be resourced
11 immediately? Where you know it is a question of just
12 scaling up or providing additional support but also
13 as we think about longer term and you know, getting
14 to that full \$6.5 million that is committed. You
15 know how do we think about the highest and best use
16 of that funding, so that we aren't just limiting
17 ourselves by thinking about how do we fund seedling
18 efforts but also, how do we really think about a
19 value add to use the principles of restorative
20 justice to advance justice more broadly.

21 Again, as you pointed out both at the community
22 level but also to divert the most serious level cases
23 from the courts and towards a different model of
24 justice that I think – you know, restorative justice
25 upholds for us.

1
2 So, we will make sure that you have a copy of the
3 solicitation, if you don't but also happy to get
4 started working with you on that immediately.

5 COUNCIL MEMBER LEVIN: Okay, that sounds great.
6 Okay, I will turn it back to the Chair and to my
7 colleagues. Thank you. Thank you Chair.

8 COMMITTEE COUNSEL: Thank you Council Member
9 Levin. I do not see any other Council Member's with
10 hands raised. Chair Adams, do you have any more
11 questions for the panel?

12 CHAIRPERSON ADAMS: I do not. This has been very
13 thorough, very informative and I thank the panel for
14 their testimony and their time today and most
15 importantly for their work.

16 MARCOS SOLER: And I truly appreciate the time
17 that you gave us and I will get back to you on the
18 question and you can find our answer to be
19 appropriate and I will get back to you as soon as
20 possible.

21 CHAIRPERSON ADAMS: Thanks very much.

22 MARCOS SOLER: Have a wonderful day.

23 CHAIRPERSON ADAMS: You to.

24 COMMITTEE COUNSEL: Okay everyone, we will be
25 taking a brief ten minute recess. It has been a long

1
2 day. We are going to be here for as long as it
3 takes. We will start up again at 4:00 p.m. with the
4 Legal Aid Society, Bronx Defenders, Brooklyn
5 Defenders.

6 Thank you so much for your patience and we will
7 be back up shortly. [RECESS 6:10:55-6:23:14].

8 SERGEANT AT ARMS: Welcome back Chair Adams, are
9 you ready to continue?

10 CHAIRPERSON ADAMS: I am as soon as my Moderator
11 come back. I see him.

12 SERGEANT BIONDO: Very well and all Legal Aid and
13 Defenders are ready. Folks, thank you for your
14 patience. For those just joining us, we just
15 finished a quick recess. We will be resuming with
16 the Committee on Public Safety. Thank you.

17 COMMITTEE COUNSEL: Thank you Sergeant. I will
18 now call on the panelists from Legal Aid, Brooklyn
19 Defender Services and the Bronx Defenders.

20 Before we begin testimony, I will administer the
21 oath to all panelists who will be offering testimony
22 or be available for questions. Please raise your
23 right hands. I will read the oath and call on each
24 of you individually for a response.
25

Do you swear or affirm to tell the truth, the whole truth and nothing but the truth before this Committee and respond honestly to Council Member questions? Janet Sabel, Chief Of Legal Aid Society?

JANET SABEL: Yes.

COMMITTEE COUNSEL: Adriene Holder, Attorney in Charge of the Civil Practice of the Legal Aid Society?

ADRIENE HOLDER: Yes, I do.

COMMITTEE COUNSEL: Tina Luongo, Attorney in Charge of the Criminal Defense Practice at the Legal Aid Society?

TINA LUONGO: Yes, I do.

COMMITTEE COUNSEL: Ms. Schreibersdorf, Executive Director at Brooklyn Defender Services?

LISA SCHREIBERSDORF: Yes, I do.

COMMITTEE COUNSEL: Justine Olderman, Executive Director of the Bronx Defenders?

JUSTINE OLDERMAN: Yes, I do.

COMMITTEE COUNSEL: Uhm and I believe Ms. Sabel you will be giving testimony first, is that right?

JANET SABEL: Yes, I will. Thank you so much.

We thank you Chair Adams and the Finance and Justice System Committees for the opportunity to testify

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2 today. We are testifying on behalf not only of the
3 Legal Aid Society but of all the defender
4 organizations as we are all facing significant
5 financial challenges this year.

6 It has been needless to say a devastating year.

7 A year ago at Legal Aid, we pivoted our entire
8 organization of 2,200 people to remote operations and
9 we made enormous adjustments our service methods to
10 ensure that we remained connected to our clients and
11 able to engage in the critical representation that
12 they needed.

13 You will hear more about our vital programs from
14 my colleagues at Legal Aid and Bronx and Brooklyn
15 Defenders but I cannot begin any public presentation
16 without calling out the inspiring work of the staff
17 of the Legal Aid Society and our sibling agencies.
18 Their work has been beyond extraordinary. While they
19 have been struggling with illness and grief and
20 anxiety and uncertainty, working remotely under
21 difficult and demanding conditions and working in the
22 courts despite their fears about safety.

23 Our staff across all of our organizations have
24 not stopped delivering outstanding legal services and
25 advocacy for our clients in our communities. But at

1
2 the same time that our staff has been fighting on the
3 frontlines, resources and contract funding began to
4 shrink and slow down, causing enormous past flow
5 challenges that threatened payroll and operational
6 support.

7 At the Legal Aid Society, our state funding from
8 the Office of Court Administration that supports our
9 civil and juvenile rights practice were cut by ten
10 percent. The New York City Indirect Cost Rate
11 funding supporting our Civil and NYIFUP immigration
12 projects, as well as our criminal defense practice,
13 were reduced by 40 percent.

14 The New York City cost of living adjustments that
15 we had expected from the Administration for FY20 to
16 '23, were eliminated. The promised expansion of pay
17 parities for attorney's was halted and federal aid
18 under the Paycheck Protection program uhm, available
19 to many of our sibling organizations was not
20 available to the Legal Aid Society due to our size
21 and our budget. So, we really were left to cover the
22 FY21 shortfall on our own.

23 We are of course mindful of the financial
24 challenges that the city and the state have based
25 this past year. However, in light of what we expect

1
2 to be an infusion of federal dollars coming to the
3 Administration, we really – and the fact that the
4 demand for our services has far from waned, in fact
5 it has grown, we really urge you to restore support
6 for our city programs and it is more critical than
7 ever.

8 First, I am going to talk about uhm, our general
9 financial issues and then we will turn it over to the
10 other members of the panel to talk about programmatic
11 issues.

12 We ask the city to follow through on its
13 commitment to pay parity, including restarting
14 discussions about the promised expansion of parity
15 for attorneys beyond five years of service. As Chair
16 Adams pointed out, thank you very much Chair Adams.
17 We have not received any parity dollars for either
18 FY20 or the retroactive parity dollars for FY20 or
19 '21. But based on the promise from the city, at the
20 Legal Aid Society, we turned over those parity
21 dollars to our staff and negotiated a new living wage
22 salary scale for our staff, on the expectation that
23 the parity dollars would be baselined in FY21 and
24 beyond.
25

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2 We ask today that the City Council also
3 supplement our NYIFUP immigration program with a
4 comparable parity supplement for junior attorneys and
5 we endorse the Chairs suggestion that MOCJ provide
6 parity dollars for the city and state, especially for
7 the money that flows through MOCJ.

8 Again, because we expect that there will be
9 additional dollars coming into the city and the
10 state, we believe that it is really time now to renew
11 discussion about the expansion of parity dollars for
12 our more senior attorneys and our supervisors.

13 Turning now to the Indirect Cost Rate Funding
14 Initiative. This initiative was touted as a real –
15 as an opportunity for not-for-profits across the city
16 to finally obtain the full cost of the work they were
17 doing under city contracts. For the Legal Aid
18 Society, the expected infusion of revenue from the
19 Indirect Cost Program, allowed us to begin to address
20 the severely depressed and stagnant salaries of our
21 1199 support staff and our Administrative staff.

22 It was there for a massive blow to be advised
23 shortly after our Indirect Cost Rate was approved by
24 the city that our funding was being cut by 40 percent
25

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2 for FY20 and FY21 and of course we only learned of
3 this in FY21.

4 And even worse, we learned just this last week
5 that our funding has been cut to a mere 30 percent of
6 our approved Indirect Cost Rate for FY22. As with
7 parity, we relied upon the city to follow through
8 with its commitments and now ask for the full
9 restoration of the Indirect Cost Rate Funding
10 Initiative.

11 I mentioned it earlier but it is worth mentioning
12 again, that the Legal Aid Society did not receive
13 even \$1 of Federal Aid to address the unforeseen
14 COVID related expenses and shortfalls. We were
15 ineligible to participate in the Federal Paycheck
16 Protection program, so it means we didn't receive any
17 payroll assistance or any forgivable loans, nor did
18 we receive \$1 of support from the Federal Legal
19 Services Corporation.

20 So, despite the imposition of a hiring freeze,
21 which we undertook and despite all the cuts to our
22 discretionary spending, which we undertook and our
23 encouragement of staff to resign and take voluntary
24 leaves, we find ourselves in an incredibly
25 challenging financial situation. Compounded by the

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2 major bottlenecks in contracting and processing of
3 amendments by our major funders, the New York State
4 Office of Indigent Legal Services and the Mayor's
5 Office of Criminal Justice. The contracting process
6 and the failure to get paid by MOCJ for the Office of
7 Indigent Legal Services and Mayor's Office of
8 Criminal Justice funding has been devastating for all
9 of the defender organizations.

10 So, today, we seek your help in allowing us to
11 continue to do the very important work that we do and
12 to continue to support our staff who do battle on the
13 frontlines.

14 So, let me turn over now to Adriene Holder,
15 Attorney in charge of the Civil Practice who will be
16 followed by Tina Luongo, the Attorney in charge of
17 our Criminal Defense Practice and then over to
18 Brooklyn and Bronx Defenders. Thank you very much.

19 ADRIENE HOLDER: Good afternoon. Thanks for this
20 opportunity to testify before you all. You all and
21 in your staff who have been phenomenal partners in
22 our work.

23 Representing the Civil Practice, I am proud to be
24 on a panel with our Criminal Defense Practice and our
25 sibling partners.

1
2 Emphasizing the point that at the Legal Aid
3 Society, we represent the entire household, an entire
4 community. Legal Services is an essential component
5 for racial justice and to combat poverty. Our work
6 in this moment has been to advocate for the needs of
7 New York's marginalized communities of color. Those
8 most deeply impacted by what we regard as a triple
9 pandemic. The impact of the coronavirus but also the
10 impact of the economic downturn and the impact of
11 racial terror.

12 To respond to the crisis, among other actions we
13 have taken, we have collaborated with city and state
14 legislatures to create pandemic relief legislation
15 including the Tenant St. Harbor Act and the COVID-19
16 Emergency Eviction Foreclosure Prevention Act that
17 helped extend vital tenant protections.

18 We advocated strongly to safeguard the health and
19 safety of New Yorkers experiencing homelessness and
20 residing in city shelters during the pandemic,
21 uniquely vulnerable population.

22 In addition to early advocacy that secured
23 accommodation and private rooms for many New Yorkers,
24 we fought a lawsuit to ensure that the city is
25 required to offer everyone in single shelters their

own private room and bathroom for the duration of the pandemic.

At the same time, with many of you, including Council Member Inez Barron, we successfully advocated against nimbyism ensuring that plans to dismantle the Harmonia and flat land shelters, housing disabled adult families and families with children were shelved and fought to ensure that adult men at the Lucerne Hotel on the upper west side of Manhattan were able to continue receiving appropriate services in the face of campaigns by local pressure groups.

We have continued to be at the forefront of efforts to combat — I mean to advocate sorry, immigrant New Yorkers in noncitizen communities across our city. As one of three New York Immigrant Family Unity Project providers and the other two are Bronx Defenders and Brooklyn Defender Services are proud siblings.

Together, we led groundbreaking efforts to litigate and advocate for New Yorkers held in dangerous and life threatening conditions following the widespread transmission of COVID-19 in New York area jails. And as a result of our interventions, we jointly secured the release of 242 detained New

1
2 Yorkers whose medical history and circumstances made
3 them particularly vulnerable during the pandemic.

4 We press the city to ensure adequate internet
5 access for children living in shelters and remote
6 learning during the pandemic. We advocated directly
7 at the federal level to reduce barriers preventing
8 SSI recipients and veterans from automatically
9 receiving Cares Act Economic Impact payments. We
10 provided dedicated support to nonprofits and small
11 business owners across the city and renegotiating
12 leases maintaining business viability and
13 understanding their options through the Cares Act
14 during the pandemic and throughout. We will continue
15 and we did that with our Community Development
16 Project, which is part of the city's crisis
17 management system response team.

18 We advocated for survivors of domestic violence
19 during the current crisis both pushing for systemic
20 changes to ensure their safety and simultaneously
21 continuing to provide support to clients remotely.

22 And we significantly expanded our use of virtual
23 outreach and reached nearly 65,000 New Yorkers
24 through video webinars and virtual trainings between
25 April of 2020 and January. And we did that with a

1
2 lot of your offices and a lot of you all's
3 assistance.

4 Now while we have successfully advocated for
5 immigration moratoria and other measures to ensure
6 vulnerable New Yorkers do not face being evicted
7 during a major public health crisis; we envision a
8 potential landslide of evictions and other threats to
9 our clients housing once tenant protections
10 eventually expire.

11 Further, there continues to be significant need
12 for assistance with employment related issues below
13 wage workers. Our employment law team has seen a
14 three to four fold increase in cases related to
15 accessing unemployment insurance and a doubling in
16 general non-UI employment matters including wage
17 theft and employment discrimination.

18 As the city navigates a return to a more normal
19 business operations and many low wage workers faced
20 being forced back to unsafe work environments, this
21 demand is only set to increase further. The Legal
22 Aid Society has the depth of expertise, the breath of
23 scope and the capacity to defend and advocate for
24 vulnerable New Yorkers.
25

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2 We are a part of the recovery to address the
3 racial, social and economic inequities our Black and
4 Brown neighbors face. We therefore respectfully
5 request New York City Council maintain its
6 longstanding support for the following citywide
7 initiatives.

8 The Legal Services for Low-Income New Yorkers
9 program in Fiscal Year 2022, we respectfully request
10 a restoration to Fiscal Year 2020 funding of \$6.3
11 million for all the designated civil legal services
12 providers of which the Legal Aid Society would
13 receive \$2.1 million. So, that we can continue to
14 provide essential services to thousands of families
15 and individuals in New York City.

16 It is this funding that allows us to pivot in
17 moments like this. It is this funding that allows us
18 to go beyond the contracted services that we have in
19 the civil practice to really be truly responsive to
20 the emergent needs of our client community.

21 The New York Immigrant Family Unity project has
22 represented detained immigrants placed in deportation
23 since 2014, helping to ensure New York families are
24 not separated simply because they cannot afford an
25 attorney. The nations first universal legal

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2 representation program for detained immigrants,
3 NYIFUP provides high quality holistic representation
4 to New Yorkers detained and facing deportation who
5 cannot afford an attorney. And this year, we are
6 requesting a continuation of the \$16.6 million for
7 NYIFUP split evenly by the three NYIFUP providers in
8 the amount of \$5.533 million each.

9 And this year, we respectfully request that the
10 Administration baseline NYIFUP funding in the FY22
11 budget.

12 The Unaccompanied Minor of Children and Families
13 Initiative has been providing free legal assistance
14 to unaccompanied children with adults and children
15 fleeing gang violence and domestic abuse since 2014
16 with the support of the New York City Council.

17 We are asking in Fiscal Year '22 for an
18 enhancement of one million, 75,000 dollars for UMFI
19 to cover the increased costs of this program. This
20 funding has remained flat for years and in Fiscal
21 Year 2022 and out of that full amount, the full
22 amount for all of the unaccompanied minors and
23 families initiative providers, it is \$5.15 million
24 that is being sought. So, our version of that is a
25 fraction of that cost.

1
2 And finally, when the budget process is over and
3 when Council Members looking at DOVE money, we
4 definitely would ask that the DOVE Initiative that
5 supports our family law and domestic violence
6 practice; and many of you all have been very
7 supportive of the Legal Aid Society in previous
8 years. We request that we be able to maintain that
9 support from the individual members.

10 And so, I really do appreciate this moment and
11 this time with you all today to be able to testify.
12 You are going to be hearing more from our other
13 partners that we stand in solidarity with. And you
14 will also be hearing from a lot of our sibling
15 organizations on the Civil Legal Services side
16 tomorrow. But right now, I kick it to Tina Luongo,
17 who is the Chief Defender for our Criminal Defense
18 Practice. And thank you again for your time.

19 TINA LUONGO: Good afternoon everybody and good
20 afternoon Chair Adams and members of the Committee
21 and to the many people in the public who are
22 anxiously waiting to talk about police reform.

23 I just want to take a few moments to talk about
24 some of the areas that actually were covered
25 throughout this day brought to you by the

Commissioner of NYPD and his team and to Mr. Davie's, the Commissioner, Commissioner Davie and his team. And to the Interim Director Mr. Soler and his team from MOCJ.

But first and foremost, I think it is really important to sort of recognize that what we learned through COVID is that the systemic issues, the racial and social justice poverty driven issues that plague our clients long before COVID was simply just highlighted and made worse by COVID. And that a return back to what may be seen by some as normal must be actually a return to doing things differently, so let's not go back and to learn from the lessons that we have learned from COVID.

In fact, the city has been tested in many ways and our client communities have shown through brilliant resistance, resilience and stamina. Their fight and demand for us to rise as a city in equity, fairness and humanity.

And in fact, what I am most proud of is that the staff of our office's join in standing in solidarity side by side with our client communities in making those demands.

1
2 And so what did we do during this pivot? Almost
3 actually a little over a year ago, we moved from a in
4 court, in person proximal system that was driven by
5 much of the passing of paper in court rooms and court
6 houses to a fully remote system. But more
7 importantly what we needed to do through that as
8 everybody was moving remote was to recognize this one
9 thing.

10 That our clients long before COVID were made
11 invisible by systems and that this was just going to
12 make that problem worse. And so, our teams pressed
13 into play a series of things to in every single way
14 we could, squeeze out humanity for our clients and
15 make sure that whatever due process was left by the
16 governor's extension of executive orders that
17 eviscerated. All of the things in the criminal legal
18 system that bring due process. That we find a way to
19 bring that there and so, what did we do?

20 Our teams across all of our organizations moved
21 immediately to file hundreds upon hundreds of
22 individual and systemic ritz that actually forced and
23 called the question to decarcerate our jails and
24 prisons before the pandemic took lives. And
25 unfortunately, I stand here today being disappointed

1
2 that some of the leadership, particularly in our
3 state have ignored our calls for decarceration and
4 vaccination and that we have lost lives while people
5 are being held.

6 We implemented hotlines because as the pandemic
7 spread in our jails and prisons, family members could
8 not get the answers they needed from other
9 correctional systems. And so, we moved to hotlines
10 where all of our staff started to answer calls, calls
11 for help and signals that their family members were
12 in jeopardy.

13 We pushed OCA, DCAS and the Department of
14 Correction to take plans that's made safer, our
15 courts, jails and prisons and unfortunately today, I
16 have to report that despite a year long effort for
17 things to be better in our jails and prisons, more
18 sanitary, more clean, more provisions, that has not
19 happened. And in fact, today, just this week, I had
20 to send yet a second letter to the Commissioner of
21 DCAS. Imploring them to ensure that the ratings that
22 are so necessary for ventilation, that we changed in
23 our courts in public spaces be held to those same
24 spaces where incarcerated people are brought for
25 arraignment in court.

1
2 And to date, we still have not gotten an answer
3 that that remediation would happen. We pivoted and
4 that pivot did not just cost the money that Janet and
5 others are talking about today. But that executive
6 orders also created a backlog of matters. In
7 essence, people who are sort of trapped in limbo in
8 the criminal legal system, many of our clients who
9 are still held at Rikers and in upstate prisons are
10 in limbo to get the relief they need.

11 And so, our staff have pending caseloads that are
12 larger than ever before and because we have had to
13 hit the pause on hiring and filling back roles or to
14 implement other provisions for earlier retirement,
15 the fact is that we actually need people more now
16 than ever. Staff more now than ever to meet the
17 growing needs of our clients matters that are growing
18 day in and day out.

19 That backlog, we are hoping that MOCJ and the
20 offices and part of the administration will do being
21 mindful of how to prioritize backlog cases and not
22 just move things along for the expedience but to
23 actually look at the matters that must get moved
24 because peoples lives are being held in limbo.
25 Either in incarceration or through a pending matter.

1
2 A job might be on the line or a home might be on the
3 line.

4 So, what are we asking? We are certainly asking
5 for us to have our funding restored but we are also
6 asking the City Council and MOCJ and the Office of
7 Court Administration, DCAS and DOC to be proactive
8 and come together. We have been asking for a
9 citywide taskforce on COVID planning in the Criminal
10 Legal System for all five courts that are
11 standardized, that are transparent and accountable
12 and planned in advance because what is hanging in the
13 balance are our clients.

14 But we are also asking for is a call from the
15 City Council to the Governor to vaccinate those who
16 are incarcerated. It is simply unconscionable that
17 the Governor is allowing correctional staff to be
18 vaccinated in the same facilities, at the same time
19 just feet away. There are people being held against
20 their will, not being vaccinated.

21 We are asking for the support, much of you heard
22 from the conversation earlier today with MOCJ about
23 the full funding of our program partners to ensure
24 that they are ready for the reentry of people
25 returning home and I am so proud of the joint effort

1
2 we took at Legal Aid Society but I know other
3 defenders. In pulling together our taskforce for
4 reentry experts to be ready to help bring people home
5 and have them stay home.

6 And finally, and you will hear a little bit about
7 this I think when I turn over to my partners Lisa and
8 Justine, police reform has been much of a
9 conversation today. The plan that's before you, we
10 have said over and over and the community has said
11 over and over, did not actually include those most
12 impacted. And I think that there will be a much
13 larger response coming in the days ahead to that
14 plan.

15 But I do want to actually elevate the incredible
16 work being done by our Cure Violence partners in
17 communities. That is where reinvestment must be
18 placed. In the hands of the communities, in fact
19 most impacted and most at the point of knowing what
20 is needed in order to truly, truly create safety.

21 I know we have a long road to come out of COVID
22 in a way that makes our city whole but I do want to
23 say that most importantly, as we are thinking about
24 the decisions that should be made, that those
25 decisions are made by people who are practicing every

1
2 day in the courts and practicing on behalf of and in
3 partnership with those most effected by the
4 challenges of COVID. Which are always, always our
5 communities and clients.

6 And on that, I am going to turn it over to Lisa.

7 LISA SCHREIBERSDORF: Thank you. My name is Lisa
8 Schreibersdorf, I am the Executive Director, excuse
9 me, of Brooklyn Defender Service.

10 If there is anything that this pandemic has made
11 clear, it is that the defender offices in this city
12 provide a service and function that is way beyond
13 what is traditionally been associated with lawyers in
14 court.

15 On behalf of my office and other defenders here
16 and some who are not hear, including New York County
17 Defenders, the Neighborhood Defender Services of
18 Harlem, I want to thank the City Council for its
19 consistent support for our offices and more
20 importantly, for our function.

21 My testimony today is going to focus primarily on
22 one of our point programs that you heard from Ms.
23 Holder, which is our NYIFUP program. It is a program
24 that is fully funded by the City Council and it is
25

1
2 very important that the City Council continue its
3 support of this program.

4 In the past few years under the Trump
5 Administration, which included horrifying increase in
6 immigrant enforcement, callous policies and the
7 elimination of just and fair remedies that previously
8 existed in Immigration Court, the NYIFUP staff of
9 attorney's, social workers, paralegals and others
10 have been bombarded with tragedy after tragedy but
11 have fought hard to assist hundreds of detained
12 individuals to maintain their right to stay I this
13 country with their families.

14 Upon the beginning of the pandemic, like the
15 Criminal Defense Attorneys in all of our offices, our
16 NYIFUP attorney's file dozens of applications to get
17 individual people released. Winning the lifesaving
18 release of hundreds of people and in addition, on the
19 criminal side, our staff also filed you know,
20 numerous multiple you know ritz, which included many,
21 many, many people, also wanting the release of many,
22 many people.

23 We now know because we have seen recent articles
24 about the deaths that have occurred in the jails and
25 also, how many people were passed away right away

1
2 right after they were released including one of our
3 own clients.

4 So, we know that this work is literally
5 lifesaving work. More details about this program of
6 course were described at the immigration hearing
7 earlier last week I think. And also you heard from
8 Adriene Holder as well but uhm, what I really wanted
9 to say is that those of us who do public defense work
10 are committed to representing individuals solely on
11 the basis of need. Not based on the meritorious
12 nature of their case or any other factors. This
13 model, which recognizes the humanity in every single
14 person, no matter what they are accused of doing or
15 even what they have actually done is core to the
16 improvement of the very systems that target people in
17 the city.

18 Some of which have been discussed here today.
19 And I would like to add, I think you will hear more
20 from Justine Olderman about also the ACS removals
21 that my office also handles. Every single one of
22 these functions really operates at the intersection
23 of racism and government overreach. And lawyers in
24 court that fight against wrongful behavior on a daily
25

1
2 basis are also an accountability measure. We are a
3 counter measure.

4 It is crucial that the City Council continue
5 supporting all of our programs, particularly those
6 that are not as well supported as they probably
7 should be by the Administration from time to time,
8 especially this year. Because our organizations need
9 to be stable and we need to be independent.

10 In order to continue not just the work we have
11 contracted to do but also to maximize the very
12 essence of what we do and what we represent in this
13 city. We need to stop having to worry every few
14 months about whether we will or will not be able to
15 continue a particular program. Whether we might have
16 to layoff staff. Worry about whether we can pay our
17 staff a living wage through Pay Parity. Whether we
18 will lose our indirect rate. Whether we will be, our
19 funding will be uhm, you know, rolled back to
20 previous years. All of which you have heard about
21 today.

22 But mostly whether we have to worry that the city
23 will keep its commitments to us. And that is why we
24 are asking the City Council to fight for the NYIFUP
25 program to be baselined this year.

1
2 Uhm, it is - uhm, I think it is - we are in a
3 little bit of fear that people will think that
4 because the Trump Administration has ended that
5 somehow the risk to immigrant is less than it was.
6 And in fact, it is not. What happened now is the
7 people who have been facing deportation proceedings
8 will continue to face those proceedings because they
9 have already been instituted against them. They need
10 lawyers more than ever because there are remedies
11 possibly now that didn't exist.

12 In the reckoning that is coming now, where things
13 like DACA are being reinstated, these are remedies
14 that are almost impossible to navigate without an
15 attorney.

16 We know that it is really important that the
17 cases we have started, we must continue and must see
18 them through to the end. We will fight in those
19 courts for the types of you know, moving things off
20 the calendars and getting administrative relief
21 through the courts and also, getting remedies for our
22 clients.

23 But the reason I think we most want to see this
24 baselined is because we all want to be stable. When
25 our organizations are stable and strong, then we are

1
2 able to do things like file a lawsuit to get
3 incarcerated individuals a vaccine.

4 We can advocate in Albany and other kinds of
5 systemic change and we could also do a code drive in
6 the community in the winter of a pandemic. Or role
7 is so multifaceted from the most individual to the
8 most systemic and all of our spaces are the exact
9 location where the city needs to do the most work to
10 set right the racial and just generally oppressive
11 behavior of so many agencies, all of which we work in
12 courts you know in cases that have been you know
13 really initiated by them.

14 We ask you to strengthen and support NYIFUP and
15 allow all of our programs to continue you know strong
16 and thank you again so much to Council Member Adams
17 and all the members of the Committee for your
18 support. Thank you. Justine.

19 JUSTINE OLERMAN: Thank you so much. So, over
20 the years, the Defenders have testified in front of a
21 host of different committees with different names.
22 There is Courts and Legal Services, there is Justice
23 Systems and now we are here today before you Chair
24 Adams and the Committee on Public Safety.

1
2 Though a lot of conversations that I am sure you
3 are aware of that are happening right now about what
4 exactly public safety means. And there is a growing
5 recognition that true public safety is about more
6 than crime, policing, prosecution and punishment.

7 It's about affordable housing and quality
8 education and employment opportunities and
9 healthcare. It's about keeping families together and
10 immigrants in their communities and it is about
11 ending the surveillance of low-income communities of
12 color by the NYPD, ACS and ICE.

13 So, as organizations that represent low-income
14 predominantly Black and Brown New Yorkers, not just
15 in criminal cases but also in civil, immigration and
16 family court proceedings. I would like to think that
17 our presence before you suggests some sort of
18 symbolic shift in our thinking. A recognition if you
19 will, that the issues our clients face in these
20 different venues, criminal, family, immigration and
21 civil, they are inextricably intertwined and so are
22 the legal systems that they are forced to navigate.

23 A drug case in criminal court can lead to an
24 eviction case in housing court. An eviction in
25 housing court can lead to family separation in family

1
2 court. And what we all know as public defenders is
3 that when a person is caught in the tangled web of
4 our legal system, it can be staggeringly hard to get
5 out and that makes us all less safe.

6 That is also where we come in. As you have
7 gleaned from the testimony already here today,
8 collectively the defenders in this city work
9 tirelessly to address the drivers of system
10 involvement and mitigate the devastating consequences
11 that flow from it. And there has never, ever been a
12 time when the people we serve have been in greater
13 danger of ensnarement in harmful legal systems than
14 now.

15 As I think Tina mentioned, our clients were
16 already struggling with homelessness. Unmet physical
17 and mental health needs, under employment, lack of
18 access to quality education and healthcare when COVID
19 hit and now, what we are hearing every day from our
20 clients is they are literally just struggling to
21 survive.

22 So, the need for our services, not surprisingly
23 as you have heard has never been greater or more
24 important. So, recent studies have shown that
25

investing in our work, not only meets the need for legal representation but is truly transformative.

Public defense has been shown to reduce incarceration rates by 16 percent and incarceration length by 24 percent. Decrease evictions by 40 percent, increase the chances of winning a deportation case by 1,100 percent and decrease time in foster care by four months.

Thanks to the Council and the Mayor's Office, most of our funding was steady this past year and we were able to provide high quality support and services that our clients, they have come to expect from each and every one of us across the city despite the pandemic and we are hopeful that with steady funding in Fiscal Year '22 and the rectification of the issues that Janet Sabel talked about, we will be able to continue to meet the needs of our clients in the year ahead.

You have already heard from Tina about the impact of COVID on our clients in the criminal legal system and Adriene about the importance of our work and related civil legal systems and Lisa about our critical immigration work. And while this Committee doesn't oversee ACS, it does have an oversight over

1
2 MOCJ, which is our primary funder for parent
3 representation.

4 So, I want to share a little bit about our
5 groundbreaking work, keeping families together and
6 then, I would like to transition and spend a couple
7 of minutes addressing the police reform and
8 reinvention plan that occupied so many hours of this
9 mornings hearing.

10 So, there are four organizations in New York City
11 that have contracts with MOCJ to provide
12 representation to parents who are faced with losing
13 their children to the foster system. That's us, the
14 Bronx Defenders, Brooklyn Defenders, Center for
15 Family Representation and Neighborhood Defender
16 Service of Harlem.

17 And collectively, we represent over 1,200 parents
18 every year in Article 10 proceedings. Each of us has
19 an interdisciplinary model of representation, which
20 connects clients not just with lawyers but social
21 workers and parent advocates. And our model has been
22 incredibly successful in preventing thousands of
23 children from needlessly entering the foster system
24 and reducing the foster care census in New York City
25 by almost 50 percent.

1
2 So, supporting our model is not just good for
3 families, it's also a good investment. A recent
4 study showed our model translates into merely \$40
5 million a year in annual savings. And of course, the
6 preservation of the family bonds between parents and
7 children that are so priceless.

8 This past year in our family representation and
9 our parent representation work. It has been
10 devastating in the same ways that you have heard
11 about the devastation in other areas of our practice.
12 While ACS and the court system never stop separating
13 families, reuniting families separated before the
14 pandemic has been exceedingly difficult. Access to
15 the courts for reunification has been limited as has
16 the ability to obtain necessary services. Moreover,
17 parents are struggling just to see their children
18 because of ongoing restrictions on in-person
19 visitation.

20 Our clients facing ACS investigations and
21 allegations of abuse and neglect, they need us more
22 than ever before. Unfortunately, each year including
23 this one, the Mayor has reduced our funding to 2016
24 levels. Without intervention, we will be forced once
25 again to begin the new year at an extreme deficit and

1
2 spend every day just hoping and praying for
3 restoration of our full funding.

4 While we have seen a reduction in new case
5 filings, it doesn't mean our workload has decreased
6 or we need fewer resources to provide high quality
7 services. The number of parents we currently
8 represent, which is the best indicator in all of our
9 practice areas of our work load, has not seen that
10 kind of decrease.

11 Moreover, representation has become more
12 complicated because of COVID and prolonged family
13 separation. So, what we are asking the City Council
14 to do is to hold the Mayor accountable for providing
15 legally mandated representation and related services
16 to the parents and children facing separation.

17 And while this is going to be discussed more in
18 tomorrow's General Welfare hearing, I did just want
19 to bring to the attention of you Chair Adams and this
20 Committee that we are also asking the Council to
21 increase funding for the Right to Family Advocacy
22 Initiative to \$3 million, which is \$750,000 per
23 organization.

24 For those who aren't familiar with it, this is an
25 innovative cutting edge program that provides support

1
2 and advocacy to parents who are being investigated by
3 ACS and it helps create what is essentially an
4 offramp to the legal system by keeping children
5 safely at home and avoiding the need for our case to
6 be filed.

7 So, now let me pivot to the last part of my
8 testimony because I know we are all anxious to get to
9 the public portion of the hearing and I am too.

10 I just want to comment briefly on behalf of the
11 Defenders on the police reform and reimagination
12 plan. Like you Chair Adams, I heard you this
13 morning, I share your frustration that these two
14 hearings had to be put together but then when I
15 thought about it more and listened to the testimony
16 this morning, I realized that in many ways, they are
17 actually perfectly aligned.

18 Because our work as Defenders has led us to the
19 inevitable conclusion that the only way we can shrink
20 our bloated criminal legal system and begin to
21 address the harm of policing in the low income
22 communities of color that we serve, is to free
23 ourselves from the false promise of policing and
24 start investing in alternative strategies for
25 community care.

1
2 I had originally planned on addressing the
3 fundamental problems with the process that led us to
4 this point but given your opening remarks and I know
5 I have testified before you before on this issue, I
6 don't think that's necessary. But I will say that
7 given the lack of transparency, the hasty and
8 haphazard way the process and plan was put together
9 and the sidelining of grassroots organizations and
10 impacted people, who have been working on these
11 issues for decades, it is simply not surprising that
12 the plan does nothing to reimagine the NYPD.

13 If you go through the plan and you look at the
14 word usage, you will see things like expand, enhance,
15 strengthen, consolidate, to describe the vision of
16 the Mayor and the NYPD. It is a vision that imagines
17 increasing control and power and responsibility of
18 the police force. It literally moves us in the
19 opposite direction from where we need to go. And
20 perhaps there is no better proof of what we can
21 expect from this plan than the testimony this morning
22 of Commissioner Shea.

23 I don't know how else to put it, except my
24 experience sitting here listening to him was that it
25 was as if the front page of the New York Post grew

arms and legs, was given a badge and got propped up before this Committee.

Because his testimony was filled with front page fear mongering. He spent time sighting increases in violence and sharing the personal details of the most recent victims of gun violence. Why? For the same reason that the New York Post does it. To somehow scare us into believing that policing is the answer to violence and a salve for the pain that it causes.

But we know better. This Council knows better. If we want to reduce violence, we should be spending our scarce city resources on people, on communities, on education, job training, affordable housing, mental health care. And the other way we know that this plan doesn't contain the vision and the transformation we need, is because this morning as we sat here and listened to them testify, out of one side of their mouth, they gave lip service to historical harm and desire for change. But you also heard things like this. Over policing, it's not what we do. We do targeted policing. Gun crime is down because of court closure and we have the best police department in the world.

Are those really the words of people we can trust to reform and reinvent itself? True reform is not going to come from the NYPD or this Mayor. It is going to come from the people that are going to testify next and you as their representatives. It's going to come when we start divesting from policing and start investing in alternatives.

There are so many examples across the country of communities who are trying to truly transform policing. Taking them out of schools, out of the business of traffic enforcement. Out of the business of responding to people in crisis and are building true alternatives that make us safer. We should be following their plans, not this one. What this Council does next, it is going to be its lasting legacy. Voting yes, it might be easy but it won't bring the transformation that the people of this city need and deserve.

Voting no, will take courage but if we care about a real response to the call for change that rang out through the streets of this city last summer, then the Mayor has left us with no choice. Thank you.

COMMITTEE COUNSEL: Thank you very much. Chair Adams, do you have any questions?

CHAIRPERSON ADAMS: I do. I do. Thank you Justine, you just took my breath away as usual. Uhm, very powerful to all of my Legal Aid partners, I say welcome. It's wonderful to see you all as always.

I just want to go back to where we started and really maybe just where I started this line of questioning particularly with MOCJ and in going back to the pay parity issue, uhm, as we have already addressed with MOCJ and has been addressed in your testimony, all of you. The pay parity deal that was negotiated as part of the FY 2020 budget has not been disbursed and the administration has not fulfilled its commitment to the deal.

So, I am just going to ask you for the record, can you please share what OMB and MOCJ have communicated with you? Also, for the record, can you please speak to how this delay has impacted your office? How many of you have already disbursed the funding to your employees despite not having the allocations at all? Anyone can start. Anyone can take that.

LISA SCHREIBERSDORF: Janet, did you want to?

JANET SABEL: Yes, I will take it. I am sorry, I was waiting to be unmuted. Thank you Chair Adams.

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2 So, you know, we have heard nothing from OMB. At
3 least at the Legal Aid Society, we have heard nothing
4 from OMB at all. We have been working with both MOCJ
5 and with HRA on uhm, you know, figuring out and
6 trying to address what our parity dollars actually
7 look like. And you know, what we don't know is what
8 happens with those - that analysis and those
9 calculations and what OMB is going to do about it.

10 It has certainly been suggested that OMB maybe
11 the cause of the delay here but there also has been
12 you know, there has been a lot of slow uptake from
13 both MOCJ and HRA. But we are in the process of
14 talking to them about what the numbers would look
15 like and so, that's one answer to your question.

16 Another part is, as I testified, we gave that
17 money to our attorney's immediately and we did it
18 because it was the right thing to do because there
19 was an imperative in moving forward on the parity
20 dollars, because their salaries were woefully
21 inadequate compared to their colleagues in the
22 Corporation Council.

23 And so, we felt it was incredibly important for
24 us to give that money and augment their salaries
25 immediately and we did it based on the commitment

1
2 that the parity dollars that we would receive would
3 be retroactive to the earlier Fiscal Year.

4 So, we gave the money to our staff retroactively
5 and we are sitting here holding the bag right now in
6 a way that is making us very vulnerable and because
7 of the issues that I raised about our cash flow
8 concerns and the difficulty that all of the defender
9 organizations are having, really turning on the
10 funding that is owed to us for work that we have done
11 over the past several years from MOCJ and from the
12 Office of Indigent Legal Services, which now flows
13 through MOCJ. We are all sitting here you know
14 angsting about cash flow for work that we have done,
15 for work that we — revenue that should be in our
16 hands.

17 CHAIRPERSON ADAMS: Yeah, yeah, thank you.

18 JUSTINE OLDERMAN: Lisa, did you have anything
19 you want to add? I will just —

20 LISA SCHREIBERSDORF: No, I just wanted to say
21 that uhm, we had all — my office and I know some of
22 the others, uhm, also did give that to our staff even
23 though, you know just based on the commitment. And I
24 wanted to say that you know, I have been BDS is like
25 25 years old and I have never before ever had a

1
2 situation where the city committed something to me
3 and it did not come to pass. This is a very unusual
4 situation.

5 One of the other things that happened was because
6 they had offered us the possibility of using last
7 years COLA raise, to kind of even out the pay parity
8 with the people that were on the like let's say the
9 higher steps, because pay parity only goes steps one
10 through five. That uhm, that we have proposed you
11 know how we would like to do that and they never gave
12 us an answer about whether that was or was not
13 acceptable.

14 So, not only was the pay parity money never you
15 know, come to fruition but we were basically unable
16 to even submit for our COLA because we never got
17 approval of how we were spending it.

18 JUSTINE OLDERMAN: Yeah and I will just add, same
19 for the Bronx Defenders and I know also for Center
20 for Family Representation that we all gave out that
21 money in that reliance on being reimbursed. So, I
22 know for the Bronx Defenders alone, the 2020 number
23 that is owed to us is you know at least \$1 million
24 let alone the money for Fiscal Year '21. And the
25 other thing, just to add some context to it. Not

1
2 only is there issue that Lisa talked about, about
3 sort of the compression at the top and the fact that
4 we should be in Phase 2 for the next sort of range of
5 attorney's. But many of us fought really hard and
6 fought unsuccessfully, which you know, we don't like
7 fighting and losing. It's sort of not in our nature.

8 But for pay parity to extend not just to lawyers
9 because when you increase the salaries for lawyers,
10 all of our organizations are based on
11 interdisciplinary models, where non-attorney roles
12 are critical to our holistic representation of our
13 clients and being able to meet their needs and so,
14 creating the sort of wage gap between lawyers and
15 non-lawyers is also something that we fought really
16 hard and since we were not able to secure a promise
17 of funding in that round for non-lawyer staff, many
18 of us increased the funding for non-lawyer staff.
19 And the salaries for non-lawyer staff because we
20 couldn't bear to have that kind of inequity in our
21 organizations. And so, that further exacerbates not
22 getting reimbursed at least for the one through five.

23 JANET SABEL: And if I might, Chair Adams add to
24 this, that one of the other representations that OMB
25 made to us, was that the Indirect Cost Rate program

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2 to the extent that each of our organizations might
3 see additional revenue as a result of ICR. That we
4 could use that money to do just what Justine is
5 talking about. To cover either the higher level of
6 staff who weren't getting pay parity in the first
7 round of negotiations or to use it for our non-
8 attorney staff because we weren't able to persuade
9 the city to extend parity to the non-attorney's. And
10 that is exactly what we did at Legal Aid and we used
11 very conservative numbers. I mean, we are not being
12 irrational here or you know bold and sort of
13 operating and budgeting on a whim, we really believe
14 that the city was going to follow through on its
15 commitment and use those dollars to address a real
16 inequity in our 1199 staff members salary as a
17 result. And we were using our Indirect Cost Rate
18 dollars for doing that and then they were cut from us
19 before we saw a dime.

20 CHAIRPERSON ADAMS: Yeah, you know thank you
21 Janet. I think I want to stay there because I am
22 going to try to differentiate. This is so disturbing
23 the more I hear it, the more disturbing it becomes to
24 me. In differentiating what you are talking about
25 right now with the pay parity, between the COVID-19

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2 expenses, it is our understanding that the public
3 defense providers have had to pay out of pocket for
4 expenses related to COVID-19 to equip your staff with
5 the necessary tools to work from home and provide
6 representation for your clients in virtual court.
7 How much did you all spend collectively on these
8 necessary expenses in FY 2020 and how much have you
9 spent year to date, if you know? And how much do you
10 expect to spend in FY21? And if the costs are not
11 reimbursed, tell us what the ramifications will be.

12 JANET SABEL: So, I would have to get back to you
13 on our actual numbers for the Legal Aid Society but I
14 will point out that this is one place where we maybe
15 in a different situation than the other organizations
16 because we are citywide and because we have the three
17 practice areas.

18 We were too large to be eligible for any of the
19 paycheck protection money. And so, we weren't able
20 to take out loans. We weren't able to get any
21 additional revenue. So, we have been covering these
22 expenses. We have received some money from MOCJ to
23 pay for some limited amount of COVID expenses and
24 similarly we have some money that came from HRA but
25

1
2 it covered a discrete period of time and we have many
3 more expenses and we will get back to you with that.

4 CHAIRPERSON ADAMS: Okay.

5 LISA SCHREIBERSDORF: I can answer that.

6 CHAIRPERSON ADAMS: Yeah.

7 LISA SCHREIBERSDORF: Uhm, what happened was
8 about at the beginning of 2020 there was a big change
9 in the Discovery Law, which then on the criminal
10 side, which really put all of us and the prosecutors
11 actually in a position where we didn't have the
12 technology to take the amount of data that we needed
13 to get from the DA's.

14 I mean, some examples are the amount of body cam
15 footage that is now you know, they are required to
16 turn it over and we are required to accept and store
17 and it's a large amount of work and effort and
18 storage space and downloading and uploading and even
19 just people power to do that. And that city had
20 committed at that time that they were going to give
21 us some money towards that, which to my understanding
22 also didn't come to full fruition.

23 But uhm, it also, because I am not completely
24 clear and I would get back to you on the specifics,
25 there's that kind of money, then there was some money

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2 they offered us in terms of COVID, which very
3 similarly, they ask you what you need, you give them
4 an answer. You don't get an answer back from them.
5 Maybe they tell you something and then later on it
6 doesn't actually come to fruition but I can tell you
7 from my staff, we did not have laptops for every
8 single staff member in our organization when this
9 started.

10 So, on a very basic minimum level, we had to
11 immediately get enough laptops, so everybody could
12 work from home including downloading the discovery
13 and that's every single staff member, not just
14 attorney's but our admins, social workers, attorneys,
15 really everybody paralegals, everybody that works in
16 the organization.

17 You know, it's hundreds of thousands of dollars
18 to build a technology. We were still operating on
19 hard files when we went home and the courts have now
20 changed to essentially virtual files and are now
21 going into e-filing. So, it's not just the
22 technology, it's also the software. It's the filing
23 systems. It's every single thing that we can do to
24 operate in this new universe, which I am sure will be
25 ongoing and it's not going to go back. Which maybe

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2 it is for the better for some of it but we are very
3 short of the money that we need and I know we didn't
4 talk about this - You know, I know we mentioned this
5 cash flow problem but the amount that the city owes
6 us is so extreme that even if we could find a way to
7 find that money in our budget, without getting the
8 actual cash reimbursed at this point, most of us are
9 going paycheck to paycheck at this point.

10 Where we are getting all these daily updates
11 about whether or not we have enough money in the bank
12 account to make the next payroll. Which is you know;
13 I think our office is owed like \$20 million right now
14 by you know a combination of the city and some of the
15 state money that passes through the city.

16 So, we were fortunate that we were able to
17 qualify for PPP loan this time but not last time but
18 there is no way to know in advance how much of that
19 might be forgiven. We are grateful for the
20 assistance and the cashflow but I just want to be
21 clear that that only really covers payroll and rent.
22 And all of the expenses you are asking about can
23 never really be supported by those loans, which you
24 know we are hopeful and you know hopefully contribute
25 a bit that we need.

1
2 So, I don't know if Justine or some of the other
3 organization have -

4 JUSTINE OLDERMAN: Yeah, I do. I have those
5 numbers. It looks like in Fiscal Year '20, we spent
6 like approximately \$150,000 in COVID expenses. The
7 problem for Fiscal Year '21 is that we are going to
8 have to do some major changes to our space to help
9 people safely return, especially once the courts
10 reopen. And so, we expect - and that's more
11 expensive than you know, even laptops and software
12 and so, we anticipate that the figures will rise.

13 And problematically to your point and I
14 appreciate you noting this, that we don't have any
15 guarantee that we are going to get reimbursed for
16 that and so, we don't have any choice but to bring
17 people back. And so, we are definitely going to be
18 in a situation where we are going to be you know sort
19 of experiencing financial strain if we have to put
20 that money out and once again, aren't reimbursed for
21 it.

22 I just want to pick up one other thing that Lisa
23 just commented on, which is the Discovery Reform
24 Implementation Initiative. So, one of the issues and
25 feel free just to shake your head if this too in the

1
2 weeds but one of the things that happened was that
3 that initiative you know came through and the funding
4 came through mid-Fiscal Year and so, we are given
5 half of the money as expected that we have budgeted
6 for. And we fully anticipated that in the next year,
7 in Fiscal Year '21 that we would be restored to the
8 full annual funding of you know the work necessary to
9 keep up with the reform initiatives and our
10 unexpectedly, without explanation and still not
11 rectified, our personnel budget was cut by 50
12 percent.

13 So, that is another place where we expected to
14 have revenue where the city has fallen short on what
15 they led us to believe would be forthcoming in this
16 fiscal year.

17 You begin to get the sense right? We didn't get
18 major cuts to our core you know city contracts but
19 these things add up between the pay parity and the
20 COLA and the Indirect Rate and you know the Discovery
21 money and the COVID expenses. You can understand my
22 Janet started off by saying that you know in many
23 ways, we are really facing kind of extreme financial
24 instability and strain right now.

1
2 CHAIRPERSON ADAMS: Sure, absolutely and you
3 actually touched on the B part of my question. I was
4 going into the capital but you touched on that also.
5 You and Janet touched on the capital also and
6 bringing your staff back and changes are going to
7 have to be made and that's more on the capital side
8 also. So, this thing continues to compound most
9 disturbing.

10 Okay, let's look a little bit – let's shift gears
11 just a little bit and talk about criminal justice
12 changes. Uhm, because of COVID-19, New York courts
13 have transitioned to virtual operations including
14 arraignments and the city established programs, like
15 the early release of or CA program, which I touched
16 on with MOCJ and have begun electronic monitoring.
17 How have these operations and changes either helped
18 or hindered your clients?

19 TINA LUONGO: So, I will take the first pass and
20 then can turn it over to others. Certainly the
21 providing of MOCJ sort of working in tandem with us
22 to – and our social work teams to provide stable
23 housing through hotel space to sort of reintegrate
24 people was clearly important because when we were
25 going in and making applications to the courts or

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2 trying to make — ask for district attorneys to
3 reevaluate their bail during the pendency of the
4 matter. Having a home that was also COVID compliant
5 and allow for social distancing was really important.

6 So, clearly that was a critical and now that we
7 are sort of again, sort of making this, opening up
8 this sort of this next pathway, really thinking about
9 ways in which to systematize that going forward to
10 the benefit of our clients. Because there is always
11 going to be clients returning home from upstate as
12 well as those who are at Rikers during the pendency
13 of a trial, a case.

14 The other thing but I want to sort of say that
15 there is a bit of a conversation happening. It
16 started with the governor, I am happy to say I don't
17 think that Albany will enact this but that there is
18 this idea that we should continue virtual proceedings
19 because they are more efficient and more effective.
20 They are not. They are dehumanizing. Data shows
21 that judges will more likely set bail when they can.
22 When someone is not in front of them, right? This
23 idea that this system should remain in place. It is
24 terrible and it should not but we need to get our
25 court systems to a place where they are safe for us

1
2 to return and do it in a safe manner. Which is
3 another thing that we did and another capital expense
4 is that the Defenders self-funded an expert to
5 evaluate our court systems and provide a report.
6 That was not reimbursed by any of our contracts.

7 Which to me strikes me as a bit odd, right
8 because we are looking at the whole safety of all the
9 stakeholders but we took that on and we have yet to
10 meet the OCA epidemiologist nor see a report.

11 Uhm, that being said, as to electronic monitor, I
12 will say that while the city did announce it, it was
13 not a program that was over utilized, utilized at
14 all. In many ways it wasn't. In some ways, clients
15 did and client families did appreciate during the
16 height of a pandemic this option but again, as we
17 sort of move to this next phase, electronic
18 monitoring is community confinement and it shouldn't
19 be used in lieu of providing services that actually
20 truly decarcerate and remove, remove over surveilling
21 of clients that are in the community waiting for
22 their matters to move.

23 In fact, what we have seen during this time is
24 that clients who have stayed in contact with us, we
25 had provided cellphones to all of our teams. We are

1
2 able to connect our clients and are connecting to our
3 clients on a regular basis answering questions for
4 them.

5 And so, that sort of breath of services again,
6 services are important but it is a time for us to
7 think about providing these services separate and
8 apart than a pending matter. Separate and apart from
9 the negotiation that happens with the District
10 Attorney about an outcome of a case.

11 And removing the criminal legal system from
12 actually the service provisions in the communities
13 and in fact, I am happy to hear that their atlas
14 program is taking a different – it was mentioned by
15 MOCJ to sort of remove it actually and put it into
16 communities and away from the criminal legal system.

17 With that, I will turn it over to my colleagues
18 who may have other things to add.

19 CHAIRPERSON ADAMS: You know, I just want to
20 interject because you hit on a lot of good stuff.
21 What resources and programs would your organization
22 need in the long run to support some of the types of
23 things that you just discussed?

24 TINA LUONGO: Right, you know, for us it is the
25 defense team. The holistic defense team, right?

1
2 It's the thing that Janet and Justine talked about
3 when we talked about the equity of funding our staffs
4 that provide the nonlegal services.

5 Sometime, I am going to say this, I am a Defender
6 and a Defender at heart and very proud of being a
7 lawyer but I will say that the people who are most
8 often the folks on our teams that are providing the
9 services that the clients need the most is not always
10 the attorney. It is the social worker, it is the
11 paralegal, it's the community organizer, it's the
12 support person, it's our hot person who fields a call
13 from a hotline.

14 They are the folks that are working to connect
15 the systems to create the framework. So, that
16 staffing and a recognition that when we are talking
17 about pay parity and we are talking about staffing
18 up, we are talking about staffing our entire teams.
19 And what is really interesting Chairwoman is to sort
20 of recognize the nexus between what was talked a lot
21 about today. Even during MOCJ talking about how the
22 number of people incarcerated during COVID has gone
23 up.

24 Now, I stand with Justine and the members of the
25 public who are going to talk about Commissioner

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2 Shea's sort of fear mongering. That you know that
3 the sky is falling and our streets are terribly
4 violent. In fact though, the roll back of the bail
5 reforms is actually what has caused this and also the
6 fact that we were in an unprecedented pandemic and
7 services were cut off mostly for clients with mental
8 health needs and we are here.

9 And so, at the pivot moment where the roll back
10 of bail COVID has created an increase in people in at
11 Rikers, on more serious charges, you need experience.
12 That is pay parity too and the conversation we should
13 have about our staff that are six years and above and
14 the most senior people who can actually help and come
15 support people who are navigating multiple issues as
16 a result of being accused of a serious crime.

17 And so, it's support services in terms of
18 staffing and it is also I will say that there was a
19 talk about Project Reset and while I really think
20 that it is time for us in this city to think about
21 how we can do away with project programs like that
22 and just simply not make arrests of people on low
23 level offenses. It has created a value right now
24 during COVID to help us continue to keep people
25 connected in services.

1
2 LISA SCHREIBERSDORF: Can I add something to
3 that. I really, I think it's important to be really
4 thoughtful about who should be providing services as
5 we divest from the criminal legal system and while I
6 agree completely and I know it is completely critical
7 and crucial that we play a role in that transition
8 period and I really appreciate you asking that. It
9 is really important that we only be seen as a bridge
10 and that all of these processes that we are trying to
11 do seen as a bridge to moving all of these services
12 into the community.

13 Because this is not about you know okay, well,
14 arrest as many people, the DA's will be gracious and
15 divert people. We will provide all these services
16 and then everybody you know, sort of a happy ending,
17 right? That is not really what the criminal legal
18 system should be doing.

19 We should be litigating whether or not somebody
20 committed a very serious you know accusation against
21 them or not. We should be litigating in court. We
22 should be holding government accountable to proper
23 behavior. There are times when it is very clear that
24 services are really needed in order to resolve a
25 case. But all of these services which we sometimes

1
2 call wrap around services, which my office you know,
3 has extensive housing, education, employment. You
4 know and benefits and every other kind of service,
5 immigration particular. These things are a bridge to
6 like really hold like the line while we divest from
7 the entire criminal legal system and make all of
8 these services available in the community, on demand,
9 when needed through respite you know centers and all
10 kinds of ways in which people can drop in to take
11 care of a crisis and avoid all of us and you know
12 that will be a successful ending.

13 CHAIRPERSON ADAMS: Okay, thank you. I am going
14 to ask one more area here and then I am going to ask
15 my colleagues to chime in with their question. Just
16 in talking about Article 10 cases, we haven't really
17 touched on the family court contracts a whole lot
18 over the past what about an hour now we have been
19 chatting I think, maybe a little over. Which is
20 fine.

21 Uhm, the past three fiscal years have included
22 \$8.7 million in one time funding to support an
23 increase in Article 10 family and abuse neglect
24 cases. MOCJ and OMB shared with the Committee that
25 they were continuing to monitor the situation. Via

1
2 FY 2022 Preliminary Plan did not include one time
3 funding this year. Is it safe to assume that this
4 means that the issue has been resolved or do family
5 court providers require more funding? What is the
6 dollar figure required to right size the Article 10
7 Budget?

8 JUSTINE OLDERMAN: Thank you for highlighting
9 that. I do often feel that even MOCJ forgets that
10 they are the funder for our parent, critical parent
11 representation work. So, this has been a consistent
12 issue for our organization since Fiscal Year '17.
13 That every year, we start the year at Fiscal Year '16
14 levels, even though MOCJ itself has acknowledged that
15 those levels are woefully inadequate to be able to
16 meet current need.

17 And so, there is nothing about this year that is
18 different. While intake is down, as it is in lots of
19 you know different court systems, the measure of our
20 workload is our pending matters, as well as looking
21 at how complicated that representation is and across
22 all of our different practice areas and certainly
23 when it comes to parent representation. Representing
24 parents who have had their children taken from them,
25 who are desperately every second of every day, trying

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2 to access the services and the courts necessary to be
3 able to reunite their families has become exceedingly
4 difficult.

5 So, the system did not stop for family separation
6 but it essentially ground to a halt for family
7 reunification. So, our pending case load is growing.
8 The work of connecting people to the services that
9 are the precursor to family reunification, to being
10 able to get cases in front of the courts to be able
11 to litigate separation and litigate reunification is
12 extremely difficult.

13 And so, there is nothing about the work that has
14 changed but it has got more complicated and more
15 difficult. And yet, the funding has been once again
16 put back at Fiscal Year '16 levels.

17 Lisa, I don't have in front of me, I don't know
18 if you do the total numbers but I can tell you for
19 our organization, we are normally funded in the range
20 of \$10 million. And what they have told us will be
21 in our Fiscal Year '22 amendment is in the range of
22 \$7 million.

23 LISA SCHREIBERSDORF: It's very similar, yeah.

24 JUSTINE OLDERMAN: In years past, right, we have
25 sort of like on a wing and a prayer. We just you

1
2 know, we keep marching forward with faith that OMB
3 will actually deliver and restore you know the
4 necessary funding levels. You know, as like sort of
5 Lisa mentioned with respect to NYIFUP, this year we
6 are more concerned. Especially with MOCJ and OMB in
7 particular having really betrayed their pay parity
8 promise.

9 We have some concerns about what is going to
10 happen this year and we really need the Council's
11 help making sure that those funding levels are
12 restored. I mean that, without those, the
13 restoration of those funding levels, it would
14 literally be catastrophic for families in low-income
15 communities that we serve.

16 CHAIRPERSON ADAMS: Okay, thank you very much.

17 JUSTINE OLDERMAN: Chair Adams, one other thing I
18 just wanted to bring to your attention.

19 CHAIRPERSON ADAMS: Yes, sure.

20 JUSTINE OLDERMAN: Not as critical but just to
21 make you aware since you were asking about Article
22 10, is that we — MOCJ is already behind in the RFP
23 process for Article 10 representation.

24 I think we have Chairperson Rosenthal; I am
25 looking at your hands on your face. I share that. I

1
2 share that expression. Internally, my hands are on
3 my face too.

4 So, we are a year behind and as you are, I am
5 sure you know well aware, there has been a lot of
6 turnover at the agency and we have some real concerns
7 about the timeliness of that process and it being
8 rushed. RFP's are really incredible opportunities to
9 rethink the way we are representing low-income
10 people. The kinds of services we are providing. An
11 opportunity to look at those studies and see what
12 works and how you know we can ultimately build a
13 really successful program. And if it is rushed and
14 there isn't the opportunity for meaningful input,
15 even if we get it done on time, you know we are in
16 danger of not coming out really with the kind of
17 thoughtful new uhm, you know sort of basis for future
18 contracting that parents deserve.

19 CHAIRPERSON ADAMS: Thank you. I appreciate your
20 testimony. Counsel, turning it over to you for
21 Council Member questions.

22 COMMITTEE COUNSEL: I have Council Member
23 Rosenthal.

24 COUNCIL MEMBER ROSENTHAL: Thank you.

25 SERGEANT AT ARMS: Time starts now.

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2 COUNCIL MEMBER ROSENTHAL: Thank you so much. It
3 is so refreshing to hear all of you talk because this
4 morning, I, we were in la-la-land and you know you
5 need somebody to say, to validate like, you know, no.
6 You know, it's nonsensical.

7 So, I really appreciate you all for that. So, I
8 have some just quick nerdy technical questions. Uhm,
9 does everyone have a contract registered for this
10 fiscal year? Any contract?

11 TINA LUONGO: Yes.

12 COUNCIL MEMBER ROSENTHAL: You know, one thing
13 you could do is, I don't know if you already do this.
14 Do you use the returnable loan grant?

15 JANET SABEL: We have tried. We have actual had
16 begun conversations about that and we were told I
17 believe that MOCJ doesn't have any money to put
18 towards that. You are talking about going to the
19 fund for the City of New York right? They told us
20 that there was no money.

21 COUNCIL MEMBER ROSENTHAL: Yeah, they don't know
22 what they are talking about.

23 JANET SABEL: But they were saying they wouldn't
24 assist us in that process.

1
2 COUNCIL MEMBER ROSENTHAL: Right, so you need to
3 reach out to the Mayor's Office of Contracts.

4 JANET SABEL: Okay.

5 COUNCIL MEMBER ROSENTHAL: And I am sure staff
6 here can send it along to all of you. But that's who
7 you reach out to, to make it happen. And then the
8 second reason I am asking if you already have
9 something registered is because if there is a
10 registered contract but they are late in payment, the
11 city owes you interest on that money.

12 Uhm and I don't quite know how to finagle it
13 because of course you don't have a contract
14 registered with the you know indirect rates or the
15 pay parity or the additional work but I think it is
16 worth exploring. I mean, have you all sort of added
17 up how much interest you are paying on the loans you
18 have to take out?

19 JANET SABEL: Well, we haven't addressed that
20 issue at Legal Aid but what I will say is that there
21 is another wrinkle because this is an interesting
22 idea but you know for some of our contracts, in order
23 to make any of these changes, like pay parity or a
24 new addition of any kind of money, we are being asked
25 to submit a budget modification. And once there is a

1
2 budget modification in the system, it stops payment
3 of the other contracts.

4 COUNCIL MEMBER ROSENTHAL: Wait, what?

5 JANET SABEL: That's how —

6 COUNCIL MEMBER ROSENTHAL: So, you have a
7 registered contract?

8 JANET SABEL: But when you are processing a
9 budget modification, I believe I am getting this
10 correct. But when you process a budget modification,
11 you can't make submissions under your registered
12 contract if you are modifying — if there is a budget
13 mod outstanding that affects your registered
14 contract.

15 So, it may create a situation where they are not
16 technically late because we are doing everything
17 through the budget mod process. But one of the
18 things that we are trying to talk to them about is
19 how do we deal with this?

20 COUNCIL MEMBER ROSENTHAL: Yeah.

21 JANET SABEL: How do we do budget mods over here
22 but you pay us over you know, what we are owed.

23 COUNCIL MEMBER ROSENTHAL: Yeah, let's take this
24 discussion offline. I don't want to use too much
25 time. It's incredible important and I see that the

1
2 finance staff is on this Zoom, so I will follow up
3 with her and maybe we can try to unravel what's going
4 on there.

5 JANET SABEL: Great.

6 COUNCIL MEMBER ROSENTHAL: Uhm, yeah, I am still
7 back at my heads in my hands. I can't - it's hard to
8 get beyond that and just you know really appreciate
9 and admire the work you do.

10 Do you think that on, you know how there is right
11 to counsel for housing? I mean, why don't we have
12 right to counsel for these other issues? Is that
13 hard?

14 LISA SCHREIBERSDORF: I am not clear which issue
15 you are -

16 JUSTINE OLDERMAN: Well, the parent
17 representation right, it's not across the country but
18 in New York State, there is right to counsel for
19 parent representation. And obviously in criminal
20 courts, it's constitutionally mandated.

21 There is right to counsel now through the city
22 funded, City Council Funded Initiative for NYIFUP and
23 there is the right to counsel that is still growing
24 in housing court. The other areas that you know
25 Adriene talked about, all the other sort of life

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2 essentials, you know don't require representation.
3 Don't require counsel and Adriene you can speak to
4 this much more. There is sort of a movement across
5 the country for a more universal right to counsel in
6 civil proceedings. I don't know if there is anything
7 you want to add about that Adriene.

8 COUNCIL MEMBER ROSENTHAL: She needs to be
9 unmuted. Thank you.

10 ADRIENE HOLDER: Thanks. I don't have a lot to
11 add but absolutely, there is definitely a movement
12 uhm, you know that we are calling Civil Gideon
13 because I think as people who are trying to look at
14 how it is that we can eradicate poverty and make sure
15 that folks are able to fully realize what we are
16 supposed to be promising in our society that there
17 would be this emphasis on funding these other
18 services.

19 And so, you know, New York has been a leader in
20 particular areas of some of this and it would be
21 great to be able to see it expand. You can tell by
22 the way that we actually coordinate with our sibling
23 organizations on immigration services and how we feel
24 about the holistic representation, which all of the
25 three organizations on this panel really embrace.

1
2 That it really is creating true opportunities and
3 helping to really get to the issue of resolving the
4 systemic racism and inequalities that our clients in
5 our client communities are facing.

6 COUNCIL MEMBER ROSENTHAL: Well, uhm, Adriene can
7 you and I follow up on that and maybe you know, Chair
8 Adams will pursue it you know legislatively. You
9 know Chair Adams; we could talk about that. I don't
10 know, you know just sort of kick around these ideas.
11 Because HRA has embraced the right to counsel for
12 housing. You know, would MOCJ embrace you know right
13 to counsel on the other issues, I don't know.

14 Uhm, the other thing I wanted to ask you experts
15 is it sounds like you are not thrilled with the
16 Mayor's plan that he came up with. Do you have a -
17 have you mapped out a strategic plan for how to you
18 know get to where all of you are talking about where
19 we are going?

20 TINA LUONGO: I will certainly say that you know
21 our office, the Bronx Defenders, Neighborhood
22 Defender Services of Harlem had three representatives
23 that on behalf of all the Defender organizations
24 choose to join what was supposed to be an integrated
25 working group rights taskforce in our city to come up

1
2 with this plan that would have to buy in of mostly
3 community members. And Justine was in those meetings
4 but I will tell you that the report back I continue
5 to get from Corey Stoughton who heads up our law
6 reform unit who is one of the members, over and over
7 was that it was a sham. There was no real buy in.
8 That the meetings were so structured even with the
9 Defenders that it was a PR campaign.

10 COUNCIL MEMBER ROSENTHAL: Yeah.

11 TINA LUONGO: And certainly, you know we have a
12 community justice unit that's part of the Cure
13 Violence with a sort of legal arm of the holistic
14 approach and even those members who are in the
15 community working with our partners would be given
16 the link a couple hours before for the "community
17 towns halls" and they were structured such that there
18 were no real questions. That the questions were fed
19 through a webinar format and they were all selected
20 by the Commissioner to answer.

21 And so, the real plan here has to start with
22 communities and what we talked about earlier today
23 which is the real investment in communities to have
24 this idea of public safety be owned by them and less
25 from our police.

1
2 I don't know if Justine, you want to sort of talk
3 also about some of the details about how you kept
4 trying?

5 JUSTINE OLDERMAN: Yeah, I mean we talked about
6 it you know before at other hearings that Chair
7 Adams, you know you have held even before the plan
8 came out. You know and I will share with you since
9 you asked this question I think Chair Adams this
10 morning. You know what kind of outreach did they do
11 after the plan came out? I will tell you candidates,
12 they reached out to us. The three Defenders that
13 were originally invited to be part of this sort of
14 sham committee and we told them very clearly, that it
15 is like a little — you know, it's too late for
16 meaningful input from us. And that they have lost
17 all of our trust and we don't trust them to be able
18 to take that input you know and have it incorporated
19 in any meaningful way.

20 You asked questions about how many people had you
21 know commented. That shouldn't have been hard for
22 them to find you know about what the community had
23 responded and how many people had responded to the
24 plan. Like, it's clear that their plan is just to
25 hope that City Council rubber stamps this and they

1
2 can go back to sort of the smoke and mirrors of
3 reform and trainings and enhancements and groups that
4 take a closer look at things.

5 The plan really has to come from Council. The
6 plan really has to be and I hope we are starting it
7 today is to convince the Council that voting yes on
8 this plan is not going to bring about the
9 transformation that this city needs and deserves.

10 That the plan you know, if and when there is one
11 that this Council votes on and advances, it has got
12 to include divestment in whole from huge swaths of
13 the things that we have essentially just turned over
14 to the Police Department to solve for us. That they
15 really have no business being involved in.

16 COUNCIL MEMBER ROSENTHAL: Yeah, thank you. I am
17 going to see it back to the Chair because I know that
18 we have been going a long time. So, but Chair Adams,
19 I mean and to everyone, Justine, I still have your
20 card sitting on my dresser should anything -

21 JUSTINE OLDERMAN: You can call anytime.

22 COUNCIL MEMBER ROSENTHAL: But you know, I am
23 looking around and assume that all the people who I
24 know really have access to the answers. Have access
25 to community to get us to the right path and I just

wanted to let you know how much I appreciate your work.

JUSTINE OLDERMAN: Thank you and we appreciate your support.

COMMITTEE COUNSEL: Thank you Council Member. I don't see any other hands raised from other Council Members. So, Chair, unless you have more questions, I think we will turn to public testimony.

CHAIRPERSON ADAMS: I just want to say thank you again to our great partners. Legal Aid and of course our great Defenders. Again, your input is invaluable to this Committee and to my colleagues. We take nothing that you say lightly. We do take everything that you say to heart. So, we thank you very much for your input as always.

Thank you so much for being a part of this panel today. Thank you.

PANEL: Thank you Chair. Thank you very much. Thank you for holding an extraordinary hearing.

COMMITTEE COUNSEL: Thank you everyone and I will be turning over Moderator duties to Matt Thompson. Thank you very much and thank you to the members of the public who have waited for so long.

CHAIRPERSON ADAMS: Great job today Dan. Thank you.

MODERATOR: Alright, thank you Council and thank you Chair. We will now turn to public testimony. I would like to remind everyone that unlike our typical Council hearings, we will be calling individuals one by one to testify.

Each panelist will be given three minutes to speak. Please begin your testimony once the Sergeant has started the timer. Council Members who have questions for a particular panelist should use the Zoom raise hand function and I will call on you in the order you have raised your hand, after the panelist has completed their testimony.

Council Members, you will have a total of five minutes to ask your question and receive an answer from the panelists. For panelists, once your name is called, a member of our staff will unmute you and the Sergeant at Arms will set the timer, then give you the go ahead to begin. Please wait for the Sergeant to announce that you may begin before delivering your testimony.

I will now like to welcome the following panelists to testify. First up is Shane Correia from

1
2 the Center for Court Innovation. After Shane, I will
3 calling on Ravi Reddi from the Asian American
4 Federation followed by Michelle Cortese from the
5 Center for Family Representation and then followed by
6 Tehra Coles from the Center for Family
7 Representation.

8 SERGEANT AT ARMS: Time starts now.

9 SHANE CORREIA: Great, thank you so much Chair
10 Adams and member of the New York City Council for
11 being here and throughout this entire day of
12 testimony.

13 My name is Shane Correia, I work at the Center
14 for Court Innovation and I want to focus this
15 testimony on some of the most time sensitive issues
16 and time permitting to the longer horizon issues that
17 COVID has created uncertainty about for us and our
18 organization.

19 Our first issue is related to the Innovative
20 Criminal Justice Initiative, which accounts for core
21 funding for the Center for Court Innovation to
22 flexibly respond to the needs of our communities.
23 During the Fiscal Year '21 budget, our award was
24 halved and during COVID that was unfortunate as we
25 had to make hard choices to focus on issues like

housing stability, mental health responses and domestic violence programming while simultaneously cutting services due to the budget cuts in the areas like antigun violence programming, child trauma support and DWI screenings and assessments during a year when traffic safety deaths reached some of the highest levels since the start of Vision Zero.

We ask Council to support a return at Fiscal Year '20 levels or more so, so that we can continue to pilot, evaluate and assess models that grow through public – that we can grow through public and private funding spanning all levels of governments and donors.

Next, in regarding the issue of reducing unnecessary incarceration, we are heartened to see the commitment to the points of agreement. As an organization that implements programs relevant to that, we would like to draw your attention to the issue on pre-arraignment diversion. Currently, we operate Project Reset in the Bronx, thanks to Schedule C Council funding. However, with no date in the POA, we are uncertain as to when the city plans to rollout citywide funding for pre-arraignment diversion again.

1
2 During Fiscal Year '20, we implemented it in the
3 outer boroughs but by the end of the Fiscal Year, due
4 to the pandemic, funds were cut and we were again
5 limited to the services that we operate in the Bronx,
6 thanks to Council support. And in Manhattan, thanks
7 to support from dwindling asset forfeiture funds from
8 DANI[SP?].

9 We ask that Council help provide clarity for us
10 so that we can understand when more New Yorkers will
11 have access to pre-arraignment diversion, which helps
12 prevent unnecessary bench warrants to help us lower
13 the population in Rikers.

14 The next issue that I would like to draw your
15 attention is that regarding the Mayor's Action Plan
16 and our program of neighborhood safety initiatives
17 which helps connect residents in some of the most
18 violently hit public housing communities with
19 administration officials that their voices can be
20 directly heard.

21 While most of MAP has been baselined, this
22 community engagement portion of the program is set to
23 expire in Fiscal Year 2022. We are hoping for
24 clarity so that we can understand how to best support
25

these communities longer term and ensure their voices are heard going forward.

With my time limiting, I won't start on the other two components but I look forward to being able to connect with you all in the future and thank you for taking this time to listen to us.

MODERATOR: Thank you. I will now be calling on Ravi Reddi to testify.

SERGEANT AT ARMS: Time starts now.

RAVI REDDI: Thank you so much for your patience and giving us the opportunity to speak today. You have been here forever and just thank you for the opportunity and still have the ears to hear what we have to say.

I am Ravi Reddi, the Associate Director for Advocacy and Policy at the Asian American Federation. These City Budget conversations are coming at a critical time for our community and for the entire city. As we look to the pandemic recovery, we are staring down an unprecedented rise in anti-Asian hate crimes rooted in racist rhetoric since the beginning of the pandemic. And since early 2020, nearly 500 reports of bias incidents and hate crimes have been collected by our reporting tool, the Stop AAPI Hate

platform, NYPD and the City's Commission on Human Rights.

The rise in anti-Asian xenophobia and violence in our city has been palpable since the first news of COVID-19 hit our airwaves and has compounded the practical challenges our community members are facing alongside our fellow New Yorkers. From an 81-year-old Asian woman who was lit on fire by two assailants last year in Brooklyn to the violent assault of a Filipino American Noel Quintana on his way to work earlier this month, vivid, violent assaults on Asian New Yorkers are impacting how our community members relate to their City.

Bias incidents are significantly underreported, as 70 percent of Asian New Yorkers are immigrants and systemic factors like high poverty, high limited English proficiency and lack of immigration status deter reporting and reinforce continued systemic inadequacies. As such, City Council must use this budget to address the dire need to expand the capacity to track anti-Asian bias incidents, including supporting efforts by Asian organizations to collect reports in language and through channels most accessible to the community.

1 But that's only one facet of the challenge. A
2 recent survey conducted by our organization of Asian
3 small business owners showed that over 60 percent of
4 respondents said they were worried about anti-Asian
5 bias and hate crimes for the safety of themselves,
6 their staff, and their business establishment. And
7 our most vulnerable, our seniors, continue to be
8 further isolated within their own city, not just due
9 to the pandemic but also because they are afraid of
10 getting attacked if they go out. The City needs to
11 invest in community-based safety measures run by
12 Asian organizations to provide an immediate response
13 to street violence and support the coordination and
14 roll-out of a safety ambassador program to escort
15 vulnerable Asian immigrants in public spaces like
16 public trains, public transportation and all the
17 while training volunteers in de-escalation strategies
18 so they can serve as a safe, deterring presence in
19 certain neighborhoods.
20

21 From the creation of safety pamphlets and e-
22 resources to continued robust community engagement on
23 self-defense with community members who trust them
24 first, our CBOs are doing the work and our City needs
25 to support them as they lead by example.

1
2 The City's approach to public safety must also
3 consider how to help victims heal from traumatic
4 events. We are asking the City to fund recovery
5 services in Asian languages to help victims heal from
6 their attacks, including providing access to a victim
7 compensation fund and supporting a network of Asian
8 community-based organizations that can provide mental
9 health support, legal services and other supportive
10 services.

11 SERGEANT AT ARMS: Time has expired.

12 RAVI REDDI: Furthermore, we must support
13 programs that increase access to mental health
14 services for all communities since perpetrators
15 themselves may have mental illness and need services
16 so as not to further harm others and themselves.

17 I am going to cut out my conclusion and just say,
18 thank you so much for being here, giving us this
19 space and listening to us and we look forward to
20 working with all of you.

21 MODERATOR: Thank you for your testimony. I
22 would like to now call on the next panelist who will
23 be Yao Chang from the Anti-Violence Project followed
24 by Jasmine Bowden, also from the Anti-Violence
25

Project followed by Michael Sisitzky from the New York Civil Liberties Union.

SERGEANT AT ARMS: Time starts now.

YAO CHANG: Uhm, good afternoon Committee Chairs. My name is Yao Chang and I am a Staff Member in the Community Organizing and Public Advocacy Department of the New York City Anti-Violence Project AVP.

So, AVP empowers lesbian, gay, bisexual, transgender, queer and HIV effected communities and allies to end all forms of violence. We do this through organizing, education, counseling and advocacy.

Today, I am advocating to promote the safety and wellbeing for all LGBTQIA plus survivors at the Pride March in Manhattan New York outside of policing. Many LGBTQIA plus survivors who we serve face police violence and disproportionate criminalization in their daily lives. Especially working class, HIV effected, undocumented people of color.

We must take all violence including police violence seriously. To end violence against all LGBTQIA plus survivors, we can start by removing cops from Pride, defunding VICE and defunding the NYPD and

1
2 shifting resources to alternative and accountable
3 methods of addressing violence.

4 This includes the hate violence prevention
5 initiative that was cut completely last year, which
6 offered public bystander intervention trainings and a
7 community-based reporting and rapid response actions
8 to address violence in our communities. It also
9 includes the outreach to persons in the Sex Trades
10 Initiative which offers resources and services to Sex
11 Workers instead of criminalization.

12 Police are a main source of violence for our
13 community including their ineffectual and violent
14 policing of the pandemic and the brutal crackdowns on
15 protestors and the George Floyd uprisings. Last
16 year, our hotline received significantly increased
17 calls from LGBTQIA plus participants at Pride events
18 and the protests against police brutality for George
19 Floyd.

20 We need to address this issue now and remove cops
21 from Pride. We have spoken with and heard from our
22 community members that the increasing presence of
23 police at Pride over the past decade has been a
24 deterrent for their participation because they know
25 they will not be safe.

1
2 Most of all, police should not be at a March
3 whose origins began with queer and trans people of
4 color and sex workers resisting and rebelling against
5 police violence and police raids in the stonewall
6 rebellion. Many of our communities experience police
7 as a source of violence and do not feel safe going to
8 the police when they face violence. We should be
9 diverting and defunding the NYPD's bloated \$6 billion
10 budget especially eliminating VICE's \$18 million
11 budget to fund community-based solutions. Including
12 community security at Pride and training and
13 resources for community members to intervene on hate
14 violence as well as resources for people on the sex
15 trades.

16 We know the city is in a challenging financial
17 position but we strongly urge the City Council to
18 restore this funding for all of these resources and
19 community based initiatives to Fiscal Year 2020
20 levels. We appreciate the past support and we look
21 forward to working with you. Thank you.

22 MODERATOR: Thank you for your testimony. I will
23 now turn to Jasmine Bowden from the Anti-Violence
24 Project.

25 SERGEANT AT ARMS: Time starts now.

JASMINE BOWDEN: Hi, can everyone hear me? Good afternoon Committee, Chairs. My name is Jasmine Bowden and I am a Community Member of the New York City Anti-Violence Project AVP.

AVP empowers lesbians, gays, bisexual, transgender, queer and HIV effected communities and all forms of violence through education, counseling, advocacy and organizing. Today, I am advocating for more resources to go to address violence against our communities. The communities AVP serves.

Many forms of violence have increased during the COVID pandemic including hate violence. Violence against LGBTQ New Yorkers, Asian and many others has not stopped during the pandemic. Especially against Black transwomen of color.

On January 4th, I was pepper sprayed with derogatory remarks on the New York City street and when I went to the police, they did not make me feel like a victim and would not support me in what I needed or tell me the information I needed to respond to this violence.

Many in my community do not feel save going to the police when they face violence. One example, my recent experience on January 4th. That's why it is

important to have alternative safety approaches by the Hate Crime Prevention Initiative that funds organizations like AVP to continue to build safe ways to report and mobilize members to combat hate violence in their communities.

We request that City Council to divert some of the NYPD's astronomical budget to fund community-based solutions. We know the city is in a challenging financial position but we urge the City Council to restore the funding at a Fiscal Year 2020 levels. We appreciate past support and look forward to working with you. Thank you.

MODERATOR: Thank you for your testimony. I will now like to invite Michael Sisitzky from the New York Civil Liberties Union to testify.

SERGEANT AT ARMS: Time starts now.

MICHAEL SISITZKY: Thank you Chair Adams and members of the Committee. My name is Michael Sisitzky, Senior Policy Council with the New York Civil Liberties Union. I want to briefly address the Administrations Reform Plan.

In short, this plan has further proved that the Administration has learned nothing from the past year of protests and demands for real reductions in the

1
2 countless ways in which policing causes real harms to
3 communities of color. Instead, the proposals we are
4 seeing are largely more of the same approaches that
5 have already been tried, that have long been promised
6 as the ways to reform and improve policing and that
7 have been entirely inadequate to that task.

8 We have been told for years that more trainings,
9 more community and neighborhood policing, more
10 policies on discipline would transform the NYPD then
11 improve its relationship with the communities but
12 they haven't. But the administration's plan doubles
13 down on these approaches. Calling for more training,
14 calling for more integration of police into community
15 infrastructures and continuing to pretend as if the
16 NYPD's Disciplinary Matrix is the be all and end all
17 on accountability. As opposed to what it really is
18 and a nonbinding set of guidelines subject to the
19 police commissioner's unbridled discretion.

20 On transparency and oversight, the plans
21 commitments ring hallow. We have seen how committed
22 the NYPD is to transparency when they release their
23 so-called disciplinary dashboard that continues to
24 hide the overwhelming majority of police disciplinary
25 records. And on oversight, the plans expansion of

1
2 the CCRB still doesn't address the fundamental
3 imbalance of power between that agency and the NYPD.

4 And it puts all of the existing oversight
5 functions, including functions that currently exist
6 in other agencies, into the one agency that actually
7 has direct Police Commissioner appointments with
8 leadership structure and the Police Commission and
9 the Mayor have continued to resist calls for
10 supporting the one thing that could actually lead to
11 a fundamental move towards greater accountability,
12 which is removing the Police Commissioner's monopoly
13 on disciplinary decision making.

14 And just a note on process, executive order to
15 agree was issued back in June of 2020 and we have
16 known since then there was a first deadline. And
17 towards that deadline, that includes all the steps in
18 this process, developing the proposal, soliciting
19 input, revising the draft in light of that input and
20 having a real opportunity for debate and discussion.
21 But here we are, there is just over two weeks to go
22 and we only saw the first draft of any part of this
23 plan on March 4th.

24 And as it turns out, there was only part one with
25 part two not being released until March 12th. This

1
2 is shameful. There is no excuse for how long the
3 Administration delayed in this process and it's slap
4 in the face to the communities across the city to
5 slowly roll out these plans in bits and pieces at the
6 very last minute, while trying to say with a straight
7 face that they will still meaningfully incorporate
8 public feedback.

9 We said it before that this process has been a
10 shame and it is has done a real disservice to New
11 Yorkers who have been calling for a real reimagining
12 of community safety.

13 So, in this moment, we really look to the Council
14 to take on a leadership role that has been so sorely
15 lacking from this administration. While the timing
16 of the plans released was unacceptable, the fact that
17 we are now discussing it as part of the Preliminary
18 Budget Hearing, drives home just how much this
19 conversation is tied up with how the —

20 SERGEANT AT ARMS: Time is expired.

21 MICHAEL SISITZKY: City allocates our resources.

22 The Mayor's plan is a plan for continued
23 overinvestment in policing at the expense of services
24 like healthcare, housing, education and other
25 supports that can actually address and meet peoples

1
2 basic and fundamental needs. And the Council must
3 ensure that we are making the appropriate investments
4 in actual community wellbeing. And not merely
5 accepting a plan that maintains or increases
6 investments in an agency like the NYPD that has shown
7 time and time again that it is unwilling to reform
8 itself. Thanks so much.

9 MODERATOR: Thank you for your testimony. I
10 would now like to call up the next three panelists
11 who will be Joo-Hyun Kang, uh, please forgive me for
12 any mispronunciations, Communities and Adequate
13 Police Reform followed by Donald Nesbit from Local
14 379 and then followed by Jim Hamlin-Mcleod from Local
15 1549 as well as Ralph Palladino from Local 1549.

16 SERGEANT AT ARMS: Time starts now.

17 JOO-HYUN KANG: Thank you. My name is Joo-Hyun
18 Kang with Communities and Adequate Police Reform.
19 First, I want to thank Chair Adams of course, not
20 only for holding this hearing but also raising really
21 critical and detailed questions for the
22 Administration this morning.

23 And also, naming the need to [INAUDIBLE 8:13:37].
24 So, I just want to start off with that. CPR is an
25 organization that runs coalitions on various issues

1
2 including over 200 organizations under coalitions
3 that are legislated and otherwise face accountable as
4 well as safety.

5 I was going to spend most of time talking about
6 the Preliminary Budget but instead most of my
7 comments are going to be in relationship to some of
8 the comments this morning from the Administration on
9 the Mayor's Plan.

10 On the budget, there is just three things I want
11 to say. One is that I want to clarify that in spite
12 of what Commissioner Shea and others said this
13 morning under oath, the NYPD Budget was not cut by \$1
14 billion in FY21. In fact, the City's Comptroller,
15 the Independent Budget Office, the Citizens Budget
16 Commission have all verified that it is not \$1
17 billion that was cut in FY21.

18 Secondly, that the FY22 Proposed Budget cuts
19 increased the NYPD budget while other areas including
20 Parks, Sanitation and youth programs are cut and that
21 of course CPR will be calling for a significant
22 decrease in FY22's NYPD bloated budget and
23 redirection of those funds with deep investments in
24 community safety infrastructure.
25

1
2 On Mayor's Plan, a few things that we wanted to
3 say in terms of the "reform and reinvention plan."
4 One is similar to what we said in January that this
5 plan is a set up in many ways forcing the Council to
6 have to vote in a matter of days on a plan that was
7 sent out with hundreds of pages that very few people
8 in the city have even seen.

9 Secondly, that the process was so bad that in
10 late January, CPR member organization, partner
11 organizations launched a separate effort of
12 redefining community safety. Holding and series of
13 forums throughout the city or virtual forums with
14 various venues in the city to talk about areas that
15 would actually increase safety in communities that
16 didn't rely necessarily and exclusively on these.

17 On the Mayor's plan itself, there is absolutely
18 nothing in the plan right now that is meaningful that
19 would reduce police violence or increase
20 accountability. In fact, many of the items would
21 actually expand the NYPD's bloated budget, downsize
22 power as well as its role in daily lives. Some
23 examples of this include: The inappropriate roles
24 including fixing basketball courts that could be done
25 by NYCHA or the Parks Department or even the Saturday

1
2 Night Lights program that could be run by other
3 agencies.

4 The last thing I want to say with the remaining
5 time is just that the NYPD was being very misleading
6 this morning in terms of what they are actually doing
7 about this plan, both on the Discipline Matrix as
8 well as the existing database and have to explain
9 that further. And the last two comments is just that
10 fundamentally we believe that decreasing police
11 violence has to include decreasing the role of
12 policing in our daily lives.

13 That includes reducing the budget as well as the
14 scope and power and outside power. Not only the NYPD
15 but the outside power.

16 SERGEANT AT ARMS: Time has expired.

17 JOO-HYUN KANG: Thank you.

18 MODERATOR: Thank you. I would now like to turn
19 Donald Nesbit from Local 379.

20 SERGEANT AT ARMS: Time starts now.

21 CHAIRPERSON ADAMS: Donald, we see you. You have
22 been on all day. There you are.

23 DONALD NESBIT: Yeah, sorry about that. I was
24 having a little technical difficulty. So, thank you
25 to the Committee members. Thank you Chairwoman Adams

1
2 and the distinguished members of the Committee. I am
3 Executive Vice President Donald Nesbit from Local
4 372. We represent 2,600 school crossing guards under
5 the leadership of Shaun D. Francois I.

6 Local 372 school crossing guards are often the
7 frontline to improve the safety for students who
8 walk, bicycle or take transit to school. Student
9 pedestrians often face major safety traffic hazards
10 every day caused by double and triple parked cars at
11 bus stops in front or near school buildings.

12 As essential workers, school crossing guards
13 remain vigilant throughout this pandemic even when
14 the schools were shut down. Approximately, 90
15 percent of school crossing guards are female working
16 daily at a 25 hour cap part-time schedule that
17 includes early morning, lunch time and school hours
18 to serve 1.1 million charter, parochial and public
19 school children.

20 Additionally, many of our members are at higher
21 risks because of their age with 33 percent of the
22 membership being over 55 years old. Our workforce is
23 predominantly Black and Latino and 85 percent living
24 and working in the zip codes with the highest COVID
25 rates much higher than other communities.

1
2 However, despite their role on the frontlines,
3 school crossing guards are not often treated like
4 essential workers. Crossing guards do not get paid
5 for snow days and certain holidays. Days when
6 schools are shut down or even when the city remains
7 open.

8 Leaving their paychecks dependent upon the
9 weather or whatever conditions may happen with
10 schools in New York City. On top of this immediate
11 tangible concern of loss of wages, this also
12 represents an issue of equity for our members.
13 Despite working under the New York City Police
14 Department, school crossing guards are functionally
15 support services to New York City schools and similar
16 to others that we represent.

17 Likewise, school crossing guards do not get some
18 of the compensation for lost time and schools in
19 situations happen in school. Additionally, the role
20 for the first line of defense for students and
21 pedestrians often place school crossing guards in a
22 vulnerable position where no immediate assistance are
23 had.

24 School crossing guards are at risk, not only from
25 cars rearing to close or from uhm viral exposure to

1
2 COVID-19 but from physical attacks and harassment
3 from people in the street. A number of school
4 crossing guards have been victims of on-duty assaults
5 which is a violent felony on the current state law.
6 Local 372 respectfully requests the city fund into
7 support the promotion of a citywide campaign of
8 public awareness to stop the violence against school
9 crossing guards.

10 Again, I thank the Committee. I thank you Chair
11 and Committee for the opportunity to testify before
12 you today and on behalf of the Local 372 school
13 crossing guards. I thank you.

14 MODERATOR: Thank you for your testimony. Next
15 up, we will have Jim Hamlin-Mcleod from Local 1549.

16 SERGEANT AT ARMS: Time starts now.

17 JIM HAMLIN-MCLEOD: Good afternoon Chairwoman
18 Adams. Good afternoon Council members. My name is
19 Jim Hamlin-Mcleod, I am a grievance rep for Local
20 1549. I am one of the grievance reps who represents
21 all the police administrative aids, the senior police
22 administrative aids, the clerical associates, the
23 police communication technicians and supervising
24 police communication technicians for NYPD.
25

1
2 Okay, they are the city employees who have and
3 are still working tirelessly through this COVID-19
4 pandemic. They are the eyes and ears of NYPD. They
5 administratively and physically support the
6 department.

7 Their jobs were created to the purpose of keeping
8 police on the streets to better serve the public by
9 community policing. Why today we have lost so many
10 of these jobs to uniform officers? I notice that the
11 Commissioner spoke about earlier about innovative
12 ways to save and cut costs for the Department. But
13 one of the ways you can cut costs is stop getting rid
14 of civilization. Hire more PAA's, SPAA's. Through
15 attrition we have lost as well as he has lost in
16 uniform members of services.

17 We have lost 400 PAA's and about 140 SPAA's okay.
18 They have not replaced them. The staff is not giving
19 overtime as he said that they are spending out there.
20 Councilman Levin, I hope when he gets his report back
21 on overtime, he asks about civilianization overtime
22 because there is none there and there none to be
23 blamed on the civilians there. Okay, I was
24 flabbergasted by Councilman Lander and his report
25 about how their only loss of \$417 million opposed to

1
2 that \$1 billion budget that they were supposed to
3 have lost and they have gained a \$196 million
4 increase. Again, he talked about innovative ways to
5 cut cost and my thing is to civilianization.

6 He had 500 officers pretty much doing civilian
7 work, okay. If they are in there doing civilian
8 work, they are also in there doing civilian work with
9 overtime. They will get overtime for doing
10 administrative work. They get overtime for working
11 through the 911 system.

12 Not to long ago, the last couple of months, he
13 had, they had, the department had about 60 police
14 officers being trained to take 911 operators work and
15 I don't understand if we are in a crisis and all
16 hands on deck, then those 500 officers that he has
17 doing administrative work for the department should
18 be out there helping the city brings those numbers
19 down.

20 He said we have an increase of gun arrests or
21 shootings up by 40 percent. That's alarming. All
22 hands should be on deck and if all hands are on deck,
23 then there should be more police officers out in the
24 street and not inside the precincts.
25

We know civilianization saves NYPD and the city millions. The cost of a civilian is much cheaper than a uniform officer.

SERGEANT AT ARMS: Time has expired.

JIM HAMLIN-MCLEOD: Thank you for your time and be safe.

MODERATOR: Thank you for your testimony. I would now like to call on Ralph Palladino from Local 159.

SERGEANT AT ARMS: Time starts now.

RALPH PALLADINO: Sorry, good day. Greetings from Local 1549, local President Eddie Rodriguez and welcome to the new Chair of the Committee.

Local 1549 believes that there needs to be serious reform in terms of the police department. We agree that Albany needs to be looking at this. What should be included in the city's reform plan?

The city and the NYPD should make civilianization an important part of the reform package they will send to Albany. Former Mayor John Lindsey created the Police Administrative Aid, PAA title expressly for the purpose of civilianizing the NYPD. This good policy idea has never become a reality. New York City continues to be the worse city in the nation in

1 the ratio of uniform to civilian employees by far.
2 New York City is at the bottom of the ladder in
3 efforts to civilianize the tasks that should be
4 performed by PAA's, clerical associates, secretaries
5 and other civilian titles that are being performed by
6 higher paid uniform employees.
7

8 Local 1549 won three arbitrations ordering the
9 NYPD to civilianize the clerical positions but this
10 Administration and the one before it has refused to
11 do so. This despite promises and assurances by
12 various city leaders to follow through on
13 civilianization. This years budget, the NYPD [LOST
14 AUDIO 8:25:22-8:25:26] down sized clerical titles
15 while continuing to have uniform employees perform
16 our work. This was no the intent of the demands of
17 the social justice movements led by Black Lives
18 Matter. But the city and NYPD use it as a compliance
19 to transfer some funding from policing to social
20 services.

21 They eliminate jobs that could go to the
22 community residents. The city talks about gaining
23 support of neighborhoods and everyday people in the
24 reform plan. A good way to accomplish that is to hire
25

1
2 people from the neighborhood and people from the
3 community and not cut their jobs.

4 These decent paying jobs are disappearing from
5 the NYPD and more of the work that's being performed
6 by uniform employees, it is not a military
7 organization. It is a civilian organization. If
8 more community residents were hired off of civil
9 service lists, the NYPD could use them as liaisons of
10 good will. It could help reduce unemployment and get
11 increased economic activity of the local
12 neighborhoods.

13 Numbers do not lie. Look at the rest of my
14 testimony that's six pages long and you will find the
15 numbers back up what I say. Numbers do not lie about
16 the reductions in staffing in the 911 centers either.
17 While call numbers go up and new tasks are assigned
18 to the PCT and SPCT's. Meanwhile uniform cadets are
19 being used regularly for short periods to serve as
20 backup rather than hiring more PCT's.

21 911 employees are first responders and essential
22 workers and should be paid accordingly.

23 SERGEANT AT ARMS: Time has expired.

24 RALPH PALLADINO: And hiring civil service
25 interpreters would make the NYPD more neighborly

friendly also, showing they care about the diversity in language needs of the citizens. Thank you very much and I couldn't get my video working.

MODERATOR: Thank you for your testimony. Unless there are questions from Council Members, I will move onto the next panel.

Alright, seeing none, I would like to invite the next four members of the public up. They will be Andrea Bowen from the Sex Workers Project, Dawn Yuster from Advocates for Children, Sarah Sitzler from Riders for Black Lives as well as Anton Lowe also from Riders for Black Lives.

SERGEANT AT ARMS: Time starts now.

ANDREA BOWEN: Thank you Chair Adams and Council Members and Council Staff. I am Andrea Bowen and I am Government Affairs Consultant at the Sex Workers Project at the Urban Justice Center.

The Sex Workers Project at Urban Justice Center or SWP provides clients under Legal Services to individuals who engage in sex work regardless of whether or not they do so by choice, circumstance or coercion. They seek a restoration of our \$100,000 in Speaker's Initiative funds cut in FY21 and a continuation of \$50,000 of our FY21 funding from the

1 support for persons involved in the Sex Trades
2 Initiative. We seek this to fill a gap in city legal
3 services, workers rights legal services, those in
4 legal sex trades. These workers are a great risk of
5 wage theft, sexual harassment, sexual assault and
6 federal and state labor laws are rarely enforced in
7 these trades.
8

9 As regards to the Mayor's Police Reform and
10 Reinvention Collaborative Draft Plan at the UP has
11 noted its positive aspects in the press release that
12 went out. However, NYPD and the Mayor must actually
13 be held accountable for ending the police in the sex
14 work and organizations like SWP intend to be a part
15 of that accountability process.

16 Specifically related to the draft plan, major
17 players were not actually consulted in the way that
18 made clear to them that they were providing feedback
19 on this NYPD reform plan. The process is far from
20 complete. The task force coming from this should be
21 a body that creates a real plan on changing the NYPD.
22 It should be led by the Unity Project on the
23 government side and entities that have a connection
24 to the sex work community. To create a space that's
25 public, formal and places emphasis on community

1
2 feedback and feeding into a final product whose
3 process is clearly articulated from the get go.

4 And none of this should hold Council and the
5 Mayor back from eliminated the VICE division of the
6 NYPD and in the FY22 budget. Advocates for
7 elimination of funding for NYPD's VICE enforcement
8 division at approximately \$18.2 million with a
9 reinvestment in human services that protects sex
10 workers human rights while supporting them in their
11 surrounding communities. A recent public article
12 explains in depth how NYPD VICE clearly targets BIPOC
13 communities and we should waste no time in
14 eliminating VICE in this budget.

15 Thank you so much for your time and attention and
16 I look forward to talking with you further and my
17 contact information is in the testimony I will be
18 emailing you.

19 MODERATOR: Thank you for your testimony. I will
20 now like to invite Dawn Yuster from Advocates for
21 Children.

22 SERGEANT AT ARMS: Time starts now.

23 DAWN YUSTER: Good afternoon. My name is Dawn
24 Yuster and I am the Director of Advocates for
25 Children of New York's AFC's School Justice Project.

AFC works to ensure high quality education for New York students who face barriers to academic success.

Focusing on students from low-income backgrounds.

We are a member of dignity in Schools Campaign New York. A coalition of youth, parents, educators and advocates dedicated to ending the school to prison pipeline. Through our work with students in New York City, we have seen the significant and disproportionate impact school policing has on Black and Brown students.

While the number of students arrested has decreased, Black and Latinx students continue to comprise the vast majority of them. In the 2019-20 school year before schools close due to COVID-19, Black students in particular have had to bear the brunt of school policing, representing about 25 percent of all students and about 56.5 percent of students arrested and issued summonses in school.

The NYPD including school safety agents and precinct officers and not clinically trained mental health professionals had already intervened in more than 2,250 incidents involving students in emotional crisis. Handcuffing young, some as young as five years old.

1
2 Of the students handcuffed, 58 percent were
3 Black. AFC works in coalition with youth, parents
4 and school staff who have repeatedly called for the
5 removal of police in schools. The experiences of
6 these school community members have shared compelling
7 stories and cannot be ignored.

8 Policing deeply impacts Black and Brown youth and
9 has no place in our schools. Schools must be
10 nurturing inclusive learning environments for all
11 students. We support removing police officers,
12 including school safety agents from schools and
13 shifting NYPD funding from school policing to
14 education and social services that will support a new
15 vision of safety in schools.

16 We must ensure all students, especially Black and
17 Latinx students who are disproportionately harmed by
18 police are truly safe and supported. We support
19 elements of the Mayor's plan to break the school to
20 prison pipeline and some of the language in the plan
21 about investing in school staff to support students
22 social, emotional and behavioral needs, mirrors
23 language in our recommendations in the Fiscal Year
24 2022 budget.

25

1
2 However, we are deeply concerned that the
3 recommendations in the Mayor's police reform plan
4 related to school safety are mere words. As the
5 blueprint fails to contain an action plan to truly
6 invest in our students in school communities and keep
7 our children safe and free from harm of policing
8 practices.

9 For example, despite asserting that the city –

10 SERGEANT AT ARMS: Time has expired.

11 DAWN YUSTER: Despite asserting that the city may
12 invest in staff trained and coached in providing
13 direct services to students such as social workers,
14 behavior specialists and trauma informed de-
15 escalation staff, the Mayor's plan does not include
16 any steps to reach the goal.

17 Just a couple of more words. Also, the
18 Preliminary Budget only contains \$35 million to
19 address mental health and social and emotional needs
20 of students, while the school policing budget is over
21 \$450 million.

22 In addition to that, uhm, we are deeply troubled
23 by the news that the city may spend \$20 million to
24 hire 475 new school safety agents. Or from what we
25 are hearing today 500 school safety agents based on

1
2 the new plan to start working in the school safety
3 division within the next few months and we
4 desperately need this money for schools to provide
5 social workers, behavior specialists, restorative
6 justice practitioners. So, that students can receive
7 the mental health supports and services that they
8 need instead of being handcuffed in school or
9 otherwise policed.

10 We really thank you for the opportunity to speak
11 with you today. I would be happy to answer any
12 questions. There is more information in our written
13 testimony. Thank you so much.

14 MODERATOR: Thank you for your testimony. I will
15 now like to invite up Sarah Sitzler from Riders for
16 Black Lives to testify.

17 SERGEANT AT ARMS: Time starts now.

18 SARAH STIZLER: Good afternoon Chair Adams and
19 members of Council. My name is Sarah Sitzler, I a
20 Resident of District 40 and a member of Riders for
21 Black Lives and I am testifying today to ask the
22 Council to divest from the NYPD budget and to
23 reallocate funds to community led programs and
24 resources that serve a BIPOC and low income
25

1 communities. Because public safety is rooted in
2 community care and accountability.

3 What keeps us safe and reduces crime is all of us
4 not only having our basic needs met by having the
5 resources to thrive. More policing does not lesson
6 crime. Neither reform nor training can be effective
7 when they are born with an inherently racist
8 institution.

9 Commissioner Shea recently went on record to
10 apologize for systemic racism in the NYPD but we
11 don't want his apologies or empty platitudes. We
12 want his resignation. Commissioner Shea says he
13 wants to work with the people, yet he couldn't even
14 show up for the last Council hearing on Public
15 Safety. He only shows up when the budget is up for
16 discussion to spread lies and fear monger.

17 According to a DOI report on the NYPD's response
18 to the Floyd protest as they are called, the
19 strategic response group was documented as the most
20 well trained, yet they were the most militant,
21 violent aggressors out of anyone at the protests.

22 The SRG was created to handle counterterrorism
23 and active shooters. Why are they being sent to
24 peaceful protests? Where was community affairs? Why
25

1
2 were they not consulted at all? Why are NYPD
3 helicopters flying over peaceful marches for hours at
4 a time? Being utilized as a motive oppression and
5 intimidation, flying over activists homes. Why did
6 [INAUDIBLE 8:36:47] of the 84th Precinct point a gun
7 at unarmed protestors with no recourse? Why do
8 police vans show up to community cleanups last summer
9 to surveil activists as were cleaning up our streets
10 because of budget cuts in Sanitation left trash
11 piling up on our streets? Why are peaceful
12 protestors arrested on the Brooklyn Bridge or in
13 Williamsburg being taken out of the way to the 75th
14 precinct in East New York?

15 Cut the choppers, the unnecessary surveillance,
16 the harassment, cut down the budget. I would also
17 like to add that despite the heavy police presence at
18 the protest, we have been in serious danger on
19 several occasions when cars have driven through
20 crowds. Both civilian cars and a police car have
21 driven through crowds.

22 All the body cams and the best technology mean
23 nothing when police are not held accountable for
24 their actions. Providing public access to the
25 misconduct of the NYPD like the Disciplinary Matrix

1
2 does nothing to remedy that misconduct and corruption
3 itself.

4 If Commissioner Shea really cared about
5 transparency and trust, he would remove himself as
6 the sole overseer of the NYPD discipline. I urge you
7 members of the Council divest from the NYPD.

8 SERGEANT AT ARMS: Time has expired.

9 SARAH SITZLER: Invest in our communities through
10 BIPOC led, community led initiatives. Eradicate the
11 school to prison pipeline, invest in social workers,
12 counselors, after school programs, community centers,
13 resources for Black trans, for queer and nonbinary
14 community members. So, instead of being targeted by
15 police, they are safe, they are protected and they
16 are able to live their lives to the fullest
17 potential. Build a mental health and substance abuse
18 response team that excludes the NYPD. Base it off
19 the Cahoots program in Oregon.

20 Public safety is contingent upon not only having
21 our basic needs met but potential to prosper, to
22 build generational wealth, quality housing, education
23 and healthcare are rights.
24
25

Real crime prevention starts with community care and resources not more policing. Thank you so much for the time and allowing me to testify today.

MODERATOR: Thank you for your testimony. I will now like to invite up Anton Lowe from Riders for Black Lives.

SERGEANT AT ARMS: Time starts now.

ANTON LOWE: Good afternoon everybody. Thank you for allowing us. I would like to second what Sarah just spoke about. More policing in our neighborhoods is not what we want. As a Black man, I don't want to see police with bigger guns and vests on and helmets and these types of things in my neighborhood. We don't want to see that anymore. We don't want to see that at peaceful protests. Where we have to worry about being arrested with the police for doing nothing but being peaceful in the streets.

We need better schools in our neighborhood. We need more opportunities in our neighborhood. Cleaner communities. We don't need more gentrified neighborhoods. The police only come when we feel like the White people are moving in and you guys want to make it safer for them. That's not what we need. We need protection in our own communities and to

1
2 build on our own communities. We need money for
3 businesses in our communities. That's what we need
4 in our communities and that's it for me. Thank you.

5 MODERATOR: Thank you for your testimony. I will
6 now like to invite up the next four members of the
7 public to testify. They will be Sandra Sanchez from
8 the Ya-Ya Network followed by Angelique Larsen also
9 from the Ya-Ya Network then Josh Melendez from
10 Sisters and Brothers United followed by Humberto
11 Flores from Sisters and Brothers United.

12 SERGEANT AT ARMS: Time starts now.

13 SANDRA SANCHEZ: Good evening. My name is Sandra
14 Sanchez here with the Ya-Ya Network at another
15 hearing. Now engrave my name in your mind because I
16 won't be going anywhere until we get what we are
17 asking for again.

18 Public safety is bull and we all know this. Why
19 do I say this? Because even with cops, people still
20 die, hurt and mourn. Police in the U.S. killed 164
21 Black people in the first eight months of 2020. The
22 Black Lives Matter movement during June was not the
23 beginning of police brutality and some act like it
24 was.

1
2 Families lost their loved ones to those people
3 who are supposed to protect us. Breonna Taylor,
4 George Floyd, the list goes on and on. Now you want
5 to hire more cops than you can afford. I am not
6 surprised. This does really sound like New York
7 City.

8 Where can this money be going you ask? Simple,
9 during COVID we had to adjust to many changes.
10 Remote learning, unemployment rates on the rise and
11 instead of putting the money to help those in need,
12 you become selfish and solely focus on the least
13 important people.

14 There are families who weren't homeless last year
15 that are now on the streets begging for money. There
16 are students who still are in need of devices for
17 remote learning. There are people who are happier
18 than ever before COVID and now find themselves in
19 mental health crisis. Why can't the money go to
20 them? Why can't you once not be so selfish and
21 realize the world doesn't revolve around police. It
22 never has.

23 Today, I am asking for a change and I mean more
24 than just promises. We need action. We need real
25 change. If cops are really trying to stop crime, why

1
2 do I always see them trying to catch those on a rush
3 to work topping the trains but not catching those who
4 are killing or stabbing or shooting around us. We
5 need to defund the police. We need to stop treating
6 kids like criminals and take metal detectors out of
7 school.

8 The hiring of police needs to stop and we need to
9 dismantle the system. We need to start suing or
10 people will keep on getting hurt and dying. Thank
11 you for your time.

12 MODERATOR: Thank you for your testimony. I will
13 now like to call on Angelique Larsen, also from the
14 Ya-Ya Network.

15 SERGEANT AT ARMS: Time starts now.

16 ANGELIQUE LARSEN: Good afternoon. My name is
17 Angelique Larsen and I am 17-years-old. Six days
18 ago, the result of a study in the United Kingdom was
19 released. Stating that 97 percent of all women
20 between the ages of 18 and 24 have experienced some
21 form of sexual assault harassment.

22 While this is not here in the United States, this
23 is still a human rights crisis for all. This study
24 did not account for minors or adults over the age of
25 24. As a high schooler myself, I can tell you that

1
2 the harsh reality being that I do not know a single
3 female who has not experienced some form of sexual
4 violence. That includes myself.

5 This is a harsh reality that the police system
6 refuses to address. Victims are often turned away by
7 the police force. Some are questioned to what they
8 wore. Some are questioned to why they waited and
9 others are eventually criminalized. Therefore, only
10 8 percent of all sexual assault allegations are
11 eventually convicted, leaving another 92 percent of
12 assault allegations to go without justice.

13 As a victim myself, I was told by the police that
14 I shouldn't have waited so long. I shouldn't have
15 continued communication with assaulter. The
16 detective on my case even said and I quote, "if I hit
17 you right now, would you still be friends with me?"
18 When I said no, he replied, then how do you expect us
19 to believe you?

20 He then continued by asking my family if they had
21 met my assaulter because "he seemed like a nice kid."
22 Yet I heard today how great the SVU is doing. I
23 stand before you and ask that you make this process
24 easier. That you make people like me feel
25 comfortable speaking their truth instead of just

1
2 assuming that we do when you are not in our
3 situation.

4 Reforming the response and hiring better, more
5 equipped SVU detectives should be one of your first
6 priorities. Thank you.

7 MODERATOR: Thank you for your testimony. I will
8 now call on Josh Melendez from Sisters and Brothers
9 United.

10 CHAIRPERSON ADAMS: We have a question. Matt, we
11 have a question from Council Member Rosenthal I
12 believe.

13 MODERATOR: Excuse me. We will go to Council
14 Member questions. Council Member Rosenthal.

15 SERGEANT AT ARMS: Time starts now.

16 COUNCIL MEMBER ROSENTHAL: Thank you so much.
17 Thank you Chair Adams, I appreciate you. Ms. Larsen,
18 I just — I am blown away by your bravery and I wanted
19 to thank you so much for coming forward and speaking
20 your truth.

21 I hope you got some love and support around you
22 and you know that you know, if you need any
23 counseling services, there are so many good ones that
24 you can talk with, who could really advocate for you
25

1
2 with the NYPD and hold their feet to the fire if you
3 want to investigate the case.

4 So, I just, I hope you are getting the help you
5 need and I really just wanted to acknowledge and
6 appreciate you. Thank you.

7 ANGELIQUE LARSEN: Thank you.

8 CHAIRPERSON ADAMS: We want to echo that thank
9 you Council Member Rosenthal. I wanted you to go
10 first to being one of my mentors in the Council. Ms.
11 Larsen, I too applaud you for speaking your truth and
12 quite frankly for speaking the truth of so many of us
13 who at your age were not open to speaking the truth.
14 Those who have been bullied, those who have been
15 harassed like myself. Harassed by a college
16 professor. Still to this day, you know, carry those
17 things deep inside of us.

18 I appreciate your testimony so much today. Stay
19 strong. Thank you.

20 MODERATOR: Thank you. Unless there are
21 questions from other Council Members, I will move on
22 to the next panelist.

23 SERGEANT AT ARMS: Time starts now.

24 JOSH MELENDEZ: Hello everyone, my name is Josh
25 and I am a Youth at Brothers Unite and I live in

Council District 8 in the Bronx and I am in 7th grade.

I attend James CUNY in high school. After hearing the Mayor's Plan of 475 police officers, I urge the City Council to make it a priority to block this. As the money used in our school will be better spent on more social workers, guidance counselors and health workers in our school.

I am excited to go back to school to learn alongside my peers but I still don't feel safe knowing that cops are going to be at my school. Cops don't make me feel secure and safe in my school or in my neighborhood. I have seen from personal experience how they treat me, my friends on my way to school, in front of my school and in the entrance or in our hallways.

As a student in my music class, I have to bring a guitar home to practice and there was a time when I went to school and SSA said that they would only let me inside if they checked my bag and my guitar, in case if I had a weapon as a gun or just a gun in general and I got scared and I felt nervous. At that time, I wanted to cry because I was only — and I was

1
2 being accused of having a gun even though I was only
3 11-years-old.

4 I was harshly judged at the door and being
5 treated like a criminal. Seeing them all over my
6 school just reminded me of when I used to visit my
7 family members at Rikers. The constant surveillance,
8 the pat downs at the door, the bag searches, I felt
9 exactly the same way as going to school.

10 I strongly oppose the idea of transferring cops
11 from NYPD to the DOE or Intro. 2211 as there is no
12 point of them being in my school. Unless if you want
13 them there is for to continue harassing and
14 intimidating us. Students need to feel safe like
15 they belong in a safe and supportive school and not a
16 school where the system is built to put us in jail.

17 I want to go to a school where I don't feel like
18 I am the next target of a school cop. But in order
19 for this to be, we will need to be — the money will
20 need to be divested from school, school policing and
21 put the money to develop of students like social
22 workers, guidance counselors, medical professionals
23 and in general, more resources in public schools.
24 But specifically in the Bronx and in Brooklyn.
25

MODERATOR: Thank you for your testimony. Next up we will have Humberto Flores from Sisters and Brothers united followed by Marcos Romero.

SERGEANT AT ARMS: Time starts now.

HUMBERTO FLORES: Hello, I am Humberto Flores and I am a Youth Leader at Sisters and Brothers United. I attend the Bronx High School Science and I live in Council District 16. And I am here to talk about police free schools and about the Preliminary Budget and the shifts I would like to see across the board.

I would like to begin by mentioned the FY22 budget and the lies that were told about the budget cuts towards the police department during June of 2020.

The NYPD was not defunded by \$1 billion and the changes that were made were not recurrent. Meaning that only impacted that one years budget. There is currently no sign with the current proposed budget where demands for police free schools are being invested. School police despite what was said by the Mayor, are still under the NYPD's budget.

The FY22 Preliminary Budget is \$5.4 billion, which is \$195 million more than the FY21 Adopted Budget. So, despite the message that you defunded

the police, the NYPD's budget is not only protected but it is still growing.

And I would like to move onto another topic.

This one being police reform. The Governor's Executive Order 203 required that each municipality in the state submit a police reform and a reimagination plan by April 1st. The city released their plan in two parts on March 5th and March 12th, in which it highlighted a multiagency transition team that would facilitate the transferring of school policing from the NYPD to the DOE.

The transfer of the school policing from NYPD to the DOE doesn't mean the students will be happy. It also does not mean that the city is actually reimagining school safety. While that may seem like a good change, simply rebranding police officers isn't going to ensure the safety of students.

And I would like to think about it if I could, a mask over an animal. If you put a mask over an animal, it's still the same animal. There is no point in putting a mask over it. It doesn't change it.

The plan should focus on root causes to what students face. Investing in counseling, therapists,

1
2 social workers and other resources that focus on the
3 students needs and the root of those needs is a far
4 better idea than rebranding the police.

5 I know someone in my family who had an experience
6 where they went through something and they were
7 scared and instead of the school and the police
8 helping them, they made them feel like they were just
9 doing whatever they could to actually suspend her.

10 That isn't helping them. That is just trying to
11 criminalize them and that's why I stand with this
12 movement. I stand with countless others who have
13 been calling for the complete removal of police in
14 schools and saying vote no on Intro. 2211 because we
15 cannot prioritize students success while still
16 funding their criminalization. Thank you for your
17 time.

18 MODERATOR: Thank you for your testimony. The
19 next up will be Marcos Romero followed by Chris Kwok
20 from the Asian American Bar Association of New York
21 followed by Madeline Borrelli from Teachers Unite.

22 SERGEANT AT ARMS: Time starts now.

23 MARCOS ROMERO: Hi, my name is Marcos Romero, I
24 am Youth Leader at Sisters and Brothers United and I
25

1
2 am currently a sophomore at LaGuardia High School and
3 I live in Council District 12.

4 Let me take you back to June 6, 2020 in the midst
5 of Black Lives Matter protest. I performed my first
6 ever speech was on the steps of Tweed where we call
7 for justice for countless who have been killed and
8 harmed of police across our country. And more
9 specifically, to call for an infraction of the police
10 budget to be repurposed to about schools, to about
11 communities, to benefit the dreamers of New York.
12 Not to limit schools or press communities and prevent
13 treatment of dreamers as a delusion.

14 We call for a complete removal of police from our
15 schools as you cannot believe my reaction the next
16 day where a statement was released where the City of
17 New York City is going to repurpose the budget to
18 help everyone instead of just the police.

19 Then I waited and I waited and I waited. At the
20 end of the tiring budget process, the Council voted
21 on a budget that would transfer school safety
22 division AKA's full cost from NYPD to DOE and we were
23 devastated. Our vision for police free school was
24 already being co-opted by a false and harmful vision
25 for real school safety.

1
2 Fast forward to March 16, 2021 today, after
3 finding out there were plans for the city to continue
4 to funnel money to the police budget specifically to
5 475 new school safety officers and MTA's shutting
6 down and now police are getting robot dogs.

7 Tell me why do I continue to find myself yet
8 again calling out the Council to do what's best for
9 students? Why is it so difficult? Our vision for
10 schools is that we would demand to a police school in
11 fractures, culture and practice and in school,
12 militarization and surveillance and building a new
13 liberatory education system.

14 This vision can be possible if the City Council
15 would simply make bold decisions that would make our
16 budgets reflect the things we value and need unless
17 you value criminalization Black girls and boys. I
18 hope this time around you put them first in your
19 budget decisions.

20 I ask that you divest from school policing,
21 reject any new hires of cops in our schools and
22 invest in defunding of counselors, school workers,
23 mental health support and restorative justice. To
24 quote one of my favorite movies, "Just because
25 someone stumbles and loses their way, doesn't mean

they are lost forever. All they need guidance"

Thank you.

MODERATOR: Thank you for your testimony. Unless there are questions from Council members, I will move onto the next member of the public.

Alright, seeing none, I will call on Chris Kwok from the Asian American Bar Association of New York, followed by Madeline Borrelli from the Teachers Unite followed by Alexandra Haridopolos from Teachers Unite.

SERGEANT AT ARMS: Time starts now.

CHRIS KWOK: Thank you everyone for this opportunity. Thank you Chair Adams for still being here. It's late and deeply appreciative that you are still here.

My name is Chris Kwok, I am a Board Director for the Asian American Bar Association of New York. I serve as the Chair of the Issues Committee, which advises ABANY's board on political issues. We are an organization of over 1,600 lawyers in the City.

ABANY is participating in today's hearing to express our firm commitment to championing two changes to the NYPD's Asian Hate Crimes Taskforce. First, the taskforce needs funding. It is currently

1
2 not funded at all. Second, it is comprised
3 completely of volunteer detectives and Sergeants.
4 They all have their day jobs within the NYPD and when
5 there is a job that requires their language or
6 cultural competency, they get called in.

7 So, that although the Mayor has had a lot of sort
8 PR from putting out the Asian Hate Crimes Taskforce,
9 they don't have funding and they are not assigned
10 full-time. And we feel that that is just an empty
11 exercise.

12 And so, the Asian American community is fearful
13 right now of going about their lives just going to
14 the supermarket or walking home or taking the bus and
15 we really want action.

16 ABANY wrote a report called the Rising Tide of
17 Hate and Violence Against Asian Americans and we have
18 — we were proud to be the first to call those two
19 important things out publicly and we think that they
20 should be fully funded and assigned to the unit full-
21 time. In order to foster trust with the Asian
22 American community and to encourage reporting, which
23 we have heard a lot, there needs to be accountability
24 for the violence and harassment that has been
25 perpetrated against Asian Americans.

1
2 There is you know, 27 percent — I mean 27
3 incidents in 2020 versus three in 2019. And we want
4 the police and the government to respond to the
5 concerns in a serious way and not in the sort of show
6 time way that I think the Mayor has done so far.

7 And so, with that, I want to thank you for the
8 time and we are going to submit a more complete
9 testimony into the record.

10 CHAIRPERSON ADAMS: Chris, I appreciate your
11 testimony and I just want to let you know that I
12 concur with your sentiments and that beautiful child
13 that you were feeding a little while ago, I would not
14 want that beautiful child living in fear.

15 CHRIS KWOK: Thank you so much.

16 CHAIRPERSON ADAMS: She is beautiful.

17 CHRIS KWOK: Thank you so much.

18 CHAIRPERSON ADAMS: Thank you.

19 MODERATOR: Thank you. I would now like to
20 invite the next witness up who will be Madeline
21 Borrelli from Teachers Unite followed by Alexandra
22 Haridopolos from Teachers Unite.

23 SERGEANT AT ARMS: Time starts now.

24 MADELINE BORRELLI: Good evening, my name is
25 Madeline Borrelli, I am Special Education Teacher in

District 21 and a proud public school parent. I am also a member of Teachers Unite.

I am here today again, to testify and show an opposition to Intro. 2211 which will codify violence for policing into the DOE's already underfunded budget.

Under Intro. 2211, the city is proposing to spend a considerable sum of money to retrain school police despite there being little evidence that police reform works. The Mayor marketed this move at the NYPD's School Policing Unit to the DOE as part of a \$1 billion police defundment but that didn't happen. The city didn't defund the police back in June but the City did defund public education by \$700 million during a pandemic.

Shuffling personnel from one agency to another does not undo the generations of harm and we do not want to reorganize the school policing infrastructure; we want to dismantle it.

We want police free schools where our children are greeted by well-paid community members and restored and healing positions. Schools with robust mental health services and transform their practices. I represent one of many teachers who you will hear

tonight will oppose Intro. 2211 and are demanding instead a budget that meaningfully funds school positions and support students.

During the last City Council meeting, we were blindsided by the proposed hiring of 475 new school cops for the price of \$20 million. In the same year, what teachers lost are teachers choice funding. The little money that the city allocates us each year to spend on classroom supplies.

Council Members, budgets are moral documents. So, if this hiring goes through then the city is telling us, our students and their families that policing young people's bodies is more important in ensuring they have the academic supplies they need in order to be successful. We don't want cops in our schools, we want counselors, librarians, nurses, social workers and restorative justice coordinators. Many schools lost funding for these positions due to the unjust budget cut that some council members on this call voted yes on.

And so, to every Council Member who ran on a platform of educational equity or who claims to be a supporter of public education, just know that we are watching how you vote on this bill. If you support

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2 this bill and the funds it provides to further the
3 school policing infrastructure and thus the school to
4 prison pipeline, then please don't claim to be a
5 supporter of equity in our schools and if you truly
6 cared about progress and the quality of New York City
7 public schools, then you would reinvest the school
8 policing budget back into the communities that need
9 it the most.

10 You will hire Black and Brown community members
11 into restorative well-paying roles that are not
12 through surveillance and policing infrastructure.
13 And you will stop voting yes on city budgets where
14 the education is the first thing on the chopping
15 block. Please vote no on Intro. 2211. Thank you.

16 MODERATOR: Thank you for your testimony. I
17 would now like to invite up Alexandra Haridopolos
18 from Teachers Unite followed by Rodrigo Camarena
19 followed by Dulce Revolution.

20 SERGEANT AT ARMS: Time starts now.

21 ALEXANDRA HARIDOPOLOS: Hi everybody. Thank you
22 Council and to all of the community members who have
23 spoken before. It has been a privilege to hear your
24 analysis tonight.

I am a Teacher in District 10 in the Bronx and I am asking the Council to divest from the NYPD budget. Specifically to not transfer over 400 cops to the Department of Education.

Our students need healing right now. They have borne the brunt of this pandemic and we cannot keep doing things the same and expecting a different result. Today, an organization I am part of, the More Caucus Movement for Rank and File Educators honored a day of rest, as it has been a year since New York City schools shutdown. You know, we all need a day of rest after this challenging, challenging year. But without further ado, I would like to read a couple of the demands from the Dignity in Schools Campaign from the Urban Youth Collective Police Free School to means funding for schools to build restorative, supportive and safe schools.

Supportive positions are created, that are well paid and do not require bachelor's degrees. These roles do not require training in de-escalation and restorative justice. These are DOE positions, not external contracts. Positions include paraprofessionals, youth advocates, restorative justice coordinators, parent coordinators, community

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2 outreach coordinators. No policing roles by any
3 name.

4 Black and Brown community members have access to
5 well-paying jobs in school system that are not
6 through policing or security structure. Students and
7 guests are greeted by community members, not law
8 enforcement. No surveillance technology, such as
9 cameras, scanning or metal detectors in schools and
10 no online surveillance of students. In addition to
11 the supportive positions that do not require
12 bachelor's degrees, positions are also created for
13 counselors and social workers.

14 School communities, students, teachers,
15 principals, parents oversee the hiring of staff and
16 increase positions for Black and Brown community
17 members. There are pathways for former students to
18 be employed at the school they attend in supportive,
19 responsive positions. Counselors, social workers,
20 caseload is manageable, one to 50 or one to 100. I
21 would go as far to say one to 25 or 20. Smaller
22 class sizes one to 23, beautiful. With smaller class
23 sizes, teachers will be able to build more meaningful
24 relationships with their students. This contributes
25 to a culture where safety is proactive rather than

reactive and conflicts can be addressed before serious incidents occur.

Additionally, when students are better supported academically, they are able to engage with class content and less likely to be involved in outside issues. These efforts need to be supported by cultural response education, so students can see themselves reflected in a relevant curricular manner, meaningful to their interest in communities.

This helps to create a space where students feel safe and included, which in turn, keeps students engaged and in class. Restorative justice is not a program but a meaningful culture shift. This needs funding and time. This shift should not be a top down directive –

SERGEANT AT ARMS: Time is expired.

ALEXANDRA HARIDOPOLOS: But instead should be led by students, parents and educators who have this knowledge and experience. All school staff should receive restorative justice training and policing culture in schools and punitive practices such as suspensions, detentions, zero tolerance policies and dress codes. Funding should be allocated directly to school communities leading the way. We do not want

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2 more money going to private contracts with nonprofits
3 and have no relationship with those communities and
4 we want no more money going to police in our schools.
5 Thank you very much.

6 MODERATOR: Thank you for your testimony. I
7 would like to now up Rodrigo Camarena followed by
8 Dulce Revolution followed by Samantha Rubin.

9 SERGEANT AT ARMS: Time starts now.

10 RODRIGO CAMARENA: Hi, good afternoon. My name
11 is Rodrigo Camarena, I am a parent, Police in Prison
12 Abolitionist and I am here in solidarity of the
13 Teachers United Parents and the educators from Sunset
14 Park Red Hook in South Brooklyn for all dream of
15 police free schools and dismantling the school to
16 prison pipeline.

17 I am here today to urge Council Members to reject
18 Intro. Bill 2211. A bill that would codify the
19 transfer of the NYPD school division to the DOE. As
20 a long time activist and organizer in South Brooklyn
21 whose watched their city increase its investment of
22 police in prisons over the years, I fear for what the
23 proposed transfer of 5,400 school police officers to
24 the DOE will bring to the students and the teachers
25 who have already suffered so much.

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2 I worry about their education, about their mental
3 health and the future of our young people. Students,
4 teachers, parents and community leaders from across
5 New York City have come together to demand police
6 free schools.

7 Policing in schools perpetuates a well-
8 established school to prison pipeline that
9 compromises access to education and opportunity. We
10 all know too well that Black and Brown youth are
11 disproportionately targeted by policing in schools
12 and other punitive disciplinary measures. What we
13 truly need are investments in supportive staff
14 positions that our students demand. Or funding to
15 hire Black and Brown New Yorkers in the jobs that
16 support young people's social and emotional and
17 mental health. We want restorative justice.

18 Coordinators, paraprofessionals, youth advocates,
19 community outreach coordinators, parent coordinators
20 and more.

21 Students have demanded investment to help them
22 learn and grow and thrive. Not more policing that
23 will push them out of schools. That's why we are
24 saying no to Intro. 2211. No to the hiring of 475
25 new school police officers and yes to a budget that

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2 meaningfully funds school positions that support the
3 students. Thank you. I see my time.

4 MODERATOR: Thank you for your testimony. I
5 would now like to invite up Dulce Revolution to
6 testify followed by Samantha Rubin followed by
7 Caitlin Delphin.

8 SERGEANT AT ARMS: Time starts now.

9 DULCE REVOLUTION: Good evening as far as not
10 being redundant, I will not state on some points but
11 I will introduce myself Dulce Revolution and I am a
12 former City School Teacher, English as a new language
13 was my subject and I uhm, I have been working within
14 the school system for 15 years and I am a parent, a
15 beautiful child. And I am appalled here as I sit
16 here in opposition to 2211, at the policing of our
17 schools but yet the negating of the pertinent tools
18 that we need for our children to succeed that have
19 nothing to do with the bodies of law enforcement that
20 would otherwise incriminate, criminalize and uhm,
21 further make our students feel as if the are indeed
22 in a box. When in fact, we know they are limitless.

23 I heard the children on this thread and they
24 spoke. I echo their sentiments. I heard teachers on
25 this thread and I echo their sentiments. Uhm, I just

1
2 want to reiterate, as the climate that we are in at
3 this very moment, which is crucial, as we sit in the
4 dire straights of racial divide, unfortunately.

5 Where a lot of truths are being told about culture,
6 cultural identity, curriculum itself needs to be
7 looked at.

8 So, how are we first putting a stamp on policing
9 rather than worrying about the curriculum that our
10 very students will be receiving? And uhm, to that,
11 the resources themselves?

12 I am from a District. I work in District 10
13 where resources are not a plenty. There are no
14 recreations to go with the students with what they
15 need and also, my ENL community who come from other
16 countries to have them be policed. Coming from a
17 country where they are used to 60 in a classroom.
18 It's further denouncing them as students and further
19 putting them in the field of they are not important.
20 They are not special. They are not individualized.

21 How about we work on differentiation and that is
22 making sure that every child gets to succeed. Not
23 only the children downtown but the children in our
24 city urban American, they get a chance to succeed.
25 And that would do so by making sure that they

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2 especially after this pandemic, that they get the
3 resources that they need. Social, emotional,
4 learning tools, more teachers in classroom, smaller
5 classroom settings and overall love.

6 Overall love and understanding and that does not
7 come from a badge, a gun and things that we see
8 around us that has been opposing and imposing
9 themselves in our neighborhood and unfortunately
10 taking our lives.

11 In the sense of time, thank you.

12 MODERATOR: Thank you for that testimony. I
13 would now like to call on Samantha Rubin followed by
14 Caitlin Delphin followed by Bonnie Massey from
15 Teachers Unite.

16 SERGEANT AT ARMS: Your time starts now.

17 SAMANTHA RUBIN: Hi, good evening. My name is
18 Samantha Rubin, I am a Teacher at a high school in
19 East Flatbush Brooklyn and I am a Member of Teachers
20 Unite. I am speaking today to urge Council Members
21 to reject Intro. 2211, which would codify the
22 transfer of the NYPD school safety division to the
23 DOE.

24 For the past 13 years, I have taught mostly Black
25 and Brown students in heavily policed high schools.

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2 My students are disproportionately effected by
3 punitive discipline policies because they attend
4 schools where instead of teachers and principals
5 making the decisions about student discipline and
6 safety, NYPD SAA's have the final say.

7 This can look like students being suspended,
8 issued summons or handcuffed for infractions that
9 could and would be handled differently in schools
10 that aren't patrolled by SSA's.

11 One common example that someone already mentioned
12 this evening is the handcuffing of students in mental
13 health crisis or held in a small room with multiple
14 SSA's, rather than allowed a quiet space with a
15 counselor or a social worker. A better environment
16 for de-escalation that wouldn't further traumatize
17 the students.

18 Last year, more than 10 percent of my school
19 student body lost a close family member to COVID-19.
20 They weren't able to mourn with family, waited while
21 their loved ones body sat in overwhelmed funeral
22 homes and couldn't have the sense of normalcy that so
23 many of us who dealt with loss in our youth found by
24 attending school.
25

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2 When these students return to school in the fall,
3 they don't need to be greeted by police. Watched by
4 police as they walk to class or confronted by police
5 if they act out when they feel overwhelmed. They
6 need counselors, social workers and parent
7 coordinators to help them readjust. They need youth
8 advocates and tutors from their own communities to
9 meet them where they are and help them succeed.

10 The \$20 million of DOE funding that is being
11 proposed as funding for two new academy classes of
12 SSA's, should be redirected to create and sustain
13 positions in schools that support the students who
14 are most effected by the COVID-19 pandemic.

15 Please reject Intro. 2211 and redirect the
16 funding earmarked for new SSA's instead to invest in
17 welcoming our students back into loving, positive
18 school communities where they will be lifted up, not
19 pushed out and policed. Thank you.

20 MODERATOR: Thank you for your testimony. Next
21 up we will have Caitlin Delphin followed by Bonnie
22 Massey.

23 SERGEANT AT ARMS: Time starts now.

24 CAITLIN DELPHIN: Hi, thank you for having us
25 tonight. My name is Caitlin Delphin and I am a

Special Education Teacher at a high school in Bensonhurst Brooklyn and a member of Teachers Unite.

I am here today to speak in opposition to Intro. Number 2211. We need action to reduce policing in schools and to fund more teachers, counselors and social workers as well as restorative justice professionals, rather than spending more money retraining current SSA's when we have seen so many times that retraining police does not work.

I am going to focus today on alternatives to policing in schools. These alternatives exist and they are effective. I work in a restorative justice school. We have spent years developing culturally responsive classrooms and curriculum and ensuring that this is accessible to all of our students, including students with disabilities and English Language learners.

We focus on creating an actually safe environment for our students, not a façade of safety through uniformed officers in schools scanning and constant surveillance. We are safe at our school because students are empowered to lead restorative justice initiatives including relationship building, mediations and circles facilitation and we have made

an effort to train all staff in restorative justice practices.

Through these efforts, we have seen a significant drop in suspensions and an increase in physical safety. For example, it's been years since we have had a fight at the school. My students say things like, I tell my friends that school is so boring because there is never any fights.

This is not an accident. We know that restorative justice practices work. We have done this all without funding for a restorative justice coordinator or other devoted restorative justice positions, as well as in direct contradiction to the SSA's in the culture of policing present in the DOE.

The students, teachers and staff at my school are not exceptional. Restorative justice can work anywhere but it won't without funding and support. Imagine what could happen if we invested the millions that we currently do in school policing, instead in restorative justice, counselors and teachers creating schools that are actually safe and supportive for our students.

When we do eventually return fully to in-person learning, the vast majority of my students will have

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2 been out of the building for well over a year. They
3 will not be welcomed back by additional counselors or
4 social workers to help them with the traumas of
5 having to care for sick family members or feeling the
6 weight of their families finances on their shoulders
7 as a teenager or social isolation. They will not be
8 welcome to find more teachers to help refocus
9 students who have had to be more involved in younger
10 siblings school work and their own or who still don't
11 have access to adequate technology.

12 Instead of choosing to fund education, the city
13 has repeatedly chosen to fund policing. We are now
14 funding a new class of school safety agents. We
15 don't need 475 more school safety agents, we need
16 more counselors, teachers and restorative justice
17 staff. We need better technology. Police scanning
18 and surveillance don't equal safety, they equal
19 oppression and violence coming from the state. We
20 know that restorative justice works. This is not on
21 charted territory. Other cities have begun the
22 process of dismantling and defunding policing in
23 schools.

24 Until we here are talking about eliminating,
25 placing and fully funding education within our

schools, we are not having the right conversation.

Thank you.

MODERATOR: Thank you for your testimony. I will now like to turn to Bonnie Massey followed by Kamil Ghoshal.

SERGEANT AT ARMS: Time starts now.

BONNIE MASSEY: Thank you. My name is Bonnie Massey and I am a School Social Worker who has been doing youth development social work and restorative justice work in New York City school settings for almost 20 years. Most of my work has been in high schools although for the past five years, I have been working primarily with middle school students. I am here today alongside my friends from Teachers Unite and I am here to urge Council Members to reject Intro. 2211, which you guys now know is a bill that would codify the transfer of NYPD school safety division to the DOE.

While I actually am glad to know that the city lawmakers are finally recognizing the need to undo the MOU that the Giuliani Administration put in place. I want to be clear that just switching the city agency in charge of the police will not address the problems that are caused by an emphasis on

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2 policing in schools, nor will it do anything to
3 address the problems that policing simply cannot.

4 It's just not the solution. Our solution has to
5 instead be investing in school communities. Our
6 solution has to be holistic and includes issues of
7 housing, healthcare, jobs but when comes — and its
8 larger even right than education but when it comes
9 specifically to schools, we need to shift a culture
10 of our schools from policing and high stake testing
11 and one size fits all from segregated schools, from
12 being punitive. We need to turn them into
13 restorative communities where students with various
14 identities, strengths and struggles are celebrated
15 and built upon. There is lots of scholars and
16 educational academics who have been writing about
17 this for a long time and talking about this for a
18 long time.

19 Most recently the new book that's in mold is
20 written by Dr. Bettina Love, Abolitionist Teaching,
21 you will have to check it out. But all of this is
22 about the need to build. It is not like some mumbo
23 jumbo that people are making up right. There's like
24 people with PHD's writing books on this. That we
25

1
2 need to be doing healing and loving, loving in our
3 schools. I did say loving, yes.

4 And so, I also want to speak in that same vein
5 against de Blasio's plan to hire 475 new school
6 police at the cost of \$20 million. That's \$20
7 million of DOE funding that's not going to
8 classrooms, not going to student supports, not going
9 to create positions and opportunities in school
10 focused on care and healing. While there is much
11 hesitation and even outreach at the idea of defunding
12 the police in schools and otherwise, we know that the
13 DOE was actually defunded by \$700 million last year.

14 At this particular moment and any moment but I
15 would say now especially at this particular moment
16 which no one needs to say look, our pandemic moment
17 is, the city must prioritize growing school budgets
18 and reducing the NYPD budget.

19 And we are talking about I think a couple of
20 others speakers said it but we are talking about a
21 change in culture and a shift in priorities. Money
22 talks, so if you are going to say that we are a city
23 that cares about students social and emotional
24 learning and wellbeing, we are concerned about
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2 students academic growth, you can't spend more money
3 on police and in counseling.

4 If you are going to say that we are city where
5 Black Lives Matter, you can't continually reinvest in
6 the school to prison pipeline over investing in
7 culturally responsive curriculum. We need sports,
8 arts and development programming.

9 SERGEANT AT ARMS: Time has expired.

10 BONNIE MASSEY: Oh, I am so sorry that my time
11 expired because I did want to tell you guys about my
12 experience in schools doing this work and just how
13 much it takes in order to do it. I understand that
14 my time is up so and you guys have been here all day
15 but for anybody who has not worked in a school, like
16 this work of creating a school community, the work of
17 supporting students, the work of supporting L's. The
18 work of getting students to trust you so that when
19 there is a gang problem, they are going to come to
20 you. The work of getting students to sit in a circle
21 and talk to somebody else who had a machete at them a
22 few weeks ago. Like, this work takes a lot and it
23 needs to be invested in. It's not just one social
24 worker, one restorative, I mean like now, if a school
25 has three social workers, they are like, wow that

1
2 school has so many social workers, you know. And you
3 can't imagine the amount of work that we are being
4 asked to do and what we want to do.

5 So, I have a lot more to say. I will stop. If
6 at any other time I can - I guess I will submit some
7 written testimony as well. Thank you for letting me
8 go a few minutes over. I know it has been a long
9 day. Thank you very much.

10 MODERATOR: Thank you for your testimony.
11 Alright, next up we will go to Kamil Ghoshal followed
12 by Jennifer Finn from Teachers Unite.

13 SERGEANT AT ARMS: Time starts now.

14 KAMIL GHOSHAL: Whoops, thank you.

15 CHAIRPERSON ADAMS: There we go.

16 KAMIL GHOSHAL: There was an apparent error in
17 registration. I just became aware of this you know a
18 little while ago. So, what I am choosing to do; I
19 will testify at a future meeting simply because you
20 know I am not part of the organization and perhaps
21 our views don't entirely mesh. However, I do want to
22 say that I do agree with everyone here and I do
23 oppose Intro. 2211 and if possible, I don't know
24 whether this is possible. If possible, I would like
25 to donate the rest of my time to the previous speaker

1
2 who may just need a little bit more time to elaborate
3 her ideas.

4 CHAIRPERSON ADAMS: Okay, I think the previous
5 speaker is off. We are going to move on.

6 BONNIE MASSEY: No, I am here, if that's allowed.

7 CHAIRPERSON ADAMS: You are here?

8 BONNIE MASSEY: Yeah, if I am allowed, I would
9 say just one more minute if that was okay.

10 CHAIRPERSON ADAMS: Go right ahead Ms. Massey.

11 BONNIE MASSEY: Ah, thank you guys so much. So,
12 another thing that I did want to talk about was that
13 as somebody who has worked — doing this work day in
14 and day out for over two decades or for nearly two
15 decades excuse me. That it's not just about like who
16 owns this work right? Because there is as many
17 people with roles under the DOE that also undermine
18 the work of restorative justice and undermine the
19 work of community building.

20 There are educators, there counselors, there's
21 administrators, there is youth developers. There are
22 people who don't get it right and who are not
23 invested in it and so, it's not just about like, this
24 goes back to the idea of a cultural change. We need
25 structures in our school that are going to enable us

1
2 to do this work and we need all hands on deck to be
3 able to create this cultural shift.

4 So, just putting it under the DOE doesn't again
5 fix the problem. Our schools have done this right?
6 Where schools now use restorative justice as like a
7 buzz word right and they hire one restorative justice
8 coordinator or they send one cohort of staff over
9 their spring break to do a circles training and they
10 think that they are doing restorative justice.

11 And as I was saying as my time was running out
12 before is that it takes a tremendous amount to do
13 that work. A tremendous amount of work. And so, I
14 want to tell a quick story. When we talk about where
15 does safety come from right? I, right now, my role
16 is to help students; well, a part of my role is to
17 help students apply to high school. And so, I talk
18 to lots of families and students about what they are
19 looking for. What do they want in a high school?
20 And the number one thing that people want is safety
21 and so, then we start to talk a little bit more about
22 well, what does safety mean? What does safety look
23 like for you? Like, do you want a metal detector or
24 do you not want a metal-? Like, what does it mean
25 for you to know that a school is safe?

1
2 And time and time again, the idea of safety comes
3 from community. That's what it is. And I am going
4 to tell a story about a young man in a previous
5 school that I worked at who struggled with a lot of
6 issues and he would have some breakdowns.

7 And so, there was a moment in a day where he had
8 a breakdown and he was not originally from our
9 country and his primary language was a dialect that
10 we didn't have any staff at the time who spoke that
11 language. He also spoke English at that time but he
12 was not totally comfortable. And he was you know,
13 jumping on top of things and he was in a mental
14 break. He was jumping on top of things. He was
15 throwing things. He was unsafe right? And the thing
16 that saved him, the only way that we were able to get
17 him to calm down that day was because another student
18 who spoke his language was able to come to him and
19 hug him and hold him and speak to him in a way that
20 was able to help bring him down.

21 So, I say that to kind of emphasize the idea that
22 it's community and it's relationship and it is like
23 being responsive to individuals to talk about what
24 they need.

25 I worked with that young man over -

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SERGEANT AT ARMS: Time has expired.

BONNIE MASSEY: Thank you. Thank you again for the extra time. I really appreciate it.

MODERATOR: Thank you for your testimony. Next up, we will have Jennifer Finn from Teachers Unite followed by Alexa Aviles, excuse me, followed by Brandon West.

SERGEANT AT ARMS: Time starts now.

JENNIFER FINN: Good evening, my name is Jen Fin, I am an Elementary School Teacher in the lower east side and a member of Teachers Unite. I am speaking today to urge Council Members to reject Intro. 2211, which would codify the transfer of the NYPD's School Safety Division to DOE.

Policing in school perpetuates the well-established school to prison pipeline that compromises access to education and opportunity. Black and Brown youth are disproportionately targeted by policing in schools and other punitive disciplinary practices. We oppose Intro. 2211 because it would transfer over 5,400 school police to DOE creating new infrastructure to police and criminalize students.

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2 We also oppose the Mayor's Plan with NYPD to hire
3 additional school police. We urge City Council to
4 block this proposed spending of \$20 million to police
5 young people when they return to school.

6 For the past seven years, I have taught students
7 in Special Ed. For half of my career, I have taught
8 in a 12 to one self-contained special education
9 setting. In the 12 to one classroom, students are
10 disproportionately Black and Brown boys. Many of
11 whom have been labeled as defiant or emotionally
12 disturbed. Language that is already steeped in
13 violence. These students are disproportionately
14 impacted by punitive discipline and surveillance.

15 However, over the past year, my kids have been
16 fully remote. Zooming into school from the safety of
17 their own homes. And while it has been challenging
18 at times, as all pandemic learning has been, they
19 have been free of the heavy surveillance and punitive
20 measures that are already so prevalent in school,
21 including policing.

22 We have laughed, shared stories, created art
23 together and all of this was possible without any
24 police or discipline. When these kids return to
25 school in the fall, they deserve to center joy and

humanity, they don't need police. They need counselors, social workers, parent coordinators to help them heal. They need youth advocates and community members to help them thrive.

The \$20 million of DOE funding that's being proposed as funding for additional SSA's, should be redirected to create and sustain supportive positions in schools that will support all kids. During remote learning, my kids have been surrounded by friends and family at their homes. Cultivated joy despite a global pandemic.

Policing is antithetical to healing centered schools that our students deserve. I urge you to reject Into. 2211. Thank you.

MODERATOR: Thank you for your testimony. Unless there are questions from Council Members, I will move onto the next panelist.

Alright, seeing none, I would like to call up Alexa Aviles followed by Brandon West followed by Jeff Strabone.

SERGEANT AT ARMS: Time starts now.

ALEXA AVILES: Thank you so much Chair Adams and members of the Safety Committee. My name is Alexa Aviles, I am a Brooklynite. A parent of two public

1
2 school students, a community leader and a long time
3 District 38 resident.

4 I am here to call on you to make real and deep
5 cuts to the NYPD budget. Surveillance is not safety.
6 Criminalization and militarized responses to poverty
7 is not safety. Killing, hurting and constant verbal
8 dehumanization is not safety. If the NYPD wants to
9 build trust, forget hallow words and plans. The NYPD
10 can actually start by aggressively removing all those
11 rotten apples within their ranks, that they have so
12 fervently protected over the decades. And they can
13 also zealously organize in the same way that they
14 fear mongered this morning against the gun industry
15 that keeps fire arms flowing across the country and
16 in New York City.

17 For years, our community, our communities of
18 color like mine have suffered at the hands of the
19 NYPD. And while they get more funding, neighborhoods
20 like mine seek cuts to services. I testify before
21 you today to assert that in this unprecedented
22 crisis, we cut the NYPD's budget, not just by \$1
23 billion but by half, \$3 billion.

24 \$1 billion is simply how much the NYPD budget
25 increased over the last eight years and in this so-

1
2 called \$1 billion in cuts the last budget cycle, we
3 know it was a farse. In addition, I urge you today
4 to take the following steps to enact real budget
5 justice. Deduct settlement money directly from the
6 NYPD operating budget.

7 The city has footed the bill for over a half of
8 billion dollars in payouts to families victimized by
9 the NYPD. These payouts have not changed the NYPD's
10 racist behaviors or tactics and those resources most
11 certainly have not kept our community safe or made
12 them better. What a waste.

13 And at the moratorium, an all-new NYPD
14 recruitment classes. We must impose a hiring freeze
15 on uniform street police. The NYPD has added
16 thousands of police since 2013 but our communities
17 have not gotten safer as a result. Teachers who we
18 desperately need are under a five year hiring freeze.
19 Fund the essential programs and services that keep
20 our community safe, not police.

21 The Preliminary Budget increase the NYPD budget
22 by one percent, while slashing health and hospital
23 funding by 27 percent. Slashing the Department uhm,
24 the Department of Health by another 20 percent and
25

reducing the Department of Education's Budget by one percent.

It should come of no surprise that we are in this moment of crisis. New Yorkers are angry and we are left wondering why the Mayor and the City Council continue to increase funding to NYPD and policing while slashing —

SERGEANT AT ARMS: Time has expired.

ALEXA AVILES: These services. It is shameful to divest from our public health and education systems to fund more policing during a global pandemic.

Violence and poverty requires a public health approach. That means investing in health and wellbeing. Investing in systems and approaches that will help us recover and help us thrive. Please listen. Thank you.

MODERATOR: Thank you for your testimony. Next up, we will have Brandon West followed by Jeff Strabone followed by Ashley Prather.

SERGEANT AT ARMS: Time starts now.

BRANDON WEST: Thank you Chair for the opportunity to speak in front of this Committee. My name is Brandon West, I am an Organizer and I was one of the many who were — that were behind the Occupy

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2 City Hall Action last year, as well as an organizer
3 with the New York City Workers for Justice.

4 I am here today to give testimony, not solely
5 from the background of a racial justice organizer but
6 as a former city budget analyst at both the Mayor's
7 Office of Management and Budget and at City Council
8 Finance.

9 So, from 2013 to 2017, I saw firsthand the tail
10 end of the Bloomberg Administration and the beginning
11 of the de Blasio Administration. Of which we saw a
12 decrease in crime and increase in the capital and
13 expense budget at NYPD. Including the beginning of
14 the payouts as a result of the unethical Muslims
15 Bails Program that I remember at OMB.

16 I had previous comments but I feel just from
17 being here all day and in the morning, I needed to
18 you know directly address sort of what we heard
19 earlier today.

20 The degree of disconnect from the rhetoric that
21 we heard today from the First Deputy Mayor and the
22 actual NYPD budget is incredibly stark and requires
23 you know specific attention. Presented in rhetoric,
24 a vast rethinking of policing through the form of
25

1
2 recommendations to reduce over policing in
3 communities of color and creating alternatives.

4 But where is this reflected in the budget? The
5 First Deputy Mayor talks about reversing racialized
6 policing but policing at its core is racialized.
7 Like, this is not solvable by bias training or by
8 recommendations when the core of the budget and the
9 structures of NYPD are still intact.

10 Exactly zero of the problems that we are
11 discussing right now are new. Neighborhood policing
12 is still policing and advocates, community members
13 and frankly legislatures know what exactly reduces
14 violence in peoples lives and we are not funding it.

15 Policing doesn't make people safe. Harm
16 reduction, mitigation and social services do. This
17 isn't a radical idea either. If so many 911 calls
18 are result of mental health episodes, why is it
19 taking so long to even begin to create an alternative
20 response system that we have. If the pilot in
21 Brownsville to move away from cops and towards
22 community led safety was a success, where are more of
23 these alternatives to policing and why are we not
24 funding it?

Any real agenda for public safety must replace police with empowered communities working to solve their own problems. I don't see empowered communities in the NYPD budget. I see a curser reform and a widening disconnect between funding priorities and the people.

And I am happy to see the rest of my time. Thank you.

MODERATOR: Thank you for your testimony. Next up we will call Jeff Strabone followed by Ashley Prather.

SERGEANT AT ARMS: Time starts now.

JEFF STRABONE: Good evening Chair Adams and member of the Committee on Public Safety. My name is Jeff Strabone. I am a lifelong resident New Yorker and former Vice Chair of Community Board 6 in Brooklyn. I live in the 39th District. I thank the Committee for its time and for listening.

The subject of my testimony today is the budget for Fiscal Year 2022, as it concerns the NYPD. To get right to the point, I ask that you reduce the NYPD's budget by at least \$2 billion. My request is based on the premise that the NYPD is currently tasked with responsibilities for which it is ill

1
2 suited. Most especially mental health emergency
3 responses and school safety.

4 The city needs to create nonpolice alternatives
5 and to fund those robustly. And there is your \$2
6 billion. I ask that you substantially reduce the
7 NYPD's budget, not to punish the force, regardless of
8 how much they may deserve it after nine months of
9 sustained brutality and violence against peaceful
10 protestors, which I have witnessed myself.

11 No, I am making this request from a good faith
12 belief that it will actually make the NYPD a better
13 police force, if it is relieved of responsibilities
14 for mental health and school safety.

15 Police are not social workers. We should not
16 task them with duties far beyond their training.
17 Don't send a cop with a gun to someone's dark night
18 of the soul, send a social worker.

19 The same applies to schools. The way to end the
20 school to prison pipeline is to stop arresting school
21 children. New Yorkers deserve a full spectrum of
22 harm reduction and public safety tools, not just
23 those provided by police. A government budget is a
24 moral declaration. It tells the world what a given
25 society deems important enough to spend money on.

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2 You have the opportunity to craft a new moral vision
3 of how a city can keep its people safe. I encourage
4 you to be brave. To have the moral vision to imagine
5 a city of love, of care, of gentleness. Make this
6 years budget a loud and proud declaration that New
7 York City can take care of people in need without
8 police, without guns.

9 Take the NYPD entirely out of mental health and
10 school safety. Use that \$2 billion to fund new
11 nonviolent agencies. Other cities are doing it, why
12 should we be stuck in the past?

13 Finally, if you want to trim the fat within the
14 NYPD, I suggest cutting back on helicopters and the
15 strategic response group. There is no need to deploy
16 them against peaceful protestors as routinely
17 happens. Don't send the counterterrorism squad to a
18 street protest.

19 Black Lives Matter is not Al-Qaeda but the
20 strategic response group can't tell the difference.
21 Cut the SRG. Thank you.

22 MODERATOR: Thank you for your testimony. I
23 would now like to invite up Ashley Prather to
24 testify, followed by Eileene Vicencio followed by Kay
25 Gabriel.

SERGEANT AT ARMS: Time starts now.

ASHLEY PRATHER: Good evening. My name is Ashley Prather and my pronouns are she or they. I am a Member of the Democratic Socialists of America. I am a proud communist, feminist, anti-capitalist, abolitionist, queer person, Brooklynite and survivor. However, these aspects of my identity are often used to discredit my perspective.

So, I speak today as someone who currently works in Child Welfare. My views do not reflect that of my employer but my experience working in an organization that specializes in caring and supporting New York City's traumatized and vulnerable children and families has deeply impacted my beliefs about police.

I am here today to call for the NYPD to be defunded and abolished period. I believe defunding the police is necessary, not only because they are a uniquely violent militarized, systemically, historically, racist organization but because the vast resources the NYPD has allocated could be and should be diverted to programs that actually help New Yorkers.

At my job and across New York City, we have families who are struggling to eat, struggling to

1
2 stay in their homes, struggling to access healthcare
3 that they desperately need.

4 Many are newly saddled with the added burden of
5 funeral costs for loved ones who died to COVID-19.
6 Families are being separated by ACS due to
7 criminalization of poverty while social service
8 programs are being cut. Programs that support
9 vulnerable New Yorkers are fighting right now to
10 secure funding and to stay afloat. Such as Fair
11 Futures, which provides mentorship and guidance to
12 foster youth.

13 While programs like this struggle, the NYPD
14 budget has continued to bloat like a rotting carcass.
15 This funding disparity reveals a truly disgusting
16 disregard for the actual health and safety of New
17 Yorkers, such as the clients of my organization but
18 also as survivors like myself. I learned at an early
19 age, as a New York City public school student that
20 the police were there to harass my friends of color
21 and laugh off incidents of sexual harassment,
22 stalking and rape that I experienced.

23 In short, the police do not keep us safe. They
24 only keep capital safe. If we want safe and healthy
25 communities, we must defund the NYPD and invest in

programs that improve the lives of New Yorkers. Lift them out of poverty and provide real safety.

We must invest in the people of this city. We must defund the NYPD. Thank you.

MODERATOR: Thank you for your testimony. Next up we will have Eileen Vicencio followed by Kay Gabriel followed by Emmy Hammond.

SERGEANT AT ARMS: Time starts now.

EILEEN VICENCIO: Hello, my name is Eileen Vicencio, I am a Resident of District 26 in Queens and a member of New York DSA, the Democratic Socialists of America, which has more than 7,000 members in New York City fighting to defund the NYPD, tax the rich and build an economy for public good.

And we are here to say that the Preliminary Budget falls seriously short of what the city needs and is a tremendous disappointment. In a time where millions are facing a pandemics combustion of existing social issues like food, housing and healthcare and security, the Preliminary Budget proposes to cut even more lifelines to residents that are going through indescribable pain and suffering in this very moment. While the NYPD gets more money to

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2 continue police poverty and brutalize communities in
3 color and reform itself.

4 Instead of adding cops to subways, we should be
5 investing in mental health services that address the
6 roots of this unfortunate violence. Instead of
7 hiring more SSA's, we should be investing in our
8 children's futures by getting them equitable access
9 to technology so they can continue learning and
10 developing.

11 I have been listening to this hearing and hearing
12 a lot about bringing justice and equity to the city
13 and I would like to clarify that justice for Black
14 lives means investing in Black and Brown communities.
15 Cutting school, hospital, housing and social services
16 budgets while billions are spent on the NYPD even as
17 we admit that all the evidence in reforming police
18 departments is a complete waste of taxpayers money is
19 a pretty clear message on where the Mayor and where
20 the City Council stands, even if the Mayor paints the
21 streets with the letters BLM. Clearly he doesn't
22 know what they mean.

23 When George Floyd was murdered, I knew why and I
24 had to protest and when I marched this summer
25 alongside tons of thousands of my fellow New Yorkers,

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2 they beat and arrests us simply for exercising our
3 first amendment rights. Every single time, it was
4 the NYPD who escalated. Every time it was the NYPD
5 who introduced violence. Police don't see us as
6 people. Police see us as threats and at times of
7 greatest need, they continue to put us in danger and
8 kill us.

9 I keep hearing the NYPD cry about their precious
10 overtime and I don't see why we should pay for that.
11 When I am biking around, I see multiple officers,
12 multiple officers sitting in their patrol cars doing
13 absolutely nothing, I have to wonder, why am I paying
14 for this? Why are we paying for this?

15 I don't need a car blocking bike path. I need
16 trash bins on every corner of every street so I need
17 our city is clean. I don't need police to corral
18 individuals to places where we can't see them. I
19 want experienced professionals to address peoples
20 needs and provide them with the care they need to
21 survive and live dignified lives. I don't need a
22 blueprint plan to privatize NYCHA. I need the
23 existing buildings to stop poisoning its residents.

24 We can give each other the safety that we need if
25 we have the courage to see it and to fight for it. I

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2 am here in solidarity with all comrades, grassroots
3 organizations, nonprofits, labor unions, tenant
4 units, advocates and community members that have been
5 fighting before and since the George Floyd uprisings
6 to create the world that we deserve and that we need.

7 I ask that the City Council fight for a budget
8 that completely remove NYPD from mental health crisis
9 response and homeless and houseless outreach. That
10 takes cops out of schools. That stops NYPD from
11 policing protests and sex work by expanding the SRG
12 and by VICE squad.

13 I ask that the City Council do everything in its
14 power to defund the NYPD.

15 SERGEANT AT ARMS: Time has expired.

16 EILEENE VICENCIO: \$2 billion and redirect that
17 money to fund the services and infrastructure that
18 provide real safety and improve peoples lives. That
19 is good jobs, dignified housing, healthcare,
20 childcare, eldercare, mental healthcare, education,
21 transit, food security and free time for culture and
22 community.

23 We have the money to do it. We know it is right.
24 We ask that you stand with the people and use your
25

power to open the doors to a better world for all of us. Please keep us safe.

MODERATOR: Thank you for your testimony. Next up we will go to Kay Gabriel followed by Emmy Hammond followed by Tracey Fu.

SERGEANT AT ARMS: Time starts now.

KAY GABRIEL: Hello, my name is Kay Gabriel. I am University Instructor and a New York City resident and I am also a member of the NYC Chapter of the DSA, which has more than 7,000 members fighting to defund the NYPD, tax the rich and build a city for people over profit.

We being out in our neighborhoods, I live in Queens, talking to our neighbors about what they need to live well. I was talking to residents in the Queens Bridge houses and they said that they have to wait months and sometime years to get crucial repairs in their apartments to their broken stoves and leaking bathroom ceilings.

NYCHA residents citywide are forced to live with broken elevators and black mold. Meanwhile, with 92,000 people in need of housing, houselessness in the city is at an all-time high and the public housing that we do have is falling deep into

disrepair or being sold to private equity firms like Blackstone. Which now owns Stuy Town and is being sued for raising the rent on the tenants there.

I will stay here. The houselessness and infection from unlivable conditions are other slower ways by which Black and Brown people are robbed of their lives, by a city that will not foot the bill to alter their conditions. 17 percent of children under the 12 in the Bronx, have asthma and that is directly tied to conditions in NYCHA housing.

I look around here like many, many New Yorkers walking through these valleys of poverty and dispossession in one of the richest city's in human history. The City Council says they can't pay for faster NYCHA repairs. They can't pay for housing vouchers for everyone who needs housing but they can fund the NYPD to purchase robot dogs and tesla cars and military grade weapons and helicopters. And pay for 3,600 uniformed officers which SBA President Ed Mullen described as the largest nonmilitary army in the world.

While other city agencies have been under, on austerity hiring freeze, the NYPD inducted 900 new officers this past fall and will do the same this

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2 spring. What kind of city do we live in where we pay
3 to maintain an army but can't put a roof over
4 everybody's head or feed every hungry mouse. Where
5 kids walk through metal detectors at school but never
6 get to see a counselor.

7 What kind of city do we live in where we can pay
8 for police to gun down people like Saheed Vassell who
9 are experiencing mental health crisis but cannot
10 actually provide them with mental healthcare? What
11 kind of piecemeal reform can possibly close this
12 yawning gap of racial and economic justice?

13 The budget is an expression of public priorities
14 of the things you really care about. The Mayor's FY
15 2022 Budget increases funds for policing while
16 presenting an austerity budget elsewhere with cuts to
17 schools, hospitals, parks, youth development and
18 sanitation. All of which actually keeps our
19 communities safe. If we care about safety, let's use
20 the immense wealth of this city to pay for the things
21 that people need, not cops but housing, healthcare,
22 education, transit, infrastructure, food security.
23 Defund the NYPD by at least \$3 billion. Reinvest in
24 our communities. I yield my time.

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2 MODERATOR: Thank you for your testimony. Next
3 up we will have Emmy Hammond followed by Tracey Fu
4 followed by Eliot Colbert. Thank you.

5 SERGEANT AT ARMS: Time starts now.

6 EMMY HAMMOND: Good evening. My name is Emmy
7 Hammond, I am a resident of District 34 and also a
8 member of the NYC Chapter of the Democratic
9 socialists of America and I would like to testify
10 today as to why I believe in the strongest terms that
11 we cannot achieve real public safety with reformed or
12 reinvented policing but only with less policing
13 coupled with real investment in our communities.

14 That's why I am proud to be a part of the
15 campaign to defund the NYPD, starting by cutting at
16 least \$3 billion in this city budget and freezing new
17 NYPD hires. I am angry every day that I walk to the
18 grocery store or the train because I pass in a five
19 minute walk without fail, multiple neighbors sleeping
20 and living unhoused in the streets every night. And
21 then I walk into Myrtle Broadway Station and I
22 frequently see there two or three police officers
23 standing there, making sure that nobody is getting
24 through those doors without paying their \$2.75.

1
2 I do not feel safer when I see those police. No
3 one that I know does. This is just one familiar
4 scene. Just one example that incapsulates what
5 policing is really about, which is not protecting
6 people but protecting property and profits.

7 I was also one of the protestors last summer who
8 ran faster than I have ever run or moved in my life
9 because an NYPD car accelerated directly into me and
10 my friends. I do not feel safer when I see police.
11 Moreover, the majority of so-called crimes that NYPD
12 respond to every day when they are not simply
13 surveilling, harassing and brutalizing people are
14 acts of poverty and desperation, many of which such
15 as turn style jumping actually harm no one.

16 And what we have to respond to that is not in any
17 sense a justice system. It is a punishment and
18 incarceration system which keeps none of us safer and
19 directly endangers people every day. It is
20 systematically racist, classist and violent. Not as
21 a bug that can be reformed away but as a feature.
22 What does keep us safe, what represents some real
23 justice are secure and comfortable homes, including
24 public housing, dignified jobs that pay a living
25

wage, well equipped hospitals and schools with enough teachers and counselors.

The over \$11 billion that the NYPD costs us every year between operating budget and centrally allocated expenses is \$11 billion robbed, stolen from what we actually need for real public safety instead of criminalization and caging.

So again, I ask City Council to cut at least \$3 billion from the NYPD now and reallocate that money to our healthcare, housing and schools. Thank you Council Members Chair Adams. I yield my time.

MODERATOR: Thank you for your testimony. Unless there are questions for Council Members, we will move onto the next panelist.

Alright, seeing none, we will move on to Tracey Fu followed by Eliot Colbert followed by David Jenkins.

SERGEANT AT ARMS: Time starts now.

TRACEY FU: Hi, my name is Tracey — oh, sorry. Hi, my name is Tracey Fu, I am a resident of District 6 in Manhattan and a member of New York City DSA which has more than 7,000 members in the city body to defund the NYPD, tax the rich and organize to build

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2 an economy that is focused on public good, rather
3 than for private profit.

4 I am here to today to testify that this
5 preliminary budget is woefully insufficient to meet
6 the needs of my loved ones, the communities I am a
7 part of and the city as a whole.

8 A city's budget is a reflection of its priorities
9 and choosing to increase the funding of NYPD while
10 cutting the funding of virtually every actual public
11 health and safety services agency in this country,
12 sorry, in the city. The city is prioritizing the
13 NYPD over true public health and safety.

14 The NYPD does not increase public safety, it
15 perpetuates violence. Last year, like tens of
16 thousands of other New Yorkers, I marched the streets
17 after George Floyd was murdered and witnessed the
18 NYPD consistently beating and arresting us for simply
19 exercising our first amendment rights.

20 The NYPD is a violent institution that cannot be
21 reformed because its very purpose has always been to
22 enforce inequality and suppress descent.

23 Additionally, there has been an increase in violence
24 against Asian New Yorkers like me and has been used
25 as an excuse for more policing.

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2 A few weeks ago, the NYPD installed hundreds of
3 surveillance cameras in response and I know there has
4 been talk earlier in this hearing of funding the hate
5 crimes taskforce that policing will not prevent or
6 address the violence of displacement in poverty that
7 have been making Asian communities vulnerable for
8 years.

9 Flushing residents are being priced out of their
10 homes and are going hungry due to unfunded luxury
11 development and cuts to social services. This is
12 also violence. Chinatown residents and workers are
13 being displaced and losing their jobs due to real
14 estate interests and lack of robust socioeconomic
15 supports. This is also violence.

16 In fact, on March 2nd, Chinatown's last message of
17 organized labor at [INAUDIBLE 9:51:53] that is being
18 destroyed due to real estate pressure, workers
19 protesting outside the restaurant. Guess what the
20 NYPD officers did? They blocked the workers who
21 delivering their demands to the owners that choose to
22 protect their jobs and so you know of support of
23 their survival and you know, that's what police do.
24 They protect capital and property. Not people.

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2 Throwing more money into the NYPD will not solve
3 any of the root causes of social problems but
4 investments into communities and community-based
5 programs will.

6 Of the comrades that testified before me, I am
7 asking the City Council to defund the NYPD by at
8 least \$3 billion and put that money towards what will
9 actually improve lives and prevent violence, good
10 jobs, housing, education, mental healthcare,
11 eldercare, language access, food security.

12 Investing in these is the right thing to do. If
13 our goal truly is to build a better stronger New York
14 City that works for all of us and we need your help
15 to do this.

16 Thank you Chair Adams especially for sticking it
17 out and for hearing my testimony. I yield my time.

18 CHAIRPERSON ADAMS: Ms. Fu, I just want to say
19 your passion is so appreciated at this hour. So, you
20 are — you are strengthening me in these hours as we
21 continue to go. Thank you so much for your
22 testimony, appreciate it.

23 MODERATOR: Thank you. We will move onto the
24 next panelist, who will be Eliot Colbert followed by
25 David Jenkins followed by Aliffer Sabek.

SERGEANT AT ARMS: Time starts now.

ELIOT COLBERT: Thanks Matt and Chair Adams, the Committee and to Daniel and all the Council staff who kept this hearing running today all day.

My name is Eliot Colbert, I am a student at CUNY School of Labor and Urban Studies and a proud member of the Queens Branch of New York City DSA. Like my friend Kay, last month I watched a video of \$100,000 robotic surveillance dog marching down 227 Street in the Bronx and I shook my head in anger. There are four public schools on that street alone. I want to know, when is the last time they got \$100,000 in new technology. But here we are deploying shiny robots from MIT to keep an eye on those students and their families in the name of public safety.

I got caught in a four car pileup on top of the Verrazano last summer, little did I see we were blocking traffic with low visibility. And yet, I had to think twice about calling 911 because I didn't know who was in those other cars and how their interactions with the police might play out.

As a transwoman, I was hardly eager to engage with an armed officer myself, given the painful history of police harassment that my community has

1
2 experienced. And later on when I went to retrieve a
3 copy of the accident report, I was met by a swarm of
4 unmasked cops at the 104th Precinct in Ridgewood.

5 Police simply don't make us safer. Rather they
6 siphon resources away from the essential services our
7 city must provide in order to guarantee the wellbeing
8 of its residents. For this reason, the 2022 budget
9 must defund the NYPD by at least \$3 billion as a
10 pathway to abolition.

11 It's important to note that when we speak of
12 police and prison abolition, we don't just mean the
13 City Council, with the struggle at hand simply
14 disbanding the NYPD and closing the jails. What we
15 mean is abolishing the desperate conditions under
16 which policing and prisons became the solution to
17 problems in the first place. As explained so
18 eloquently by Ruth Wilson Gilmore.

19 In short, that means abolishing poverty in our
20 city and it means redirecting the resources we now
21 put toward beating and locking people up instead
22 toward making sure that everyone can lead a healthy
23 and dignified life.

24 If they can give their best to a community they
25 love that they call home and that loves them back.

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2 So, we need officers out of schools, spend that money
3 on textbooks, teachers, counselors and college prep.
4 Don't send transit police into the subway to protect
5 the homeless. And ensure that everyone has stable
6 housing. Let DOT respond to the traffic accidents.
7 I didn't need someone with a Glock to help me off the
8 road. And eliminate the strategic response group
9 that brutalizes everyone they meet.

10 When I see a budget with \$200 million in cuts at
11 DOE and a \$200 million increase for NYPD, I see that
12 something is horribly wrong in our city and alongside
13 my community, I will give everything I have got to
14 make sure that you are the Council that sets things
15 right.

16 Thank you. I yield my time.

17 MODERATOR: Thank you for your testimony. Next
18 up, we will have David Jenkins followed by Aliffer
19 Sabek followed by Vanessa Pereda.

20 SERGEANT AT ARMS: Time starts now.

21 DAVID JENKINS: Hello and thank you all for your
22 time today, particularly the members of Council and
23 all of your keen questions and advocacy so far.

24 My name is David Jenkins, I am a lifelong New
25 Yorker living in District 40 and I am also a member

of the NYC Chapter of the Democratic Socialists of America.

I had originally planned to testify about the brutality I and other experienced at the hands of the police over the summer and the alternative models of public safety, which a number of people have already mentioned. But actually, just one week ago today, I had a police encounter that I think perfectly illustrates both some of the problems, as well as some of the solutions.

So, I was collecting signatures for a City Council candidate when a domestic dispute spilled out onto the sidewalk. The woman engaged me for help and her husband accosted me and then struck her before a crowd formed and he fled the scene.

Much later, the police showed up across the street and when she first waved them over, they rolled their eyes and shrugged at her. She then told me that she wasn't safe with them and asked me to stay. And sure enough, when they finally came over they were annoyed, claiming no one had called them and questioning her account.

Despite her very visibly injured face and her distraught child. And all they could offer her in

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2 the end was an arrest of her husband. So, she shut
3 it down. She knew how much worse that arrest would
4 make matters for her family. See, she had told me
5 while we were waiting how hard she had been working
6 from a shelter to get services and counseling for
7 everyone in her family after she had lost her job
8 with the city, I should add and their housing in this
9 pandemic.

10 And I could see how those officers who looked
11 like at this point, they now really cared, felt
12 helpless as they left. So, she and I kept talking
13 for a little while and without any slogans or policy
14 jargon, we reflected together on how cops don't do
15 what we think they are supposed to do. You know,
16 protect us from harm. And they simply can't give
17 people the help they need after harm has occurred.

18 So, I hope you will keep the many, many stories
19 like mine, which I will expand upon in my written
20 testimony in your heart when considering what
21 services should be the priority for the next city's
22 budget.

23 Significant and eventually entire reinvestments
24 of the budget from the police to various community
25 services and a just transition for displaced officers

and workers. Starting now will change and save so many lives and make stories like mine a thing of the past.

Thank you very much for your time, your attention, all your attention today and your service. I yield my time. Thank you.

MODERATOR: Thank you for your testimony. Next up, we will have Aliffer Sabek followed by Vanessa Pereda followed by Rob Katz.

SERGEANT AT ARMS: Time starts now.

ALIFFER SABEK: Good evening Committee Members and thank you so much Chair Adams for being here. I know it has been a long day for you and I know you have been here since 10:00 a.m.

My name is Aliffer Sabek and I am an Artist, Educator, Community Organizer and Member of District 50 and I am here to ask that Committee Members take a look at how they wheeled their power.

In history books would we write about how you helped low income marginalized communities, people who may not look like you but who you can believe when they say they've been hurt by killer cops. People in your city who need safety and resources to thrive.

1
2 I ask how you are using the data being presented
3 to you and readily accessible to you as majority
4 wealthy, government officials to help those in need.
5 Are you turning the other cheek and washing
6 yourselves of your responsibilities?

7 Please hear me. The last thing we need in our
8 communities is more cops. As an immigrant who is
9 actively stopped by ICE and profiled by NYPD, who has
10 been harassed by racist cops in New York for the past
11 ten years, I'd like to share a story of how I was
12 mistreated by a group of cops during June of 2020.

13 There was a group of protestors against a group
14 of cops in lower Manhattan and one teenager towards
15 the front of the crowd kept throwing himself at the
16 cops. Instead of taking him aside and communicating
17 with him, multiple officers then proceeded to take
18 their guns out to intimidate him.

19 Seeing this, I immediately stepped in front of
20 this young boy when that encouraged more killer cops
21 to take out more guns. I remember immediately, I
22 remember immediately feeling my shirt being wet as I
23 was terrified to see so many guns in front of me.

24 Seeing multiple guns pointed at me as I tried to
25 assist this child, is still something that I have

1
2 nightmares about and the criminalization of this
3 young Black boy by the NYPD is not a reason to
4 increase their budget.

5 I am here to ask that we please reject Bill 2211.
6 Our teachers don't have enough money for basic
7 supplies for their students but we have enough money
8 to hire more cops. We don't need 400 new school
9 officers. We need to hire 400 more teachers. We
10 need to hire 400 more community organizers. We need
11 to hire 400 more case workers. We don't need more
12 killer cops on the payroll.

13 We need to end qualified immunity. We need to
14 defund and abolish the NYPD. \$20 million to new
15 police officers is stealing from our youth, directly
16 from our youth. We need a hiring freeze for all NYPD
17 departments. We need to divest every dollar we can
18 from the NYPD to community programs in schools.
19 Programs that feed our people and shelter our
20 unhoused community. Have moral vision. Make truly
21 progressive decisions, even if it upsets your
22 colleagues. Be there for the people and we will have
23 your back. Thank you.

24 CHAIRPERSON ADAMS: Thank you Ms. Sabek. I just
25 want to say your testimony is just so moving. I am

1
2 so sorry that that happened to you and I appreciate
3 your testimony tonight more than you know. Thank you
4 so, so very much.

5 MODERATOR: Thank you Aliffer and thank you
6 Chair. Next up, we will have Vanessa Pereda followed
7 by Rob Katz followed by Garon Scott.

8 SERGEANT AT ARMS: Time starts now.

9 VANESSA PEREDA: Good evening. Thank you Chair
10 Adams and all attendees for giving me the time to
11 speak. My name is Vanessa Pereda, I am from District
12 43 but work and have deeply invested and loved
13 Districts 34 and 37 in Brooklyn, Kings County,
14 Lenape, the unseeded land of the Lenape.

15 I want to thank and stand with our previous
16 speaker. Thank you for your testimony. Thank you.
17 I am a Chicana Theater Artist, Actor, Playwright and
18 even more importantly an Educator and Community
19 Director for an off-off Broadway Theater company in
20 Brooklyn.

21 I am here today because I want to talk about
22 defunding and the reallocation of funds from the NYPD
23 in service of community care and public safety.
24 Reallocating those funds and putting money to
25 community-based programs that helps the kids and the

1
2 families that I serve as a Teaching Artist and as an
3 Arts Ed Programmer is public safety in action. I have
4 witnessed and experienced the impact of racist and
5 violent police relations, not only in the communities
6 that I am in but also during peaceful Black Lives
7 Matter gatherings and protests which I am often part
8 of.

9 I have also witnessed and experienced the impact
10 of COVID-19 in communities of color. The lack of
11 proper and affordable housing. The lack of access to
12 the healthcare, mental healthcare. The lack of care
13 for the houseless, which I was at different points in
14 my childhood. And the lack of funding for arts and
15 education. All of which equates to a lack of public
16 safety. You are lacking and in order create a just
17 world, we need to double down on taking care of our
18 community especially BIPOC Black indigenous people of
19 color communities.

20 I am here to ask you to defund the NYPD and
21 reallocate those funds to community-based programs
22 that house families and provide truly affordable
23 housing. Create access to affordable healthcare
24 including mental health services and proper funding
25 to schools and arts programs, including theaters,

1
2 especially in Black and Brown communities and
3 neighborhoods.

4 These are the steps forward to value, serve and
5 protect the lives of so many New Yorkers in need.
6 Not patting and protecting the NYPD. Black Lives
7 Matter. Black Women Matter. Thank you for your
8 time.

9 MODERATOR: Thank you for your testimony. Next
10 up we will have Rob Katz followed by Garon Scott
11 followed by Adika Pimentel.

12 SERGEANT AT ARMS: Time starts now.

13 ROB KATZ: Hi, my name is Rob. Thank you for
14 having me. I am a Member of NYCDSA, an organization
15 of more than 70,000 members in New York City working
16 to build a city that works for the public good,
17 rather than private profit. I am also a member of
18 the Ridgewood Tenants Union, an organization of
19 tenants across Ridgewood and its running
20 neighborhoods, keeping each other safe and building
21 community.

22 I want to thank Chair Adams for this hearing.
23 This has been a very long day. Especially for the
24 people that have to keep the trains running.
25

1
2 Last summer, the NYPD showed their hand. I
3 understand they are on the defensive now because
4 people are questioning what it's really for. Between
5 the last half of 2015 and the first half of 2020,
6 taxpayers paid off nearly \$250 million to people in
7 all five boroughs. Crime is at an all-time low,
8 arrests have decreased over the last decade and
9 meanwhile, the budget balloons. Of course, we all
10 know that some of us approve of it. Some of us
11 understand it for what it is.

12 Perhaps the old ways might actually be born out
13 as Council Member Barron explained earlier today, a
14 very vicious path that is going to continue to haunt
15 us. I understand the NYPD is not interested in those
16 conversations and I fear that many politicians who
17 are thankful by those who profit off the NYPD, are
18 only interested in pushing a false dichotomy where
19 public safety and policing are somehow considered to
20 — as if you can't have one without the other.

21 And that's on the NYPD and that's under \$150
22 million communications division and the successful
23 lobbying they have done of some elected
24 representatives who exploit that imagined by to shore
25 up their support and build hate.

1
2 I was several feet away from Dune Azarer[SP?], a
3 21-year-old woman who was body slammed and called
4 something I am not going to say on here in May 2020
5 by Officer Vincent Dandrea[SP?]. We talk about
6 drama; I don't know if it gets more dramatic than
7 that. An officer, an agent of the state uhm, with a
8 bruised ego insulting you and really just ruining
9 your life.

10 A friend of mine was arrested during and kettling
11 near Cabinet Plaza. We spent hours looking for her
12 and concerned for her safety. It turns out that a
13 male officer had leaned into her body, put her to the
14 ground and then with a few other officers leaning
15 into her said, "I think that I should just kill you."
16 As he handcuffed her and hours later, 3 a.m. we find
17 her. Her partner was furious. I was furious. All
18 of us were furious.

19 Meanwhile, when we were kettled, we were not
20 safe. We were trampled. We were chased and poached.
21 Commissioner Shea called these strategic arrests. On
22 top of the usage of the term the strategic response
23 group, I think that their definition of strategic has
24 a lot less to do with us as the people and more to do
25 with their interest. If they truly cared about

1
2 public safety, they would come to the table and talk
3 with us and we would come to the conclusion that \$3
4 billion have to be divested from the NYPD immediately
5 —

6 SERGEANT AT ARMS: Time expired.

7 ROB KATZ: With this next budget, so that we can
8 invest that in resources, in housing, in NYCHA, in a
9 lot of things and I just want to go here and say, no
10 more platitudes from the City Council. No more
11 tweaks, no more preserving your political dynasty or
12 your career. Stand on the side with people and
13 divest \$3 billion to go toward the people's needs.
14 That's housing, that's education, that's healthcare,
15 that's jobs, that's public sector jobs. Doing all of
16 that will leave you in the arms of the people who
17 will support you and they will not turn their backs
18 on you unlike the NYPD that profits in blood money
19 and threats to keep political dynasties and political
20 careers afloat. Don't join them. Stand with the
21 people and divest from the NYPD. Thank you very much
22 for your time.

23 MODERATOR: Thank you for your testimony. Next
24 up we will have Garon Scott followed by Adika
25 Pimentel followed by Meril Mousoom .

SERGEANT AT ARMS: Time starts now.

GARON SCOTT: Thank you Chair Adams and the full Public Safety Committee for your time today. My name is Garon Scott and I am a resident of District 35 and a Member of NYCDSA.

I would like to relate what happened when I was arrested protesting around Bowery and 1st the night of Saturday May 30th, when the police escalated suddenly charging the protestors I was with.

As we retreated, I saw a cop grab a Black man who was just standing there watching. Uhm, with my hands above my head, I was asking the cops why he was being arrested when I was tackled from behind by two officers.

On the transport van, in handcuffs, I learned that that man wasn't even a protestor. He lived in the building and had come outside in his flipflops to see what was happening and they spear tackled him to the ground and arrested him anyway.

Uhm, also in that van was a young Black Man with a severe head injury caused by the cops. As we were parked outside of One Police Plaza, his symptoms began to dramatically worsen. I saw him lose consciousness and fall forward onto his lap. For ten

1
2 minutes, myself and the rest of the arrested people
3 in the van were begging for medical attention and
4 completely ignored.

5 Then, that young man began seizing up. Another
6 ten minutes passed before he was finally extracted
7 from the bus and laid out on the concrete for the
8 ambulance to pick him up. I can't overstate how
9 unconcerned the cops were. How slowly they moved and
10 how they seemed to resent our request for medical
11 attention.

12 If you call for a cops attention, the rule seems
13 to be that he must ignore you the first few times
14 because to respond promptly would indicate that they
15 were in service to us. Whereas everything that they
16 did was calculated to demonstrate the opposite and
17 that even a seizure would be dealt with at their
18 pace.

19 So, what do you think causes crime? Do you think
20 it's poverty? Is it a lack of opportunities? Is it
21 a miseducation? Is it entertainment? Like, whatever
22 you think it is, the police can't solve it. They can
23 only manage the results with violence. For decades,
24 the city has expanded the NYPD's budget while
25 defunding housing, healthcare, education, mental

1
2 health support, homeless support and all the other
3 services that actually address the root causes of
4 crime and actually keep people safe.

5 It's a moral outrage that this budget cuts
6 funding to every department but the NYPD and the
7 Department of Corrections. To solve the enormous
8 problems our city faces, we need to directly fund the
9 root causes of these issues and with an austerity
10 budget, we can't do that without defunding the NYPD.

11 Last June the Mayor claimed the NYPD budget was
12 cut by \$1 billion. Commissioner Shea said the same
13 today. It's a blatant lie and I can't imagine anyone
14 who protested over the summer believing it. Rather
15 than budgetary slight of hand and fake caps on
16 overtime, New York City DSA is calling for \$3 billion
17 of the NYPD's funds to be reinvested in communities
18 most impacted by police violence.

19 SERGEANT AT ARMS: Time has expired.

20 GARON SCOTT: They shouldn't get special
21 treatment. It's a moral outrage that teachers, EMT's
22 and other essential workers face layoffs, benefit
23 cuts and hiring freezes while the city is hiring new
24 cops.
25

1
2 And last, I am sorry to go over but since Council
3 Member Rosenthal asked about an alternative to the
4 Mayor's recently released plan, I will say also that
5 New York City DSA has done just that. Drawing from
6 the work of Communities United for Police Reform and
7 other community groups and we are going to release
8 that plan publicly in the next couple of weeks. So,
9 I would be more than happy to share that plan with
10 any interested Council Members or advocates. And
11 thank you again for hearing my testimony.

12 MODERATOR: Thank you for your testimony. Next
13 up we will have Adika Pimentel from Teens Take Charge
14 as well as Meril Mousoom.

15 ADIKA PIMENTEL: Hey.

16 SERGEANT AT ARMS: Time starts now.

17 ADIKA PIMENTEL: Good evening. My name is Adika
18 and I use she and they pronouns. I am an Organizer
19 with Make the Road New York and the Urban Youth
20 Collaborative and now Teens Take Charge. 18 years
21 ago, I was undocumented and starting my freshman year
22 of high school as a young person who was growing up
23 watching my then undocumented mom work as a waitress
24 and paycheck to paycheck. I had many stressors that
25 I carried with me to school. Whether it was the fear

1
2 of deportation or how we were going to continue to
3 keep a roof over our heads. I carried it with me.
4 In my body and in interactions. I remember searching
5 for true safety in school. In a place you know where
6 I spent the majority of my days and found that in my
7 relationships with teachers I trusted in my school
8 and in my Community Home, then known as Make the Road
9 by Walking.

10 School safety agents in my school who started
11 watching us first thing in the morning didn't make me
12 feel safe. I dealt with verbal harassment and sexual
13 harassment often on the metal detector line while we
14 were pulling off our boots, belts and jackets as
15 demanded by agents.

16 As a Black woman who has experienced this and who
17 knows other people who have similar experiences, it
18 has been painful but not surprising to see people in
19 positions of power disregard and ignore our stories.
20 It's painful but not surprising to see people make
21 the same claims about any NYPD unit that complains
22 and lived experiences are not valid.

23 I am here today as someone who graduated from a
24 New York City public school. As someone who supports
25 and loves youth leaders who attend school currently

1
2 and go through the same things I went through 18-
3 years-ago and as an older sister who has a younger
4 brother who had school police forcefully pull his
5 hoody off his head, who is now a father to my nephew
6 who will turn one-years-old on Saturday and who will
7 experience similar if we don't change things.

8 I am here to day that police have no role in our
9 schools. We are spending way too much time as a city
10 talking about what school safety agents need and not
11 nearly enough time spending – providing students with
12 what they need.

13 People keep asking how will schools be safe but
14 no one is really listening. We are spending \$450
15 million positions in schools that are not helping
16 students with their social, emotional and mental
17 health needs. We need to reinvest those funds back
18 into our communities and into our schools. How can
19 we have \$20 million to hire 475 more school safety
20 agents returning from the worst health pandemic we
21 have ever seen?

22 Every dollar should go into the social and mental
23 health needs of our young people. The message that
24 you send to New Yorkers when you are willing to spend
25 all that money during a pandemic, where people are

1
2 struggling to buy food to eat, pay for rent and buy
3 medicine is that you are not willing to prioritize
4 the needs of our communities. That you would rather
5 continue to fund the racist, systemic pipeline of
6 feeding youth to the unforgiving criminal system
7 rather than listen to the directly impacted young
8 people when they say we need to remove police from
9 schools immediately. Not transfer them to the
10 Department of Education. Not retrain them but remove
11 them entirely and immediately.

12 Students need mental health support especially
13 now and should have social workers and guidance
14 counselors in their schools.

15 SERGEANT AT ARMS: Time expired.

16 ADIKA PIMENTEL: We have the funds to do this, we
17 just need to reinvest and reimagine the way we look
18 at safety as a whole. This includes how we view
19 safety outside of our schools to. Last year, Black
20 and Brown community members who historically have
21 been brutalized by and who have lost loved ones at
22 the hands of police demanded that the city divest \$1
23 billion in the NYPD's \$6 billion budget and that
24 didn't happen. Instead, a proposed budget for Fiscal
25

Year 2022 calls for an increase in the NYPD's budget. This is definitely a step in the wrong direction.

Our students and community members need to center their experiences, voices and demands. Minneapolis, Portland, Milwaukee, Los Angeles, Denver and many places around the country have listened to young people and community members that understand safety starts by meeting our needs and ending approaches that are not policing young people.

For the future of young people, it is time for New York City to do the same. And the last thing I will say is, I have been testifying every year for the last 15, 16 years about the same things and it would just be monumental to have the Council and the City listen to young people and finally you know remove police from schools and listen to their demands. Thank you.

MODERATOR: Thank you for your testimony. We will have Meril Mousoom testify.

SERGEANT AT ARMS: Time starts now.

MERIL MOUSOOM: My name is Meril Mousoom, a high school student and a member of Teens Take Charge and Dignity in Schools. As a young person, I reject the

Mayor's plan to add 475 more school police for Intro. 2211.

The pandemic has brought pain. Feelings of loneliness and mental health struggles, especially of the children of essential workers like myself. My mom works at a hospital. She comes home at 6 p.m.. My dad is a Taxi Driver and he comes home at 10 p.m. and I am sure that this is a common feeling among adults as well. But why has the response to the pandemic been for the youth to add more police to schools?

More police officers during a time where it took months for my school provided tablets to come. More police officers when there are already more police than guidance counselors and social workers in schools combined. The price of this plan to hire 475 more school police is \$20 million.

That is \$20 million not going into funding ethnic studies. Not funding in restorative justice. Not funding our futures. Instead, it only serves to uphold White Supremacy, a cruel reality of policing Black and Brown youth.

Woman of color are only over represented in the most punitive position in a school building. That's

1
2 because the city fails to fund programs to hire
3 teachers that look like me.

4 City Council, you can say that you care about
5 youth but I urge you to show that you care through
6 your dollars. Fund our future. Fund a future one,
7 with police free schools led by healing and care
8 instead of racism and hate. Thank you.

9 CHAIRPERSON ADAMS: Meril, I just want to thank
10 you. I know that your parents must be very proud of
11 you for being here and testifying in this forum. It
12 is a powerful forum and what you have just said and
13 what you have just done is very powerful.

14 Just know also, that the City Council will
15 continue to invest millions of dollars into youth,
16 into programs, into summer jobs and everything else
17 that we are passionate about. I so appreciate your
18 testimony. Keep fighting the good fight.

19 MODERATOR: Thank you Chair and thank you for
20 your testimony Meril. At this time, I would like to
21 invite up Pat Keeton to testify.

22 SERGEANT AT ARMS: Your time starts now.

23 MODERATOR: Alright, Pat seems to have dropped
24 off. At this time, if your name has not been called
25

and you still wish to testify, please raise your hand using the Zoom raise hand function.

Alright, seeing no hands, I will now turn it back to Chair Adams for closing remarks.

CHAIRPERSON ADAMS: Matt, thank you very much. This has been a very long day but a very, very needed hearing. I don't regret a minute of it. I have enjoyed every minute of it and I have listened to every minute of it from 9:30 this morning until 7:58 tonight. All of the testimony was great and powerful today.

If there are no further members of our community wishing to testify tonight, I just want to thank all of the members of the public. Those of you that have hung out with us all day. Thank you for hanging out.

I want to thank my colleagues, members of the NYPD, members of the Administration, CCRB, oh, we do have one witness. Pat Keeton has arrived. Let's go back to Pat before my closing remarks. Pat.

PAT KEETON: Can you hear me?

SERGEANT AT ARMS: Yes, your time starts now.

PAT KEETON: Okay, alright. Uhm, I was - alright, I am a resident of New York City whose lived here for 44 year. My children attended New York City

1
2 schools and I have a grandson in public school. My
3 testimony addresses the question of how do we keep
4 students in schools safe.

5 For the past 30 years, the idea has been pounded
6 into heads that schools are dangerous places for
7 children and that to keep them safe, we need to have
8 police officers and metal detectors in the schools.

9 I am here to argue the opposite. That the main
10 effect of cops and metal detectors has been to
11 criminalize youth, especially Black and Brown youth
12 but keep students safe in their schools is not cops,
13 metal detectors and surveillance. That having
14 teachers, counselors, staff and parents surrounding
15 them and building trust with them.

16 What we need to keep our children and communities
17 safe is to build to a mass antiracist multiracial
18 movement that has the power to demand that the
19 removal of police and metal detectors from our
20 schools be carried out. Such pressure has led school
21 districts in Minneapolis, Seattle, Portland, promise
22 to remove officers and that other cities are also
23 considering this.

24 COVID has laid things bare here. It has given us
25 all a collective global citywide course in

1 inequities. Funds need to go to schools and not to
2 metal detectors. To schools and not \$21 million for
3 testing for students to get in seven schools. Funds
4 need to go to schools and not resource officers.
5

6 When we look at that data, there is no other
7 side. Today, we have 700,000 students doing remote
8 learning. Some don't have iPads a year into the
9 pandemic. What has happened during COVID couldn't
10 make it clearer that the disproportionate impact of
11 this and the inequality that exists in our school
12 system.

13 The New York school system and budget reflects
14 the inequality that has existed in the United States
15 since its founding. When young people are surrounded
16 by people who have them as their key interest, they
17 will be able to learn and flourish. That action and
18 uniting with parents is necessary and essential for
19 school safety and national safety. We can't continue
20 to criminalize kids and that's what our school safety
21 officer and metal detectors do.

22 This is a hearing on public safety, so the first
23 step is to take hundreds of millions of dollars spent
24 on school safety in the form of police, including ICE
25 officers and spend it on the needs of people. ICE

1
2 should not be allowed to enter our public schools by
3 any means. The city need to end the policy of
4 handcuffing and restraining in emotional stress. De-
5 escalation techniques used, instead of EMS and
6 Police.

7 School safety means that the removal of metal
8 detectors, invasive security and forms of
9 surveillance. It means redirecting funds to truly
10 trained competent, trauma trained, mentally health
11 support staff, health educators, social workers,
12 psychiatrist, community outreach coordinators
13 invested to get at the root cause.

14 The City Council members are tasked with creating
15 and implementing a city budget and I am appalled that
16 New York City spends \$11 billion on policing. More
17 than any other city in the country, practically more
18 than any other country in the world.

19 All funds allocated toward cops or school safety
20 officers and metal detectors should be cut and
21 reallocated. The current system is not a justice
22 system but an injustice system.

23 SERGEANT AT ARMS: Time expired.

24 PAT KEETON: Thank you for this opportunity.
25

1
2 MODERATOR: Thank you for your testimony. Unless
3 there are questions from Council Members, I will turn
4 it back over to the Chair.

5 CHAIRPERSON ADAMS: Thank you very much Matt and
6 Pat, thank you for your testimony. We are very glad
7 that we got to hear it. Thank you so much.

8 Okay, I guess this is going to be a wrap. So,
9 again, I just want to thank members of the public, my
10 colleagues, members of the NYPD, members of the
11 Administration, CCRB, Mayor's Office of Criminal
12 Justice, Legal Aid. I would also like to especially
13 thank Committee Counsel, Daniel Ades, Matt Thompson.
14 City Council Staff Kelly Taylor, Indiana Porter,
15 Ebony Meeks, Finance Staff Regina Ryan, Isha Wright
16 Nevin Singh, Monte Pepple[SP?].

17 It is my honor to Chair this great Committee.
18 This meeting is hereby adjourned.
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C E R T I F I C A T E

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



Date April 30, 2021