

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 22, 2021
Start: 12:11 p.m.
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HELD AT: Remote Hearing - Virtual Room 2

B E F O R E: Adrienne 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

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

Melinda Katz
Queens County District Attorney

Eric Gonzalez
Kings County District Attorney

Michael McMahon
Richmond County District Attorney

Darcel Clark
Bronx County District Attorney

Cyrus Vance
New York County District Attorney

Bridget Brennan
Special Narcotics Prosecutor

Chris Kwok
Asian American Bar Association

Shane Correia
Center for Court Innovation

Tanesha Grant
Parents Supporting Parents New York

Towaki Komatsu

Eric Teen

1 COMMITTEE ON PUBLIC SAFETY 4

2 UNIDENTIFIED: Computer is up. Cloud is
3 rolling

4 UNIDENTIFIED: Back-up is rolling

5 UNIDENTIFIED: Thank you. Sergeant
6 Bilando [sp?] you may start the opening.

7 COMMITTEE COUNSEL: Good morning and
8 welcome to today's remote New York City Council FY22
9 Preliminary Budget hearing for the Committee on
10 Public Safety. At this time, would all panelists
11 please turn on their video for verification purposes?
12 Once again, would all panelists please turn on their
13 video for verification purposes? To minimize
14 disruptions, please place all electronic devices to
15 vibrate or silent mode. If you'd like to submit
16 testimony, please send via email to
17 testimony@council.nyc.gov. Again, that is
18 testimony@council.nyc.gov. Thank you for your
19 cooperation. Chair Adams, we are ready to begin.

20 CHAIRPERSON ADAMS: Good afternoon, and
21 thank you for joining today's virtual hearing. I'm
22 Council Member Adrienne Adams, Chair of the Committee
23 on Public Safety. I'd like to acknowledge that we've
24 been joined today by-- I see Council Members Holden,
25 Council Member Riley, Council Member Brannan, and I'm

1 sure that other colleagues will be joining shortly.
2 Welcome to day two of the Public Safety hearing to
3 discuss the Fiscal 2022 Preliminary Budget. Today,
4 we will close our committee's budget hearing with the
5 City's District Attorney. The Fiscal 2022
6 Preliminary Plan did not include major changes for
7 our five District Attorneys and Special Narcotics
8 Prosecutor's Fiscal 2020 budget of 458.3 million
9 dollars. However, state and federal grant funding
10 has increased the total current budget in Fiscal 2021
11 to 477.5 million dollars. The City supports the
12 majority of the Prosecutor's budget with 446 million
13 coming from the City, and state and federal funds
14 accounting for 12.3 million dollars. [inaudible] as
15 the new Chair of Public Safety it's my honor to thank
16 you for over 10 years of service as District Attorney
17 of Manhattan. You've shown thoughtful leadership in
18 the way our city practices criminal justice and have
19 spearheaded numerous reforms and meaningful changes
20 to prosecution throughout your tenure. This has
21 included ending criminal prosecution of thousands of
22 low-level non-violent offenses and crimes related to
23 poverty. Additionally, your investments in diversion
24 programs like supervised release and over 250 million
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1
2 dollars back into the community through your office's
3 criminal justice investment initiative touched
4 hundreds of thousands of New Yorkers, including many
5 young people. Your successor certainly has big shoes
6 to fill. DA Kat [sic], my friend, I am also so
7 excited to hear from you about your strategic plan
8 for your office and the vision you have for serving
9 the people of Queens, our constituents of Queens,
10 especially given that I represent the 28th Council
11 District in the communities of Jamaica, Richmond
12 Hill, Rottsdale [sp?] Village, and South Ozone Park.
13 Your predecessor held office for nearly 30 years, one
14 of the longest tenures of any DA in New York City,
15 and I look forward to learning about what changes you
16 intend to introduce, and the new programs, bureaus
17 and units you have launched since taking office last
18 year. In the last two years we've seen a fundamental
19 shift in the role of prosecutors in our communities,
20 promoting criminal justice reform efforts, and
21 diverting people from incarceration or involvement in
22 the justice system around the City. Many of the DA's
23 initiatives and various bureaus and units are those
24 that this Council fought for, including a Conviction
25 Integrity Review Unit in Staten Island and diversion

1 programs like Hope, Clear, Reset, ATI Units, and
2 Immigration Collateral Consequences Unit. The
3 council is concerned that some of these programs
4 previously funded by the Administration are not
5 included in the current Fiscal 2021 budget and are
6 not yet included in the Fiscal 2022 budget. We look
7 forward to hearing from all of your offices on how
8 these programs are impacting the communities you all
9 work in and how this lack of funding has impacted
10 your ability to do that work. Although COVID-19 may
11 have lessened the impact of discovery reform for now,
12 I also look forward to learning more about the
13 funding concerns related to full implementation as
14 well as any other budget request your offices may
15 have. Before we get started, though, I would like to
16 thank our Public Safety Committee staff for the work
17 they've done to prepare for this important hearing.
18 Our financial analyst, Monty Papel [sp?], Unit Head
19 Aisha Wright, Deputy Director Regina Poreda-Ryan, and
20 Finance Director Latonya McKinney [sp?]. I also want
21 to thank Counsel Don Addis [sp?], and Matt Campor-
22 Williams [sp?], and our Policy Analyst Aliya Reynolds
23 [sp?] and Matthew Compton [sp?]. From my staff I'd
24 like to thank my Chief of Staff Jamal Wilkinson
25

1 [sp?], Budget Director Kate Mooney [sp?], and
2 Legislative Director Benjamin Fang. Okay, we are
3 also joined by Council Members Rosenthal, Rodriguez,
4 Holden, and Riley. I will now turn it back over to
5 our moderator, Committee Counsel Daniel Addis, to go
6 over some procedural items.

8 COMMITTEE COUNSEL: Thank you, Chair. I
9 am Daniel Addis, Counsel to the Committee on Public
10 Safety of the New York City Council. Before we begin
11 testimony I want to remind everyone that you will be
12 muted until you're called on to testify, at which
13 point you will be unmuted by the host. I will be
14 calling on panelists to testify. During the Q&A
15 portion of the hearing we'll unmute all of the
16 District Attorneys and the Special Narcotics
17 Prosecutor. Please do not mute yourselves so that
18 you're available to respond to questions. If Council
19 Members would like to ask questions of the District
20 Attorneys or the Special Narcotics Prosecutor or a
21 specific panelists, please use the Zoom raise hand
22 function, and I will call on you in that order. We
23 will be limiting Council Member questions to five
24 minutes, which includes the time it takes to answer
25 questions. All hearing participants should submit

1 written testimony to testimony@council.nyc.gov if you
2 have not already done so. Members of the public may
3 also submit their written testimony. The deadline
4 for written testimony is 72 hours after the hearing.
5 Now, to the five District Attorneys and the Special
6 Narcotics Prosecutor. I will first call on each of
7 you in turn to administer the oath, then again when
8 it is time to bring your testimony in the same order.
9 I will now read the oath and ask each of you to
10 affirm. Please raise your right hand. Do you swear
11 or affirm to tell the truth, the whole truth, and
12 nothing but the truth before this committee and to
13 respond honestly to Council Member questions? Queens
14 County District Attorney Melinda Katz?

16 DISTRICT ATTORNEY KATZ: I do.

17 COMMITTEE COUNSEL: Kings County District
18 Attorney Eric Gonzales?

19 DISTRICT ATTORNEY GONZALES: I do.

20 COMMITTEE COUNSEL: Richmond County
21 District Attorney Michael McMahon?

22 DISTRICT ATTORNEY MCMAHON: I do.

23 COMMITTEE COUNSEL: Bronx County District
24 Attorney Darcel Clark?

25 DISTRICT ATTORNEY CLARK: I do.

COMMITTEE COUNSEL: New York County
District Attorney Cyrus Vance?

DISTRICT ATTORNEY VANCE: I do.

COMMITTEE COUNSEL: And the Special
Narcotics Prosecutor Bridget Brennan?

SPECIAL NARCOTICS PROSECUTOR: I do.

COMMITTEE COUNSEL: Thank you. Now, I
invite Queens District Attorney Melinda Katz to
testify.

DISTRICT ATTORNEY KATZ: I apologize, I
thought we might be going in order of seniority, but
happy to testify first. Thank you, Chair Adams.
Thank you to the New York City Council for having
this testimony today. I do want to acknowledge other
people from my office that are on this call, so in
case the questions are those that they can answer and
help with. We have First Chief Assistant Jennifer
Naiburg is on this call. Chief of staff, many of you
are very familiar with her, Camille Chin-Kee-Fatt is
on the call. Jackie Duckfield from my Finance and
Kristen Kane who chairs legislative Affairs here at
the Queens District Attorney's Office. Happy to
testify on the 2022 Preliminary Budget. You know,
2020 was like no other year. No one could have

1 anticipated the incredible challenges that this year
2 would bring with the economic and emotional impact of
3 the pandemic still taking its tolls in so many of our
4 communities and throughout the world. But despite
5 these unprecedented difficulties we were able to
6 achieve so much, and many of you know that this is
7 my, I guess, 15th month [sic] as the District
8 Attorney and many changes were made in the first
9 year. New policies are ensuring that all low-level
10 arrests are closely evaluated. I've declined to
11 prosecute for fare evasion, low-level marijuana,
12 protestors failing to wear masks, as these offenses
13 often disproportionately affect lower income
14 residents and also communities of color.

15 Transitioning towards ending cash bail in Queens has
16 not been easy. I firmly believe that a person's
17 financial situation should not determine whether or
18 not they're held in jail. I find that the resources
19 are limited when it comes to bail, but we are working
20 towards not-for-profits starting to be involved in
21 it. Increasing the rate at which felony cases
22 charging adolescent offenders are removed to Family
23 Court here in Queens County. Making more equitable
24 parole recommendations and taking into account a
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2 defendant's efforts at rehabilitation, and on day
3 one, ending the unfair practice of requiring
4 defendants to waive their rights and allowing
5 defendants to engage in plea negotiations at any
6 stage of the process. Utilizing diversion and
7 alternative sentencing much more, placing a strong
8 emphasis on these programs. We also raised the level
9 of professionalism in this office by enhancing
10 training at all levels of government, at all levels
11 in our office. Mandating ADA's attending local
12 community events in addition to the strict training
13 that they are now performing, increasing transparency
14 by broadening categories of information where we
15 disclose FOIL requests. Even through a worldwide
16 pandemic, even though going virtual, coming back,
17 going virtual again, coming back again, we have
18 restructured quite a bit of this office. One of the
19 first priorities was the creation of the Conviction
20 Integrity Unit to ensure that no one's been
21 wrongfully convicted of a crime, and also admitting
22 that the system can make mistakes. And we want to go
23 through a lot of the cases. There's almost about 100
24 in our Conviction Integrity Unit now. I created the
25 new rehabilitation program and Restorative Services

1 Bureau to ensure that while we keep Queens safe, we
2 administer justice with compassion and with equity.
3 I also enhanced the Community Partnerships Division
4 where we opened the doors to my office. We
5 strengthened ties to our communities. We have ADA's
6 or people going out to community meetings. We
7 established a domestic violence helpline. We saw
8 that domestic violence was being under-reported
9 during COVID, and we just established a helpline
10 which is 24/7, either to connect someone to services
11 or to connect them to an ADA. We also-- and very
12 meaningful addition to this office-- hired an
13 Immigration Lawyer. That Immigration Lawyer has been
14 key in re-pleading cases that are 20, 30 years old
15 that had immigration consequences and making sure
16 that there was a path for someone to have their cases
17 re-plead to make sure that they can stay in the
18 country and that the deportation consequences were
19 rethought, and the Immigration Lawyer is involved in
20 almost case when immigration may be an issue. Last
21 year, we had 75.4 million dollars as a baseline
22 budget in FY20. We did get back some money, but
23 that's because I was only here for half a year at
24 that point. We were able to do this just because of
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1 that. This year we find that the budget is very
2 minimal for us. We're trying our best with all of
3 these new programs with all of the reform that we've
4 done to be able to stay within those budgets. But we
5 do things here like addressing guns, gangs, and drugs
6 in a new Violent Criminal Enterprise Bureau, our
7 Community Partnership Division, our Crime Strategies
8 Unit. We focus on major economic crimes, holding
9 employers and companies accountable for their
10 behavior. We combat domestic violence with a ComStat
11 type of program in domestic violence to make sure
12 that people have someone here that they can be with
13 and get them out of the situations they're in,
14 whether, by the way, whether they decide to prosecute
15 or not. We are here for them. And we follow them
16 through the system and help in any way they want. But
17 our main thing is to restore confidence in the
18 system. to better serve our community, like I said,
19 we work on the immigrant community-- with the
20 immigrant community creating the position of the
21 Immigrant Specialist, but we've also started bureaus
22 like Housing and Worker Protection so that if an
23 employer is taking advantage of an employee because
24 of their documentation status or because of anything
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1 else, that we are there in order to make sure that
2 there is someone to protect without any consequences
3 because of their status. We have a lot of new needs,
4 and I'm not going to go through all of them, but you
5 know, I've been here 14 months. I've restructured an
6 entire office. I have made sure that the last 28
7 years were reviewed for fairness and for equity. We
8 have office needs. We have space needs. We cannot
9 continue with a lot of the new program, a lot of the
10 new bureaus, a lot of the new divisions unless we
11 look at new needs for this office, and those new
12 needs include things that-- you know, like anti-gun,
13 buying guns from off the street, Conviction Integrity
14 Unit, our Violent Criminal Enterprise Bureau, our
15 domestic violence. And by the way, the Criminal
16 Justice Reform money that was given by the Council I
17 guess a year and a half ago or so, this office has
18 utilized all its gotten pretty much for this year and
19 all it had for last year. And as we all know, it
20 originally was supposed to be twice as much. And so
21 to the City Council, I know you have tough decisions
22 to make, I get it. I've been there. I've sat in the
23 seat that you are sitting now trying to determine how
24 to accommodate and disseminate the limited about of
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1 funds we have. But to all of the criminal justice
2 reform movement that we are doing, to continue to
3 prosecute drivers of crime, it is important that our
4 budget indicates and is there for us as well. So,
5 thank you to the Council for listening to us and for
6 holding this hearing. I look forward to answering
7 questions. To my colleagues, looking forward to
8 hearing from you as well.

10 COMMITTEE COUNSEL: Thank you. We'll now
11 turn to Kings County District Attorney Eric Gonzalez.

12 DISTRICT ATTORNEY GONZALEZ: Good
13 afternoon everyone. Good afternoon to my fellow
14 colleagues. Thank you to Chairperson Adrienne Adams
15 and the entire committee for the opportunity to
16 address you today regarding the Mayor's Fiscal 2022
17 January Budget Plan. These remain difficult times
18 for our cit. I remain steadfast in my commitment to
19 reforms of our criminal justice system that address
20 the inequities that have been laid so bare during
21 this pandemic. I know we can keep our public safe
22 while also ensuring fundamental fairness in our
23 justice system. I'm glad to be back before the
24 Council to discuss our current budget, the ways in
25 which we attempted to address the crisis and the

1 ongoing budgetary needs of our office. Just over a
2 year ago when this pandemic began, I committed that
3 my priority would be the health and safety of my
4 entire staff. We're among the first agencies in the
5 city to shift to remote working with only a skeletal
6 crew coming in each and every day. Previously we had
7 no work for home program or capacity. While this
8 adjustment had many challenges our team was committed
9 to continuing the work of keeping the people of
10 Brooklyn safe. As you're aware, our level of
11 operation is highly dependent on that of the courts.
12 The courts, in March of last year, closed down in
13 most regards. We remained in close contact with the
14 courts to ensure that we have sufficient staff as the
15 courts resume in-person operation, and the Chief
16 Justice has informed us that jury trials will resume
17 soon. We will make sure that we continue to
18 prioritize the health of everyone involved in the
19 administration of justice in this county and continue
20 to meet the needs of our court system. But with all
21 that's happened, it's very easy to lose sight of the
22 fact that even before COVID, 2020 was going to be
23 year of unprecedented change and challenges to the
24 criminal justice system. The state legislature
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1 enacted sweeping new criminal procedure laws
2 effecting both bail, and most notably, discovery.
3 Given our longstanding custom in Brooklyn, that's
4 early and broad discovery, the expansion of
5 discoverable materials was less of an ideological
6 shift to us than maybe in some other counties, but
7 its time limits, however, requiring the production of
8 all material within 15 days of arraignment were new
9 to everyone and posed unique challenges in the
10 jurisdiction like ours, charging tens of thousands of
11 pieces a year. As you well know, the legislature's
12 mandate was unfunded. Thankfully, the City
13 recognized the unique demands created by this
14 situation and allocated additional funds to my office
15 for both new staff and OTPS expenditures to scale up
16 our operations and to meet the new requirements of
17 the law. In March, when we should have been
18 assessing the early results of both the new
19 requirements and our efforts to meet them, our court
20 system was largely shut down because of COVID.
21 Instead of reassessing our needs and realigning our
22 resources, we were caught in the situation of having
23 to create virtual operations for our staff, virtually
24 overnight, and then securing enough equipment,
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1 laptops and other material so that our staff could do
2 and work virtually from home. The effect of the
3 shutdown on our criminal justice system has been an
4 unavoidable backlog. Thousands of felony indictments
5 awaiting to be tried. Thousands of felony complaints
6 are waiting to be heard by grand juries, and
7 thousands of misdemeanor cases are left unresolved.
8 This situation is much worse than anything that this
9 office has experienced during the 9/11 crisis or even
10 Super Storm Sandy. It's not clear yet what the
11 effects of this backlog will be to the administration
12 of justice. But to be clear, this is the biggest
13 change in our criminal justice system in my over 25
14 years as a prosecutor, magnified exponentially by a
15 once-in-a-century pandemic. The backlog alone leaves
16 us facing challenges that no criminal justice system
17 has faced in this city's history. We remain in urgent
18 need of additional resources pledged by the
19 Administration consisting of 4.1 million dollars to
20 ensure we can meet our statutory obligations and
21 secure just resolutions to thousands of serious
22 matters. We have been helpless to stop so much of
23 the damage that's been caused by the pandemic, but
24 with the right resources and the will to do so, we
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1 can prevent the pandemic from causing additional
2 damage to our justice system and our communities. My
3 staff and I have the will, but we need the City to
4 provide the tools and resources. As part of the
5 criminal justice reform funding provided by the City
6 and unrelated to COVID: 8.4 million dollars in
7 capital funding was committed to allow us to complete
8 several essential IT projects. The pandemic, the
9 backlog of cases, has put even a greater strain on
10 already a fragile technology and infrastructure in
11 this office. Our data network system is over a
12 decade old. It was antiquated even before the
13 pandemic began, but we have now put additional
14 strains on that system with remote work and virtual
15 court appearances and many of the other things we
16 need to do in order to do our jobs to not risk its
17 failure, its collapse, the work is too important and
18 the systems are too critical to the administration of
19 justice. We can't have any further delays. So we're
20 ready to move forward with these critical upgrades to
21 our system to ensure the continuity of criminal
22 justice operations, and we're asking OMB to approve
23 these projects to start as soon as possible.
24
25 Hopefully, the fiscal position of the office and of

1 the city has been enhanced with the Federal Recovery
2 Package and the state aid to local governments. But
3 no part of our lives have gone untouched by the
4 pandemic. We have lost people we care about in this
5 city, in this county, in this office. Our friends
6 and neighbors are out of work. Many are food
7 insecure. We know that in times of difficulty in our
8 city it's more critical than ever that we remain
9 committed to crime prevention and early intervention.
10 Last year's surge in shootings in this city reminds
11 us that our work is never done. From 2016 to 2019
12 when I was serving as District Attorney I was able to
13 come before the City Council and tell you that
14 Brooklyn was leading the way in the city in reduction
15 in violent crime. Shootings had been at an all-time
16 low at 2019 and our homicides had been at an all-time
17 low in 2018. Unfortunately, I can't come before you
18 today and tell you that. In 2020, Brooklyn led all
19 boroughs in the number of shooting incidents by a
20 significant amount. Over 40 percent of citywide
21 shooting incidents occurred in Kings County. This is
22 not the time to take our eye off the ball of violent
23 crime. I remain committed to addressing the issue of
24 increased shootings to sure that the people of
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1
2 Brooklyn are actually safe, and it's very important
3 now that we have adequate funding levels. During
4 this time of health crisis, both the city and stat
5 have adequate funding levels. During this time of
6 health crisis both the city and state have
7 experienced a serious financial crisis. We
8 understand that. Our office has managed the threat
9 of looming cuts from the City during each budget plan
10 along with the uncertainty of grant funding that
11 helps support most of our diversion programs that
12 Chairwoman Adams had mentioned in our youth
13 programming. Our largest grant, state eight [sic]
14 prosecution which is 2.1 million dollars, an supports
15 the salary of over 20 experienced senior Assistant
16 District Attorneys prosecuting our most serious cases
17 has not been renewed as of yet. Such a loss in
18 staffing would simply jeopardize our ability to
19 secure justice and safety in this county. We're
20 asking for your support and advocacy with the state
21 to maintain this crucial funding at the current
22 level. While I've focused on our COVID response and
23 the need created by the pandemic, I want to make sure
24 that in this hearing we don't lose sight of the fact
25 that our constituency are demanding reforms to our

1 criminal justice system. I have been implementing
2 reforms since day one, and for the past four years
3 through my Justice 2020 initiative I have made sure
4 that our system becomes fairer. I have two specific
5 requests for funding for programs that will help
6 prevent the over-criminalization of people in our
7 justice system. First, I'm going to ask for your
8 support for Project Reset, a pre-arraignment
9 diversion program. Until this fall, we were able to
10 facilitate meaningful interventions for participants
11 reducing the number of in-person arraignments during
12 the public health crisis. The program is not current
13 funded in Brooklyn, and I would ask that the City
14 Council do everything in its power to fund that
15 program. This program allows us to take thousands of
16 people and avoid criminalization of their cases. I
17 would also ask the City and the City Council to take
18 a look at funding the Brooklyn Young Adult Court.
19 You previously supported that. It's very important
20 that we treat our young people in our criminal
21 justice system in ways that do not lead to over-
22 criminalization. Our Young Adult Court is a
23 remarkable place. I invite you to come see it. Where
24 97 percent of our young people in that court leave
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1 without a criminal conviction. I also want to thank
2 all of you for your continued support for some of the
3 most-- funding for some of the most-- funding for
4 some of the programs that serve our most vulnerable
5 populations, in particular, our Brave program which
6 is Brooklyn Rising Against Violence Program, our Dove
7 Program, which is our domestic violence funding
8 program. These are critical programs that the City
9 Council has funded year after year to make sure that
10 the most vulnerable among us have the services they
11 need to feel safe and to make sure that they get
12 justice. So, I want to thank all of you again for
13 haring me out on this. I'm committed to public
14 safety, but I believe we can do that while also
15 increasing fairness to our justice system. I will
16 ask for the Council support as we make the case to
17 OMB for the critical funding that I discussed today,
18 and I look forward as always to working as a partner
19 with the City Council as we improve the conditions
20 that our communities live in the City. Thank you.

22 COMMITTEE COUNSEL: Thank you. We will
23 now turn to Richmond County District Attorney Michael
24 McMahan.

1
2 DISTRICT ATTORNEY MCMAHON: Good
3 afternoon. Can you hear me?

4 COMMITTEE COUNSEL: Yes, we can.

5 DISTRICT ATTORNEY MCMAHON: Thank you.

6 Madam Chairwoman, Council Member Adams, it is indeed
7 an honor and pleasure to appear before you today at
8 this hearing, and as the council reconstituted itself
9 and brought the DA back under your jurisdiction and
10 the Public Safety Committee. Please know that myself
11 and my office look forward to working with you and
12 your staff. I want to thank the members, the other
13 members of the committee. I know also we're joined
14 by Council Members Brannan, Riley, Rosenthal, and
15 Rodriguez, and of course I want to thank the members
16 of the Staten Island Council delegation, Council
17 Members Rose, Matteo, and Borelli for their continued
18 support of our office and the work that we do here.
19 Since this is the first time that we are meeting
20 formally,-- it's not part of my testimony, but I'm
21 now in my sixth year in office here in Richmond
22 County, and just want to be sure to make you aware
23 that many of the criminal justice reforms that were
24 spoken about by my predecessors in one way, shape,
25 form, or another we have implemented here in Staten

1
2 Island as well over the last six years, and much of
3 that is with the help and advocacy of the City
4 Council and of course the Administration. We've
5 created a free-standing domestic violence bureau,
6 catalyzed the opening of the Family Justice Center,
7 created Victim Advocates Unit, a Special Victims Unit
8 all to deal with ongoing crisis we see of domestic
9 violence and related issues. We reconnected this
10 office with the community with Community Partnership
11 Unit, Immigration Affairs Unit, and Collateral
12 Consequences Unit. We established programs in the
13 community for our youth, the Youth Advisory Council.
14 We work with the community with Hate Crimes
15 Taskforce, and those are just a few of the things
16 that we've done in addition to establishing a
17 Conviction Integrity Review Unit, which I'd like to
18 come back and talk to you about again. And doing
19 things like Clean Slate to remove summonses and gun
20 buy-backs, all of these sort of progressive, yet
21 everyday issues that my colleagues have taken on we
22 needed to take on in Staten Island as well, and I
23 really am proud to say that we've turned this office
24 or transformed this office into a modern prosecutor's
25 office. We fight every day to make the criminal

1 justice system here in Staten Island stronger,
2 fairer, and more just. And so-- what I'd like to do
3 is then sort of go back to the outline of the
4 testimony that we submitted to the committee today.
5 And of course, as my colleagues have said, we've all
6 dealt with the most remarkable year of all years, the
7 COVID year, and we've done it in a way in a fashion
8 that I'm very proud of my staff and my team here,
9 because as Eric pointed out, the courts were shut
10 down. To a large extent, you know, our office
11 remained opened. My staff was here as needed. The
12 leaders of this office have been here every day, as
13 have I, making sure that the criminal justice system
14 functions as much as possible under these dire
15 conditions, and today is a very important day, I
16 think for all us. I know here in Richmond County it's
17 the first day that jurors have been brought back so
18 that we can commence trials. We've been doing grand
19 juries since January. We had a little break in
20 November, December. We were doing them before that
21 since August, and so we've been functioning as much
22 as possible and that's something that in deed we are
23 very proud of, proud of, proud of our partnership
24 with the courts and with the defense bar as well in
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doing that. So what I'd like to do is focus my testimony this afternoon on three topics, the state of public safety here on Staten Island, our continued efforts to address racial equity, build bridges in law enforcement and the community, and our dire fiscal outlook in priority budget needs for Fiscal Year 2022. In many way Staten Island's statistics on crime over the last year are a microcosm of the City of New York. The crime rate has remained relatively constant with a slight 0.3 percent increase in index crimes overall. However, there was some very disturbing trends, which my colleagues have already touched on which have affected Staten Island as well. These are in the areas of homicides and non-fatal shootings, and grand larceny, grand larceny autos, and scams, if you will, or crimes where people are duped into turning their money over to fraudulent enterprises. I do want to say, though, that while we've seen an uptick in violence here in Staten Island like the rest of the City, Staten Island has a community of 500,000 people. A community that size still remains the safest community in the UNITED STATES, and that is again, thanks to our community partners, our partners in the New York City Police

1 Department and the people who work in this office
2 whom I'm very proud of. So, let me just address
3 homicides and non-fatal shootings. There was indeed
4 a dramatic increase in 2020 as compared to 2018 and
5 2019, and as DA Gonzalez pointed out, 2018 and 2019
6 were in the city really banner years, if you will, of
7 bringing down the rates of homicides. They were
8 very, very successful years. So, using them as a
9 metric sometimes muddies the statistics. However,
10 but we have to say that in Staten Island in 2019 we
11 had 14 victims of homicide, and in 2020 there were 21
12 victims, so that's a 50 percent increase and that
13 compares to 42.9 percent increase citywide. Sadly,
14 this year, there have already been four homicides on
15 Staten Island. When it comes to non-fatal shootings,
16 in 2019 we had 19 victims of non-fatal shootings and
17 in 2020 there were 31, a 63 percent increase and
18 that's compared to 103 percent increase citywide.
19 So, they're-- and sadly, there have already been five
20 non-fatal shootings in Staten Island this year. Now,
21 I know that my office as well as my colleagues and
22 working with the Police Department and wonder why we
23 see this increase in violence. We've asked ourselves
24 this question, and we've done some deep analysis here
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1 in our office and also working with the members of
2 our community. And we all know that the effects of
3 COVID are palatable-- palpable, that people have lost
4 jobs, the economy has weakened, the City appears to
5 be in crisis both physically and emotionally, and
6 closing of schools, the ending of after school
7 programs are all things that have contributed to that
8 as well as the ease and accessibility of the guns
9 still on the streets of New York City. So, we've
10 done a lot to address this. we've convened meetings
11 with our partners in Staten Island to evaluate the
12 situation to look at different neighborhoods, to come
13 up with neighborhood action plans, to understand the
14 communities that continue to see spikes that we see
15 now, as but also the communities that had he high
16 rate of gun violence in the 70's and 80's, and
17 unfortunately they're very much the same communities,
18 and we see conditions, schools that don't rate as
19 well as other schools, a very high unemployment, a
20 lack of after school programs, a lack of food
21 availability, lack of healthcare, and so we are
22 working together with our partners [inaudible] to
23 come up with long-term solutions. I can say that in
24 2021 curbing the violence in our streets will be the
25

1 number one priority of this office. Now, as you
2 know,-- what I'd like to talk about also is the
3 opioid epidemic and the surge in overdoses. When I
4 came into office in 2016, we were confronted with a
5 major increase in heroin, a particular opioid
6 overdoses, and we did a lot of work on it, as did our
7 partners across the City of New York. And we saw in
8 2019 there were 92 reported overdoses. This was a 17
9 percent decline from the year before, and about a 20
10 percent decline since 2016. Unfortunately, in the
11 first half of 2020 the Department of Health and
12 Mental Health reported that those six months reported
13 the highest rate of overdose death in the City of New
14 York ever, and I see my colleague Darcel Clark
15 shaking her head, because I know the Bronx leads in
16 this category. Staten Island is second, and I know
17 the other boroughs my colleagues are confronted with
18 this issue as well, and I just want the Council to be
19 aware that this problem continues to loom, and we
20 think that it is only getting worse, and when you
21 think of the mental health consequences, loneliness
22 of COVID and how that feeds into the opioid epidemic
23 and those who suffer from addiction, illness, and
24 mental health illness, we believe that we're going to
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1 see a much worse condition, and I say that because
2 our numbers for all of last year show that they're
3 about on par with the year before in the low 90s, but
4 we don't-- because through our overdose response
5 initiative we capture real-time most of the overdoses
6 that occur. We think that we're not getting as many
7 as we used to, and we expect official numbers to come
8 in much higher, and those are only the fatal
9 overdoses. The non-fatal overdoses are usually
10 double to three times as much. We continue our-- oh,
11 I have to also mention fentanyl, and I know that
12 Bridget Brennan will speak to this as well, but the
13 increase in fentanyl is one of the prime reasons for
14 the increase in fatalities, the fatal nature of the
15 drugs that are being taken. And we are no seeing
16 fentanyl not only mixed in with heroin, but also with
17 other drugs, cocaine and crystal meth in capsulated
18 form, and this is an issue that we called on the
19 state legislature to address in terms of the
20 controlled substances schedule, because there are
21 different fentanyl analogs that are finding their way
22 onto the market, but we also want the Council to be
23 aware that this is an issue that we think is just
24 starting to rear its ugly head, if you will, again,
25

1 and we have to deal with it. We need your help, but
2 we look forward to your partnership in doing that.
3 We do have the ORI program as we investigate every
4 overdose. We have the Hope Program which is the pre-
5 diversion offer of resource and recovery center and
6 treatment that ends up in the dismissal of a case.
7 We have the Hope Court and the [inaudible] Court, and
8 we started a new program called Ripples of Hope which
9 looks at the impact of overdoses, drug activity,
10 potentially arrests on the rest of the family, the
11 members of the family and the community, and with a
12 federal grant we are now connecting those people with
13 services at the YMCA to deal with sort of if you will
14 the rippling effect of the overdose-- the addiction
15 illness crisis, and we do that with the YMCA. We're
16 also seeing, I regret to say, a very strong increase
17 in suicides, and we all know that the mental health
18 crisis in our city is only worsening, and I think
19 through the COVID crisis itself you will see the
20 impacts of that. And so we are starting to work with
21 the Police Department to index each suicide, suicide
22 attempt, and to see how we can intervene with a peer
23 mentor type of approach like we do with the overdose
24 cases. We're also see-- one of the numbers that's
25

1 very troubling in Staten Island, and I know the rest
2 of the City, is the grand larceny auto numbers, the
3 GLAs. They were up 66 percent in 2020 in Staten
4 Island-- oh, no, 66 percent citywide, and 37 percent
5 in Staten Island. Just a public service announcement
6 here, 40 percent of the GLAs people left their keys
7 in the car, and 14 percent they left their cars
8 running. So, I would urge the members of the City
9 Council in your newsletters and bulletins and if you
10 speak to members of the community, please remind them
11 in partnership with the Police Department that they
12 should not leave their keys in the car, and they
13 should not leave their keys running. Seems obvious
14 to us, but it's happening at a very wide increase.
15 We are also seeing crews that are coming over from
16 New Jersey to steal cars here and take them back to
17 New Jersey, but that's an issue that we're working on
18 with the Police Department. Scams, I know that my
19 colleagues are seeing in their counties as well.
20 Every day the number of reports of complaints that
21 come in from individuals who are scammed out of their
22 hard-- their life's hard-earned-- earnings, if you
23 will, their life's earnings, their life's savings.
24 It's tragic. Whether it's social security scams,

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2 romance [sic] scams, Department of Labor,
3 unemployment scams, whether it's scams about a family
4 member who's in trouble and needs money, whether it's
5 Craigslist, whatever it is, it's a very big issue
6 that I'm sure that is affecting all your
7 constituents, and again, I want to urge you to take
8 up some public service announcement with the Police
9 Department to prevent that. Before I get to funding,
10 I just want to point out that we continue to work
11 here in Staten Island on the issue of racial equity,
12 healing, and creating a fairer justice system for
13 all. We-- the death of George Floyd obviously was a
14 motivating factor for us to renew our efforts in this
15 regard, and here in my office we created an internal
16 working group. We've done community convenings
17 [sic]. We've led courageous conversations and racial
18 hearing groups. We've done implicit bias training,
19 and we've done a lot of community partnership efforts
20 with the Hate Crimes Taskforce and the Youth Advisory
21 Council. So that's something we continue to focus
22 on. Now, if I could, just I would like to address
23 some of the budget issues that face us all. To be
24 honest, Madam Chairwoman, and I know that Monica
25 People's [sp?] is on this call, someone who's worked

1 with us in budgets in the past, if we don't correct
2 the situation that was created by the funding we
3 received to implement the criminal justice reforms
4 that legislature passed, but which only provided us
5 with a little over a half of year's funding, if we
6 don't correct that, then all of our agencies are
7 going to face the situation where we're going to have
8 to do lay-offs, stop providing the sort of
9 thoughtful, progressive reforms that we've
10 implemented, and we'll be unable to do or perform our
11 very basic functions of prosecuting cases of
12 [inaudible] law, providing discovery, and helping
13 victims of crime, and protecting the constitutional
14 rights of those who are accused of crime. We
15 received, in Staten Island,-- and I know this is just
16 reflective of the other counties as well,-- funding
17 for about 60 individuals to implement the discovery
18 reforms, body-worn camera, working on diversion
19 courts, integrity review unit, and if we don't
20 receive that full funding that we were promised, we
21 will be in a world of hurt, as will the criminal
22 justice system in the City of New York. And so I
23 just want to make that very, very clear that everyone
24 should come away from this hearing, that although it
25

1 looks like the City of New York will receive a lot of
2 relief from the Federal Government, and that's a good
3 thing. If this situation or condition is not
4 corrected, we are going to basically have to shut
5 down a lot of what's going on in areas that we don't
6 want it. I know that. So like my colleagues, I'm
7 also pressed for space. In the last six years the
8 size of our staff has doubled, and we are in the same
9 space that we inherited when I came into office. We
10 have identified space with DCAS, and we are looking
11 for funding to pay that rent. You mention in your
12 opening statement, Madam Chairwoman, about the
13 Conviction Integrity Review Unit that was funded here
14 in Staten Island by the City Council. It was never
15 baselined. That money was removed last year, and so
16 now we are working and providing that service without
17 the funding, although we're sort of robbing Peter to
18 pay Paul, if you will, and because of attrition and
19 changes because of COVID, we've been able to do it,
20 but going forward we will not be able to, so we're
21 asking the Council to provide that. And as part of
22 the funding that we received pursuant to the criminal
23 justice reform money, we also received money that was
24 to help us with things like software purchase and
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1 maintenance, computers, the technology that we needed
2 to do that work, but unfortunately for some reason
3 the Administration put that money into capital and we
4 were promised that it would be moved to OTPS. It has
5 not been moved to OTPS and so we can't access that
6 money, and so again, that's an irregularity that
7 exists the way things were done about two years ago
8 and we can't go forward without that. Eric mentioned
9 Project Reset, the Council provided that funding, as
10 you know. We had CCI out here. For the first time
11 we had pre-arraignment diversion for a whole basket
12 of low-level crimes in Staten Island, and the program
13 is up and running. We had a dozen of successful
14 cases, and we then lost that money and we can no
15 longer provide that. And then lastly, one thing very
16 specific to Staten Island, as part of the reductions
17 and the stop [inaudible] funding that came from
18 Washington, I guess that went to Albany. Our Safe
19 Program, which is our forensic, sexual assault
20 forensic examiner. We had one on Staten Island.
21 That got cut. We do not have a public health
22 hospital on Staten Island, and so RUMC, the Richmond
23 University Medical Center, had provided that one
24 specialized nurse who could do the examination, and
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1
2 that money was cut, and we are threatened with losing
3 our one safe program here on Staten Island, which it
4 seems to me that in a community of 500,000 people
5 victims of sexual assault should be able to be
6 provided with the services that we all know are so
7 critical, not only in dealing with the emotional
8 impact that has befallen that victim, but also to
9 allow us to prosecute the case against the offender.
10 So, I thank you very much for your patience and your
11 attention, and we'd be glad to take any questions.
12 And as I said, Madam Chairwoman, we look forward to
13 working with you under your leadership with this
14 committee. Thank you.

15 COMMITTEE COUNSEL: Thank you. We will
16 now turn to Bronx County District Attorney, Darcel
17 Clark.

18 DISTRICT ATTORNEY CLARK: Thank you so
19 much. Good afternoon. Thank you to Chair Adrienne
20 Adams and the members of the Public Safety Committee
21 for providing me with the opportunity to speak with
22 you today. I want to send a special thank you to all
23 of the members, but in particular to the Bronx
24 Council Members, Vanessa Gibson, Fernando Cabrera,
25 and my very own Council Member for where I live in

1 the 12th Councilmatic District, Kevin Riley. I hope
2 you and your families are all safe and well. Before I
3 begin my testimony, I want to take time to pay
4 recognition and gratitude to our colleague Cyrus
5 Vance. Cy, thank you for your leadership and your
6 friendship as we tackle the complicated issues of
7 criminal justice. You provided resources not only
8 for your office, but for all stakeholders in the
9 criminal justice system which led to the advancement
10 of procedural justice and fairness for so many. For
11 that, and for so much more, I simply say thank you
12 for your partnership. I last appeared virtually
13 before the City Council last May when we were in the
14 throes of the pandemic. We are beginning to emerge
15 from a year of unprecedented challenges. Thank God,
16 increased access to vaccine is bringing a new sense
17 of hope. I am especially thankful that the vaccine
18 is now available to my staff who worked tirelessly
19 even through the toughest, darkest, and most
20 frightening moments of the pandemic. Each day they
21 showed up virtually and in-person and worked late
22 into the day and night and early mornings to keep my
23 commitment to the citizens of the Bronx. I couldn't
24 be prouder of them and their work. Jury trials are
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1 starting up in the courthouses actually today,
2 providing the clearest signal that the criminal
3 justice system is moving forward. People, once again,
4 will get the procedural justice our community
5 deserves. But our renewed hope stands in the shadow
6 of the surge of gun violence. The rise in shootings
7 started last June. It did not abate through the
8 fall, the winter, or even now as we head into spring.
9 You've all been provided with a map. I wanted to
10 share it, but that wasn't possible, but you've all
11 received a map, and on that map, those blue dots on
12 the map show the non-fatal shootings in 2020 and the
13 red dots are the fatal shootings in 2020. Each of
14 those in total are 467 dots, and each of those dots
15 is a life. These are 467 people who were shot, 60 of
16 them died by gunfire out of a total of 111 homicides
17 that happened in the Bronx last year. And each of
18 these dots represents an untold number of family,
19 friends, and community members who all suffer the
20 repercussions from gun violence. In response, we
21 immediately stepped up our community and prioritized
22 our work with NYPD's Gun Violence Suppression
23 Division and the Firearms Investigation Unit. In
24 June we commence a comprehensive investigation into
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1 one group driving the shootings. So far we have
2 charged about a dozen members of this group with two
3 fatal shootings and eight non-fatal shootings, and
4 recovered five loaded fire arms. An investigation
5 last fall has netted evidence connecting more than 20
6 people to recent shootings. We are redoubling our
7 efforts to stem the tide of guns coming into the
8 Bronx. We know gun traffickers are bringing them up
9 the IM pipeline from Georgia and other states.
10 Another frightening development is the recovery of
11 ghost guns. Last fall we executed a search warrant
12 that found six AR-15-style assault rifles that have
13 been built from components that were ordered online.
14 The assembled weapons have no origin and are
15 difficult to trace once they are assembled. As part
16 of community outreach, we held anti-gun violence
17 marches in June and August, a re-entry resource fair
18 in October geared towards violence prevention. We
19 partnered with Cure Violence groups, many of which
20 are funded by the Council, and we want to see that
21 continue. We held a gun buyback in the community
22 with the NYPD in October, and took in 136 guns, the
23 largest seizure in one day of all the recent gun
24 buybacks. And now we have more than 1,100 open gun
25

1 cases. So far this year there has been 3,350 felony
2 arrests in the Bronx. The increase in felonies add
3 to our existing backlog caused by the pandemic.
4 There are more than 2,500 indicted cases awaiting
5 trial, and 2,900 unindicted cases awaiting an
6 available Grand Jury. Social unrest is real. Our
7 communities are questioning whether the government
8 works at all. Folks are losing confidence that we
9 can do even the most basic function, which is keep
10 people safe. To address the urgency of violence, I
11 have formed a multidisciplinary taskforce within the
12 office which includes staff from various bureaus
13 bringing in expertise and gang prosecutions, firearms
14 trafficking investigation, homicides, trials, and
15 data analysis from the Crime Strategies staff. But I
16 am also developing a long-range violence reduction
17 plan to attack the scourge at every angle. It will
18 include smart prosecution, crime prevention measures,
19 and a path to successful re-entry. We want to
20 continue all the efforts of our Alternatives to
21 Incarceration Bureau of the OAR Program, the Overdose
22 Avoidance and Recovery Program, Bronx Hope, Another
23 Chance, which is the warrant forgiveness programs,
24 and all of those progressive things that we've
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1 brought to the community in order to make the system
2 more safe and fair. Of course we need resources to
3 carry out this plan, and I'm asking for your support
4 to provide them. We need technology and personnel to
5 analyze data to identify the drivers of crime,
6 enhanced cases, conduct proactive investigations,
7 develop crime prevention strategies that must include
8 programming for our youth, maximizing resources for
9 alternatives to incarceration for those individuals
10 who are ancillary to the violence, and community
11 outreach to empower and engage our communities in
12 this effort. Thanks to the funding by the Council,
13 which will last through the spring of next year, we
14 need to continue Community Justice Circles of Project
15 Reset, which provides restorative justice and
16 provides an opportunity for the community to resolve
17 crime without police involvement. We need to expand
18 educational programs that engage middle and high
19 schoolers. We need to focus on providing community
20 centers for areas of the Bronx that are in dire need
21 of resources from food insecurity to mental health
22 resources. We provided a Saturday Night Lights
23 program that was opening of gyms in the Bronx on
24 Saturday nights, and this program in September 2019
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1 worked very well until COVID forced closing of the
2 soccer fields and basketball courts. We plan to
3 deploy our Bronx DA Detective Investigators, and ADAs
4 to investigate non-fatal shootings and other violent
5 crimes. Our DI's can gather additional evidence in
6 cases where victims and witnesses are no cooperative,
7 as well as to provide witness security for those who
8 are courageous enough to come forward. We must solve
9 these non-fatal shootings and hold someone
10 accountable to allow the community residents to be
11 safe. We need to hire experienced prosecutors to
12 handle these violent felonies, and most importantly,
13 we need to uphold our obligation to fulfil criminal
14 justice reform. In 2019, the City Council recognized
15 our fundamental challenges to meet the demands of
16 criminal justice reform and supported a significant
17 funding increase. The Office of Management and Budget
18 Justice Taskforce recommend that 7.9 million for
19 criminal justice reform personnel needs, as well as
20 substantial capital funding for technology
21 improvements. However, only 4.6 million was provided
22 of that 7.9 million originally recommended for fiscal
23 year 20. Then, the global pandemic shifted the
24 priorities of the city and the balance of the 7.9
25

1 million was never allocated. We could only hire 70
2 of the 122 positions that were required, and we only
3 received seven months of funding allocated out of
4 that original criminal justice budget to pay for
5 them. As a result, I am here to request the balance
6 of the money that was promised to us last May, that
7 is, the 3.2 million dollars. As we hyper focus on
8 violence, we must meet our expanding discovery
9 obligations in a shorter amount of time while
10 focusing on an unsustainable backlog. A case
11 management system is desperately needed to improve my
12 office's case, tracking abilities, and data analysis.
13 My colleague, Cy Vance, just launched an incredible
14 data dashboard that provides the public with
15 comprehensive data about the Manhattan DA's Office's
16 prosecution. It includes more than seven years'
17 worth of data from arrests to sentencing and allows
18 users to narrow results by race, gender, and age, and
19 among other filters. This is something that every
20 DA's office should have, especially as you, the City
21 Council, and the public in general are requiring
22 transparency in the criminal justice system. In
23 addition, a document management system is critically
24 needed to streamline and manage hundreds of thousands
25

1 of templates and documents across the office. At
2 minimum we need a discovery sharing tool that will
3 assist ADA's in disseminating discovery to our
4 defense partners. The Microsoft One Drive was not
5 intended to support this large amount of file
6 sharing. A tool is needed to integrate our case
7 management system, manage discovery, and provide
8 redactions, especially with the significant backlog
9 of cases. A tool is required to assist in these
10 efforts. I created a Discovery Compliance Bureau.
11 It will maintain the office's databases of law
12 enforcement accountability materials, and assume
13 responsibility for broader discovery compliance
14 issues to ensure we meet criminal justice reform's
15 obligations. The burden of the case backlog created
16 by [inaudible] has made this bureau essential for the
17 ability to remain transparent in our prosecutions.
18 It is all part of police accountability, enhancing
19 transparency in our investigations, and strengthening
20 the public trust in the criminal justice system, most
21 notably, the repeal of New York Civil Rights Law
22 Section 50A. We have expanded our efforts to collect
23 and review the massive amount of data now available
24 to us relating to complaints against officers and
25

1 disciplinary matters. Aside from high-tech, we need
2 something very basic, cell phones. With staff
3 working remotely for the last year, cell phones
4 became more important than ever. Much of the work we
5 do requires our staff to communicate with witnesses,
6 law enforcement, lawyers and the courts. They call
7 and send text messages and emails. In today's world,
8 much of the communication is not happening from a
9 land line. We cannot expect, and it is not
10 appropriate for our staff to use their own personal
11 cell phones to conduct office business. I am
12 concerned about the Hillary Clinton effect, and that
13 is mixing personal and official emails and texts.
14 With the increased demand for transparency, these
15 communications are discoverable, and they should be
16 done with office and personal equipment. It would
17 \$584,000 to purchase cell phone service annually for
18 all 500 of my ADAs, and 250 of our professional
19 staff. I ask that you provide the funding for these
20 phones. This is a demand that we must meet. In
21 conclusion, I humbly request that you provide the
22 necessary financial support for our plan to reduce
23 violence that is plaguing my beloved Bronx to meet
24 our resource need to address discovery obligations
25

1 and the insurmountable back log created by COVID. It
2 is urgent that we do everything we can to protect the
3 safety of our residents, and I cannot let the people
4 down. Thank you again for your consideration.

5
6 COMMITTEE COUNSEL: Thank you very much.
7 I will now turn to New York County District Attorney
8 Cy Vance.

9 DISTRICT ATTORNEY VANCE: Good afternoon,
10 Chair Adams and members of the Public Surety
11 Committee. Thank you for inviting me and my
12 colleagues to speak today about our office's Fiscal
13 Year 2020 Preliminary Budgets. Chair Adams, thank
14 you for your gracious comments at the beginning of
15 the hearing, and I also want to thank my colleague in
16 the Bronx, Darcel Clark, for her kind comments. The
17 opportunity to work with Darcel and my other
18 colleague DAs has been one of the most satisfying
19 parts of my professional life and having been the
20 District Attorney of this country for 11 years now
21 has been a great privilege. Turning to our budget
22 issues, Council Members. The critical support we
23 receive each from you and the Mayor's Office has
24 helped us implement a wide range of criminal justice
25 reforms over the years. Among the most important in

1
2 the 21st century is for us to be able to be competent
3 in cyberspace and investigations, and to become
4 digital innovators. This is a trend in prosecution
5 that is only going to get more important in the years
6 ahead. I viewed my job when I came to District
7 Attorney's-- DA's Office in Manhattan, among other
8 things, was to help turn one of the finest 20th
9 century prosecutor's offices into one of the finest
10 21st century prosecutor's office. In 2012, the City
11 Council was very helpful to us in funding portions of
12 our expenses to create what is now a world class
13 cyber lab which we use to help interrogate devices
14 that makes us able to do work we simply would not be
15 able to do otherwise. But also, as Darcel Clark
16 mentioned, it's enabled us so because we have the
17 capacity to innovate digitally, to introduce as she
18 said concepts like data dashboards on our website
19 available to all. As Darcel said, for the first
20 time, key metrics about our prosecutions along with
21 the demographic characteristics of those who are
22 coming into the justice system will be available to
23 the public. For several years now, our office has
24 been working on compiling this data, and we were
25 proud to finally be able to reduce it-- to release it

1 last week. I share what I believe is this council's
2 goal of increasing transparency and accountability
3 among law enforcement. This past year, more than any
4 other in recent memory, has shined a light on the
5 failures of society on social justice, criminal
6 justice and in combatting racism. COVID-19 has
7 exacerbated inequalities that have always been
8 present, and its effects have been disproportionately
9 felt by communities of color. Late last year, our
10 office released an anti-racism statement which
11 allowed us to the public to memorialize our values
12 and expectations as a District Attorney's Office and
13 a public agency as we strive in our work to eradicate
14 systemic racism in our criminal justice system. This
15 statement can be read in full in our organization
16 website, and it was developed in coordination with
17 our office's Equality and Social Justice Advisory
18 Board. And that internal board's contributions are
19 more important than ever following the murder of
20 George Floyd, and as our city faces a rise in hate
21 crimes, particularly those targeting Asian immigrants
22 and Asian Americans. Our Office, speaking to this
23 moment, we're experiencing not just in New York but
24 around the country analyzes every case involving hate
25

1 or bias motivated speech or assaults. And those that
2 do meet the legal criteria, which is a strenuous and
3 high criteria, are prosecuted to the fullest extent
4 of the law. to combat the rise in bias motivated
5 crimes, our offices Hate Crimes and Community
6 Partnerships Unit have participated in many forums
7 with the NYPD and Community Boards, and we are
8 planning a CLE workshop in late April where ADAs
9 throughout the state, and we will be taking part in a
10 forum with other agencies tomorrow on this very
11 topic. We also have an upcoming meeting with the
12 Mayor's Office to prevent hate crimes to coordinate
13 awareness and prevention. Clearly, these are serious
14 times and it requires a full-court press by all of us
15 public servants to work with our communities to
16 address this problem. Another category of crime that
17 we're seeing a troubling rise in are shootings, and
18 my colleagues, the other District Attorneys, have
19 thought to their own experiences in this regard in
20 their counties. In Manhattan, there have 41 shooting
21 victims so far this year compared to 32 at this point
22 last year. Overall, 2020 saw an 89 percent increase
23 in shooting victims. So far, there have been 38
24 documented shooting incidents, which is a 52 percent

1
2 rise from this point last year. Now, homicides are
3 relatively stable, 13 to-date so far this year, but s
4 we all know, one homicide is a tragedy, and a tragedy
5 because it is too many. Now we saw the sickening
6 confluence of these two crimes, crimes committed
7 against Asian people and gun violence in last week's
8 horrific mass shootings in the Atlanta area. What do
9 we do as prosecutors to help address some of these
10 nationwide deeply entrenched issues, gun violence,
11 access to firearms, and bias? In 2014, I founded--
12 co-founded Prosecutors Against Gun Violence, a
13 coalition of nearly 50 prosecutors in 24 states, and
14 I'm very thankful and grateful to the DAs joining me
15 at this hearing for being active members in that
16 organization. Earlier this year, DAGV sent a letter
17 to President Biden and Vice President Harris
18 outlining 30 ways the White House and Congress can
19 make our cities safer, but clearly, we need national
20 leadership both to deal with ending access to guns,
21 as well as an end to the inflammatory, hate-filled
22 speech that we believe creates an atmosphere in which
23 crimes against Asian Americans, people of Asian
24 descent, as well as other bias crimes has been
25 permitted to foster. Our leadership and politics has

1 to make sure that ends now. Turning to the focus
2 locally, we have used the court imposed slow-down
3 related to COVID-19 to assign more of Manhattan's
4 unsolved shootings to lawyers in our office than ever
5 before. And this Sunday, we'll be holding a gun buy-
6 back, one of the many gun buy-backs that we have
7 engaged in in our time here at the Covent Avenue
8 Baptist Church in West Harlem. If I said Sunday, I
9 meant to say Saturday. Excuse me. New Yorkers who
10 turned in operable hand guns and assault rifles will
11 receive a \$200 pre-paid card. Now there's another
12 alarming trend I want to draw attention to which is
13 the rise in subway pushings in Manhattan. This is of
14 great concern and causes an enormous amount of fear
15 among transportation, around folks taking that other
16 transportation. In Manhattan last year, there were
17 11 such incidents in spite of dramatically reduced
18 ridership. So far this year, there have been six
19 pushes, putting Manhattan on a pace for between 27
20 and 28 puhsings by the end of this year. In
21 contrast, there were five pushings in 2019 and six in
22 2018. Now, I'm not prepared to offer explanations
23 for this staggering increase, but I do hope that
24 increased ridership on the subways will serve as a
25

1
2 deterrent, and I do hope the City and its leaders, as
3 well as the state leaders will understand the
4 connection between those who may be suffering from
5 mental illness and incidents of crime that occur in
6 our subways. We need to invest in significant ways
7 to help those individuals in our communities who do
8 have a mental illness, and I do believe that is one
9 way we will protect the residents of New York City
10 and its visitors. Earlier, you heard me mention that
11 the pandemic's effect on racial disparities. The
12 pandemic has also, as is the case with my colleagues,
13 created havoc in our court system. In New York
14 County there were approximately 3,500 felony cases
15 awaiting indictment, many of them serious. Now, to
16 address this backlog, we have reviewed every--
17 virtually every non-violent felony case involving
18 people without significant or recent felony records,
19 which amounts to approximately two-thirds of the
20 backlog. We have made attempts to offer dispositions
21 to those cases, about 700 of them. For months, we
22 were without grand juries, as you know, and for the
23 months after that, we have operated with limited
24 capacity grand jurists. To keep this justice system
25 moving forward, we held 298 preliminary hearings

1 during the pandemic. To put that number in context,
2 we probably handled fewer than a dozen preliminary
3 hearings from the five preceding years. Amidst this
4 backlog, our assistants have been diligently working
5 to meet their electronic discovery burdens. In order
6 to comply with the unprecedented evidentiary demands,
7 we ask the City fully fund the positions that were
8 only partially funded in the November 2019 budget has
9 been described by my colleagues. Now, there are two
10 programs that my office has self-funded with
11 forfeiture proceeds today. We will not be able to do
12 so much longer, and they're amazing programs. They
13 are absolutely in line with helping those who need
14 the help the most and focus on prevention of criminal
15 activity. Project Reset and Manhattan Hope--
16 Manhattan Hope was based upon the great program that
17 the Staten Island District Attorney commenced in that
18 county. Now, the Council has supported Project
19 Reset's expansion to Brooklyn and the Bronx, and we
20 are now seeking support to continue the program in
21 all five boroughs. Let me be clear, having gone to
22 and met with many of the young men and women involved
23 in Project Reset, it is a way and an effective way to
24 reduce young men and women who have become criminally
25

1 justice involved or at-risk to turn their lives
2 around without having them become participants in the
3 actual criminal justice process itself: arrest,
4 arraignment, court hearings, and alike. It couldn't
5 be more important to our youth, and I really hope
6 that this Council will, as it has in the past, step
7 up and make sure that that program continues to be
8 funded. Our office launched Manhattan Hope in
9 September 2018, and there were 190 people involved in
10 Hope in 2019 through 2020, 150 of whom who have
11 completed the program and had their cases dismissed
12 or declined to be prosecuted. In addition, to a
13 potential jail bed savings, Manhattan Hope Heals
14 [sic] saving support and police resources. My office
15 requests \$625,000 annually to continue this critical
16 program going forward. Council Members, up until this
17 point, we've been able to use case generated revenue,
18 revenues generated from our investigations and fines
19 and forfeiture that have been achieved by those
20 investigations to support an innovation, but this is
21 not a stable funding source or a long-term solution
22 for addressing baseline salary needs. Specifically,
23 our office requests an additional 12 million dollars
24 in personal services funding to sustain critical
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1
2 activities that we have been self-funding in this
3 office since 2010, including many of the programs
4 that had been city-funded, that have been referenced
5 by my colleagues in their testimony. The Conviction
6 Integrity Unit, which we started and funded in 2010.
7 Our Investigative Unit, which provides-- has provided
8 for the City of New York since the time I've been in
9 office, 1.2 billion dollars directly back to the City
10 of New York in fines and forfeitures as a result of
11 our Financial Fraud Unit's work. Our re-entry work,
12 our work in college in prisons, for example, and many
13 other programs and units that are doing great work
14 that we have been self-funding, but in order to have
15 them to continue to provide work for the residents of
16 New York in the future, we need and ask them to be
17 funded by the City going forward. Eleven years ago,
18 the people of Manhattan granted me this great
19 opportunity to return to the extraordinary office
20 where I began my legal career. It has been my great
21 privilege to represent the people of New York County
22 delivering justice and keeping New Yorkers safe, and
23 leaving behind what I hope is a fairer justice system
24 than the one we inherited. Thank you, Council
25 Members for the opportunity to speak today, for your

1 support, for your commitment to public service, and
2 to our city. And thank you for the continued support
3 of our office.
4

5 COMMITTEE COUNSEL: And thank you. We
6 will now turn to Special Narcotics Prosecutor Bridget
7 Brennan.

8 BRIDGET BRENNAN: There we go. I think
9 we're good. Thank you very much. As Special
10 Narcotics Prosecutor, I am grateful for the support
11 for my office, both my office and the DA's receive
12 from the Council's Committee on Public Safety. Thank
13 you to the Committee Members for your support and
14 your participation today. I've condensed my testimony
15 so as not to repeat the issues that have been already
16 raised by the DAs and are common to all of us. I
17 welcome the leadership and the vision of Chairperson
18 Adrienne Adams, and I look forward to working with
19 you and with the members of the committee on our
20 common goals of protecting city residents and
21 assuring that our criminal justice system is fair for
22 all. As an office we are deeply committed to
23 addressing systemic racism and entrenched inequities
24 which I will describe later in my testimony how my
25 office is addressing this. The Special Narcotics

1
2 Prosecutor, or SNP as we're known, works
3 collaboratively with the DAs to investigate and
4 prosecute felony crimes, narcotics crimes, in all
5 five borough. We handle cases involving sales or
6 possessions of large amount of heroin, fentanyl and
7 cocaine, addictive pills and related crimes. New
8 York City is unique in a way that led to establishing
9 our office, and makes our office as relevant today as
10 it was when it was established. New York City is the
11 only major city in the nation which is divided into
12 five separate counties, each with its own District
13 Attorney empowered to prosecute crimes committed
14 within the borders of each borough. New York City
15 continues to be a hub of international narcotics
16 importation, the same as it was when our office was
17 formulated about 50 years ago. Each drug shipment has
18 a single point of entry through one of the five
19 boroughs, but may be distributed to all five
20 boroughs. SNP was created to address this free flow
21 of narcotics across county lines. The District
22 Attorneys appoint the Special Narcotics Prosecutor,
23 assign Assistant District Attorneys to serve here and
24 oversee all of our wiretap investigations. We were
25 the first to recognize the surge of prescription

1 pills and later deadly fentanyl being sold in New
2 York City street markets. I will tell you that we are
3 seeing more fentanyl coming in today than ever
4 before, and also that methamphetamine, which is also
5 manufactured in Mexico is coming in at a far higher
6 volume than ever before, and we see it masquerading
7 in many forms as Adderall pills, mixed into cocaine,
8 sold as ecstasy, and in other forms. We also remain
9 vigilant and proactive in responding to the
10 connection between violence and drugs. In recent
11 investigations, we have seized numerous semiautomatic
12 weapons and other firearms, and I urge you to read
13 our case summaries at the end of my written testimony
14 for example of the significant impact of our cases.
15 Critically important in our focus is how racial
16 inequity in the criminal justice system has harmed
17 communities of color and what we can do to address
18 it. The nationwide protests in response to the
19 killings of George Floyd and other Black people
20 sparked important and difficult conversations about
21 race, justice and policing in our office as they did
22 across the city and the nation. These events have
23 prompted us to intensely reexamine of our methods and
24 goals in our own criminal justice community. SNP
25

1 staff members were deeply affected, and we are
2 committed to improving our policies and practices to
3 counter systemic inequities in every aspect of our
4 work, and I will discuss how we are doing that later
5 in my testimony. Tragically, as we struggle to end
6 racial inequities and continue to grapple with the
7 COVID-19 pandemic, another deadly health crisis, the
8 opioid epidemic, has dramatically worsened, as you
9 have heard from DAs McMahon and Clark. On average, in
10 New York City, five people fatally overdose every
11 single day. COVID-19 has both overshadowed the
12 opioid crisis and exacerbated it. Preliminary
13 information released by the Department of Health and
14 indicates 26 percent increase in people dying from
15 drug overdoses in New York City in 2020 compared to
16 the previous year, and that's a record high. The
17 epidemic continues to have a disproportionate impact
18 on high poverty neighborhoods, particularly in the
19 Bronx and Upper Manhattan, and fentanyl is the drug
20 most often identified in overdose deaths, and it is
21 mixed in with heroin and cocaine, sold as
22 prescription pills, and puts anyone purchasing drugs
23 on the black market at risk. We employ a strategic
24 approach to address the opioid epidemic and reduce
25

1 violent crime, focusing on four main areas: high
2 level narcotics importation and trafficking; drug
3 activity associated with violence; overdose death
4 investigations; and medical professionals who
5 illegally sell prescriptions. Excuse me. It always
6 happens in the middle of your testimony. Thank you.
7 Thanks for your patience. Over the 20 past years,
8 SNP has overseen some of the nation's most successful
9 major narcotics investigations while at the same time
10 reducing incarceration and promoting drug treatment
11 and proven harm reduction practices. Page six of my
12 written testimony demonstrates this, and you'll see
13 that the number of people my office has sent to state
14 prison in connection with our cases declined more
15 than 80 percent between 1995 and 2018. We continue
16 to refine and modernize our mission, and we're
17 continuing that even today. I'd like to tell you
18 about how we are approaching criminal justice reform
19 in a way that we can accomplish comprehensive and
20 sustained transformation. To sensitize all in our
21 office to the scope and reality of the problems of
22 racism, we invited legal and non-legal staff to
23 participate in small group discussions led by our
24 Chief Diversity Officer to share personal stories and
25

1 reflections. Many talked of experiencing trauma,
2 racism and/or privilege because of their skin color.
3 We subsequently formed a Diversion & Inclusion
4 Committee to explore how we can best respond to
5 systemic racism as an office. But to move beyond
6 mere discussion, and identify and change flawed
7 practices, we broke into individual working groups,
8 which examined topics, such as Legal Practices &
9 Procedures, Education & Training, Alternatives to
10 Incarceration and Community Outreach. The Diversion
11 and Inclusion Committee presented their
12 recommendations to me, and one major area of planned
13 expansion is for us to develop more programmatic
14 supports for those charged with drug crimes
15 regardless of whether they are facing incarceration
16 or whether they have substance use issues. Our
17 office is proud to have been in the forefront of
18 developing alternative to incarceration programs 35
19 years ago. Our programs were aimed at diverting
20 those whose crimes, often street drug sales, were
21 motivated by their own substance use issues. As an
22 alternative to the harsh criminal penalty of the
23 times we offered placement in treatment programs,
24 which helped people recover from substance abuse and
25

1 develop life skills. But much has changed since we
2 launched our pioneering treatment programs, and I
3 fear our office has fallen behind in that area. The
4 New York City District Attorneys have been leaders in
5 developing programs for those whose crimes may be
6 based on issues other than substance use. We are
7 consulting with them and we are expanding criteria
8 for treatment and programmatic eligibility, and we
9 are developing new programs suitable to the
10 individuals we prosecute today. I have no specific
11 funding request for support for this at this time,
12 but we may return to the Council for more funding and
13 an opportunity to explain to you our expansion of
14 diversion. The other diversity and inclusion
15 recommendations that we're following up on include:
16 re-evaluation of our search warrant practices,
17 revision of our training and manuals. As an agency,
18 we have a strong record of rigorously reviewing
19 requests for search warrants, and carefully
20 considering the factual bases for these requests.
21 Because of the care and attention we devote to our
22 search warrant practice, none has resulted in a death
23 or serious injury to an occupant of a premises or a
24 law enforcement officer. However, the death of
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1 Breanna Taylor during a search warrant execution
2 prompted a thorough review of our protocols,
3 particularly with attention to no knock warrants. We
4 are also involved in a careful analysis of whether any
5 of our practices regarding permissible pleas unfairly
6 impact co-defendants, and we are discussing among
7 legal supervisors the best and fairest practices
8 making charging decisions, including how we charge
9 defendants in conspiracy cases. We are also
10 expanding education and community outreach programs.
11 In conclusion, as I said, I won't repeat the
12 information already provided by the DAs, but their
13 request for additional funding with regard to
14 discovery and the huge backlog of cases we face, we
15 face those same challenges. In addition, as I've
16 told the committee, we are seeing a surge in fentanyl
17 and methamphetamine coming into the City and a record
18 number of overdose deaths, and I urge you to warn
19 your constituents about this. Warn them about the
20 dangers of buying any kinds of pills which may be
21 masquerading as legitimate pharmaceutical products,
22 of buying any of those kinds of pills on the black
23 market. It could really seriously endanger their
24 lives. And finally, I too, thank District Attorney
25

1 Vance for his dedication to the people. I started in
2 this office shortly before DA Vance started in the
3 Manhattan DA's Office. Both of us were Manhattan
4 Assistant District Attorneys, and I have seen him
5 develop his career, he's become my boss. I thank him
6 for his leadership, his vision, and for his support
7 and his guidance. And I thank all of you for your
8 attention and I look forward to answering any of your
9 questions. Thank you very much.

11 COMMITTEE COUNSEL: Thank you. I will
12 now turn it over to Chair Adams to begin her
13 questioning. Panelists, we are now going to ask all
14 of you to unmute, and as long as we don't get too
15 much feedback, we will try to keep you all unmuted if
16 possible for the duration of the question and answer
17 period. If for any reason you need to mute yourself,
18 or we need to mute you, please signal to the camera
19 or use the Zoom raise hand function if you'd like to
20 answer a question or a question is directed to you so
21 that we can unmute you again. A reminder to Chair
22 Adams, you will be in control of muting and unmuting
23 yourself during this period. Chair Adams, you may
24 begin.

1
2 CHAIRPERSON ADAMS: Thank you very much.
3 Council Members Deutsch, Gibson, Miller, Powers,
4 Menchaca, and Cabrera. Thank you all so much for
5 your testimony thus far. I really, really appreciate
6 it, and again, its wonderful hearing you and seeing
7 you. Hi Camille. Wonderful seeing you on this Zoom
8 platform as well. Just to note before I start with
9 questioning. A couple of you mentioned funding for
10 the criminal justice reform. So, I just wanted to
11 note just to make it clear to everyone that's
12 listening to this hearing that the Administration is
13 responsible for funding the budget on criminal
14 justice reform, not the Council. So I just wanted to
15 make that clear. And I also just wanted to just ask
16 this question before I get into the nuts and bolts of
17 the budget questioning. You know, every year the
18 DA's come before and I-- you know, in these meetings
19 since I've been elected, the past three years, every
20 year I notice that the DA's do come before the
21 Council with a request, which this year is completely
22 different. The requests are certainly valid, but
23 every year it seems that the Council is asking the
24 DA's for metrics about your caseloads and intake
25 resources, the resources that you need for your cases

1
2 to better understand your cases, but it's my
3 understanding that the Council doesn't necessarily
4 receive that information. So, I'm just going to ask
5 all of you to please commit to producing that data
6 for the Council this time around.

7 DISTRICT ATTORNEY VANCE: Of course.

8 CHAIRPERSON ADAMS: Thank you so much.

9 DA Katz, I'm going to start with you. I think I'm
10 going to get a little bit more generic, because-- our
11 testimony as the newest DA. I know that you came in
12 with a tremendous vision for Queens and for the
13 office. So, since taking office in 2020, you've
14 created several new bureaus and units including some
15 that you mentioned, a Conviction Integrity Unit, a
16 Housing Worker Protection Unit, a Community
17 Partnership Division, and a Cold Case Unit among
18 others. [inaudible] 2021 Executive Budget hearing
19 your office asked for 4.8 million dollars to support
20 the operation of these units. Is this figure still
21 accurate?

22 DISTRICT ATTORNEY KATZ: Well, we
23 actually could use 11 million more. You know, look,
24 at the end of the day you do what you need to do in
25 order to get the job done. Council woman, Madam

1
2 Chair, I'd also like to point out, you know, you
3 asked for some numbers, and I think that's a really
4 fair and important question. Our case load in the
5 last year, even despite COVID, we were able to
6 dispose [sic] of 18,000 cases. In 2020 we responded
7 to 200 homicides, 100 responses to sexual assault on-
8 site. We were able to produce 917,693 documents to
9 defendants, including 41,934 videos all of which need
10 to be gone through as you turn them over for evidence
11 and there's many more numbers that we can give you.
12 Intake was 2,800 cases with 21,000 arraignments. And
13 I say this to put this in context, Madam Chairwoman,
14 Madam Chair. You know, we have all of the everyday
15 issues that keep happening, intake, arraignment,
16 investigations, you know, our prosecutions, all that
17 comes with running a 750-person office, but at the
18 same time-- and I want to put this in context-- as a
19 brand new DA I've developed these additional bureaus
20 of, you know, the CIU, the Bureau of Housing Work
21 Protection, Cold Case, Restorative and Rehabilitative
22 Justice, you know, Far Rockaway Justice Court that
23 we're trying to work with. So we've added all of
24 those bureaus, the Community Engagement which is
25 almost at every meeting. In the community now we

1
2 have a representative. And not to mention the CIU
3 which has already vacated seven convictions. So with
4 all of the additions, we've gotten the same amount of
5 money as last year, which is 75 million, which by the
6 way is \$28 a constituent. So if you put it just in
7 context, it is the lowest amount of money, and for a
8 new DA to start all the bureaus-- because my
9 colleagues are doing great work with their funding as
10 well, and this is not about, you know, that. This is
11 about the fact that as a new DA I had to form all of
12 these new bureaus, all of these new divisions, all of
13 these new policies and programs which were brand new
14 from January 1st, and by the way, hire new executive
15 staff, a lot of ne individuals to run our bureaus.
16 But a lot of the programs and policies were not in
17 effect in 2019, only 2020. So the 4.8 million was
18 criminal justice reform that we got last year. We've
19 used 4.8. We got a few hundred thousand dollars more
20 of that. That's already gone. So, that's what we're
21 asking for which is the 11 million, which will cover
22 a lot of our new programs. It'll cover the Violent
23 Criminal Enterprise Bureau to get the guns off the
24 street, Strategies Unit to make sure that we are
25 doing it right from the very beginning, Community

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2 Partnerships, Criminal Conviction Integrity-- by the
3 way, elder fraud, which we really haven't focused on,
4 which I will tell you the scams out there, we're
5 working every day to make sure that our seniors are
6 safe from so many of the individuals that are trying
7 to take their money in the worst of times. But in
8 addition, making sure that our young people aren't
9 ending up in the system, right? Best criminal
10 justice is when they never end up in front of nay of
11 the DAs that are on the Zoom. And so yes, we are in
12 need for that. I appreciate the question.

13 CHAIRPERSON ADAMS: Thank you, DA Katz,
14 you actually-- you actually answered several of my
15 questions within the one question. So--

16 DISTRICT ATTORNEY KATZ: [interposing] I
17 try. I've been there.

18 CHAIRPERSON ADAMS: I knew you would. So
19 thank you for that. Let's take a bigger look at the
20 picture on state criminal justice reform. So, the
21 November 2019 plan added baseline funding of
22 approximately 35.8 million dollars including 25.7
23 million dollars in PS and 10.2 million dollars in
24 OTPS to support a total of 729 new positions across
25 all of your offices related to discovery and bail

1 reform. Funding added in the November plan was
2 prorated to reflect what was needed for the remainder
3 of the year. However, OMB included the prorated
4 amount in the baseline budget and not in the full
5 fiscal year value. We haven't spoken, or at least I
6 haven't heard a lot of mention of OMB in testimony
7 this afternoon. So, this question is really for all
8 of you and anyone that wants to jump out there and
9 just let us know. What conversations have your
10 offices had with OMB about this?

12 DISTRICT ATTORNEY MCMAHON: If I may,
13 Madam Chairwoman, I can assure [sic] you that our
14 offices talked consistently and throughout the time
15 period with OMB and with the Administration and with
16 your team at the Council, and certainly we understand
17 the budget processes, but are asking for your help in
18 advocating for the full baselining of these funds,
19 because we all agree that we should be following the
20 state-- the letter of the state law of criminal
21 justice reform, but also the spirit of it, and we
22 want to be more transparent. We want to provide
23 those materials, but as you saw in the penultimate
24 budget it was seen that we needed that extra
25 personnel. You know, we went through very long

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2 conversations with OMB, with the Administration, with
3 the Council, MOCJ in particular to establish what was
4 needed, all of the offices did that and we came up
5 with a formula which we thought that if we
6 implemented it and we could meet the goals, the
7 rightful goals of the criminal justice reform. For
8 some reason and, you know, we've all been in
9 different ways involved in city government for many
10 years. I don't know why they only funded 60 percent
11 of what they were supposed to fund. The money was
12 there at the time. We were promised by OMB that the
13 money would be restored in the November plan of 19
14 and November plan of 20, and it wasn't done. We are--
15 - we need your help in advocating with the
16 Administration and with OMB to get that money in
17 there. Otherwise, we will be facing lay-offs, and in
18 my office we were able to efficiently hire most of
19 those people. so we now are facing a budget
20 shortfall of over a million and a half dollars, which
21 for me is considerable, for our office is
22 considerable, but you know, prorated that to my
23 colleagues, it's the same, and we'll be in a deep hole
24 and we will not be able to perform our mandate, and
25 we will not be able to keep the personnel who we

1 worked very hard in this city not to lay people off
2 throughout COVID and the economic fallout from it,
3 and to now be able-- now because we can get this
4 done. So we under-- you know, and thanks for
5 explaining that process to it, but we definitely need
6 your advocacy as you go into the budget and budget
7 negotiations team.
8

9 CHAIRPERSON ADAMS: Thank you, DA
10 McMahon. And I have to just say your testimony was
11 most compelling, and I was going to ask the question,
12 but you answered the question regarding the funding
13 for Violence Against Women Act or the Valor Act, and
14 that has been taken away from your office, which is
15 extremely disturbing, and-- extremely disturbing, so
16 we're going to take a closer look at that as well.
17 That's-- funding in particular. That, and the opioid
18 prevention program, also particularly disturbing the
19 losses there. So, I wanted to mention that also. For
20 DA Vance, your office received a one-time funding of
21 625,000 dollars in Fiscal Year 2021. I think I know
22 the answer to this, but for the record, we're talking
23 about the opioid prevention programming and Project
24 Hope and other programming. Has OMB committed to
25 baselining these funds beginning in FY22?

1
2 DISTRICT ATTORNEY VANCE: Madam Chair,
3 no, they have not, and as I mentioned earlier, these
4 funds relate to Project Hope in particular which
5 started in the great County of Staten Island but is
6 so worthy of program to have in all our counties.
7 It's just-- it's important and it works.

8 CHAIRPERSON ADAMS: Along those same
9 lines, can all of you share with us how participation
10 has been effected by COVID-19 and how your offices
11 are working with DOHMH and MOCJ to keep people
12 engaged?

13 DISTRICT ATTORNEY VANCE: I'm sorry,
14 Madam Chair, I--

15 UNIDENTIFIED: [interposing] We didn't
16 hear you.

17 DISTRICT ATTORNEY VANCE: Didn't hear
18 your question clearly.

19 CHAIRPERSON ADAMS: I'm sorry it's
20 probably because my dog was barking back there. The
21 question was can all of you share with us how
22 participation has been effected by COVID-19 and how
23 your offices are working with DOHMH and MOCJ to keep
24 people engaged in spite of it?

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2 DISTRICT ATTORNEY KATZ: I mean, I'll
3 start if you'd like. I mean, we have a call once a
4 week with MOCJ. We go through everything that is new
5 that is coming down the pipe. We go through all of
6 our stats. We go through exactly what our district's
7 needs, where OCA is, vis a vis the Executive Orders,
8 and we-- when the Health Department is needed it
9 comes on the call as well, but we're in constant
10 contact during COVID. We all had to be. We all had
11 to know exactly the direction our offices go. I
12 mean, at least-- look, in our case, you know, we took
13 care of an incredible backlog when it came to COVID
14 and during the pandemic, but you had to be in
15 constant contact. Like I said before, I mean, even
16 during the pandemic-- you got to look at what happen.
17 Last year, in April, I think it was three to 400
18 cases--

19 UNIDENTIFIED: [cross-talk]

20 DISTRICT ATTORNEY KATZ: that-- I think
21 it was like 21 cases that we had-- I'm hearing
22 background, I apologize.

23 DISTRICT ATTORNEY CLARK: Hello? Am I?

24 DISTRICT ATTORNEY KATZ: I mean, if you--
25 yeah, you're on. Sorry, Darcel.

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DISTRICT ATTORNEY CLARK: Oh, I am? Okay, I'm sorry. I didn't know if you finished.

DISTRICT ATTORNEY KATZ: No, I'll give you an example of something from February. So, in February 3,000 cases were resolved. So last month in our office, because of COVID and because of everything that was in the system, 3,000 of our cases were resolved. In April of last year only 200 cases were resolved. So, the speed in which we've had to work and the conditions in which we've had to work under COVID needed the other agency's input. I think MOCJ has done a good job in coordinating the different agencies as we went through this last year.

COMMITTEE COUNSEL: DA Clark, I believe you wanted to follow up.

DISTRICT ATTORNEY CLARK: I'm getting so confused as to whether I'm unmuted or not or whatever. I think the way that I want to answer that is that COVID, you know, the pause and COVID had a tremendous impact on our engagement with those people who are justice involved, you know, the-- although the number of arrests went down, the backlog is still building up an inventory that we still have to get through. One of the things that would have been--

1 that we were able to do when the courts were fully
2 operational is that our alternatives to incarceration
3 programs we were able to do that. The Bronx Hope and
4 OAR, and you know, all of those programs like that,
5 we were able to do it, but you need the court open.
6 What we had to do is even switch those programs
7 virtually, and we had to wait until the city can help
8 those community-based organizations MOCJ was able to
9 help us with. For example, we used Bronx Community
10 Solutions which is part of the Center of Court
11 Innovation that runs a lot of our diversion programs.
12 So we had to wait for them to provide access to the
13 community so that they could still engage in the
14 programs even virtually because the offices were
15 actually closed. So it took time to start developing
16 that, but we were able to do it. The other thing is
17 now with the Executive Orders and everything else,
18 these are-- a lot of these cases are the
19 misdemeanors. Now, they're done by the Desk
20 Appearance Tickets, and those dates are pushed out
21 much further than what we originally planned in the
22 criminal justice reform. Before, it was 20 days that
23 we have to start processing them. Because of COVID
24 they've been pushed out 120 days. I think now
25

1 they're 90 days, and we're back to having thousands
2 and thousands of misdemeanors piling up before we
3 could even review them in order to see if they're
4 viable in order to offer any type of alternative to
5 incarceration. So, we have to basically wait until a
6 case is almost calendared in order to put all of that
7 into effect. So we had to re-create the way we were
8 able to do it, try to get through the DATs sooner,
9 but it's impossible because there are so many cases
10 now. But at least things are starting to open up.
11 Thank God for the vaccine. Center for Court
12 Innovation is now reopening. They figured out
13 virtual solution, but now the in-person solutions are
14 also happening, but it's-- [inaudible] getting
15 through all of the backlog of the cases to see which
16 ones are viable or not, and that causes a disconnect
17 because the urgency and the immediacy of substance
18 use disorder person being connected to those services
19 right when they're arrested has been taken away, so
20 now we're losing the fact that people are able to be
21 connected to the services that they need. So, you
22 know, again, we had to think outside the box to
23 figure out ways for us to get them those resources
24
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1
2 sooner now that COVID has pushed everything out
3 further.

4 DISTRICT ATTORNEY VANCE: Madam Chair, in
5 Manhattan-- in Manhattan, we've experienced what
6 you've heard from the other counties, but I also want
7 to say that our working with OCA and the Department
8 of Health, I think that working relationship has been
9 excellent. In terms of helping us work with OCA and
10 with representatives in the weekly call that DA Katz
11 described, it's been a very close connected
12 relationship, and particularly during the time when
13 we were trying-- we're very focused on reducing the
14 Rikers Island population and we were having multiple
15 calls a day between those three agencies and others
16 trying to make progress, which I believe that we did
17 make at the time. I know 45 percent reduction of
18 population in Rikers Island and that was really a
19 collaborative work between the agencies you
20 described, and so far I think it's worked. It's
21 worked, you know, as well as it could work in an
22 absolute crisis for which we were, at the time,
23 completely unprepared.

24 CHAIRPERSON ADAMS: DA Vance, I'm just
25 going to hop on top of that. You shared with us a

1 lot in your opening testimony, and can you share with
2 the committee what your final goals are for your
3 office and what you hope to accomplish before you
4 depart?
5

6 DISTRICT ATTORNEY VANCE: Before I
7 depart, I don't want to look backwards or I might go
8 on too long. I have some major investigations which
9 need to have my full attention over the next nine to
10 10 months, and there are so many things that go on in
11 the Manhattan DA's Office from large scale financial
12 fraud investigations to cyber to all the range, so I
13 still meet with the help of Nick Savora [sp?] who is
14 now my new Chief Assistant to manage the office
15 responsibly in these next months and to have the
16 assistance and my law enforcement partners and my
17 government partners know that I am fully engaged in
18 this-- fully engaged daily until the end of this
19 year. Among the most important functions I think I
20 could perform is around helping to return our
21 operations in the office from COVID-19 back into
22 something that hopefully is something like normal. I
23 must say that all of us were overtaken at the
24 beginning by the dislocation caused by COVID-19, but
25 also we're also overtaken internally by the emotions

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and the realization that our criminal justice system needed serious help in restoring the confidence of the public in its operations to be a fair and unbiased system. George Floyd's death last summer combined with the COVID situation has put all our offices and I think all agencies in real strain and we-- my aim, Madam Chair, is to come out of this year with the office in better shape than it was in 20-- even when we were in 2019 when I thought we were doing well.

CHAIRPERSON ADAMS: Thank you very much. I'm going to probably come back for another round. I'm going to let my colleagues get in here. I know that I see several hands up, so I'm going to-- [inaudible] Counsel to get the questions from my colleagues. Thank you.

COMMITTEE COUNSEL: Absolutely. Again, to all the Council Members, please use the Zoom raise hand function if you'd like to ask a question. We have a few lined up. We will begin with Council Member Rodriguez followed by Council Member Rosenthal and Council Member Miller.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER RODRIGUEZ: Thank you.

1 First of all, thank you to everyone. I know that
2 it's very challenging for all you, you know, to do
3 the work in a city where one thing is the role that
4 we play as legislators, the other one is the work
5 that, you know, the men and women do, the NYPD, and
6 you guys had to, you know, make those cases. And I
7 know that it's difficult, and I think that at the end
8 of the day, you know, what we hope is that we can
9 take our city, when it comes to legal system to be in
10 a better place. You know, we cannot drink the Kool-
11 Aid and think that we have fixed everything. I feel
12 that we have to live in a-- in two system when it
13 comes to the opportunity for someone that is black
14 and Latino and doesn't have the resources to have a
15 top law firm to represent them to be able to how they
16 say "our fair share you know, when they go through
17 the system. But you know, I know that all of you
18 guys have a big heart and you try to do the best you
19 can. You know, I have a question to Brooklyn DA Eric
20 Gonzalez, and again, I'm more than happy to follow up
21 with you and your team, and this is about cases
22 related to people that they had said that they had
23 made a case that's been doing times in jail, even
24
25

1 those supposedly based on information that some of
2 them have share, even proven that they've been
3 serving time for crime that they did not commit. So
4 in this particular case, I know that I'd been
5 approached by someone that said they had 30 years for
6 something that he was charged in Brooklyn, and he
7 started conversation with a former DA Johnson [sic]
8 but they've been trying to continue conversation to
9 see how they can get meetings and present the details
10 about a particular case, again, that I'm more than
11 happy to follow with your team to see if we can get
12 some time in your schedule, some other lawyers. They
13 even have someone from the FBI and other agencies
14 that based on what they shared with me, they're ready
15 to come and present why the person is innocent for a
16 crime that he had not committed and he been doing 30
17 years in jail. So, how can we remove those type of
18 process? You know, why we saw a lot of action in the
19 [inaudible] and why we have not seen more activities
20 going on related to identified cases of innocent
21 people doing time in jail?

22
23 DISTRICT ATTORNEY GONZALEZ: So, I
24 welcome the lawyer to call the office and schedule a
25 conversation with our nationally recognized

1 Conviction Review Unit. It's among the finest in the
2 country. We've exonerated in the last six years 29
3 people. I've exonerated 12 people since I've been
4 the DA, and I look forward to having the
5 conversations regarding, you know, the process by
6 which we look at these cases. But I welcome the
7 case. If you want to give me the name of the case,
8 we'll reach out to the attorney.

10 COUNCIL MEMBER RODRIGUEZ: Yeah, I will.
11 I will pass it. And again, all I have is a lot of
12 good things to say. I know that you guys were very
13 helpful when we were dealing with that hit and run,
14 but i-- so I know that only you but all of you guys,
15 you know, want to do the best you can to these type
16 of cases. So we will follow to be sure that we
17 connect with their lawyer. I'm not a lawyer, so I'm
18 not pretending to say that anyone is innocent, but at
19 least to be sure that we have an opportunity to
20 connect those cases with you. But I know that, you
21 know, I will follow with your team. The other
22 question is to the Manhattan DA Cy Vance. Cy, first
23 of all, you're liking [sic] whatever you were doing.
24 Your future, I know that even though [inaudible] when
25 it comes to things that we did in Manhattan, we also

1 had the support. We had a lot of [inaudible]
2 including to open the satellite office. How, in the
3 time that you have left and you continue working to
4 connect more local youth group with the resources
5 that you'll be able to reinvest in our community, but
6 the one that we brought to northern Manhattan has
7 been only given to [inaudible] New York private [sic]
8 students [sic]. So, is there any chance to also
9 connect other local group to the resources that the
10 DA's in Manhattan is able to provide to them?

11
12 DISTRICT ATTORNEY VANCE: Good afternoon,
13 Council Member. It's nice to see you. We-- I

14 SERGEANT AT ARMS: Time expired.

15 DISTRICT ATTORNEY VANCE: I think our-- am
16 I on folks?

17 COMMISSIONER CARLSON: Yes.

18 DISTRICT ATTORNEY VANCE: Okay, sorry.
19 Council Member, our office has had I think an
20 enormously robust outreach to young men and women
21 throughout Manhattan since 2010. We started with one
22 gym in northern Manhattan which we opened in our
23 Saturday Night Lights Program because it was closed
24 on Friday's and Saturday's providing programming for
25 young men and women back in 2010. It's not 20 gyms

1 around the city, but during COVID that program
2 [inaudible] to have been remote and therefore not as
3 robust as it would have. we've also, I think as the
4 Council Member knows, through our criminal justice
5 investment initiative opened five-- as part of a 250
6 million dollar investment in our local communities,
7 grassroots, 50 not-for-profits with many in northern
8 Manhattan in an effort to support outreach to young
9 men and women and their families as well as citizens
10 returning from state prison to their communities as
11 well as helping special victims, particularly
12 vulnerable victims. So, I think, Council Member, in
13 my remaining time we are going to, as we hopefully
14 open up these programs again for in-person outreach,
15 be able to be as visible as we were before-- as
16 before COVID-19 started.

18 COUNCIL MEMBER RODRIGUEZ: I definitely
19 think that there's much more that can be done. I
20 have a lot of respect for the institution under your
21 [inaudible] but when I saw that all the money that
22 has been given to them to distribute I have issue
23 when there's a local small not-for-profit, that they
24 have struggled to survive, but they connect the youth
25 with a lot of program that they do in the community.

1
2 But again, nothing [inaudible] I understand it, but I
3 hope again as resources are re-invested in the
4 community, I hope that the smallest not-for-profit
5 also gets some of those resources.

6 DISTRICT ATTORNEY VANCE: Well, and
7 Council--

8 COUNCIL MEMBER RODRIGUEZ: [interposing]
9 My last piece, again, a concern. In the same time to
10 the Manhattan DA also. We in northern Manhattan also
11 are going to be following with your local team, we
12 need help. there was a case of a young lady been a
13 victim of domestic violence, but a person that had
14 more than 30 arrests, in previous arrest, most of
15 them involving fights with men and women the NYPD, 30
16 arrests, a person-- that particular person is
17 starting molesting and hitting the person-- that
18 young lady when she was 16 when she was in high
19 school. I know that two weeks ago when that person
20 was put in custody, and we've been trying to do the
21 best we can so that, you know, those individuals that
22 have that record and fortunately, you know, violating
23 any type of protection should also be again, like you
24 know, taken more seriously than what they had been.
25 And again, I'm more than happy to follow with your

1 team, but I just hope again that in that case and
2 many cases that issue related on domestic violence
3 needs to get-- you know, be tougher.

4
5 DISTRICT ATTORNEY VANCE: Council Member,
6 of course, we will welcome speaking with you about
7 the case you're referring to. I don't know the name
8 of the individuals involved, but when we started our
9 Family Justice Center here in 2012 I think we made
10 clear our commitment to provide survivors of domestic
11 violence and other crimes against special victims is
12 an important part, an important priority for the work
13 that we do in our office. You've been a leader in
14 this area. I appreciate your leadership, and I will
15 appreciate the opportunity to work with you to
16 address your specific concerns, and our Chief
17 Assistant will reach out to your office and make sure
18 the connection is made.

19 COUNCIL MEMBER RODRIGUEZ: Thank you.
20 Thank you to all of you guys. Great job [inaudible].

21 COMMITTEE COUNSEL: Thank you, Council
22 Member. Next up will be Council Member Rosenthal
23 followed by Council Member Miller.

24 SERGEANT AT ARMS: Time starts now.
25

1
2 COUNCIL MEMBER ROSENTHAL: Thank you so
3 much. Thank you Chair Adams for this terrific
4 hearing and thank you to all the DAs for the work
5 that you do. I'm going to ask the same question of
6 everyone. It has four parts, but if the answer is no,
7 no, no, no, that's totally fine, and in fact I'd
8 prefer the answer be yes, no, [inaudible], very
9 short. I'm not looking for explanations, okay? So,
10 the question is about using trauma-informed
11 questioning in the Sex Crimes Unit, and whether or
12 not your ADAs have been trained in trauma-informed
13 questioning. Here are the subparts: Which one do
14 you use? How many hours or days is the training?
15 When was the last time they got trained? And how
16 many ADAs have been trained? In other words, is it
17 everyone in the division or half the division,
18 something like that? Happy to start with anyone
19 who's on? Anyone can just start if you like.
20 [inaudible] McMahon, but I don't see him.

21 DISTRICT ATTORNEY VANCE: Council Member?

22 COUNCIL MEMBER ROSENTHAL: Yes, go ahead.

23 DISTRICT ATTORNEY VANCE: The answer is
24 yes with regard to FETI training.
25

1
2 COUNCIL MEMBER ROSENTHAL: You do FETI,
3 okay.

4 DISTRICT ATTORNEY VANCE: And that has
5 been provided initially to the members of our
6 specific Sex Crimes Unit. It was then expanded to
7 provide to the entire office, because we believe that
8 the learning, that it was applicable not just to sex
9 crimes cases but to other aspects. But in terms of
10 the frequency of those trainings and when the last
11 one was. I don't have the answer. I can get it to
12 you, but--

13 COUNCIL MEMBER ROSENTHAL: [interposing] I
14 think it was 2018. And thank you, perfect. Next DA?
15 DA McMahon?

16 DISTRICT ATTORNEY MCMAHON: Yep, thank
17 you Council Member [inaudible] last year, the entire
18 Special Victims Bureau and the-- most of the Domestic
19 Violence Bureau, ADAs were trained through FETI, and
20 the [inaudible] Victim Advocates, and I can get you
21 more detail on that, but it's a very good question.
22 Since coming into office, you know, we also had to
23 get people in our office trained in that, and that's
24 something that's very important, and as we all know,
25 through reports from [inaudible] the Special Victim's

1 Bureau of-- the SVS [sic] of the Police Department,
2 we also work with them to make sure that their
3 training is up to speed as well, because everybody
4 who deals with victims of sexual assault to be
5 trained on--

6
7 COUNCIL MEMBER ROSENTHAL: [interposing]
8 when was the last date that you did the training?

9 DISTRICT ATTORNEY MCMAHON: I will get
10 that for you. I know it was in 2020, but I will get
11 that for you, I believe. I'll get that information
12 for you. I don't have that in front of me, but
13 certainly COVID has made [inaudible] trainings, but
14 we'll get that for you.

15 COUNCIL MEMBER ROSENTHAL: In how many
16 days? And I appreciate your getting that back.

17 DISTRICT ATTORNEY MCMAHON: You got it.

18 COUNCIL MEMBER ROSENTHAL: Thank you.

19 Anyone else?

20 DISTRICT ATTORNEY CLARK: Hello?

21 COUNCIL MEMBER ROSENTHAL: Yes.

22 DISTRICT ATTORNEY CLARK: Okay, hi. DA
23 Clark. Good afternoon Council Member Rosenthal.
24 Yes, we absolutely have our staff trained. We have
25 done the FETI training as well. It started with our

1 Sex Crimes ADA. I know domestic violence has also
2 been trained. We have a Crime Victim's Assistant
3 Unit that they also then train, and then we also
4 opened it up to other trial assistants that do the
5 work with victims. Do we have how many hours? So
6 we've had not only FETI but other trainings as well,
7 and it can be anywhere from 16 hours to two weeks
8 training. We've had multiple ones. When was the
9 last one? Ongoing training. July of 2020 was the
10 last time. I don't know how many total. I mean,
11 that's a lot of-- we have a whole Crime Victims
12 Assistance Unit that's made up of advocates,
13 therapists and everything. They were trained--

14
15 SERGEANT AT ARMS: [interposing] Time
16 expired.

17 COUNCIL MEMBER ROSENTHAL: Madam Chair,
18 if I could just ask that DA Gonzalez and DA Katz have
19 a comment to answer the question.

20 DISTRICT ATTORNEY GONZALEZ: Alright, so--
21 - I'm sorry, I was calling you DA Rosenthal. Council
22 Member Rosenthal, nice seeing you. We also use the
23 FETI training. We-- it's ongoing training in our
24 office. Our Specialized Units are trained in it,
25 which you know, Special Victims, Domestic Violence,

1 and our unit that works with children including our
2 Special Victims Counseling Unit. They're all
3 trained. The level of training depends on the bureau
4 with social workers and other people having taken the
5 longer course. Some of our Special Victims ADA's
6 have taken the two-week course, and all of our ADAs
7 that deal with, you know, specialized cases like at
8 the very least have taken the two-day training which
9 was done through the Mayor's Office.
10

11 COUNCIL MEMBER ROSENTHAL: The last date?

12 DISTRICT ATTORNEY GONZALEZ: Well, the
13 ongoing training has been done throughout the year
14 through CLEs that we do in our office, but the last
15 date that we did the training was probably in 2020. I
16 don't believe that we had one in the last six months.

17 COUNCIL MEMBER ROSENTHAL: Great. That
18 was for FETI?

19 DISTRICT ATTORNEY GONZALEZ: Yes. That
20 was the two-day, I believe the two-day training, but
21 that's a limited training. That's only a few hours
22 for the two days.

23 COUNCIL MEMBER ROSENTHAL: Right.

24 DISTRICT ATTORNEY GONZALEZ: Not the 16
25 hour course.

1
2 COUNCIL MEMBER ROSENTHAL: And how
3 recently did they get the two-week FETI?

4 DISTRICT ATTORNEY GONZALEZ: I would have
5 to get that answer to you.

6 COUNCIL MEMBER ROSENTHAL: Okay, great.
7 Thank you. And then DA Katz, I could tell you were
8 driving, so if you don't have everything, I don't
9 want you to have to multitask.

10 DISTRICT ATTORNEY KATZ: Driving and I
11 have-- it's pick up time for-- hold on. It's pick up
12 time for children, too, so I apologize. So with
13 trauma aware [sic] survivor informed training, all of
14 our ADAs are trained clearly in our SVB [sic] Bureau
15 to some extent and our domestic violence. We all
16 [inaudible] every year. The last time we did his TLE
17 [sic] was-- I think it was about four months ago. We
18 also work with Family [inaudible] Center which takes
19 care of-- you know, that works with us on all our
20 victims of child abuse, and they have their own set
21 of training parameters as NELP [sic]. We formed our
22 own sexual violence Special Victims Bureau. It was
23 not its own bureau when I got here. I wanted it as a
24 separate bureau. I raised [inaudible] the Chief,
25 from Deputy Chief that's there now, and our training

1
2 is very specific and we have many cases that go
3 through there, and we work in conjunction with the
4 Family Justice Center.

5 COUNCIL MEMBER ROSENTHAL: Okay, and you
6 were-- do you do the FETI training or some other
7 model?

8 DISTRICT ATTORNEY KATZ: I think we used
9 Training Awareness Survivor Informed Training. I
10 believe we used FETI, but I have to get back to you
11 on the facts.

12 COUNCIL MEMBER ROSENTHAL: Okay.

13 DISTRICT ATTORNEY KATZ: The forensic one
14 I'll get back to you.

15 COUNCIL MEMBER ROSENTHAL: Yeah. So, I'm
16 pretty sure, just for everyone, that the FETI
17 training was discredited into 2018, and there are a
18 couple other ones that I think are more respected
19 right now. One, for example, is called Being Trauma
20 Informed. So you could just Google Being Trauma
21 Informed, and I'd be curious to know what you think
22 about that one. It's longer. Thank you so much.
23 Really appreciate it. Appreciate you, Chair. Thanks
24 for letting me go over.

25 DISTRICT ATTORNEY VANCE: Council Member?

COUNCIL MEMBER ROSENTHAL: Yeah.

DISTRICT ATTORNEY VANCE: Just to update, we had-- we have done-- we most recently Trauma Informed Training by the New York City Alliance Against Sexual Assaults in January of this year for the Sex Crimes Unit for the Special Victims Bureau, which is a larger group of prosecutors dealing with vulnerable victims as well as our Witness [sic] Head [sic] Services Unit.

COUNCIL MEMBER ROSENTHAL: And how long did that last?

DISTRICT ATTORNEY KATZ: And all--

DISTRICT ATTORNEY VANCE: That I can't tell you at this time.

COUNCIL MEMBER ROSENTHAL: Got it. Thank you.

DISTRICT ATTORNEY KATZ: And also as an update, my SVB Chief just texted me. We do not use FETI. We formed our own through different experts in training.

COUNCIL MEMBER ROSENTHAL: Great.

DISTRICT ATTORNEY KATZ: My SVB, Chair, I apologize, since COVID he is home answering these questions at the same time.

1
2 COUNCIL MEMBER ROSENTHAL: Tell him thank
3 you--

4 DISTRICT ATTORNEY CLARK: [interposing]
5 And Council Member Rosenthal, we have also been
6 trained in Being Trauma Informed. We've done that as
7 well. Do you know when we did it? I have to check
8 when we did it, but we have done that one as well.
9 So we've done more than just FETI, and we're in the
10 process of getting certain training, up to the last
11 two components so that we'll be also able to train
12 ourselves once we get enough of the outside training
13 that we-- it's a train the trainer type thing so that
14 we can do it in-house, because a lot of these things
15 are very expensive as well. So in order to train our
16 system-- we would like them all to have it, but we
17 just can't afford it.

18 COUNCIL MEMBER ROSENTHAL: Yeah, yeah.
19 And I think Queens or-- I'm sorry, whoever said they
20 had reached out to the Alliance, DA [inaudible]. That
21 could be an approach as well.

22 DISTRICT ATTORNEY CLARK: Right.

23 COUNCIL MEMBER ROSENTHAL: They do a
24 modified something, something.

1
2 DISTRICT ATTORNEY GONZALEZ: Council
3 Member, if I may, I just got the answer the last time
4 we did training was in January of this year. 2021 we
5 had a class of laterals that were trained in it.

6 COUNCIL MEMBER ROSENTHAL: In what?

7 DISTRICT ATTORNEY GONZALEZ: The FETI.

8 COUNCIL MEMBER ROSENTHAL: Okay, and
9 January, and how long was the training?

10 DISTRICT ATTORNEY GONZALEZ: Well, we
11 have a person that came to our office that we hired
12 from the Mayor's Office who does the training. I
13 think it was an all-day training. These are not
14 people who specialize in special victims, but this is
15 additional training for all of our staff so that
16 those who are going to our ECAD [sic] Bureau would
17 have some background in how these interviews go.

18 COUNCIL MEMBER ROSENTHAL: You know,
19 again, Chair, I really-- I can either give it back to
20 you or make one more sentence. Your call either way.

21 CHAIRPERSON ADAMS: I'm going to go ahead
22 and give the leeway, Council Member Rosenthal.

23 COUNCIL MEMBER ROSENTHAL: Thank you,
24 Chair. I appreciate it. Listen, if we want to be
25 successful in convicting the perpetrators, the ADAs

1 have to be trained in trauma-informed questioning.
2
3 The best ones are six-- last 16 days, and I know
4 that's a long time, but without it you really-- it's
5 hard to get the answers you need to prosecute a case,
6 and it's true for the NYPD, which has not done a FETI
7 training since 2018, and obviously it's true for all
8 of y'all as well. I appreciate everything you do on
9 behalf of sexual assault victims, but if we want to
10 succeed and given that what, two, three, six percent
11 of cases actually get, you know,-- I don't know what
12 getting justice means, but where there's a conviction
13 and prison. Let's at least, you know-- I think it's
14 worth the 16-day training. It's a meaningful-- it
15 makes a meaningful difference. So, I really-- I
16 can't tell you how much I appreciate all y'all, and I
17 want to leave it on that note, that I really
18 appreciate all the work you do. I know how hard it
19 is, and thank you Chair Adams for giving me an extra
20 moment.

21 COMMITTEE COUNSEL: Thank you very much,
22 Council Member Rosenthal. We had Council Member
23 Miller on the list. Council Member Miller, would you
24 still like to ask questions? I see your hand is
25

1 down. I don't believe we still have Council Member
2 Miller, so we'll turn it back to the Chair.

3
4 CHAIRPERSON ADAMS: Okay. Thank you very
5 much, Counsel. I think we're ready to go onto public
6 testimony.

7 COMMITTEE COUNSEL: Thank you very much
8 to all the DAs and the Special Narcotics Prosecutors.

9 DISTRICT ATTORNEY KATZ: Thank you.

10 DISTRICT ATTORNEY VANCE: Thank you very
11 much.

12 CHAIRPERSON ADAMS: Thank you all.

13 UNIDENTIFIED: Thank you.

14 COMMITTEE COUNSEL: We will now turn to
15 public testimony. I'd like to remind everyone that
16 unlike our in-person council hearings, we'll be
17 calling on individuals one-by-one to testify. Each
18 panelist will be given three minutes to speak.
19 Please begin your testimony once the Sergeant has
20 started the timer. Council Members who have
21 questions for a particular panelist should use the
22 Zoom raise hand function, and I will call on you in
23 the order you raised your hand after the panelist has
24 completed their testimony. Council Members, you'll
25 have a total of five minutes to ask your question and

1 receive an answer from the panelist. For panelists,
2 once your name is called a member of our staff will
3 unmute you, and the Sergeant at Arms will set the
4 timer then give you the go ahead to begin. Please
5 wait for the Sergeant to announce that you may begin
6 before delivering your testimony. Please bear with
7 us for one minute. We're going to cue up the
8 panelists. The first two panelists will be Chris
9 Kwok followed by Shane Correia.
10

11 SERGEANT AT ARMS: Time starts now.

12 CHRIS KWOK: Hi. This is Chris Kwok. Is
13 it my turn?

14 COMMITTEE COUNSEL: Yes, it is.

15 CHRIS KWOK: Okay, great. Chair Adams,
16 it's a pleasure to see you again. Thank you so much
17 for having these hearings. My name is Chris Kwok.
18 I'm a Board Member with the Asian American Bar
19 Association of New York and I'm here to speak about
20 the importance of funding a Anti-Asian Hate Crimes
21 Bureau within the DAs Office across the City with a
22 particular focus, I think, on Queens and Brooklyn and
23 Manhattan where there are large populations of Asian
24 Americans that are experiencing increased waves of
25 violence and harassment. I think back actually to an

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2 example back in the 70s. There was a wave of Chinese
3 gang violence, and the immediate response was to fund
4 the police and also an Asian Jade Squad which was to
5 sort of like, you know, catch Chinese gangs and sort
6 of like suppress that and to eliminate that danger to
7 the public order. A great deal of resources were put
8 to that and I don't think anyone sort of opposed that
9 elimination of that element within China Town and
10 Asian American community. I look at that as a model
11 because eventually it came and went. It was
12 successful in the elimination of Chinese gangs. But
13 now there is sort of a problem slightly in a
14 different direction, that there is, you know, sort of
15 anti-Asian harassment and violence. I think there is
16 a need now to put resources as well towards
17 protecting Asian Americans from that, and why-- I do
18 think that the existing Hate Crimes Bureaus, once
19 again, do need resources both linguistic and cultural
20 in dealing with Asian American populations. In
21 Queens we have seen a lack of prosecutions for hate
22 crimes, you know, when there is evidence to indicate
23 such, and there is a lack of understanding of the
24 Asian American population starting with the example
25 in Queens, the attack in Flushing, which I think many

1 of us saw on video, the woman pushed to the ground,
2 10 inches on her-- 10-inch scar on her forehead, a
3 disfiguring scar. That was charged as a misdemeanor,
4 an assault in the third degree, not as more serious
5 second degree assault. The attacker, you know,
6 recounted exactly what he said to the New York Times
7 a couple of weeks after he was arraigned, or arrested
8 and charged. He said, "This is not China. This
9 coronavirus get away" you know, sort of language that
10 would certainly indicate, you know, a hate crime, but
11 no action from Queens DA on that front. So, I think
12 that there's a great need for resources, attention,
13 and understanding, and you know, that is why we felt
14 the need to come here today to ask for that idea to
15 begin here, at least for the time in which we have
16 seen increased violence and harassment directed
17 towards Asian Americans. I want to thank you for
18 your attention, and I appreciate--

20 SERGEANT AT ARMS: [interposing] Time
21 expired.

22 CHRIS KWOK: Thank you.

23 COMMITTEE COUNSEL: Thank you very much.

24 Next up will be Shane Correia followed by Tanesha
25 Grant.

SERGEANT AT ARMS: Time starts now.

SHANE CORREIA: Hi, good afternoon.

Thank you, Chair Adams and members of the New York City Council. In the time that I have to discuss with you today some of the Center's priorities, I'd like to start with talking about pre-arraignment diversion which was a topic mentioned by several of the District Attorneys. Currently, City Council funds pre-arraignment diversion in only Bronx of the outer-boroughs where last year in Fiscal Year 20 it was funded in part by the Administration. Unfortunately, due to the pandemic it was discontinued as of October of last year, and the only boroughs that currently have access to pre-arraignment diversion which prevents unnecessary bench warrants is the Bronx and Manhattan. In the points of agreement, while pre-arraignment diversion is mentioned, there is no date as to when it is due to start. And so as one of the providers of this service, we urge the city to help us bring this service back to diverting low-level New Yorkers throughout. And thinking of the other end of the spectrum in terms of serious crime, we also thank the Council for its support on our Brooklyn Felony Alternatives to Incarceration Program. So far, in

1
2 its second year of running it has helped divert 70
3 people from jail placement, and we're seeing that
4 there are increased needs that we get to address with
5 them in community as opposed to in Rikers Island.
6 Specifically, 90 percent of them are flagging for
7 mental health needs, and depending on the boroughs,
8 11 to 25 percent of them are flagging as homeless.
9 Despite these facts, 89 percent of our clients are in
10 compliance which means that they can be safely served
11 in community while avoiding their placement in a jail
12 facility. Next, I'd also like to bring Council's
13 attention to the Innovative Criminal Justice
14 Initiative. This is an initiative that was cut in
15 half last year due to the realities posed by the
16 COVID budget epidemic. Because of these hard
17 decisions, we of course focused on our community's
18 immediate needs, focusing on housing stability,
19 mental health responses and domestic violence
20 programming, but due to these cuts we had to pull
21 back on other programs such as child trauma support,
22 DWI screenings during a year when traffic safety
23 deaths have reached their highest numbers since the
24 start of Vision Zero, and supplements to gun violence
25 programs which allows us to serve beyond the

1 catchment area that are provided by the Crisis
2 Management System. Finally, as we discuss
3 approaching gun violence, I also wanted to bring
4 Council's attention to the component of the Mayor's
5 Action Plan serving NYCHA housing that has some of
6 the most dangerous crime statistics in terms of gun
7 violence and how residents are engaged. Next year,
8 in Fiscal Year 22, so July of the upcoming year, the
9 Neighborhood Safety Initiative which connects
10 residents directly with administration officials to
11 meet the needs that are identified by community
12 residents in NYCHA housing will lose funding in the
13 developments that we helped support. And so while
14 focusing on the other aspects of public safety, we
15 would like Council to continue to support, this means
16 connecting these communities directly with government
17 officials. Thank you so much for your time and
18 looking forward to working with you over the coming
19 year.
20

21 COMMITTEE COUNSEL: Thank you. Next up
22 will be Tanesha Grant followed by Kaleel Smalling
23 [sp?] followed by Towaki Komatsu.

24 SERGEANT AT ARMS: Time starts now.

25 TANESHA GRANT: Hi, can you guys hear me?

COMMITTEE COUNSEL: Yes.

TANESHA GRANT: Hi, my name is Tanisha Grant. I am CEO of Parents Supporting Parents New York, and I just wanted to come on here and say about public safety. The police have never made me feel safe. If anything they have criminalized the people in our communities, and I'm very, very concerned that with the rise in Anti-Asian hate that it will be taken out on the black communities and will be a way for the police to further criminalize black people. I think that it's time for us to say the truth and not just talk about the anti-Asian hate but also talk about the black people in this city that have been discriminated [sic] against by the police for a very long time, and I also think it is very disrespectful to keep saying George Floyd's name like there wasn't an Eric Garner, like there wasn't an Icarly [sic] Gurly [sp?], like there wasn't a whole bunch of people that are black in New York that have been totally harmed by the police. So when I think about - so when we think about public safety, we really have to understand that the people who live in these communities that are overly policed and criminalized by the police, it does not make us safe. It makes us

1 fear for our lives. It makes me keep my 14-year-old
2 son in the house because he's a black boy. And so
3 you're a black mother and you have to keep your black
4 son in the house because you're scared that the
5 police will kill them, it's a different type of
6 feeling. So I think that we need to be truthful. We
7 need to hold up the truth, and we really need to stop
8 the harm that has come to our communities under the
9 disguise of community protection. Thank you.

11 COMMITTEE COUNSEL: Thank you for your
12 testimony. Next up will be Kaleel Smalling [sp?]
13 followed by Towaki Komatsu.

14 SERGEANT AT ARMS: Time starts now.

15 KALEEL SMALLING: Hello? Hi. Sorry,
16 give me one second. Bringing up my testimony. My
17 name is Kaleel. I'm a resident of New York State and
18 member of New York City Chapter of Democrat Socialist
19 America. On May of 2016, I arrived back from my
20 junior year of college. I was a victim of NYPD's
21 excessive predation they call policing. On my way
22 home or hanging out with the roommate my bag had
23 broken on the four train and the last leg of my
24 journey and I overslept on the bus walking home,
25 clutching my bag against me. An unmarked black car,

1 NYPD vehicle, rolled up on me, stalking me like prey.
2 I didn't know who was in the vehicle. It was late
3 and so I accelerated. I walked faster and the car
4 followed me, and ended up starting a chase where the
5 car weaved in and out trying to catch me, finally
6 knocking me down and officers came out displaying
7 their badges. My smartphone was broken in the chase.
8 The reason for their spectacle was because I looked
9 suspicious with my broken bag. I did not feel safe.
10 In fact, NYPD made me feel less safe. This is why
11 I'm urging the City Council to end qualified immunity
12 for police officers and strip Commissioner Shea and
13 his successors of final disciplinary authority. So
14 while the Department exists there is at least some
15 form of accountability, but we also need real safety,
16 not more policing, a budget that represents our
17 city's priorities. It's time we divest from an
18 institution that preys on young black men like myself
19 and invest in our community. The Council should
20 urgently redirect funding from the NYPD and to
21 expanding funding for municipal services in this city
22 that actually makes our community stronger and safer.
23 I yield my time.
24

1
2 COMMITTEE COUNSEL: Thank you for your
3 testimony. Next up will be Towaki Komatsu, and then
4 if there are any other members of the public whose
5 names have not been called who wish to testify,
6 please use the Zoom raise hand function.

7 SERGEANT AT ARMS: Time starts now.

8 TOWAKI KOMATSU: Hi. I'm Towaki Komatsu.
9 I previously testified in your hearings. There ws
10 another hearing last week that I was illegally
11 prevented from testifying in. That was conducted by
12 the Public Safety Committee, mainly because the fact
13 that Ms. Adams chose to violate the agenda for that
14 hearing. I got some audio recordings from the CCRB
15 on Friday that essentially concern that the Mayor's
16 Head of Security illegally kept me out of public
17 meetings in 2017, that benefitted the Mayor, members
18 of City Council, and other government personnel. So
19 I'm going to acquire [sic] the federal judge of that
20 in the next 48 hours to essentially have the federal
21 judge issue an order that will void the 2017 New York
22 City government elections to cause the people who
23 were held [sic] in those elections to essentially be
24 fired, and I'm also meeting with prosecutors to have
25 the Mayor's NYPD security detail Community Affairs

1 Unit and members of the City Council prosecuted for
2 violating New York State Penal Code, well, sections
3 of it as well as applicable federal criminal
4 statutes. I'm going to be submitting written
5 testimony online for the benefit of the public. I
6 don't trust Ms. Adams. I don't trust Mr. Idas [sp?].
7 I certainly don't trust Bronx DA Clark whose team I
8 kicked the butt of in a retaliatory frivolous case. I
9 also I see Sergeant Bradley. He's a defendant in one
10 of my lawsuits. So was-- what's his name, Manhattan
11 DA? So, yeah, that testimony is going to be online
12 for the public, so if any of you guys want to read
13 it, it's going to be there. If you have any
14 questions, my email address is
15 towaki_komatsu@yahoo.com. And one last thing, with
16 regards to the press, don't trust them. They're
17 total garbage just like Ms. Adams and Mr. Idas and
18 Darcel Clark, as well as Sergeant Bradley. Have a
19 good day.
20

21 COMMITTEE COUNSEL: Thank you for your
22 testimony. I see also Eric Teen [sp?], it looks like
23 you've raised your hand. So if you wish to testify,
24 you may go ahead.

25 SERGEANT AT ARMS: Time starts now.

1
2 ERIC TEEN: Alright. Thank you very much.
3 Thank you very much. So, you know, after cell phone
4 videos recorded the police murdering innocent
5 civilians last summer, we saw our nation rise up in
6 protest and they brought the concept of defunding the
7 police to the mainstream, and this question, the role
8 of police for national conversation, who do they
9 protect and who do they serve. And it's clear to
10 black and brown people that police do not exist for
11 their safety. Investing in police does not invest in
12 public safety. So we should be spending our tax
13 dollars on services that actually benefit the most
14 oppressed vulnerable people in our city and prevent
15 future crimes, just jobs that provide a living wage,
16 summer jobs for youth, universal Wi-Fi coverage,
17 healthy foods, mental health support, and quality
18 education, all the basics for, you know, quality of
19 life. The Police Department is supposed to serve all
20 New Yorkers equally, regardless of race, class,
21 religion, sexuality, or gender orientation, and yet,
22 for most of their history they have failed to meet
23 these standards, and one of the reasons for this
24 problem is that there's no accountability, and with
25 our Civilian Complaint Review Board they can make

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2 recommendations to discipline officers, but they have
3 no actual power to enforce the decisions. And with
4 the current system the New York City Police
5 Commissioner can just disregard the recommendations
6 and so we have a system where police are responsible
7 for policing themselves, and obviously this doesn't
8 work. So, I'm calling for the Police Commissioner
9 review of the CCRB to be completely removed, and I
10 think until they do this, and until the NYPD proves
11 that they have been able to remove all the so-called
12 bad apples from their forest, their budget should be
13 reallocated to other services. Thank you very much.

14 COMMITTEE COUNSEL: Thank you for your
15 testimony. I don't see any raised hands from Council
16 Members or other members of the public, so I will
17 turn it back to the Chair for closing remarks.

18 CHAIRPERSON ADAMS: Thank you so much,
19 Counsel. If there is no further testimony to be had
20 today, I would like to once again thank all my
21 colleagues, members of the public of course, all of
22 the members of the DAs Office from across the City of
23 New York, everyone that testified today and submitted
24 written testimony. I'd also like to thank all of our
25 Council staff for all of their hard work in putting

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COMMITTEE ON PUBLIC SAFETY

this hearing together. This was day two of the budget hearing for the Committee on Public Safety, and if there is no further testimony as stated, this meeting is hereby adjourned. Thank you.

C E R T I F I C A T E

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



Date May 7, 2021