

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION

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FEBRUARY 24, 2021  
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HELD AT: REMOTE HEARING (VIRTUAL ROOM 3)

B E F O R E: YDANIS A. RODRIGUEZ, CHAIRPERSON

COUNCIL MEMBERS: FERNANDO CABRERA  
CHAIM M. DEUTSCH  
RUBEN DIAZ, SR.  
ROBERT F. HOLDEN  
PETER A. KOO  
STEPHEN T. LEVIN  
MARK LEVINE  
CARLOS MENCHACA  
I. DANEEK MILLER  
ANTONIO REYNOSO  
DEBORAH L. ROSE  
BRAD LANDER  
KALMAN YEGER

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

MARGARET FORGIONE, DOT First Deputy  
Commissioner

ANNMARIE DOHERTY, Senior Director of  
Research Implementation

JULIA KITE-LAIDLAW, Director of Strategic  
Initiatives

REBECCA ZACK, Assistant Commissioner for  
Intergovernmental and Community Affairs

KIM ROYSTER, NYPD Chief of Transportation

MICHAEL PILECKI, NYPD Deputy Chief

JAGDEEP SINGH, NYPD Lieutenant

OLEG CHERNYAVSKY, Assistant Deputy  
Commissioner of Legal Matters

MICHAEL MCMAHON, District Attorney for  
Richmond County

MELINDA KATZ, District Attorney for  
Queens County

BERNADETTE KARNA, Member of Families for  
Safe Streets

DULCIE CANTON, Member of Families for  
Safe Streets

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

AMY TAMM LIAO, Mother of killed  
pedestrian

MARCO CONNER DIAQUOI, Transportation  
Alternatives Deputy Director

STEVE VACCARO

KYMBERLEE GOLDFIELD

MARTHA VALENZUELA

MARK HENRY, behalf of ATU

CHRISTINE BERTHET, CHEKPEDS

LAUREN SECULAR, AMA local district 34

TANYA CRUZ

GLEN BOLOFSKY

JESSE ERLBAUM, founding member New York  
Motorcycle and Scooter Task Force

2 SGT. JONES: Okay. Live recordings have  
3 started. Sergeants will you start your recordings.

4 SGT. MARTINEZ: PC recording is underway.

5 KEVIN KOTOWSKI: Live is on. Live feed  
6 has been recorded and started.

7 SGT. JONES: Thank you. The cloud has  
8 started.

9 SGT. PEREZ: Backup is rolling.

10 SGT. JONES: And Sgt. Martinez will you  
11 do the opening statement?

12 SGT. MARTINEZ: Good morning and welcome  
13 to today's remote New York City Council Hearing of  
14 the Committee on Transportation. At this time, would  
15 all panelists please turn on their video? To minimize  
16 disruption, please silence your electronic devices  
17 and if you wish to submit testimony you may do so at  
18 the following email address:

19 [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). Once again, that's

20 [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). Thank you for your

21 cooperation, we are ready to begin.

22 CHAIRPERSON YDANIS RODRIGUEZ: Hello and  
23 good morning everyone. Thank you to the Sergeants  
24 and all the technicians and everyone behind, uh, the  
25 tank and the zoom to be sure that all New Yorkers

2 have the opportunity from we, the Council Members and  
3 Administration and members of the public to join this  
4 hearing that we are holding today. Thank you for  
5 joining today's hearing of the Committee of  
6 Transportation regarding Intro 2224. Before I give  
7 my opening statement, I'm going to turn it over to  
8 our Committee Counsel and moderator to go over some  
9 procedure items.

10 ELLIOTT LYNN COMMITTEE COUNSEL: Thank  
11 you Chair. I'm Elliott Lynn, Counsel to the  
12 Transportation Committee of the New York City  
13 Council. Before we begin, I want to remind everyone  
14 that you will be on mute until you are called on to  
15 testify when you will be unmuted by the host. Please  
16 listen for your name to be called. I will  
17 periodically announce who the next panelists will be.  
18 Our first panelists will be from the Administration,  
19 from the DOT, First Deputy Commissioner, Marg-,  
20 Margaret Forgione. Senior Director of Research  
21 Implementation and Safety, Annmarie Doherty.  
22 Director of Strategic Initiatives, Julia Kite-Laidlaw  
23 and Assistant Commissioner for Intergovernmental and  
24 Community Affairs, Rebecca Zack. And then from the  
25 NYPD, we have Chief of Transportation, Kim Royster.

2 Deputy Chief, Michael Pilecki; Lieutenant Jagdeep  
3 Singh and Assistant Deputy Commissioner for Legal  
4 Matters, Oleg Chernyavsky. During the hearing, if  
5 Council Members would like to ask a question, please  
6 use the Zoom Raise Hand function and the Chair or I  
7 will call on you in order. Unless otherwise  
8 indicated by the Chair, we will be limiting Council  
9 Member questions to five minutes. Please also note  
10 that for ease of this virtual hearing we will not be  
11 allowing a second round of questioning. Thank you.

12 CHAIRPERSON YDANIS RODRIGUEZ: Thank you  
13 Elliott and all the staff and again from the Central  
14 Office of the Council to the staff in my office for  
15 helping us to work on this Bill and to put this  
16 hearing together. Uh, first, today the Committee  
17 convenes remotely to hold a hearing on Intro 2224, in  
18 local law that has a sponsor, Council Member Lander,  
19 Speaker Johnson and Council Member Levin to amend the  
20 means for the City of New York in relation to  
21 establishment of a crash investigation and analysis  
22 unit within the Department of Transportation.  
23 Before I get deep into this, let's call things as it  
24 is. The number of women in the collision  
25 investigation unit is not enough to investigate all

2 those crashes that we have in the City of New York.

3 For many years, I've been calling to double that

4 number so that among those 24,000 crashes that we

5 have, we should have enough men and women power to

6 investigate it. We were here because there are so

7 many cases that this unit doesn't have the resources

8 or the power to go deep and get to the conclusion of

9 those cases. So, regardless of the outcome of this

10 hearing, regardless of how we would change this unit,

11 reality is, and that's what I'm calling today that in

12 numbers of men and women in this unit must be doubled

13 in order to respond to all the crashes that have made

14 this situation a crisis in New York City. This Bill

15 is part of a council legislated by reforming the New

16 York City Police Department. The entire Legislative

17 part is what's introduced in response to the, to the

18 Governor directive to the City to adopt a policing

19 reform plan by April 1<sup>st</sup> of this year. Every year in

20 the City there are many more vehicle crashes that

21 cause fatalities or serious injuries. According to

22 the statistics from the Vision Zero View that there

23 were 244 traffic fatalities and 43,866 traffic

24 injuries in 2020. That number is too much.

25 Whenever they assist a crash in the City they went to

2 this Collision Investigation Squad or CIS which is  
3 currently housed in the Highway District restoring  
4 and monitoring, investigating the details of the  
5 crash and determining how and why it occurred. The  
6 Unit is staffed with NYPD officers that are trained  
7 in collisions, a for instance; however, over the last  
8 several years questions have been raised about the  
9 Unit effectiveness investigating these major crashes  
10 which have many transportation and public safety  
11 advocates to call for the responsibility to be  
12 transferred out of the NYPD. Intro 2224 would  
13 establish a crash investigation and analysis unit  
14 within the DOT. This new unit would be tasked with  
15 investigating all vehicle crashes involving  
16 significant injuries in coordination with the police  
17 departments. Again, in coordination with the police  
18 department. It would also be required to make  
19 recommendations for safety improving changes to a  
20 street design and infrastructure and to post its  
21 report on the DOT website. I believe that DOT is  
22 more than capable of taking on the responsibility  
23 for investigating serious vehicle crashes by  
24 establishing Crash Investigation Analysis Unit within  
25 the DOT we can make the changes that are needed to

2 help decrease the number of serious or fatal crashes  
3 across our City. I agree that as some level the NYPD  
4 must be included within the investigations and this  
5 is part of an ongoing conversation we will have with  
6 the Council. However, the issue at hand is how can  
7 we effectively and efficiently review and investigate  
8 the hundreds of vehicle crashes that are yet to be  
9 resolved. The Transportation Committee and the  
10 advocates within the committee to improving the  
11 safety of our roads. I strongly believe that CIS in  
12 coordination within the Department of Transportation  
13 will become a more effective tool in decreasing the  
14 number of yearly crashes we see across the five  
15 boroughs. Before we hear from the Department of  
16 Transportation, I will have our moderator to  
17 recognize the Committee members that are in  
18 attendance with us today and to administer the oath  
19 to the officials that are here to testify.

20 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
21 you Chair, we have been joined by Council Members  
22 Cabrera, Deutsch, Diaz, Holden, Koo, Levine, Miller  
23 and Yeager. Um, I will now call on the following  
24 panelists to testify. Margaret Forgione, Annmarie  
25 Doherty, Julia Kite-Laidlaw, Rebecca Zack, Kim

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2 Royster, Michael Pilecki, Jagdeep Singh and Oleg  
3 Chernyavsky. I will read the affirmation and then  
4 call on each individual to confirm their response  
5 allowed for the record. Please raise your right  
6 hand. Do you affirm to tell the truth, the whole  
7 truth and nothing but the truth in your testimony  
8 before this committee and to respond honestly to  
9 Council Member questions? Deputy Commissioner  
10 Forgione?

11 MARGARET FORGIONE: Yes.

12 ELLIOTT LYNN, COMMITTEE COUNSEL:  
13 Anmarie Doherty.

14 SGT: You are muted.

15 ANNMARIE DOHERTY: Yes.

16 ELLIOTT LYNN, COMMITTEE COUNSEL: Uh,  
17 Julia Kite-Laidlaw.

18 JULIA KITE-LAIDLAW: Yes.

19 ELLIOTT LYNN, COMMITTEE COUNSEL: Rebecca  
20 Zack.

21 REBECCA ZACK: Yes.

22 ELLIOTT LYNN, COMMITTEE COUNSEL: Chief  
23 Royster?

24 KIM ROYSTER: Yes.

25

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2 ELLIOTT LYNN, COMMITTEE COUNSEL: Jagdeep  
3 Singh?

4 JAGDEEP SINGH: Yes.

5 ELLIOTT LYNN, COMMITTEE COUNSEL: Oleg  
6 Chernyavsky?

7 OLEG CHERNYAVSKY: Yes.

8 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
9 you. You may begin your testimony when ready.

10 CHAIRPERSON YDANIS RODRIGUEZ: Thank you.

11 MARGARET FORGIONE: Thank you. Good  
12 morning Chair Rodriguez and members of the  
13 Transportation Committee. I am Margaret Forgione,  
14 First Deputy Commissioner of the Department of  
15 Transportation. I am joined by Julia Kite-Laidlaw,  
16 Director of Strategic Initiatives, Anmarie Doherty,  
17 Senior Director of Research Implementation and Safety  
18 and Rebecca Zack, Assistant Commissioner for  
19 Intergovernmental and Community Affairs. We are here  
20 before you on behalf of our new Commissioner, Hank  
21 Gutman. We are also joined by Chief Royster and  
22 Assistant Deputy Commissioner Chernyavsky of the  
23 NYPD. Thank you for the opportunity to testify today  
24 on behalf of Mayor de Blasio. I would start by  
25 walking you through DOTs process for responding to

2 traffic fatalities and our data-driven approach for  
3 prioritizing safety enhancement citywide. When there  
4 is a serious traffic crash, NYPD's local precinct  
5 arrives first and secures the crash site. NYPD's  
6 Collision Investigation Squad is then called to  
7 investigate crashes that results in fatalities,  
8 likely to die or critical injuries, about 350 crashes  
9 per year. CIS officers inspect and collect evidence,  
10 interview witnesses and suspects, examine vehicle  
11 mechanisms, perform field sobriety testing and  
12 apprehend or arrest suspects. DOT emergency  
13 response also responds to the CIS investigative  
14 crashes either when they are still active crash  
15 investigation scenes or the next morning if the crash  
16 occurred overnight. At the site, DOT's emergency  
17 responder obtains information about the crash,  
18 photographs the areas and assesses whether any signs,  
19 markings, signals or street conditions are defective.  
20 The responder submits a report to DOT's Communication  
21 Center which then notifies the appropriate DOT unit  
22 if repairs are needed. DOT investigates every fatal  
23 crash site for possible safety enhancements. We  
24 evaluate the CIS report and visit the site a second  
25 time to observe traffic behavior and other field

2 conditions. We also look at crash history and trends  
3 through a much larger crash database including data  
4 collected by PDs entire patrol force, over 60,000  
5 injuries per year and data from New York State DOT to  
6 determine where safety enhancements are most urgently  
7 needed. This data analysis informs nearly all the  
8 agencies work in Vision Zero policy. Through our  
9 Vision Zero Borough Pedestrian Action Plans we use  
10 fatality from NYPD and severe injury data from State  
11 DOT to identify Vision Zero priority geographies.  
12 Corridors, intersections and areas that  
13 disproportionately account for pedestrian fatalities  
14 and severe injuries and prioritize them for safety  
15 interventions. For example, in our 2015 Manhattan  
16 Plan we identified upper Broadway as a priority  
17 corridor with five priority intersections between  
18 155<sup>th</sup> and 170<sup>th</sup> Streets. This analysis informed our  
19 2017 Street Improvement project in which we installed  
20 pedestrian islands, implemented signal timing changes  
21 and more to shorten crossing distances and reduce  
22 turning conflicts. Our data analysis also helps us  
23 understand crash patterns and trends to inform new  
24 safety treatments. Our left turn crash study looked  
25 at locations with high numbers of pedestrian injuries

2 from left turning vehicles and identified the types  
3 of intersections and streets where these crashes  
4 could happen. This results in the development of a  
5 new treatment, Left Turn Traffic Calming. We  
6 implemented this treatment along with a 10-second  
7 leading pedestrian interval to give pedestrians a  
8 head start at multiple intersections along Northern  
9 Boulevard in Queens. A high-crash corridor with high  
10 pedestrian and traffic volumes. We also implemented  
11 this treatment at many intersections citywide. The  
12 data indicates good benefit from the safety  
13 enhancement. Many of our programs are also designed  
14 and implemented based on crash data. We used this  
15 data to develop our annual street improvement  
16 projects which are comprehensive street re-design  
17 projects at high crash intersections or corridors.  
18 Our proactive WARN Analysis Program uses fatality,  
19 injury and crash data to identify locations for  
20 inclusion and signal studies rather than relying  
21 solely on requests from the public. Our speed  
22 cameras are installed in locations based on a mix of  
23 speed and crash data. Finally, we develop education  
24 and strategic communications campaigns and with NYPD  
25 to target enforcement recent crash data. For example,

2 the city's dusk and darkness safety initiative  
3 emerged from DOTs analysis of serious injury and  
4 fatality crashes which revealed a pattern of  
5 increased danger relating to earlier sunsets in the  
6 winter months. For five years in a row, we have  
7 worked with NYPD on education and enforcement  
8 campaigns during these months. Now, turning to  
9 Intro 2224, sponsored by Chair Rodriguez, Speaker  
10 Johnson, Council Member Lander and Council Member  
11 Levin. This bill would require DOT to create a new  
12 Crash Investigation and Analysis Unit which would  
13 have the primary responsibility for investigating,  
14 analyzing and reporting on all serious vehicular  
15 crashes. The Unit would be required to review the  
16 street design at each serious crash location and to  
17 any available crash data for locations with similar  
18 street design or infrastructure citywide. The unit  
19 would also need to determine whether changes to  
20 street design or improvements to infrastructure have  
21 reduced the risk of subsequent serious vehicular  
22 crashes and make recommendations for changes at the  
23 crash location or citywide. We oppose this Bill for  
24 several reasons. First, as I have just described,  
25 DOT has a robust system in place for evaluating

2 traffic fatalities and analyzing crash data to  
3 enhance safety citywide which includes developing  
4 broadly applied to fine interventions based on  
5 lessons we learned from analyzing crash site  
6 characteristics as the Bill would require. This is  
7 at the heart of our agencies work and core to our  
8 mission. It is critical retain a discretion to  
9 prioritize such enhancements where they would have  
10 the greatest safety benefit and to determine which  
11 locations to study and change. Not every traffic  
12 fatality can be prevented with street redesign or new  
13 infrastructure and not all interventions and  
14 locations yield the same results. This legislative  
15 mandate would hamper or prove and effectiveness and  
16 second guess our professional expertise. Second, the  
17 role of the Bill seeks to transfer to DOT as a law  
18 enforcement function. That must continue to be  
19 performed by law enforcement personnel. NYPD, CIS  
20 officers are experts in criminal collision  
21 investigations and are on call 24/7 to respond  
22 immediately to crash scenes to collect and preserve  
23 evidence. As you will hear from my NYPD colleagues,  
24 these officers typically need at least 10 years of  
25 police experience to be considered for the squad and

2 receive numerous specialized training courses  
3 including a multi-week course specific to vehicle  
4 collisions. This squad of experts is highly skilled  
5 and has significant experience collecting evidence,  
6 interviewing witnesses and suspects, performing field  
7 sobriety tests and providing testimony for the  
8 prosecutor's offices. Taking over primary  
9 responsibility for investigating crashes and  
10 potentially staffing the unit with law enforcement  
11 personnel with comparable experience and training  
12 would be a massive challenge and undertaking for our  
13 agency that is outside of our expertise. DOT is  
14 committed to enhancing accountability and serious  
15 consequences for reckless driving. But this Bill  
16 would have the opposite effect. Prosecutors rely  
17 heavily on CIS' investigative work. Shifting these  
18 investigations to DOT, an agency without specialized  
19 law enforcement expertise, at least for the first few  
20 years could severely compromise the prosecutors'  
21 cases and lead to few convictions. Effectively de-  
22 criminalizing vehicular deaths and bringing fewer  
23 reckless drivers to justice. Third, given the City's  
24 current physical crisis, it is essential that DOT be  
25 able to focus our resources on meeting RT

2 commitments. This bill would require the Crash  
3 Investigation and Analysis Unit to respond to 9 times  
4 the number of crashes NYPD CIS currently investigates  
5 requiring hundreds of new personnel and would be a  
6 huge undertaking outside of our expertise at a time  
7 when the staffing of our essential operations is  
8 already strained. In conclusion, I would like to  
9 thank the Council for the opportunity to testify  
10 today. DOT looks forward to working with you toward  
11 our shared goal of increasing safety and  
12 accountability on the City streets. We would be  
13 happy to answer any questions after you hear from  
14 NYPD.

15 CHAIRPERSON YDANIS RODRIGUEZ: Thank you  
16 Commissioner.

17 KIM ROYSTER: Good morning Chair  
18 Rodriguez and members of the Council, I am Chief Kim  
19 Royster, the New York City Police Department's Chief  
20 of Transportation. I am joined today by Assistant  
21 Deputy Commissioner of Legal Matters, Oleg  
22 Chernyavsky. On behalf of Police Commissioner,  
23 Dermot Shea, I would like to thank you for this  
24 opportunity to discuss the role of the NYPD's  
25 Collision Investigation Squad and the Department's

2 response to, and investigation of serious traffic  
3 collisions. At the onset of my testimony, I want to  
4 discuss the work of the NYPD's Collision Investigation  
5 Squad, better known as CIS. This is the specialized  
6 unit tasked with investigating the city's most  
7 serious traffic collisions. CIS is called to major  
8 incidents where there is a critical injury as  
9 determined by on scene events, there is a serious  
10 injury and the party is likely to die or a person dies  
11 as a result of a collision. CIS will also respond to  
12 collisions involving vehicles that have fled the  
13 scene after learning any party involved in critical  
14 condition. CIS can also be called to a scene by any  
15 executive member of the department if they determine  
16 the situation warrants it. In addition, CIS, the  
17 NYPD also deploys the Collision Technician Group,  
18 better known as CTG who assists CIS detectives in  
19 examining evidence at the scene of a collision. CIS  
20 is currently comprised of a team of 22 detectives, 5  
21 Sergeants and one Lieutenant, while CTG currently has  
22 13 police officers, 1 Sergeant and 1 Lieutenant.  
23 These dedicated public servants are integral to  
24 improving public safety. In order to join CIS,  
25 members must typically first receive the rank of

2 highway patrol where they gain years of hands on  
3 experience in processing collision scenes. Typically,  
4 members have at least 10 years' experience as a  
5 police officer. Once these elect to join the highway  
6 district and must then have been assigned to CTG.  
7 Upon joining CTG, members receive the training  
8 necessary to properly analyze, collect and document  
9 the evidence found at collision scenes. They are  
10 trained in the use of sophisticated equipment which  
11 enables them to accurately collect the stuff at  
12 collision scenes. Upon moving up to CIS, members are  
13 required to complete a 15-day criminal investigations  
14 course where they learn about forensic DNA and trace  
15 evidence and how to manage the crime scene to collect  
16 and preserve evidence, the requirements of search  
17 warrants, interview techniques and the laws  
18 concerning questioning suspects. These members must  
19 also complete the 10-day homicide investigation  
20 course where they receive comprehensive and intensive  
21 treatment of concepts and techniques around the  
22 investigations and training from the medical  
23 examiner. Moreover, they must also complete a 5-day  
24 Advanced Roadside Impairment Course and must be  
25 trained in standard field sobriety tests. On top of

2 this, CIS investigators receive 9 weeks of training  
3 specific to automobile collisions in partnership with  
4 Northwestern University, these courses include basic  
5 crash investigation, crash reconstruction, vehicle  
6 dynamics, crash investigation with human factors and  
7 injury biometrics. Member of CIS must be proficient  
8 in knowledge of algebra, trigonometry, mathematical  
9 order of operations and physics to complete the  
10 curriculum. I believe that it will also be helpful  
11 to discuss what goes into collision investigation to  
12 provide members of the council with background  
13 information on what we do and why the NYPD is the  
14 best agency to conduct these investigations.

15 Collision investigations are at their core criminal  
16 investigations which is within the basic functions of  
17 the NYPD and our offices in CIS and CTG and are well  
18 positioned to conduct these investigations. Wherever  
19 CIS is requesting to respond to the scene of a  
20 collision, CTG members also respond. CTG is the  
21 department's Crime Scene Unit which is responsible  
22 for processing the scene of serious crimes such as a  
23 homicide or robbery from evidence. CTG members are  
24 the department's experts in not only collecting  
25 evidence at the scene of vehicle collisions but are

2 actually able to reconstruct the scene of serious  
3 collisions. Among their duties at the scene of  
4 serious collision, CTG members take measurements of  
5 the entire crime scene, measure skid marks, collect  
6 physical evidence including DNA where appropriate,  
7 take photographs and canvas the area for vid-, video  
8 evidence. CTG members are also required to examine  
9 the driver's involved for signs of impairment using  
10 the standard sobriety testing and portable breath  
11 testers. CIS investigators enhance their  
12 investigations but utilizing the information obtained  
13 by CTG. CIS members interview witnesses, question  
14 vehicle occupants, obtain subpoenas, execute search  
15 warrants, review evidence and insure that the  
16 vehicles onboard computer is obtained or analysis.  
17 If the facts of the case warrant, an arrest will be  
18 effected at the scene. If not warranted, the CIS  
19 investigators will work closely with the borough  
20 District Attorney as the investigation proceeds and  
21 the case is built. The District Attorney will  
22 evaluate the case presented by the CIS investigators  
23 and make the ultimate determination as to whether an  
24 arrest is warranted. CIS investigators will confirm  
25 that the Office of the Medical Examiner testify in

2 front of a panel Grand Jury and consult with the  
3 detective bureau to establish criminal patterns. At  
4 times individuals who are involved in deadly  
5 collisions have been found to be involved in other  
6 criminal activities. I would like to also highlight  
7 the infrastructure that the NYPD has in place that is  
8 critical to the proper investigation of any  
9 collision. First, the NYPD already has a team of  
10 drug recognition experts who have been trained in  
11 recognizing whether a person is under the influence  
12 of controlled substance. Their expertise is  
13 invaluable in determining criminality in a collision.  
14 Moreover, the NYPD has a long-standing and well-  
15 established property clerk's office which stores  
16 evidence. In order to prosecute opine the District  
17 Attorney must establish the chain of custody of all  
18 evidence from the moment it is collected to the time  
19 it reaches the courtroom any small break in the chain  
20 of custody could result in evidence being  
21 inadmissible in court. Having robust evidence  
22 control procedures, which are already in place in the  
23 NYPD is essential in prosecuting their criminal case.  
24 Moreover, automobiles are frequently evidenced in  
25 such cases as central storage facilities are

2 essential to maintaining the chain of custody of the  
3 evidence vehicle itself. All of this work is  
4 essential to Vision Zero. As an interagency task  
5 force each agency brings specific expertise to the  
6 table. This interagency partnership is critical to  
7 the success of the initiative and we at the NYPD are  
8 committing to bringing our wealth of investigative  
9 expertise to ensure the safety of our streets. Since  
10 I have taken over the Chief of Transportation, I have  
11 asked CIS, I have tasked CIS with providing outreach  
12 to the family and individuals involved in serious  
13 collisions. Our offices are trained to engage with  
14 families in a professional and courteous manner.  
15 Each family is provided with a resource guide at  
16 their initial consult with the CIS investigator which  
17 are tailored to each individual taste. I believe  
18 that communication with family members is essential  
19 and I will assure that we will continually improve  
20 this process. I want to take this opportunity to  
21 highlight how we are fortunate in the NYPD and have  
22 such a committed partnership with the Department of  
23 Transportation. DOT plays a critical role in these  
24 investigations by responding to the collision scene,  
25 by using their designed and inter-myriad expertise to

2 determine if there may have been any underlying  
3 causes of the collision. Other than our side by side  
4 work in the field, the NYPD and DOT attend weekly  
5 traffic safety forums, the precinct and DOT Borough  
6 Teams are able to share information and promote  
7 continuous conversation to improve traffic safety.  
8 Additionally, we have a monthly DOT and NYPD  
9 interagency meeting. I would now like to turn my  
10 attention to the Legislation being considered today.  
11 Introduction 2224 would transfer the investigative  
12 authority of certain collisions from the NYPD to the  
13 Department of Transportation. The Department is  
14 committed to its partnership with DOT and making the  
15 city's street safe for all New Yorkers; however,  
16 criminal investigations are the core functions of the  
17 police force. Our CIS investigators are experts in  
18 collision investigation and have years of experience  
19 and training. Requiring DOT to perform these tasks  
20 without specialized personnel, trained facilities and  
21 systems in place will create significant gaps that  
22 would not only undermine the success of collision  
23 investigations but will also will not be beneficial  
24 to victims and those collisions and their  
25 surveillance. Finally, a recording requirement of

2 this proposal are overly broad and raise serious  
3 privacy and investigative concerns. I would mandate,  
4 it would mandate the publication of all evidence even  
5 photographs depicting deceased individuals that  
6 should not be made public and would compromise  
7 confidentiality of criminal investigations. In  
8 close, the department takes very seriously its  
9 responsibility for providing safe streets for  
10 motorists, pedestrians, passengers and bicyclists.  
11 However, we must oppose this legis-, Legislation for  
12 the reasons we have discussed as it would  
13 inappropriately transfer a core law enforcement role  
14 from the agency best suited to perform it. Thank you  
15 for the opportunity to speak to you today and I am  
16 pleased to answer your questions.

17 CHAIRPERSON YDANIS RODRIGUEZ: Thank you.

18 ELLIOTT LYNN, COMMITTEE COUNSEL: Again,  
19 I want to acknowledge that we have also been joined  
20 by Council Members Menchaca, Levin and Lander.

21 CHAIRPERSON YDANIS RODRIGUEZ: Thank you  
22 Elliot. Thank you Chief. And for me, it has been  
23 also an honor to be working with you as also I work  
24 with Chief Morris and also Chief Shae. And, and one  
25 thing that I want to say is that we know that by

2 2021, it was one to take our city back to our feet  
3 and you know, not only to get rid of the COVID but  
4 also to address on everything we had to do to  
5 continue providing the necessary resources that all  
6 departments needed including the NYPD to keep our  
7 City safe at the same time that we address the  
8 challenges. In the case as you know the NYPD, we, I  
9 want to say that you know I'm all about a, a, to  
10 continue working on getting more men and women from  
11 the NYPD to be in the streets, um, fighting crime and  
12 that's why I think '21 would be a critical year. That  
13 we have to identify different areas that we have men  
14 and women of the NYPD that instead of being its own  
15 unit, they should or endorse a job in the precinct  
16 that can be done by civilians to handle the people  
17 against fighting crime and be able to also continue  
18 supporting all of you guys at the NYPD at the same  
19 time of course that we continue doing everything that  
20 we have to do to improve their relationship between  
21 the police and the community. If, I have a few  
22 questions. E-, my first one is how many crashes  
23 happened in 2020? And how many in there would be  
24 people in critical condition?

2 KIM ROYSTER: Well, as you mentioned 2020  
3 was a, uh, a very trying year for us, uh, nationally  
4 as well as here in the NYPD and when you, uh, start  
5 to look at.

6 CHAIRPERSON YDANIS RODRIGUEZ: I'm sorry,  
7 I'm sorry can you just give me the number. Can you  
8 answer me how many crashes happened in '20, last  
9 year?

10 KIM ROYSTER: So, in 2020, there were  
11 111,000 crashes, in 2020.

12 CHAIRPERSON YDANIS RODRIGUEZ: How many,  
13 how many in there with people within critical  
14 conditions? And how many died?

15 KIM ROYSTER: Um, 374 total CIS.

16 CHAIRPERSON YDANIS RODRIGUEZ: In  
17 critical condition?

18 KIM ROYSTER: Yes.

19 CHAIRPERSON YDANIS RODRIGUEZ: And how  
20 many died?

21 KIM ROYSTER: 245.

22 CHAIRPERSON YDANIS RODRIGUEZ: Can you  
23 look and then compare similar numbers in 2019?

24

25

2 KIM ROYSTER: Yes. So, in 2019 the total  
3 number of crashes were 210,000. And the total  
4 serious was 349. And the total fatalities was 220.

5 CHAIRPERSON YDANIS RODRIGUEZ: So, when we  
6 look in 2019, we have almost double number in 2019?  
7 You say 210,000 in 2019 and 111,000 in last year in  
8 2020?

9 KIM ROYSTER: That's correct.

10 CHAIRPERSON YDANIS RODRIGUEZ: But the  
11 number, on, on a based again on information that we  
12 had shared with you guys, as a department was that  
13 the number in the previous year of people in critical  
14 condition was around 4,000.

15 KIM ROYSTER: So, they when you look at  
16 the number of injuries, that number would be larger  
17 than the number of injuries that were critical.

18 CHAIRPERSON YDANIS RODRIGUEZ: But again,  
19 the number that having shared with the previous  
20 hearing on, on with you guys and I don't know how we  
21 end up with the numbers, because on the previous year  
22 the number has been being around 44,000 crashes and  
23 from those 44,000 there were 4,000 people who were in  
24 critical condition and they averaged 1 person dying  
25 every week so I don't know if you look back at those

2 numbers or you assume that those numbers again that  
3 have been shared with you are accurate. Or if we  
4 have to look, you know look to those numbers.

5 MARGARET FORGIONE: So, Chair. I'm sorry.  
6 I, I was just going to jump in so everything, um,  
7 that the Chief said, um, we agree with but I think  
8 you know what you are getting at is that obviously,  
9 um, every potential CIS is looked at which is in the  
10 neighborhood of 300. The site is visited actively  
11 as the, as it occurs. Um, which is about 350 a year  
12 but according to the Bill, if we were going to  
13 include, then include everything categorized as  
14 serious, um, our records show that would entail about  
15 3600 per year.

16 CHAIRPERSON YDANIS RODRIGUEZ:  
17 Commissioner, those are the number that share with  
18 you if you look back to the testimony in the previous  
19 DOT Commissioner, the number of crashes were around  
20 44,000 a year and the numbers of people in critical  
21 condition were around 4,000.

22 MARGARET FORGIONE: Right.

23 CHAIRPERSON YDANIS RODRIGUEZ: And the  
24 number of people dying were 1 person per week in  
25 average.

2 KIM ROYSTER: Yes.

3 MARGARET FORGIONE: Yes.

4 CHAIRPERSON YDANIS RODRIGUEZ: So, can we  
5 look back to that hearing and the unit, how, so what  
6 are the numbers of people in critical, in critical  
7 condition, so that we can be accurate with a number.  
8 In 2019 and in 2020?

9 OLEG CHERNYAVSKY: Right, I mean, Council  
10 Member, I think what we're, what the Chief is giving  
11 you is the total number of jobs that CIS responded to  
12 which, and the triggers for CIS responds are critical  
13 injuries, uh, deaths, uh, critical injuries likely to  
14 die, uh, yeah. So.

15 KIM ROYSTER: But, likely...

16 OLEG CHERNYAVSKY: And then there's,  
17 there's an ability for CIS to be called to the scene  
18 outside of that.

19 CHAIRPERSON YDANIS RODRIGUEZ: I mean,  
20 the number, the number that number again as you know  
21 has come from you guys. The number of crashes, in  
22 New York City in the previous year never been saying  
23 that in 2019 we have 210,000. This is before COVID  
24 and otherwise share with those for you guys, 44,000  
25 in the same number of people in critical condition

2 around 4,000 and the people dying every week average  
3 1 per week. Those were your numbers before.

4 KIM ROYSTER: So, if I could just add  
5 some clarity, um, for the 20-, for 20-, for 2019,  
6 there were 60,930 injuries. And for 2020 was 44,030  
7 injuries.

8 CHAIRPERSON YDANIS RODRIGUEZ: So, how  
9 many of the 59,000 ended with people being in  
10 critical condition?

11 KIM ROYSTER: So, I would haven't have  
12 that dataset with me now.

13 OLEG CHERNYAVSKY: Right, its..

14 KIM ROYSTER: Because the dataset would be  
15 critical, serious injury, likely to die, critical or  
16 death.

17 CHAIRPERSON YDANIS RODRIGUEZ: Okay, if  
18 we, if we could go back you know. You can look at  
19 the numbers. I am interested to share that  
20 information and we ending in the best place as  
21 possible and I know there is going to be teamwork.  
22 Whatever way we going to be ending, making any  
23 change, any reform, my interest and my business to be  
24 sure that you know, we get this summer, but I want  
25 for us to, for you guys if you can look back and see,

2 you know those 4,000 sharing for you guys, um, from  
3 the NYPD in the previous hearing. What is the numbers  
4 like? Because that's an important number. The  
5 numbers of people in critical condition as shared by  
6 the NYPD has been given to us in the past as around  
7 4,000. So, can we look at that number? Or do you  
8 have to go back and look for at other data in order  
9 to come back and share with us the accurate number?

10 OLEG CHERNYAVSKY: I think, Council  
11 Member, I think, we are, we are talking about  
12 probably two different datasets, so let me take a  
13 look at the testimony you are talking about and let  
14 us get back to you and we will clarify any  
15 misunderstanding. I think.

16 CHAIRPERSON YDANIS RODRIGUEZ: Okay.

17 OLEG CHERNYAVSKY: The number that you  
18 are citing is injuries, um, we're citing. We're  
19 giving you. We are agreeing that that is the number  
20 of injuries then we are also giving you the subset on  
21 jobs where that were critical injuries, likely to die  
22 or deaths where CIS was deployed. That's the  
23 smaller, the 374, that we're giving you but if  
24 there's a misunderstanding as to the numbers at the  
25 end of this hearing we will take a look at the

2 testimony you are referring to and I will reach out  
3 to you when we reconcile the numbers.

4 CHAIRPERSON YDANIS RODRIGUEZ: That's  
5 fine. And again those numbers the numbers that I am  
6 reading, those are the numbers the previous Chiefs  
7 Morris and Shea in the newspaper that I am reading  
8 about crashes, those are the numbers that you will  
9 see in the newspaper. That the crashes averaging  
10 44,000 and the numbers of people in critical  
11 condition have been around 4,000 and the people dying  
12 every week have been the average of one per week.  
13 So, this is your number. So, if you again, it has  
14 been printed by media. So, I am more than happy  
15 again to share and get you whatever numbers I got to  
16 look at. How many from the 69,000 injuries, how many  
17 of those cases were investigated by the Collision  
18 Investigation Squad?

19 OLEG CHERNYAVSKY: Repeat that question  
20 again, please?

21 CHAIRPERSON YDANIS RODRIGUEZ: From those  
22 numbers that you share, you said 69,000, in 2019, how  
23 many of those cases were investigated by the  
24 Collision Investigational Squad Unit?

2 KIM ROYSTER: So, of the 60,930, 349 were  
3 investigated by the Collision Investigation Squad.

4 CHAIRPERSON YDANIS RODRIGUEZ: Why, why is  
5 it? Because, do you have no men and women in the  
6 unit of where is everyone? And anyone in the job  
7 would say we always welcome more resources and we  
8 always can do better if we have more. But if you  
9 are thinking about our reality here, with those  
10 numbers that you say, let's say last year in, in even  
11 from the average crashes in 2019, 210,000, that's not  
12 reasonable because the numbers were high before,  
13 before COVID than last year, that you share 111,000,  
14 111,000 last year. So, why you saying that we  
15 thought there were more crashes last year, it looks  
16 like there were less. But whatever number it was,  
17 don't you think that the 26 people in the Collision  
18 Squad Unit is not enough to investigate all those  
19 cases? And regardless if the unit is transferred to  
20 DOT or they stay with NYPD, basically that number is  
21 not enough?

22 OLEG CHERNYAVSKY: Well, I think Council  
23 Member, I'll start off. Um, we just want to be clear  
24 what we are talking about. We are tossing a lot of  
25 numbers around and I think at its core we are, we're

2 having the same conversation we've had over the years  
3 about the scope of cases that CIS investigates,  
4 right? I think when we talk about the 44,000 number  
5 or the 69,000 in 2019 or the 44 in 2020, we are  
6 talking about the total number of injuries from a  
7 collision. We're not talking about the criteria  
8 which is serious physical injury, death, um, as a  
9 result of a collision where CIS is triggered. So  
10 that, that long-term number, we seem, we seem to be  
11 throwing a lot of these numbers around and I know  
12 that point you are trying to get at is you're trying  
13 to have CIS respond to more jobs. Right? And unless  
14 I am misunderstanding you. You...

15 CHAIRPERSON YDANIS RODRIGUEZ: No, I, I  
16 just, I'm just using your numbers. I am using the  
17 numbers that you have shared with us in the past. The  
18 number that you have shared with us before in this  
19 hearing was that we have 4,000 individuals in  
20 critical condition every year as a result of crashes.  
21 That's your number. And so, my question is, can, how  
22 many of those 4,000 people in critical condition, how  
23 many of those cases have been able to be  
24 investigated? And how many of those investigated

2 have been closed finding those driver's guilty when  
3 they go through the court system?

4 OLEG CHERNYAVSKY: Council Member I don't  
5 think that number was accurate and I promise you that  
6 at the end of the hearing I'll look back at the  
7 testimony that you are referring to. But critical  
8 injuries would trigger CIS and I don't think the  
9 number of 4,000 critical injuries is accurate because  
10 for that year we have 374 CIS jobs. Those are the  
11 critical injury likely to die or death that would  
12 have triggered CIS.

13 CHAIRPERSON YDANIS RODRIGUEZ: Yeah, look  
14 up.

15 OLEG CHERNYAVSKY: I, I know you're  
16 citing to a prior testimony, unfortunately I don't  
17 have the transcript of that testimony in front of me  
18 but at the end of the hearing I've committed to you  
19 that I will review that transcript and I will call  
20 your office and we will reconcile whatever the  
21 discrepancy is with the numbers but I can tell you  
22 that we do not have 4,000 critical injuries that  
23 would have triggered a CIS response. That I can tell  
24 you with a degree of confidence.

2 CHAIRPERSON YDANIS RODRIGUEZ: That's  
3 fine. We can work with that plan. Let's, let's look  
4 around and but even if we look at the number that you  
5 are sharing right now, that last year, 245 people  
6 died as a result of crashes and in 2019, 220 people  
7 died as a result of crashes, you think about, 222,  
8 225 died last year and that's still. Just think  
9 about like when you look up people being seriously  
10 hurt, if the number ended with 245 dying, there is a  
11 margin has to be much higher with other one who  
12 doesn't get killed. But they get, uh, seriously  
13 injured. So, I am more than happy again to share  
14 with you but even when you look at the 225 people who  
15 died last year, how many of those cases were in the,  
16 after being investigated by the Collision  
17 Investigation Squad Unit and how many with those  
18 drivers found guilty? If you have that data again  
19 for last year and from 2019 and I also note that I  
20 took longer than what we want because there are so  
21 many pieces we get into the investigation. So I  
22 expect it to push again. I want for you to tell me  
23 right now that all of those cases that started being  
24 investigated last year have been already closed. But  
25 in average, what percentage of those cases

2 investigated by the Collision Squad Unit ended with  
3 people being able to make the case, taking to the DA  
4 and finding those driver's guilty?

5 OLEG CHERNYAVSKY: We wouldn't have the  
6 guilty, because that's a verdict, I mean that's not a  
7 police number but we can certainly give you the  
8 number of individuals that were arrested, um, so once  
9 we have the CIS response to the 374, um, critical, um  
10 injury, likely to die and death crashes, um, we work  
11 with the DA as the Chief, and, and the Commissioner  
12 from DOT testified. We, um, we present the evidence  
13 that, the, um, that the CIT investigators combine  
14 from the scene, uh, the interviews, the physical  
15 evidence, DNA, biological, whatever evidence we find  
16 video evidence, we present it to the relevant DAs  
17 office depending on the borough and we work together  
18 to see if there is enough, enough probable cause if  
19 there is probable cause to make an arrest. And  
20 that's where we would get the arrest number from.

21 CHAIRPERSON YDANIS RODRIGUEZ: Do you see  
22 a scenario where the unit can continue being led by  
23 someone again with expertise in the Investigational  
24 Field from the NYPD but still being under DOT?

2 OLEG CHERNYAVSKY: I think respectfully,  
3 I, I don't because we're, we're talking about. So,  
4 uh, I mean this is probably the 6<sup>th</sup> or 7<sup>th</sup> hearing  
5 this month, you know that, that we've testified at  
6 and there are a lot of reforms and ideas on, uh,  
7 tasks or things that the NYPD does that may or may  
8 not or shouldn't still reside with the NYPD. For  
9 example we did a hearing on the Press Passes and  
10 whether the NYPD should still be in the business of  
11 issuing Press Passes, or a hearing on whether or not  
12 the NYPD should have a primary response to people in  
13 emotional crisis. Uh, those are conversations that  
14 we should have and we've had those conversations in  
15 hearings. But what we are talking about now is core  
16 law enforcement responsibilities. You're talking  
17 about situations where police officers have to  
18 respond to the scene and give a field sobriety test  
19 which you have to be a police officer to do. Um, a  
20 situation where a police officers has to make an  
21 arrest right at the scene. A situation where an  
22 officer has to question somebody and develop evidence  
23 in real time to make a stronger prosecution. A  
24 situation where a police officer has to close off and  
25 protect the scene of a crime scene and preserve those

2 evi-, those pieces of evidence so evidence doesn't  
3 get contaminated so the District Attorney can  
4 actually prosecute a criminal case. These are core  
5 responsibilities of law enforcement and I think we  
6 are going a little bit too far when we are talking  
7 about peeling away core law enforcement  
8 responsibilities and starting to farm it out to other  
9 agencies. We each have a role, the NYPD certainly  
10 does, are not the experts in doing an analysis of  
11 street design or street safety. That's certainly  
12 DOTs core responsibility and we work with DOT, um, at  
13 the scene of these crashes to determine not only is  
14 there a criminal prosecution here but did the design  
15 of the street, um, provide a contributing factor, or  
16 could the street be re-designed to prevent future  
17 collisions from happening. So I think.

18 CHAIRPERSON YDANIS RODRIGUEZ: Okay.

19 OLEG CHERNYAVSKY: But I think preserving  
20 evidence, investigating crimes, making arrests, um,  
21 you know, I think that's, I know.

22 CHAIRPERSON YDANIS RODRIGUEZ: I'm sorry  
23 to cut you off because of the timing. And, and look  
24 I, could you, is it just to make the case? To  
25 continue making our case on how we feel. You know

2 that we should make the rephoning again. At the end  
3 of the day I hope that we can come up with something  
4 in the middle where we continue doing our job and  
5 improving safety in our streets. Uh, so, and I, and  
6 I just want for you guys to be open with the  
7 possibility on how can. Can we be a scenario where  
8 this unit continues being led by the person that the  
9 person that is leading it right now with the men and  
10 women who are trained from the NYPD but under the DOT  
11 for the purpose of coordination? So, is that  
12 something that you would see on a positive side that  
13 you can see that is something that probably can also  
14 happen?

15 OLEG CHERNYAVSKY: I mean I think that,  
16 you know, I, I don't think that police officers  
17 should be under the direction of another agency.  
18 Police officers should be under the direction of the  
19 police department and the Police Commissioner but  
20 that does not mean that there can't be, or frankly  
21 there is already a task force and a collaborative  
22 effort with DOT where each of us play a role in  
23 examining a crash scene and we leverage our  
24 individual expertise to ensure that justice is...

2 CHAIRPERSON YDANIS RODRIGUEZ: Who, who is  
3 the person.

4 OLEG CHERNYAVSKY: That we re-design or  
5 if there is a potential to re-design the roadways to  
6 make it safer and protect...

7 CHAIRPERSON YDANIS RODRIGUEZ: So, you  
8 don't, you don't think that, that should, I get it.  
9 So, your position is that no? That you would not see  
10 that that unit can be transferred with the same  
11 person be in charge that is right now, with the same  
12 men and women trained by the NYPD but just be under  
13 DOT. I get a part and I hope that we leave the window  
14 open to continue that conversation. And who is the  
15 person that leads the CIS today? Is that person with  
16 you right now?

17 JAGDEEP SINGH: Yes, myself.

18 CHAIRPERSON YDANIS RODRIGUEZ: Okay. How  
19 many, how many men and women do you have in the unit?

20 JAGDEEP SINGH: We have 22 detectives and  
21 four sergeants.

22 CHAIRPERSON YDANIS RODRIGUEZ: Okay. How  
23 do you handle it with that small number, all those  
24 large number of crashes, people dying, serious  
25 condition?

2 JAGDEEP SINGH: We are able to give each  
3 investigation the amount of time, it, it requires and  
4 we investigate it thoroughly. The manpower that we  
5 have now is adequate.

6 CHAIRPERSON YDANIS RODRIGUEZ: Listen,  
7 that's the problem that we have now. And you have to  
8 do your job with what you have. It's like on the  
9 list to have more men and women in NYPD. They don't  
10 call the Commissioner and say no, we don't need more,  
11 then we negotiate it. Maybe the Commissioner will  
12 say that's good and we don't need more. How are you  
13 personally in charge to lead that unit saying that 26  
14 is enough?

15 JAGDEEP SINGH: Um, it's because I've  
16 seen these cases get investigated to, you know  
17 thoroughly. That's how I'm saying that based on the  
18 number that we are investigating yes.

19 CHAIRPERSON YDANIS RODRIGUEZ: That's why  
20 we don't agree. If the person who is leading this  
21 unit is saying that 26 is enough. How can you see the  
22 face of those families?

23 OLEG CHERNYAVSKY: Council member I think.

24 CHAIRPERSON YDANIS RODRIGUEZ: You don't  
25 have enough men and women power to investigate it.

2 OLEG CHERNYAVSKY: Council Member, I think  
3 we, we are really talking about two different things  
4 here. We're talking, what the Lieutenant is based on  
5 the cases that CIS currently investigates, his level  
6 of manpower is sufficient to adequately and  
7 professionally investigate each one of those cases.  
8 What you're talking about and this is a conversation  
9 we've had in past hearings as well is that the number  
10 of overall cases that CIS responds to, you are saying  
11 should be enlarged and become and be more and I'm  
12 just saying that the station. I just want to be clear  
13 that what the Lieutenant is talking about is having a  
14 sufficient number of investigators currently to  
15 investigate the cases that are assigned to CIS today.

16 CHAIRPERSON YDANIS RODRIGUEZ: How many,  
17 how many of those, how many of those investigations  
18 have been resolved?

19 KIM ROYSTER: So if, if you, if you are  
20 talking about in 2020? The 374 cases that were  
21 referred to CIS. Of that 374, there were 78 arrests  
22 in 2020. In 2019, out of the CIS, out of the 349  
23 cases that were referred to CIS, 110, um, were made,  
24 were arrests.

2 CHAIRPERSON YDANIS RODRIGUEZ: Okay. There  
3 is not enough men and women power. We are not...

4 KIM ROYSTER: So, I think.

5 CHAIRPERSON YDANIS RODRIGUEZ: You know  
6 as the person in charge of this unit you can say you  
7 can do the job. You know, as a teacher, I have to  
8 work with 25 students when that was the number that  
9 DOE stated that I had to work with. Would that make  
10 a difference instead of working with 25 to have 15 or  
11 20?

12 OLEG CHERNYAVSKY: But, Council Member  
13 we're, we're again, we are talking out two different  
14 things.

15 CHAIRPERSON YDANIS RODRIGUEZ: No, so, we  
16 are not. We are not. Listen, listen we are not  
17 talking about two different things. I'm saying you  
18 will hear from the advocates. You will hear from  
19 those families. I've been involved day by day with  
20 so many cases. I know for a fact 26 is not enough to  
21 investigate those cases. So, if we start this  
22 conversation coming from the person in charge of that  
23 Unit. When the number is picked. Whatever number you  
24 look at and he's saying 26 is enough then definitely  
25 New Yorkers will have problem with that.

2 OLEG CHERNYAVSKY: I think, Council  
3 Member, again, where, he's talking about the cases. I  
4 mean when you take a look at the arrest numbers  
5 that's cases where you have probable cause to make an  
6 arrest. Whether you have the number of people he has  
7 today or whether he has 5000 people assigned to him,  
8 it won't change the fact that a probable cause to  
9 make an arrest doesn't exist we can't make an arrest.  
10 We can only make an arrest where there is probable  
11 cause and we work with our district attorneys to  
12 present all of our evidence to see where we have  
13 probable cause so they can adequately prosecute  
14 somebody. If a case can't be prosecuted then we can't  
15 make an arrest so that's, that's the issue. Now  
16 again, we are conflating what the manpower we have  
17 today to investigate the cases CIS responds to and  
18 what you are talking about is having CIS respond to a  
19 much larger universe of cases for which clearly there  
20 would need to be a significant increase in manpower.

21 CHAIRPERSON YDANIS RODRIGUEZ: I, I, I'm  
22 talking about the Collision Investigation Squad to  
23 have enough men and women to power to be able to have  
24 all those resources to building an investigation. You  
25 cannot make a case if you are in front of a judge or

2 a juror saying that is the thing to have 26 as to  
3 have 200 to invest-, investigate the number that we  
4 are using, because 4000 people in critical condition  
5 every year as a result of crashes. And that a unit  
6 that is in charge to investigate, the one that we  
7 have created under the NYPD is saying that 26 is  
8 enough to make investigation. So, therefore, we not  
9 speaking the same language, and we are in need of  
10 this or really we are not. And who, who is, who is  
11 the counterpart, the counterpart in, from the person,  
12 from the officer who is the CIAs when it comes to  
13 DOT? Who do you coordinate every day when it comes  
14 to cases that you have to respond as a result of  
15 crashes?

16 MARGARET FORGIONE: Well maybe I can jump  
17 in there Chair. So, um, the way DOT handles this.  
18 We have a group of four emergency response  
19 responders. Um, they work from 6 a.m. to 10 p.m.  
20 every day and when there is a CIS, the, the person on  
21 duty goes to the scene and collects um, some, some  
22 information at the scene. So, those people have a  
23 strong relationship with the PD CIS unit and they,  
24 they coordinate, um, directly. And the person that we  
25 send, what, what they do is, that take photographs,

2 they look at whether or not there is no DOT  
3 infrastructure that needs to immediately be, um,  
4 addressed that may have contributed to the crash,  
5 such as, you know a signal malfunction or a street  
6 defect or something of that nature and they report  
7 back, um, to a large team here at DOT what, you know,  
8 the preliminary information that they are seeing at  
9 the scene.

10 CHAIRPERSON YDANIS RODRIGUEZ: And Com-,  
11 Commissioner is that, are those four people part of a  
12 unit of the DOT?

13 MARGARET FORGIONE: Yes they ...

14 CHAIRPERSON YDANIS RODRIGUEZ: And who,  
15 and who coordinates that unit and what is the name of  
16 that Department?

17 MARGARET FORGIONE: Okay, that unit is  
18 our Office of Emergency Response and they have a  
19 number of different functions. They, um, work with  
20 us 24/7 in a, in a radio room, um, basically  
21 providing the whole department with lots of  
22 conditions that affect DOT. Um, but it's embedded  
23 within that unit.

24 CHAIRPERSON YDANIS RODRIGUEZ: And who  
25 coordinates that unit?

2 MARGARET FORGIONE: That unit is  
3 coordinated by our Assistant Commissioner, Sharita  
4 Hunter who reports to our Deputy Commissioner, Leon  
5 Heyward.

6 CHAIRPERSON YDANIS RODRIGUEZ: The best  
7 person to coordinate it is the person who leads the  
8 Collision Investigation Squad Unit?

9 MARGARET FORGIONE: Um, they, they won't  
10 say that there is day by day coordination. The  
11 staff on the ground have day by day coordination but,  
12 but we do work very closely with PD on all, on all of  
13 the crashes and then a different unit comes in to  
14 play, Annmarie Doherty is on this hearing today with  
15 us. Her unit follows up and does a lot of data  
16 analysis and coordination with NYPD in order to  
17 inform, um, our street improvement projects and, and  
18 much of the work that we do.

19 CHAIRPERSON YDANIS RODRIGUEZ: Um,  
20 Commissioner, how many of those, is, intersectional  
21 area where crashes are happening in the last couple  
22 of year? We can choose any year? Whatever is the  
23 one that you have data with you? Uh, it could be  
24 last year if you have it but it could also be, it  
25 could be 2019 or 2018.

2 MARGARET FORGIONE: Right.

3 CHAIRPERSON YDANIS RODRIGUEZ: And how  
4 many of those areas where crashes have happened, DOT  
5 has been able to make those necessary changes when it  
6 comes to infrastructure?

7 MARGARET FORGIONE: All right, about, in  
8 about 50% of the fatal crash locations we do make  
9 changes. Now that takes out the fatalities on  
10 highways which are sort of a different animal but on  
11 all the street locations, about 50%, um, have some  
12 sort of treatment whether it's a change in signal  
13 timing, a complete re-design, study for a traffic  
14 signal, all sorts of things.

15 CHAIRPERSON YDANIS RODRIGUEZ: Does any  
16 area where crashes happen in the street or the  
17 highway become immediately part of DOT to see if they  
18 have to make a change in those areas?

19 MARGARET FORGIONE: All right, so I  
20 mentioned what our emergency response does. So, they  
21 go out immediately. Then we have another group, uh,  
22 that goes out, again it's about only four or five  
23 people they go out within several days or possibly  
24 several weeks and that group does a little bit more  
25 in depth look at the location. What they will do is

2 pull signal timing, uh, the signal timing for the  
3 intersection, the pavement marking designs. They  
4 will look at whether or not there is any upcoming  
5 work. Um, they'll go out to the location and they'll  
6 lay out exactly how the intersection currently looks  
7 or the location currently looks and they will bring  
8 that back for a more in depth look. So we have, we  
9 have two steps basically, a very immediate step and  
10 then one that follows.

11 CHAIRPERSON YDANIS RODRIGUEZ: But if  
12 they, if they allow, of course, has been an honor to  
13 be working with all of you guys led by DOT, NYPD and  
14 all the conservations and I also know that we can  
15 make important improvement. We are looking for  
16 expanding what we've been doing and, and how to  
17 address the epidemic which is not only COVID but also  
18 a crisis. As it is right now, DOT doesn't have to,  
19 uh, respond immediately when a crash happens, right?

20 MARGARET FORGIONE: Um, NYPD takes care of  
21 the situation. We do respond to the vast majority of  
22 them.

23 CHAIRPERSON YDANIS RODRIGUEZ: Right. But  
24 they are the ones that respond immediately. Right  
25 now it's not something in coordination with your team

2 immediately being told if this thing happens the hit  
3 and run that happened this morning, right?

4 MARGARET FORGIONE: Yes.

5 CHAIRPERSON YDANIS RODRIGUEZ: In Brooklyn  
6 and immediately NYPD, DOT get information together  
7 and both agency had to send someone to the scene,  
8 right?

9 MARGARET FORGIONE: Correct. We, we were  
10 there this morning at that scene.

11 CHAIRPERSON YDANIS RODRIGUEZ: What I  
12 saw, the weird thing that is happening right now, DOT  
13 if you look up those for those different departments  
14 that you have, the Office of Emergency Response this  
15 says 6 a.m. to 10 p.m. but when any crash happen DOT  
16 doesn't have to be there on the scene? NYPD is the  
17 one that got there first and then they share some  
18 information with DOT and then DOT move on and saying  
19 some members of that team, is that what it is?

20 MARGARET FORGIONE: Yes. NYPD takes the  
21 initial responses, correct.

22 CHAIRPERSON YDANIS RODRIGUEZ: Okay. So,  
23 what we want to follow is other City like they  
24 already, like Seattle. Looking to see how DOT  
25 immediately, you know, go to the scene as the crash

2 happens to look for their perspective on the  
3 investigation but also from their perspective the  
4 need to redesign our street. As you know a lot of  
5 things have happened the last couple of years and we  
6 have been in place is not what we would like to do in  
7 the role about their priority that we have in the  
8 City that's getting led by the Mayor. That's my  
9 part. So closing from my end and this part of my  
10 questioning, I'll be going to my, uh, to my  
11 colleagues. If, I think that what we are looking at  
12 right now again is to see how this unit that is in  
13 charge of investigation one from my end. Whatever it  
14 is, it could be the Investigational Squad, the  
15 Collision Investigation Squad who being led by the  
16 NYPD. It could be on the DOT, the first thing is that  
17 26 people is not enough and for me I have a big issue  
18 when I hear from the person of charge of the unit  
19 saying that that's enough. And what I heard it  
20 doesn't matter, it doesn't make a difference that the  
21 unit has 26 or they have 200 that it doesn't make a  
22 different to fully process an investigation. So,  
23 this is something that definitely I know that it is  
24 not in my concern, but the concern of those families  
25 that has a loved one involved in the crashes. Uh,

2 last question to me how many of those cases, uh, of  
3 process being fair to the investigated by the, from  
4 the, by the Collision Investigational Squad?

5 KIM ROYSTER: In 2020, there were 374  
6 cases that were investigated by the Collision  
7 Investigation Squad.

8 CHAIRPERSON YDANIS RODRIGUEZ: I'm sorry,  
9 can you repeat that?

10 KIM ROYSTER: In 2020, Chair, there were  
11 374 cases that were investigated by the Collision  
12 Investigation Squad.

13 CHAIRPERSON YDANIS RODRIGUEZ: But that  
14 number that, that's the number that you said, those  
15 are the numbers that you say that when you look at  
16 2020, say that we have 111,000 crashes, 374 in  
17 critical condition and 245 dead?

18 OLEG CHERNYAVSKY: No, Council Member,  
19 so, we really need to straighten these numbers out,  
20 because we are throwing a lot of numbers and this is  
21 being completed. There were 111,000 crashes only.  
22 Whether there is a physical injury or no physical  
23 injury, 111,000 crashes, right? It could have been  
24 property damage only. That's, that's part of that  
25 number. When you look at the 374 CIS cases that were

2 investigated in 2020, of that 374, 245 resulted in  
3 death, so it's not 374 plus 245. The 245 is within  
4 that 374.

5 KIM ROYSTER: 374.

6 CHAIRPERSON YDANIS RODRIGUEZ: No, I  
7 understand it, but, and again this number is  
8 important and of course, I'm not going to go back to  
9 the other pieces about the 44,000 and, and I hope  
10 that we can compare is my interest. But even if we,  
11 let's say we stay with this number, the number as you  
12 said, you said 111,000 crashes. It can be the  
13 crashes happen. My car was parked in front of the  
14 church. I came back the day after I know that  
15 someone hit my car. I was not inside the car. I  
16 didn't get to get a report. That's a case that was  
17 not documented but it could be, let's say, if I made  
18 the call, right? And reports with the local precinct  
19 then that case will be a crash, even though there was  
20 not one, no one inside the car. So, I get that part.  
21 Some cases are related to damage to vehicle and,  
22 111,000 but then, and then you say 374 critical  
23 investigative, as you say right now, investigating by  
24 the Collision Investigation Squad and 245 people who  
25 died, right?

2 OLEG CHERNYAVSKY: Right.

3 CHAIRPERSON YDANIS RODRIGUEZ: The thing  
4 that I feel where we need to, and I, to look at it is  
5 because 374 investigated by the Collision  
6 Investigation Squad, right. You look, if we just use  
7 that number, we are saying that every case of people,  
8 that in this case that ended with people in critical  
9 collisions are investigating, investigated by the  
10 Collision Investigation Squad and we know that, so  
11 that is a disparaging number to my case. So, 374 are  
12 the number of people being of cases being  
13 investigated. How many has no-, how many cases do we  
14 have of the other critical that have not been  
15 investigated by the squad?

16 OLEG CHERNYAVSKY: It's not, it's not  
17 critical but and this, and this is the problem. I  
18 think this is the issue with some of the statements  
19 that are being made. If its critical injury as the  
20 374 critical injury that the person did not die is  
21 128. 128 individuals, 245 individuals died, so that  
22 makes up the 128 plus the 245 equals 374. Right?  
23 That's, that's that numbers. What you are talking  
24 about is not injuries that are not critical injuries.  
25 So, there is a collision that resulted in injuries

2 that did not rise to the level of critical and those  
3 jobs are not investigated by CIS so when the  
4 Lieutenant was talking about having enough resources  
5 to investigate, he's talking about the 374 cases and  
6 having enough investigators to investigate the 374  
7 cases. What you are talking about is, in addition to  
8 the 374, you are talking about all collisions that  
9 resulted in an injury, that didn't rise to the level  
10 of critical injury. And the Lieutenant is not  
11 talking about those cases. He's only talking about  
12 the 374 that he investigates.

13 CHAIRPERSON YDANIS RODRIGUEZ: Which  
14 other criteria of people being hurt in crashes can  
15 you describe that have not, are not a red flag for  
16 the CIS to start an investigation?

17 KIM ROYSTER: So, yes, so I think it is  
18 very important to talk about the, the cra-, the crash  
19 when it occurs. So, a patrol officer will respond to  
20 a crash. And then that would trigger EMS and EMS will  
21 determine the criteria of that injury and based upon  
22 the criteria of that injury a patrol, a supervisor  
23 would be responding to that particular crash or  
24 collision. And then it is a determination of, based  
25 upon the injury if it is serious or if it's critical,

2 there would be a notification to our Evidence  
3 Collection Team or a notification to CIS. Now, CIS  
4 will get all of those pieces or notification where  
5 the person is seriously injured and likely to die,  
6 critically injured or death. Those cases where EMS  
7 has triaged that the injury is serious would actually  
8 go to the Detective Squad. If, those injuries, may I  
9 continue? If there is an injury and the person has  
10 left the scene that particular, um, case would also  
11 go to the Detective Squad.

12 CHAIRPERSON YDANIS RODRIGUEZ: Okay, I, I  
13 think that you know, I, with intention to again be  
14 positive in this conversation, what I feel that we  
15 definitely started hearing, with efforts to have a  
16 meeting. We want that in more detail so that we can  
17 compare data. Is that intention to making you know  
18 make NYPD for me to look back? To me this is about  
19 it doesn't matter if it is NYPD or DOT we know that  
20 we've been doing great coordination with Vision Zero.  
21 We all achieving including you. And the Commissioner  
22 Polly Trottenberg in the past and now we also the  
23 Deputy Commissioner here too. So, let's, you know, I  
24 will give you that two question and I definitely will  
25 go back to my colleague. Uh, when, when a

2 representative, when, when, when a representative  
3 from the Collision Squad, Investigation Squad arrive  
4 on the scene does you guy take, or does your officer  
5 take the statements of all the survivors or everyone  
6 involved in the crash?

7 KIM ROYSTER: So, when Collision  
8 Investigation Squad responds to the scene with, uh,  
9 Collision Technician Group, yes, they are responsible  
10 for taking, uh, statements from witnesses as well as  
11 all individuals that are involved in the crash.

12 CHAIRPERSON YDANIS RODRIGUEZ: Are we  
13 100% sure that when a crash happens and the unit  
14 arrives, that unit doesn't leave until they take the  
15 statements of everyone involved in that crash?

16 OLEG CHERNYAVSKY: I mean Council Member  
17 every, everybody in the police department that  
18 responds whether its detectives or whether it is CIS  
19 teams, they are trained to, one, safeguard the crime  
20 scene to preserve the evidence to make sure the scene  
21 doesn't get contaminated to do a search for video if  
22 there are cameras around to interview witnesses. I  
23 mean that's what they are trained to do. That's,  
24 that's the investigation.

2 CHAIRPERSON YDANIS RODRIGUEZ: So, but,  
3 in this particular case as a unit that will be  
4 following up and I understand the important of  
5 coordination in any place that we work but when the  
6 crash happens and the units arrive at the scene, that  
7 unit is the one that takes the statement of the  
8 individual hurt in that crash. Does a unit stay  
9 there until the statements are taken from anyone and,  
10 who are survivors in the crash?

11 KIM ROYSTER: It would be responsible, CIS  
12 would be responsible for taking statements as well as  
13 speaking to the detective squad that's at the scene  
14 as well as following up if there are any statements  
15 that are not taken at that time. Because the  
16 investigation would be ongoing, open. So.

17 CHAIRPERSON YDANIS RODRIGUEZ: When I say,  
18 alright be with me, if crash, I saw my community or  
19 any place in the five borough, the Collision  
20 Investigation Squad go to that unit, there are three  
21 passengers in that car, that unit will be the one  
22 who will be following the investigation. Those  
23 members of the unit they stay there until they take  
24 the statement of the survivors of the crash?

2 OLEG CHERNYAVSKY: I mean Council Member,  
3 every, I'm not trying to avoid your questions but I'm  
4 really not sure where, where you're going with this.  
5 There could be.

6 CHAIRPERSON YDANIS RODRIGUEZ: I'm going  
7 on, the follow up of investigations.

8 OLEG CHERNYAVSKY: I know but every case  
9 can take different turns. So, you can have witnesses  
10 that are removed from the scene by EMS and they can't  
11 be interviewed at the scene and they are going to be  
12 followed up on at a later time. But.

13 CHAIRPERSON YDANIS RODRIGUEZ: I  
14 understand that but if they are on the scene and if  
15 they can talk. You know, answers questions, I get  
16 those pieces. Those people who are in the car, that  
17 they can talk, the unit stay there until they take  
18 the statement of those people who survived, who  
19 survived the crash?

20 OLEG CHERNYAVSKY: Yes, the relevant  
21 investigators are responsible for interviewing all  
22 witnesses.

23 CHAIRPERSON YDANIS RODRIGUEZ: Okay,  
24 okay. Uh, last question, Commissioner, this is  
25 something big in DOTs agency and again very proud to

2 be working with you before I was a Chair, before I  
3 got this responsibility when I used to be again the  
4 Manhattan Commissioner and happy, happy to be working  
5 with all of you. Everyone is a great thing. It,  
6 it's best to follow the shoe of Polly Trottenberg.  
7 What experience does a new DOT Commissioner bring  
8 that will guarantee us that he is ready? Experience  
9 on transportation?

10 MARGARET FORGIONE: Okay. The new  
11 Commissioner in the last three weeks that he has been  
12 here has absolutely jumped in to all aspects of the  
13 department. We've briefed him on many things and he's  
14 made it very clear what his vision and direction is.  
15 He comes with experience, uh, from Brooklyn Bridge  
16 Park and the Brooklyn Navy Yard and in the weeks that  
17 we've gotten to know him we believe he's going to  
18 have a very great impact on the department.

19 CHAIRPERSON YDANIS RODRIGUEZ: But this  
20 is projects that we are doing. But when it comes,  
21 what his background?

22 MARGARET FORGIONE: Okay, well, I can tell  
23 you for the projects that we are doing, we have the  
24 whole DOT team here that is continuing to do this  
25 great work. He is bringing his direction and

2 leadership to it which we have seen to be very strong  
3 direction and I'm sure you know he would be very  
4 interesting in meeting and talking with you further  
5 about all of that.

6 CHAIRPERSON YDANIS RODRIGUEZ: I, I,  
7 believe that this again, as you know, top priority  
8 transportation.

9 MARGARET FORGIONE: Uh-huh.

10 CHAIRPERSON YDANIS RODRIGUEZ: And of  
11 course I have a call for him. So, it's not that I'm  
12 asking for the phone call but I feel that from the  
13 previous Commissioner that immediately given an area,  
14 I am not immediately responsible and, and of course I  
15 was very surprised when we have somebody like you  
16 with a lot of experience inside the agency and then  
17 suddenly someone who doesn't have any experience in  
18 transportation is a big surprise to me especially  
19 when we are still working in the couple of months to  
20 finish our, all of Vision Zero.

21 MARGARET FORGIONE: Okay, well let me  
22 just say one more thing on that. He in his career  
23 has gotten a lot of big things done and maybe they,  
24 they weren't all direct. I know he does have through  
25 some of his work, uh, in the two projects I just

2 cited does have good familiarity, uh, with  
3 transportation issues as well as he was on our BQE  
4 expert panel and dived into that very deeply. Uh, but  
5 he brings with him the ability to make things happen  
6 and push forward a large organization such as DOT and  
7 we think that will be very helpful in this year when  
8 we have so much to accomplish.

9 CHAIRPERSON YDANIS RODRIGUEZ: Okay, I'm  
10 always open but I have concerned that he doesn't have  
11 any background when it comes to Vision Zero and  
12 everything that we are addressing is a person that  
13 now is new in the agency again. I am open to work as  
14 I have done with everyone and I hope again that we,  
15 into the agres-, a more aggressive plan when it comes  
16 to try to finish a lot of the big projects that we  
17 have in mind, especially on how to make the streets  
18 safer for pedestrian and cyclists. So with that,  
19 let's go now to my colleagues.

20 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
21 you Chair. First, we will hear from the co-sponsors  
22 of the Bill, Council Members Levin and Lander  
23 followed by Council Member Holden. Uh, Council  
24 Member Levin?

2           STEPHEN LEVIN: Uh, thank you very much  
3 uh, Council and thank you Chair, so, uh, I appreciate  
4 everybody's attendance here. Uh, I wanted to make  
5 sure that I understand I know that you spoke a lot of  
6 this but Chair Rodriguez. But, I just want to make  
7 sure that I understand where things are. So, uh, I  
8 started looking at the AIS Squad way back when it was  
9 AIS before it was CIS, uh, this would have been about  
10 seven or eight years ago. Maybe eight to nine years  
11 ago. Uh, and at the time the criteria for  
12 investigation by CIS was that there had to be a death  
13 or injury that would lead to death. Uh, what has  
14 changed since then in terms of the criteria for an  
15 investigation by CIS? And, and also how is the  
16 number of cases investigated changed? So, you said  
17 that there was about 345 I think cases that were  
18 investigated in 2020. Um, how many were investigated  
19 in 2012 for example? Back when it was AIS and not  
20 CIS?

21           KIM ROYSTER: Good morning Council Member  
22 Levin. So, I would not have the data that goes back  
23 to 2012 at this time. Uh, the data that I have goes  
24 back to 2018. But I can tell you that, uh since we  
25 have changed the name to Collision Investigation

2 Squad from AIS Accident Investigation Squad there is  
3 a component that the Collision Investigation Squad  
4 investigates which is critical. Uh, previously the  
5 serious injury like to die or death and now there is  
6 a level of critical. And that's determined by a  
7 medical profession, professional or EMS at the scene.

8           STEPHEN LEVIN: So how many?

9           OLEG CHERNYAVSKY: So, also Council, just  
10 to add one point there was also a mechanism that was  
11 created in addition to critical about having a  
12 captain or a boss at the scene be able to trigger CIS  
13 response. Uh, if the situa-, that supervisor  
14 determines the situation warrants.

15           STEPHEN LEVIN: Okay. So, uh, I mean it  
16 would be definitely help to know to see data prior to  
17 when that change was implemented. Uh, this AIS, the  
18 CIS, to see, so obviously if you are adding a  
19 criteria of critical to serious and likely to die  
20 and, and death then you would see an expansion in the  
21 number of investigations in any given year. I would,  
22 I would assume.

23           OLEG CHERNYAVSKY: N-, not necessarily  
24 because you ...

25           STEPHEN LEVIN: Why would?

2 OLEG CHERNYAVSKY: There was a  
3 significant decrease thankfully in the number of, uh  
4 traffic fatalities and I think that's attributed to,  
5 you know the Administration's push to Vision Zero and  
6 the collaboration between the Council and, and the  
7 administration but the number of the types of cases,  
8 I mean and we will follow up with you on getting the  
9 2012 numbers. But...

10 STEPHEN LEVIN: Yeah.

11 OLEG CHERNYAVSKY: But not necessarily  
12 correlated that when you expand the criteria the  
13 number of investigation expands because you could  
14 have, uh, contraction of the number of cases that  
15 arise to death which is something that we are  
16 actually hoping for

17 STEPHEN LEVIN: Perhaps. Uh, I don't  
18 necessarily thing. I don't want to make that an  
19 assumption, uh, you know, perhaps. Uh, uh, my uh the  
20 other question that I have is that, how many, how  
21 many, uh, critical injuries resulted from car crashes  
22 in New York City do we have? I think that the Chair  
23 mentioned a, a number that was much higher than 345.  
24 How many do we? Uh, how many cases like that have  
25 happened in any given year in the last two years?

2 OLEG CHERNYAVSKY: So, 2020 ...

3 KIM ROYSTER: It was 128.

4 OLEG CHERNYAVSKY: It was 128, so out of  
5 the 374 investigated by.

6 STEPHEN LEVIN: No, no, no, I'm sorry,  
7 that's not what I'm asking. I'm asking how many  
8 people went to the emergency room from a car crash  
9 with critical injuries in 2020 or 2019.

10 OLEG CHERNYAVSKY: Well, what you're, I  
11 mean again this is important.

12 STEPHEN LEVIN: I'm not asking, I'm not  
13 asking how many were, I'm not, I'm not, I'm try to  
14 arrive at it a different way.

15 OLEG CHERNYAVSKY: One, one piece leads  
16 to the other, that's my point. I'm not trying to  
17 dodge your question, I'm saying if it is labeled as a  
18 critical injury, when you are using the term critical  
19 injury.

20 STEPHEN LEVIN: Yes.

21 OLEG CHERNYAVSKY: That always triggers a  
22 CIS response. So, if we are going to use that word,  
23 a critical injury. CIS is responding. So we have  
24 128 critical injuries that did not result in death in

2 2020. And we had 245, I, I, you can say critical  
3 injuries that did result in death. So, the ...

4           STEPHEN LEVIN: Right, so I'm wondering  
5 if that is like, I'm wondering if that is lining up  
6 with what, uh, if that's lining up with what, the  
7 number of critical cases that come into the emergency  
8 rooms from, from crashes in New York City? Is that,  
9 that number then, that's the number of critical  
10 injuries from the fire department? From EMS?

11           OLEG CHERNYAVSKY: Well, I mean.

12           STEPHEN LEVIN: That if we were ask the  
13 fire department how many critical injuries resulted  
14 from car crashes in 2020 they would say no more than  
15 345?

16           OLEG CHERNYAVSKY: Well, well the critical  
17 status is deemed by EMS at the scene. So, when you  
18 use that word, I mean that, the numbers should  
19 correlate because we're, we're not the ones, we're  
20 not medical professionals, we're not making that  
21 determination of critical. That is something that is  
22 coming from the medical professional at the scene.

23           STEPHEN LEVIN: That every single time  
24 that EMS says that it's critical, CIS is on the scene  
25 to do the investigation? Is that right?

2 KIM ROYSTER: That's correct, that's  
3 correct.

4 STEPHEN LEVIN: Uh, and, and the  
5 definition of critical is, is what?

6 KIM ROYSTER: That would, that would be a  
7 determination by EMS. They would triage the injury  
8 and actually tell us whether or not it's critical.  
9 We would not make that determination.

10 STEPHEN LEVIN: Uh, okay, but is there a,  
11 a guide at EMS that, that defines what critical is?

12 OLEG CHERNYAVSKY: I mean, we'll defer,  
13 we'll defer that question to the experts. Um, I'm  
14 not aware so I don't really want to speak to it.

15 STEPHEN LEVIN: I mean just as an  
16 example, we saw, just yesterday, um, Tiger Woods had  
17 a serious crash in California, uh, where uh, he  
18 suffered serious injuries. Is that, would that, would  
19 that level of crash rise to a level of a CIS  
20 investigation?

21 OLEG CHERNYAVSKY: I mean if that, if  
22 that crash would have happened in New York City and  
23 EMS would have determined that it was critical, CIS  
24 would be responding to the call.

2                   STEPHEN LEVIN: Yeah, I mean, I'm just  
3 wondering if, how we define, how we define, uh,  
4 critical? I mean is it, uh, it, it is not. I mean,  
5 I would think that if somebody's. What would be  
6 another, what would be an alternative defin-, uh, and  
7 expanded category from critical, what's the next  
8 category below it?

9                   OLEG CHERNYAVSKY: I mean, again, I don't,  
10 we're not experts in making these designations. We  
11 are reacting to the designations when they are made  
12 by medical experts. So, I'll defer. I mean, try to.

13                   STEPHEN LEVIN: I hear you, what I'm,  
14 what I'm trying to say is that seems like an awfully  
15 low number of investigations in a year, 345, it is,  
16 there are a lot of cases where people had injury  
17 where there may have been some criminal conduct on  
18 the part of one of the parties in that crash and if  
19 we are just investigating crashes where people have  
20 died or people are suffering critical injuries where  
21 the definition is, uh, you know potentially life  
22 threatening.

23                   OLEG CHERNYAVSKY: And, and Council  
24 Member let me, let me stop you for a second. That's  
25 not what we said. So, we are talking about a

2 distinction between a CIS response and attempted  
3 response, so we are not saying that we are not  
4 investigating the others, we are saying critical  
5 injury, likely to die and death is a response by CIS  
6 that do that investigation and if you don't have, if  
7 you have a crash that does to rise to that level, you  
8 can have a Captain or above call CIS but let's assume  
9 that it doesn't get to that.

10           STEPHEN LEVIN: That they don't.

11           OLEG CHERNYAVSKY: Right and you have  
12 Detective Bureau, Evidence Collection Teams that are  
13 specially trained as well and they are responding to  
14 the scene to do that.

15           STEPHEN LEVIN: They are specially trained  
16 to do?

17           OLEG CHERNYAVSKY: So, I don't.

18           STEPHEN LEVIN: In, in, uh, in crash  
19 investigation techniques?

20           OLEG CHERNYAVSKY: Well I, within ECT,  
21 within Evidence Collection Teams, within the  
22 Detective Bureau, highway has done training to 143.

23           KIM ROYSTER: 145.

24           OLEG CHERNYAVSKY: 145.

25

2           STEPHEN LEVIN: What does that, what does  
3 that training consist of?

4           OLEG CHERNYAVSKY: From the measurements,  
5 uh, I mean they are already trained in preservation  
6 of crime scenes and collection of evidence. They are  
7 called the Evidence Collection Team of course, so,  
8 but highway in addition to that gives them additional  
9 training on, uh, photography and measurements  
10 relevant to crashes.

11           STEPHEN LEVIN: What would be the benefit  
12 of not having? What would be the benefit of having  
13 the Detective Bureau investigate rather than CIS?  
14 Why not, why not expand CIS to investigate more cases  
15 of serious injury? Uh, why, why give that  
16 responsibility to, uh, the detectives that receive,  
17 you know some level of training but obviously not the  
18 same level of training as, as detectives in the CIS?

19           OLEG CHERNYAVSKY: Well, I mean, I guess  
20 it's like anything else, right, you have a lead  
21 specialized unit that has a significant amount of  
22 training, a significant amount of, I'm not going to  
23 repeat it because the Chief went over it in her  
24 prepared remarks but those individuals, the, the most  
25 horrific cases are investigated by those individuals,

2 right? And then the other cases that are not, not  
3 to detract from the seriousness of the other cases,  
4 you have eac-, also specially trained, uh,  
5 investigators investigating those cases as well. But  
6 it's like any other, any other issue, you're triaging  
7 and you are leveraging the specially trained  
8 expertise in the most efficient way possible and you  
9 are starting with critical injury, likely to die,  
10 that, uh, you know

11           STEPHEN LEVIN: But, I think, I just, I  
12 think the issue that I'm taking with that is that  
13 there's a, there's a, as you just described it, there  
14 is an emphasis on efficiency. And efficiency and  
15 effectiveness, are, you know sometimes are at odds a  
16 little bit, uh, they can be, um, and, um, if we are  
17 prioritizing efficiency and not prioritizing  
18 effective that, that could be at odds. I want, and I  
19 don't, that's just my characterization you know it  
20 could be that. I, I one last question and then I'll  
21 turn it back to, to my colleagues. Uh, what was,  
22 what's the number of, uh, of detectives in CIS right  
23 now?

24           JAGDEEP SINGH: 22.

2           STEPHEN LEVIN: 22. How has that number  
3 changed over the last 10 years?

4           JAGDEEP SINGH: It has fluctuated between  
5 16 and 24. So, so we're right in the middle.

6           STEPHEN LEVIN: Okay, so it's never been.  
7 And when was it 16?

8           JAGDEEP SINGH: Probably back in, uh,  
9 2012, sometime prior.

10          STEPHEN LEVIN: So it did expand by about  
11 50% or 60% from that time is what you are saying?

12          JAGDEEP SINGH: Yes.

13          STEPHEN LEVIN: Uh, okay, I, I mean I do  
14 think, uh, I mean I would be interested to know, uh,  
15 what, what kind of cases are not, are not getting  
16 covered by CIS and what the outcome of those cases  
17 are? I mean, last question here. Have there been  
18 criminal charges brought in any cases in the last few  
19 years that were not, that were ones investigated by  
20 the Detectives Bureau and not CIS?

21          OLEG CHERNYAVSKY: Of course. I mean, I  
22 don't have the exact number but it's, I mean, of  
23 course, there is no doubt about it. Leaving the  
24 scene, leaving the scene cases, we continue make  
25 arrests.

2           STEPHEN LEVIN: Well, leaving the scene,  
3 let's, let's leave leaving the scene aside for a  
4 second.

5           OLEG CHERNYAVSKY: We are talking about  
6 with an injury. So, the ...

7           STEPHEN LEVIN: Yeah but the leaving the  
8 scene does not take, any type of, that doesn't take  
9 any special investigative skill to determine if  
10 somebody left the scene. For, for, for.

11           OLEG CHERNYAVSKY: Those are probably  
12 some of the hardest cases to investigate. I mean I  
13 would strongly disagree with you because when  
14 somebody leaves the scene, that, to place an  
15 individual behind the wheel of the car at the time of  
16 the incident is extremely difficulty and.

17           STEPHEN LEVIN: Okay, but. Okay, but,  
18 I'm not going to argue with that, uh, but what I mean  
19 to say is what cases that involve other types of,  
20 forensic evidence collection? You know, uh, uh,  
21 things like speeding? Running a red light? Uh, uh,  
22 other types of reckless driving? Uh, things like in  
23 other words like behaviors that led up to the crash,  
24 not subsequent to the crash itself. Has there been  
25 any criminal charges brought, have any of those types

2 of criminal charges brought against somebody involved  
3 in a crash that was not investigated by CIS?

4 KIM ROYSTER: Yes there has. So, as we  
5 were speaking before, all, all crash with injuries or  
6 all crashes are investigated. But there are times  
7 when there is a crash or a collision and the patrol  
8 officer responds and determines that that individual  
9 is intoxicated or impaired there would be an arrest.  
10 Or that person is unlicensed there would be an arrest  
11 and also if that person failed to yield to a  
12 pedestrian. So, those are some of the cases where  
13 that arrest would, that particular case would not  
14 rise to the level of CIS but there is still an  
15 arrest.

16 STEPHEN LEVIN: Thank you very much. Uh,  
17 I'll turn it back over to my Chair. Thank you.

18 1:41:49

19 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
20 you Council Member Levin. Uh, next, we will hear  
21 from the other co-prime sponsor Council Member  
22 Lander. Uh, Council Member Lander will be followed  
23 by Council Holden and Council Member Miller. Council  
24 Member Lander?

25

2           BRAD LANDER: Thank you very much. Uh,  
3 thank you Chair Rodriguez for convening this, uh,  
4 important hearing and I'm honored to be one of the  
5 co-sponsors of this Bill which I believe is really  
6 urgently needed. Like Council Member Levin, I have  
7 spent you know a long part of my, more than decade in  
8 the Council pushing to win, uh, some changes here.  
9 Uh and we made a few small steps. You know, we got  
10 the AIS renamed to, from Accident Investigation Squad  
11 to Collision Investigation Squad, that took a lot of  
12 work and the increase, you know now back in the  
13 Bloomberg Administration that was made that I'll,  
14 I'll say that there have been some other meaningful  
15 steps. You know I want to invoke the, the memory of  
16 Deputy Inspector Mike Aimeri who was a great partner  
17 to us both at the 78<sup>th</sup> Precinct and when he was at  
18 NYPD highway, uh, and so I know that it's possible  
19 for there to be law enforcement that helps combat  
20 reckless driving and reduce it. And I also want to  
21 say thank you to DOT for, uh, working to restore  
22 funding in the executive budget and move forward on  
23 the Reckless Driver Accountability Act which I  
24 believe is a groundbreaking way of combating reckless  
25 driving. But, but having said all of that, that

2 decade has not left. Oh, and I should say that we  
3 also worked to try to make the Right of Way Law a way  
4 for the NYPD to start engaging on combating reckless  
5 behaviors so we could actually reduce reckless  
6 driving and save lives and I want to say there  
7 because accountability is critical. Arrests and where  
8 there is, uh, loss of life or injury caused by  
9 reckless drivers, uh, there needs to be real justice  
10 and accountability but the goal here is to save  
11 lives, reduce crashes, prevent injuries and we could  
12 be doing that and honestly I just feel that we are  
13 not and that the approach that CIS has taken has not  
14 gotten serious about that and that's why I believe it  
15 makes sense to move primary responsibility to DOT so  
16 that the core goal will be in part justice and  
17 accountability but also an approach that combats  
18 reckless driving through engineering changes, through  
19 education changes, through enforcement changes and  
20 saves lives. So, I want to start with a question  
21 about you know that Reckless Driver Accountability  
22 Act begin with the horrific crash in Park Slope a  
23 couple of years ago that killed a one year old and a  
24 four year old and the driver, Dorothy Bruns who  
25 killed them, uh, she had been in a prior crash,

2 actually, in a hit and run, uh, that was investigated  
3 but not by CIS. It was investigated by a precinct in  
4 Queens and I guess, I, I just want to start by asking  
5 the NYPD what happened with that hit and run  
6 investigation not done by CIS of Dorothy Bruns'  
7 earlier hit and run?

8 OLEG CHERNYAVSKY: Uh, Council Member we  
9 don't have information about that particular case but  
10 we can circle back with you.

11 BRAD LANDER: So, so I know what happened  
12 in that particular case and I, I think you guys do  
13 too. It, it sat in a file drawer in the precinct.  
14 So, I don't know whether the detective who went out  
15 to investigate it had been trained by CIS or not, um,  
16 but it was one of the cases. It was a hit and run so  
17 it involved a driver in a car hitting a pedestrian.  
18 Um, and thank God that pedestrian was not killed, um,  
19 and I don't know whether she was, or that pedestrian  
20 was, was critically injured or like to die but that  
21 case was investigated and the investigation report  
22 led to no prosecution, no action, no effort to take  
23 away, uh, Ms. Bruns' car or license. It sat in a file  
24 drawer. It didn't go in. As far as I understand it  
25 didn't even make it into a computer database. It sat

2 on paper in a file drawer in a Queens Precinct while  
3 she stayed out on the road, um, got five red light  
4 speeding violations. Nobody did anything until the  
5 day when she killed Abigail and Joshua. Um, so, what  
6 I have observed is we aren't, we don't have a serious  
7 approach to using enforcement to adding up to saving  
8 future lives and that's why the refusal to think  
9 about expanding the Collision Investigation Squad  
10 investigations seems so short sided to me. Let's not  
11 argue about the definitions of what's critical and if  
12 we had to go from 300 to 3600 we would need 10 times  
13 the staff. You could do twice as many  
14 investigations with twice as much staff and if that  
15 was part of liked focused deterrents of learning, who  
16 are the people that are most likely to injure and  
17 kill and therefore, how could we organize an  
18 enforcement approach that was likely to save lives.  
19 It seems to be if we did twice as many investigations  
20 we would note twice as much. Um, so, I guess let me  
21 start there. I mean is that, am I making that  
22 assumption wrong? I mean if CIS investigated twice  
23 as many crashes, wouldn't it be possible to have  
24 twice a large a database of reckless driving and

2 connect that with a broader deterrents, uh, and  
3 prevention strategy?

4 OLEG CHERNYAVSKY: I mean I don't know  
5 if, I really don't know if I can confirm that  
6 conclusion, right? So, CIS are and just like  
7 detectives on the squad their responsibility is to go  
8 to the scene, preserve and collect evidence, uh, and  
9 build a case if a case warrants for criminal  
10 prosecution. So, what, that collection of evidence  
11 and what the outcome of that investigation would  
12 show, will it show a significant increase in reckless  
13 driving or not? It may. I, I just couldn't tell you  
14 without examining every case, case by case.

15 BRAD LANDER: So, that actually gets  
16 directly to the point that I want to make and the  
17 next question that I want to ask. Because in other  
18 areas of policing, uh, NYPD takes a focus deterrents  
19 approach, you think about what you know and how you  
20 can use it to address and prevent other crimes. Um,  
21 you know, that as I understand it is a big part of  
22 the whole comstat idea. Um, but here I don't see  
23 that at all. I don't see an effort to use  
24 enforcement to reduce or combat reckless driving more  
25 broadly. Um, so, I guess let me ask it that way,

2 like, is there a strategy that I'm not seeing that  
3 CIS is engaged in to use the information from the  
4 Collision Investigations in concert with other data  
5 to make people safer from getting killed or injured  
6 in crashes beyond the individual officer  
7 investigation of that case, one at a time.

8 KIM ROYSTER: So, Council Member Lander,  
9 I will respond to that. And to answer your question,  
10 yes. There is a holistic approach, not just  
11 focusing on CIS but the entire police department when  
12 it comes to driving down fatalities and making sure  
13 our streets are safe. One is that at the precinct  
14 level, the executive officer as well as the Traffic  
15 Safety Team is responsible for looking at collisions  
16 and collision centered injuries. They are also part  
17 of a Traffic Safety Forum that I actually oversee  
18 every week and not only is it the NYPD, our patrol,  
19 our executive officers in the Precinct which are  
20 Captains and our borough as well as our CIS team as  
21 well as our Highway Teams and our Traffic Enforcement  
22 District. These forums are also attended by  
23 Department of Transportation and the reason for that  
24 is to basically talk about what infrastructure issues  
25 that we see in those geographically areas that they

2 come to the point where DOT has to any changes or if  
3 there is any signage that needs to take place. In  
4 addition to that, also we have MTA that also attends,  
5 um, the forums. One of the things that, um, we focus  
6 on in the forum, even though it is data driven is  
7 doubling down on outreach as well as enforcement and  
8 we have our high Vision Zero corridors that are set  
9 up in each borough where we see that there is, there  
10 are problems as it results in, um, reckless driving,  
11 um, failure to yield or any other violation that may  
12 occur in that particular corridor and we call them  
13 corridors because they don't just focus on one  
14 precinct, they focus on several precincts within that  
15 geographical area. So, the outreach, education as  
16 well as engineering and then definitely enforcement  
17 and you are correct, because enforcement is what's  
18 going to change the attitude and behavior of the  
19 motorists.

20 BRAD LANDER: Except if we are only  
21 enforcing in the small number of cases were are  
22 investing-, anyway, I, I appreciate some parts of  
23 that answer but it doesn't answer what happened in  
24 that Queens Precinct after the hit and run that led  
25 Dorothy Bruns back out to drive around and I don't

2 see anything different that you are doing now that  
3 would prevent that. I, I don't see how you can't then  
4 answer that twice as many CIS investigations would  
5 pro-, would produce twice as much information if you  
6 actually have a comprehensive approach. Um, so, um,  
7 but I guess a couple of other questions. I mean, um,  
8 why is it so difficult to get information from CIS  
9 about the, you know the, each year the cases you  
10 investigate and what you've learned from them  
11 precisely for this set of questions that you just  
12 outlined.

13 KIM ROYSTER: Well, I would take in  
14 consideration that all of the investigations that CIS  
15 do are confidential. Um, there, there is information  
16 about the number of investigations and the number of  
17 fatalities but we should talk about the level of  
18 specificity.

19 BRAD LANDER: Well, yo-.

20 KIM ROYSTER: Of investigation. Um.

21 BRAD LANDER: But obviously, I'm not  
22 talking about like you know making witnesses'  
23 confidential testimonies public. Is there anything  
24 that would prevent you from publishing an annual  
25 report that doesn't just have here's how many

2 investigations we conducted, but here's what we  
3 learned from them that is enabling us to strengthen  
4 enforcement and reduce reckless driving. Did I, did  
5 I miss those annual reports?

6 OLEG CHERNYAVSKY: So, Council Member I  
7 think, you know, we've worked with the Council and  
8 Council Members.

9 BRAD LANDER: Please, just Oleg, I, you  
10 have definitely worked with us in many ways, but on  
11 this question.

12 OLEG CHERNYAVSKY: If I can finish, if I  
13 can finish my answer. So, what I'm saying is is that  
14 we have worked with the Council on a number of  
15 reports to include CIS specific reporting on the  
16 quarterly basis which not only talks about the number  
17 of cases investigated by CIS but also reports of the  
18 investigative steps taken. If you want to go further  
19 and, and really dive in deeper into additional  
20 transparency, we've always partnered with the Council  
21 and we explore that with you. That there's not,  
22 we're not object-, objecting to further conversation  
23 on greater transparency. We never have.

24 BRAD LANDER: I got it, but what I want in  
25 this case is not just a way to transparency, what I

2 want is a genuine commitment to using the Collision  
3 Investigation Squad and the investigation of more  
4 crashes, um, to get us improvement in how we, in how  
5 we are approaching enforcement and combating reckless  
6 driving and I just haven't seen it. We came up with  
7 the Reckless Driver Accountability Act, learning from  
8 red light and speed cameras, not because we got any  
9 information from CIS that said, hey you know, we  
10 could have figured out Dorothy Bruns was pretty  
11 likely to hit and kill someone again given her record  
12 and the, I think DOT would take that annual report  
13 responsibility with the goal of combating reckless  
14 driving in a different way. So, I'm just going to  
15 ask one more question cause I.

16 MARGARET FORGIONE: Council Member, I'm  
17 sorry, this is Margaret Forgione from DOT. If I  
18 could just jump in, just sort of trying to get it, I  
19 think where you are going with this. The City has  
20 our Vision Zero, um, website where we publish very  
21 detailed data on traffic fatalities and injuries and  
22 that data is very well accessible. I guess a part of  
23 it, of course, we also have our Borough Pedestrian  
24 Safety Action Plans that we produce periodically  
25 which take that data and then translate it into the

2 locations where we most need to focus. So, some of  
3 what you're getting at is embedded in some of those  
4 things that we are already doing.

5 BRAD LANDER: So, I guess what I would  
6 say to that is, in terms of focusing on geography, a  
7 lot of progress has been made. We know and we look  
8 at and we have the data on where crashes occur and  
9 then look at what engineering changes can be made to  
10 those corridors or intersections. Not, you know we  
11 want to do more of that. It's not fast enough. It's  
12 not ambitious enough, we want to go further but at  
13 least we have a strategy there. On the strategy of  
14 actually combating reckless driving behaviors we have  
15 done almost nothing. And it is a thing that, you  
16 know the NYPD thinks about in other areas, what do we  
17 learn from enforcement so that we can think about  
18 the behaviors that are likely to cause New Yorkers  
19 harm and we actually are learning a lot about  
20 reckless driving behaviors that cause New Yorkers  
21 harm which individuals are most likely to do that  
22 and the ones it turns out that have sped against  
23 you know speed cameras and red lights are the ones  
24 who have been in prior hit and runs are pretty  
25 likely. Um, and we could learn a lot more if we had

2 a strategic and integrated focus to combat reckless  
3 driving. But we don't have it. And that's why I've  
4 been pushing to create the Reckless Driver  
5 Accountability Act which is just barely getting  
6 started. But, I don't see the NYPD and I've been  
7 trying for a decade. That's why we passed the Right  
8 of Way Law to get more serious about this and I just  
9 have come to conclude, um, that we got a lot better  
10 chance of getting it if we put it all in one agency  
11 with the goal of reducing crashes. But, my, my last  
12 questions for the NYPD go to how you work with the  
13 families of victims. Because another thing that I  
14 have just heard time and time again is frustration  
15 from the families of victims versus so many cases  
16 where the victim is blamed. A press reporter will  
17 come talk to an officer on the scene and get a quote  
18 and then it's in the media. Um, and then they  
19 just have a really difficult time getting  
20 information, getting the facts, being able to work  
21 with their attorneys to make cases because in so  
22 many cases you are not going to be able to bring,  
23 or you know there isn't a prosecution and they are  
24 relying on a private attorney. So, I guess my  
25 question here is, is there a standing panel of you

2 know of crash victim's families that advise you on  
3 this work so that you can improve the, the approach  
4 to make sure that it is doing better by them.

5 KIM ROYSTER: So, so, I'll start with  
6 the, the outreach to the families of fatalities or  
7 involved in collisions. One of the things that I set  
8 up when I, I became the Chief of Transportation and  
9 within my CIS Unit is that all families are engaged  
10 by a CIS investigator at the beginning of the  
11 investigation and the reason for that is that they  
12 not only engage the family but they help the family  
13 navigate through this very complicated situation of  
14 bereavement as well as getting information. What's  
15 going to take place in the investigation? Who's  
16 involved in the investigation? What type of, uh, of  
17 information will be needed to, um, make an arrest.  
18 That is, that information will be given to the  
19 District Attorney. There is a discussion about what  
20 happens with the District Attorney. What roles they  
21 play, how we actually engage with the District  
22 Attorney. The MEs office. We also provide the  
23 family with, um, what we call Frequently Asked  
24 Questions about a collision fatality or a collision  
25 and this is necessary because most of the time the

2 families are, are really, are really, um, in a state  
3 where this is something that they've never  
4 encountered but want our CIS Investigators to help  
5 them through this. So, those questions are asked.  
6 They are also translated in different languages and  
7 we also provide the family with any type of report  
8 that's taken by the CIS investigator which would be  
9 the accident report. So they can see what has been  
10 reported.

11 BRAD LANDER: I'm sorry, are we still  
12 calling it an accident report?

13 KIM ROYSTER: It is still called an  
14 accident report. It's a state report.

15 OLEG CHERNYAVSKY: It's a state form sir  
16 so I, we're, I mean it's not a city form it's a state  
17 form.

18 KIM ROYSTER: So, um, during our traffic  
19 safety forum, which you may recall as being a Traffic  
20 Stat which is now renamed the Traffic Safety Forum.  
21 We discussed the confidentiality at a particular  
22 collision or crash investigation. That, that  
23 information is confidential and any information  
24 regarding the investigation at the time of the crash  
25 or any time after should be given to the DCPI which

2 is the Deputy Commissioner of Public Information  
3 which will get that information and actually  
4 disseminate it to the media as well as any of our  
5 social media platforms. We are always looking for  
6 ways to do better. We understand this particular  
7 situation can be traumatic not only to the family but  
8 to the community. We understand that collisions are  
9 unpredictable but they are preventable and that's why  
10 we work with the Department of Transportation to  
11 determine, um, when these collisions occur and what  
12 could be done to make sure it doesn't happen again.

13 BRAD LANDER: Okay it sounds like that  
14 was a very thorough and long answer and no to my  
15 question that you don't have a standing panel of  
16 crash victims advising you and giving you regular  
17 feedback on the process so that you can make it go  
18 better, you know, over time for families.

19 KIM ROYSTER: Okay, so, um, I, I left out  
20 the fact that, actually when I was assigned to this  
21 position I met with Families of Safe Streets and I  
22 also met with Mothers Against Drunk Drivers, um, some  
23 of the advocates that were concerns about getting  
24 information as well as how to engage the families and  
25 I will continue to have that relationship.

2 BRAD LANDER: And did you change things  
3 as a result of those meetings?

4 KIM ROYSTER: As a result of those, the  
5 feedback that I received. What came out of that was  
6 the actual Bereavement Guide that we are actually  
7 giving the families. In addition to that, um, one  
8 sec. In addition to that, um, we still continue to  
9 have conversations with the DAs office to determine  
10 that if there is anything else that we need to do.  
11 We also, um, would like to continue to have  
12 conversations to make it better, and to also make  
13 sure we bring closure to the families.

14 BRAD LANDER: Okay. I continue to hear  
15 from families a lot of dissatisfaction so I think  
16 meeting with them again and making additional changes  
17 would be a good first step. Um, and I appreciate  
18 your time today. I continue to strongly support this  
19 Legislation because the goal here is the real focus  
20 in coordinated strategy to combat reckless driving.  
21 It shouldn't take, you know a crash where someone did  
22 not get taken off the streets after a hit and run,  
23 ran all those red lights and we had to take two years  
24 to pass a Bill to have a strategy for combating and  
25 reducing the most reckless drivers in our City. The

2 goal is to get that going. That's why I support this  
3 Legislation. Uh, thank you Chair for all this time.

4 CHAIRPERSON YDANIS RODRIGUEZ: Thank you.

5 KIM ROYSTER: Can I?

6 CHAIRPERSON YDANIS RODRIGUEZ: Sure.

7 KIM ROYSTER: I possibly add, um, one  
8 other thing that we've done as far as meeting with  
9 the Families of Safe Street. We've created a video  
10 throughout the department and that video is  
11 specifically geared to victims. And that was based  
12 upon, uh, the feedback from Families of Safe Streets.

13 CHAIRPERSON YDANIS RODRIGUEZ: Okay. Thank  
14 you. Let me, let me interject with two or three  
15 questions before I continue with my colleagues. And  
16 first of all I want to clarify that looking at my own  
17 data when I return to the 44 passing, uh, for the 33  
18 data, I was referring to hit and run. So, I looked  
19 at the larger number that you are sharing is because  
20 they involve all those crashes. Not only hit and  
21 run. It, but if we can look at it from those that  
22 we have in 20, in the last two years of 2019 and  
23 2020, how many of those were hit and run?

24

25

2 KIM ROYSTER: So, I can provide you with  
3 data for 2020. The total number of cases that  
4 involve leaving the scene?

5 CHAIRPERSON YDANIS RODRIGUEZ: Yes.

6 KIM ROYSTER: Would be 90. And that  
7 those are the ones that were referred to Collision  
8 Investigation Squad.

9 CHAIRPERSON YDANIS RODRIGUEZ: Now, in  
10 2015, let me give you this sample.

11 KIM ROYSTER: Okay.

12 CHAIRPERSON YDANIS RODRIGUEZ: In 2015,  
13 we have 38,000 of hit and run. In the last few years  
14 and Commissioners from DOT because you don't think  
15 that DOT also works with those numbers as a leading  
16 entity of Vision Zero. How many, what is the last  
17 number that you have related to hit and run?

18 KIM ROYSTER: So, I'll start with 2019  
19 and then I'll give you 2020, is that okay?

20 CHAIRPERSON YDANIS RODRIGUEZ: Okay.

21 KIM ROYSTER: In 2019, the total number  
22 of leaving the scene collisions was 47,865. In 2020,  
23 the total number of leaving the scene collisions was  
24 39,690.

25 CHAIRPERSON YDANIS RODRIGUEZ: 690?

2 KIM ROYSTER: Yes sir.

3 CHAIRPERSON YDANIS: How many on the 2019  
4 ended with injury? Personal injury?

5 KIM ROYSTER: So in 2019, there was 6,782  
6 which resulted in a physical injury. In 2020, there  
7 was 6,652 that resulted in physical injury.

8 CHAIRPERSON YDANIS RODRIGUEZ: Can you  
9 repeat that number? The last one? In 2020, sorry.

10 KIM ROYSTER: In 2020, its 6,652.

11 CHAIRPERSON YDANIS RODRIGUEZ: Okay. And  
12 does the investigation, Collision Investigation Unit  
13 investigate all of those cases that involve personal  
14 injury?

15 KIM ROYSTER: No sir. The Collision  
16 Investigation Squad will investigate collisions that  
17 involve a serious injury likely to die, a critical  
18 injury or a death where a person has left the scene.

19 CHAIRPERSON YDANIS RODRIGUEZ: And, and  
20 who investigates the rest of the cases?

21 KIM ROYSTER: The remaining cases will be  
22 referred to the Detective Squad as an open  
23 investigation.

24 CHAIRPERSON YDANIS RODRIGUEZ: And who,  
25 and do you have the numbers of how many of those

2 investigation outside of squad ended with driver's  
3 being arrested?

4 OLEG CHERNYAVSKY: No we don't. But we...

5 CHAIRPERSON YDANIS RODRIGUEZ: Can you  
6 share to, do you, can we follow up with them?

7 OLEG CHERNYAVSKY: I'll follow up with you  
8 on that.

9 CHAIRPERSON YDANIS RODRIGUEZ: Okay. And  
10 can you also go back on, on, on giving me what is  
11 the, when you look at the definition of a, that you  
12 have as critical injury patient. Defined from the  
13 NYPD and especially in this unit that is possible to  
14 follow the investigation.

15 OLEG CHERNYAVSKY: We, we didn't, we  
16 didn't give that definition because it's not an NYPD  
17 definition that's a determination made by EMS, the  
18 paramedics that respond to the scene and then that  
19 triggers the response by CIS. So, we that is not our  
20 definition. We defer to EMS to, to give you that  
21 definition.

22 CHAIRPERSON YDANIS RODRIGUEZ: Okay. But  
23 in your letter in 2015, reaching by Commissioner  
24 Kelly he established a critical injury patient will  
25 be defined as either receiving CPR and respiratory

2 airways or requiring or receiving life sustaining  
3 ventilator, ventilator support that was NYPD.

4 OLEG CHERNYAVSKY: That may be the EMS  
5 definition. Again, I have to, after this hearing  
6 I'll contact EMS. I'll see what their definition is,  
7 if you can forward me the letter from Commissioner  
8 Kelly from 2015, I'll tell you if it's the same  
9 definition. He may be quoting EMS, uh, fire  
10 department definition.

11 CHAIRPERSON YDANIS RODRIGUEZ: Okay and  
12 how many, can you, sorry, I know, can we also go back  
13 and tell me the numbers on who made the  
14 investigation, the CIS?

15 OLEG CHERNYAVSKY: Say that again?

16 CHAIRPERSON YDANIS RODRIGUEZ: Can you  
17 repeat about the composition of the CIS, how many  
18 they are and what?

19 OLEG CHERNYAVSKY: The manpower you're  
20 talking about?

21 CHAIRPERSON YDANIS RODRIGUEZ: Yes.

22 OLEG CHERNYAVSKY: It's 22 detectives, 5.

23 CHAIRPERSON YDANIS RODRIGUEZ: 22?

24 OLEG CHERNYAVSKY: Yes

25 CHAIRPERSON YDANIS RODRIGUEZ: Okay.

2 OLEG CHERNYAVSKY: 22 detective, 5  
3 sergeants and one lieutenant.

4 KIM ROYSTER: And, and also in the  
5 Collision Technician Group, that's the group that  
6 also responds to a, um, a CIS, a collision.

7 CHAIRPERSON YDANIS RODRIGUEZ: I, I just  
8 wanted to compare, how are we doing? It works for me  
9 when I'm leaving. So I'm doing my part to advocate  
10 for that unit to have more than what we have right  
11 now. So, there is a, there's a, so in the same year  
12 in 2017, 2013 the CIS had 21 detectives, 3 police  
13 officers and 5 supervisors. In the increase was as a  
14 result of the advocate mentioned the case that we  
15 needed to add 10 additional detectives. So, we're  
16 talking again about 2015. Herein we are 2021, as we  
17 are getting close to a budget saying that similar  
18 number that we had in those years is enough to  
19 investigate all those cases.

20 OLEG CHERNYAVSKY: Are you, was, are you  
21 asking the question?

22 CHAIRPERSON YDANIS RODRIGUEZ: Asking the  
23 question, how can you justify that the number that  
24 you have right now to investigate all those cases is  
25 enough for a, for a new case? I have a lot of hard

2 work in different field. Is that a **INAUDIBLE** in DOT  
3 that is responsible to, to pay for 200 projects as  
4 someone that says I only have 250? Is not the same  
5 one who is a lawyer is working in the court system  
6 to say the same thing with all those cases that we  
7 have related to tenant, hundreds compared that we  
8 will only will be working with fewer than. Is that  
9 essential for you to say that this number they have  
10 right now and to say that it doesn't monitor the  
11 number up to 200, the outcome would be the same on  
12 the investigation?

13 OLEG CHERNYAVSKY: Well, I, Council  
14 Member what we testified to today repeatedly is that  
15 the number of CIS investigators assigned to CIS are  
16 sufficient to do good investigations, solid  
17 investigations based on the case load they have  
18 today. We're not sure changing any investigations,  
19 we're doing comprehensive full investigations based  
20 on the cases that are presented to us.

21 CHAIRPERSON YDANIS RODRIGUEZ: Do the  
22 poll. Check the family. See how they feel? Pay  
23 attention to the testimony and then we leave with  
24 questions. When it came to, in recent, in recent,  
25 how we were able to increase say more than 10 because

2 the last time that we got into this investigation.  
3 Because you are saying that you were saying that you  
4 had enough, then we were pushing for me and here we  
5 are in the same place. You have those single cases  
6 going on.

7 OLEG CHERNYAVSKY: I think there are.

8 CHAIRPERSON YDANIS RODRIGUEZ: Did you  
9 say that is enough to do the investigation and we are  
10 in major disagreement here.

11 OLEG CHERNYAVSKY: I mean Council Member  
12 we keep completing this issue so I think we've made  
13 our point on the record. When you are ready, I, I  
14 think the increase, the recent head count to your  
15 credit, to the advocates credit, not taking away from  
16 that, coincided with an increase, unless I'm wrong,  
17 coincided with a re-defining of the parameters of  
18 what CIS investigates. I think now we are talking  
19 about is this, is the current head count enough to do  
20 comprehensive investigations based on that criteria  
21 and the cases getting before CIS? The answer is yes,  
22 we are doing comprehensive investigations based on  
23 the cases that are getting to CIS. If you are  
24 talking about increasing or altering the criteria to  
25 increase the amount of cases that are going to be

2 investigated by CIS then of course, it would require  
3 a significant increase in head count. I, I don't  
4 think we are saying different things.

5 CHAIRPERSON YDANIS RODRIGUEZ: Yeah.

6 Well, what, what percentage of investigation, if you  
7 can take me back ended with driver's being arrested?

8 OLEG CHERNYAVSKY: I think there were 70s.

9 KIM ROYSTER: 78. So in 2020, out of the  
10 374 investigations by CIS there were 78 arrests and  
11 40 summons.

12 CHAIRPERSON YDANIS RODRIGUEZ: Well, what  
13 is the percentage when you look at all of those cases  
14 that you're being investigated, like, from those  
15 cases that you investigated last year, if you can  
16 compare 2019, what percent has ended with driver's  
17 being arrested.

18 KIM ROYSTER: Okay, so in 2019, there  
19 were 349 CIS jobs, 110 arrests which resulted in a  
20 31% of the cases that were investigated resulted in  
21 the arrest.

22 CHAIRPERSON YDANIS RODRIGUEZ: And that,  
23 and those are the numbers that we feel that by  
24 increasing the numbers of men and women in the CIS  
25 to have more time to investigate, to do those

2 investigations would be helpful to increase that that  
3 percent.

4 OLEG CHERNYAVSKY: Council Member again,  
5 we are going to have to clear this record because  
6 what you are saying is that there was insufficient  
7 people in CIS today to do adequate investigations.  
8 We are disagreeing with that. You know it's about  
9 probable cause to make an arrest and we work closely  
10 with the district attorneys to present the evidence  
11 that CIS gathers and to determine whether or not  
12 probable cause exists to make an arrest. That is  
13 being done today.

14 CHAIRPERSON YDANIS RODRIGUEZ: No, we,  
15 we, we are.

16 OLEG CHERNYAVSKY: The total number of  
17 arrests is a consequence of whether or not there is  
18 enough probable cause to make the arrest. Not if you  
19 increase the number of investigators with the current  
20 case load. Right, if you don't change the current  
21 case load and you increase the number of  
22 investigators that's not going to get you probable  
23 cause.

24 CHAIRPERSON YDANIS RODRIGUEZ: Yeah, but,  
25 even, even, even to the, the, investigations unit is

2 not dedicated to investigate certain cases. And  
3 they've been **INAUDIBLE** injuries that are not  
4 investigated by the Collision Investigation Squad  
5 Unit.

6 OLEG CHERNYAVSKY: Much of that..

7 CHAIRPERSON YDANIS RODRIGUEZ: We, we're  
8 firm in our role on saying two things one, more men  
9 and women power should be given to the investigation  
10 regarding this and if they want to, or if they go to  
11 DOT. Second, we should even incre-, in-, increase  
12 the numbers of cases. The criteria's of people that  
13 should be investigated by the CIS and this is our  
14 role as a Council. As you know, you have the  
15 criteria of what is those cases that this unit  
16 investigates. We have the responsibility to be sure  
17 that we provide and we make any changes so that the  
18 numbers, the ratio of the members of the unit and the  
19 numbers of people that are involved in, in critical  
20 condition, get more attention, get more time. And  
21 second, we do believe that we need to improve the  
22 universe, increase it. So that more people are  
23 included and designated for this unit to do the  
24 investigation. Thank you. Next person please.

2 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
3 you Chair. Uh, next we will hear from Council Member  
4 Holden who has been patiently waiting. Followed by  
5 Council Members Miller and Koo. Council Member  
6 Holden.

7 ROBERT HOLDEN: Uh, thank you everyone  
8 and thank you to DOT and NYPD for, um, the testimony.  
9 Um, 2-1/2 hours in to this hearing and I have not  
10 heard anything that DOT says they have, they get  
11 along with NYPD, has a good partnership in these, um  
12 collision investigation, uh, investigations. NYPD  
13 says they have a good report with DOT. I'm hearing  
14 we need more detectives or investigators on this,  
15 which I would agree with. Um, but some of my  
16 colleagues are some people that wanted to defund the  
17 police and cancel two academy classes and they're  
18 now, they want more investigation. So, I'm a little  
19 puzzled by this whole hearing and this Bill. This,  
20 in my opinion Intro 2224, that we are hearing today  
21 is just another attack on NYPD and a giant waste of  
22 everyone's time. I don't se-, I haven't heard  
23 anything today that even remotely. Yeah, okay, some  
24 of the accident investigations don't turn out like  
25 some people want it to turn out and there is the law.

2 And if, if our, if Council Members or my colleagues  
3 want to change the regulations of people who are  
4 passing red lights and so forth, get them off the  
5 road, I'm all for that, but, I mean it's a fact, um,  
6 you know some crashes are criminal investigations and  
7 police are the only ones qualified to investigate.  
8 We heard that today. Uh, there is a chain of custody  
9 of evidence. Interrogating suspects. Making arrests  
10 at the scene are all part of NYPD's jurisdiction. I  
11 ca-, I fail to see, and if DOT can tell me how  
12 anything under DOT would change, maybe the Deputy  
13 Commissioner could tell me if it was in the DOT  
14 jurisdiction, what would change?

15 MARGARET FORGIONE: So, I, so Council  
16 Member your question is if DOT were to take on this  
17 function what would we want to do differently than  
18 NYPD is doing?

19 ROBERT HOLDEN: Right?

20 MARGARET FORGIONE: I can't say that I  
21 can identify something that we would want to do  
22 differently than NYPD.

23 ROBERT HOLDEN: There you go. So, uh,  
24 you know, it's, it's unbelievable that we are  
25 listening to a Bill that both you know DOT doesn't

2 want it. DOT says it's working perfectly. NYPD said  
3 it's working perfectly but a few Council Members feel  
4 that it's not because they are not getting the result  
5 that maybe Safer Streets. So, then, come up with  
6 Legislation that would make our streets safer and  
7 let's stop this constant attack on the police. Um,  
8 or let's get some academies, some police academies  
9 back and let's increase the size of the, of the  
10 Collision Investigation Team, but, I'm just, I'm  
11 puzzled by this whole hearing 2-1/2 hours and I don't  
12 think we've got anywhere and the only thing we've  
13 learned is that it, the system seems to be working  
14 but we, let's expand the police's investigation of  
15 the accidents, which I'm all for. Thank you Chair.

16 CHAIRPERSON YDANIS RODRIGUEZ: Thank you  
17 colleague and Council Member and since you've been  
18 listening for 2 hours and a half you've been patient  
19 too. You heard that from the beginning I said that  
20 even if we maintain this investigational power to  
21 these men and women who are doing it right now but  
22 coordinated closely with the DOT or transferred to  
23 the DOT that's what I've been saying from the  
24 beginning. I also been saying form the beginning that  
25 I feel that the number has been, should be increased.

2 Something that as you know Commissioner in the Vision  
3 Zero, I, I did my job increasing funding for DOT to  
4 have the resources to do all the, to do the awareness  
5 campaign even though at some point Administration  
6 didn't take as a priority, even when Wanda, Melissa,  
7 **INAUDIBLE** we also worked hard to improve it, increase  
8 the numbers of men and women that went PD because we  
9 found that we needed to keep our streets safe. So, we  
10 have a record and when it comes to this conversation  
11 about falling to the NYPD, as you know, even last  
12 year, some people wanted to, uh, some of the people  
13 that I respect were advocating to defund the NYPD. My  
14 position have been clear on continuing supporting the  
15 NYPD with the resources that they need to keep or  
16 City safe. And when we're talking about this  
17 particular piece, this is about an area, I don't care  
18 if detectives which I think would be a better  
19 argument that we should have in this conversation  
20 together. So, I think that, you know, everyone has to  
21 do their job, everyone has to find a direction and  
22 everyone has to justify where different areas of the  
23 City is right now, we believe that this has strong  
24 and please stay listening, stay in this, in this  
25 hearing when the Family for Safer Streets will

2 testify. I know that you are in there or you live  
3 somewhere to take the notes, stay in listening. We  
4 again are most people being frustrated. Most people  
5 been waiting for years and years and the Das, I have  
6 a lot of respect for a lot of them. They wish you to  
7 continue be working together with them. To work for  
8 Albany. To get rid of the red tape that we have in  
9 Albany that doesn't provide the DA all the tools it  
10 wants. Let's address how long does it take for the  
11 lab to come back with a result when they do their  
12 blood test after investigation is started in the  
13 same. Sometimes you wait a month for those result to  
14 come back. My expertise is education but my years  
15 here Chairing this Committee, working with all of you  
16 guys, especially working with the family or  
17 centuries, I can tell you that my perspective had  
18 changed completely. And please, for the respect of  
19 everyone, don't come and justify that the number that  
20 we have today is enough. Don't come and justify that  
21 the work as it is right now is enough. Let's be open.  
22 Next Council Member please.

23 ELLIOTT LYNN, COMMITTEE COUNSEL: Our  
24 next Council Member will be Council Member Miller,

2 who will be followed by Council Member Koo. Council  
3 Member Miller.

4 SGT. MARTINEZ: Time starts now.

5 DANEEK MILLER: Tha-, thank you Mr. Chair  
6 for that, for that eloquent dissertation. I agree  
7 wholeheartedly and, um, but for a number of reasons.  
8 We've heard testimony from DOT as well as the NYPD  
9 and I, I don't think that for everyone as, as Council  
10 Member Holden says sees that they are on the same  
11 page. I don't believe that DOT believes that it has  
12 the capacity to do the type of work that is necessary  
13 to keep folks safe. And I would submit that from my  
14 experience and I know that you had reached out to the  
15 new Commissioner and I had myself because, um, been  
16 in the Community that I represent in Southeast Queens  
17 and, and the Broader Community, uh, there is a real  
18 dissatisfaction with the DOT and how it delivers its  
19 services, right. It lacks equity and diversity in  
20 how it delivers its services. How people are kept  
21 safe. There are communities that have had as many  
22 accidents, incidents regarding pedestrians, cyclists  
23 as any other community but we don't get the  
24 infrastructure and the capital investment that  
25 happens throughout the City. We get punitive red

2 light cameras and that is it and we don't get the  
3 engagement and the type of dialogue that allows  
4 communities to really be engaged and, and be better.  
5 Now, that's one part of it. Um, as a, I may be the  
6 only trained accident investigator in the Council,  
7 I'm, I'm pretty sure of that. In my other life I've  
8 had the opportunity to work with the NYPD and the DOT  
9 in responding to, uh, accidents. I can attest to  
10 each qualifications and the partnership that is  
11 required in order to facilitate real accident  
12 investigations and, and that partnership occurs  
13 obviously. I was the third party on the MTAs side,  
14 um, but it it happens. Can we be better? We can  
15 absolutely be better but we need to invest in the  
16 areas and in the agencies that can actually do the  
17 work. Should there be further collaboration?  
18 Absolutely. But to put this ownness and  
19 responsibility on an agency that has not demonstrated  
20 that they can provide the services equitably, um, I  
21 think would be doing a disservice to all those  
22 involved. Um, furthermore, I think that there are  
23 clearly some state laws that would preclude some of  
24 the things that are happening that require police  
25 investigation require police responses, responses to

2 accidents and, and we could just be better. I will  
3 tell you, that there, I have a nephew that was  
4 involved, um, who was involved in a hit and run  
5 accident and, and he is now paralyzed and that, that  
6 person, um, left the scene and was, there was a  
7 dispute as to who was driving and there were  
8 witnesses that came to the police and, and, and, were  
9 able to testify to that. So, you know let's not  
10 reinvent the wheel but, and then, last I want to say  
11 that there is a reason why the governor has this  
12 mandate on police reform and a lot of that is because  
13 of the pain and agony endured by the Black, Latino,  
14 Asian community at the hands of police injustices.  
15 I am absolutely not diminishing any shape, form or  
16 fashion the trauma that families endure. But there  
17 are communities that have endured trauma at the hands  
18 of the NYPD and policing, um, throughout this State  
19 and throughout the country. Let's not lose our focus,  
20 let's reform where we need to reform. This is a  
21 problem that should not be hard to fix, right? We  
22 have the tools, we have the resources, if we put all  
23 of our collective partnerships behind this, we can do  
24 that, but let's not shift the focus from where it  
25 needs to be. I want to thank the Chair. I want to

2 thank all of those who are going to come on and  
3 speak, um, to this issue, um, in the future. Those  
4 who testified in the past. We'll continue to support  
5 families. We'll continue to work with all of those  
6 that have invested interest but I'll just say that we  
7 had a location in my District that has 17 accidents.  
8 It wasn't until the 17<sup>th</sup> accident was a school bus  
9 that something was triggered at the DOT that we can  
10 get a four-way stop sign at that location.

11 SGT. MARTINEZ: Time expired.

12 DANEEK MILLER: Not throw out the baby  
13 with the bath water, let's get better. I appreciate  
14 Chair and I'm committed to working with you on  
15 getting, uh, on getting better on this issue. Thank  
16 you.

17 CHAIRPERSON YDANIS RODRIGUEZ: Thank you  
18 Council Member.

19 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
20 you. Our next Council Member will be Council Member  
21 Koo.

22 SGT. HOPE: Time starts now.

23 PETER KOO: Thank you Chair Rodriguez and  
24 thank you NYPD and, and NY, and Department of  
25 Transportation. Um, I think this Legislation that

2 you are changing is good. But, we have to be  
3 cautioned about the consequences. Now, we don't want  
4 to ask, you know be careful. You don't want to wish  
5 this law pass and then devastating consequences. Let  
6 me give you an example. The Administration take over  
7 the police responsibility to enforce our homeless,  
8 re-, people, now the whole street is full of homeless  
9 people. Nobody is doing anything about it. And  
10 another thing is diminishing since taking away the  
11 police responsibility for enforcing and license  
12 vending in New York City. Now if you come to  
13 Flushing, every day is a sale and free market on the  
14 sidewalks, on busy sidewalks and police not doing  
15 anything because they say the Mayor told me don't do  
16 anything and Consumer Affairs not doing anything  
17 because Consumer Affairs said the City Council passed  
18 a law to create an office to regulate, enforce and  
19 license vending, but this office hasn't set up yet  
20 and it takes time and it takes, um, money to set up  
21 an office. So, I don't want the NYPD to stop doing  
22 accident investigations. I don't think the  
23 Department of Transportation wants to do it. They  
24 don't have the experience, they don't have the  
25 manpower, especially now in the pandemic. We don't

2 have the money to hire additional people. No, if you  
3 take away that responsibility you have deficit and  
4 consequences and the accidents will take a long time  
5 to investigate. Of course, we all have the terrible  
6 things in our Districts. Many years ago, we have a  
7 hit and run with a family, and the guy got killed by  
8 a hit and run and he had a whole family to fend for  
9 and the wife was really devastated and the police at  
10 that time, maybe they not responding passionately.  
11 Or, no transparency so, so the family was really  
12 angry that, that they didn't receive the proper  
13 attention. And these cases are happening everywhere.  
14 So, my, my, my, my, my, uh, my take is that we hope  
15 the police will be more compassionate to victim's  
16 families, assign somebody that they can call or give  
17 them a number, a tracking number, order, that there  
18 is always somebody to follow their case within the  
19 powers because I don't think they are doing now and  
20 then sometimes when you talk to detectives you sort  
21 of have to find them. You know, so my question is  
22 to the police departments so that they are more  
23 responding, more compassionate and, and responding to  
24 victim's families inquiries in a timely manner.

2 KIM ROYSTER: Thank you Council Member.

3 Um, one of the things that we spoke about previously  
4 was training. Um, making police officers that respond  
5 to collisions. Giving them the training to  
6 understand that information at the scene is  
7 confidential. Also being able to engage and reach  
8 out to the families that experience a collision or a  
9 family member that's involved in a collision. So,  
10 we've created this video that talks about Victim  
11 blame and..

12 SGT. MARTINEZ: Time expired.

13 CHAIRPERSON YDANIS RODRIGUEZ: Please  
14 finish the answer.

15 KIM ROYSTER: And the video has been  
16 circulated throughout the Department. So every police  
17 officer on patrol were obligated to view this video.  
18 And given instructions on what victim blaming does.  
19 Why it hurts the victim as well as why it hurts the  
20 representation of our Department. The other thing is  
21 that in our Traffic Safety Forum, we talk about  
22 lessons learned as best practices, being transparent,  
23 speaking with not only just the Community Counsels  
24 but also the build a block meetings about what's  
25 going on in the geographical area and how we can

2 collaborate with the community to get us to, um, to  
3 get information so that if there is something going  
4 on in the Community as it relates to traffic that we  
5 are aware about it and we can address it. Um, the  
6 other thing is that with all of these things that we  
7 are doing people have to be responsible so if the  
8 responsibility, I mean if the accountability. And  
9 the way that we look at that is the Ex-, Executive  
10 Officer in the precinct is responsible for making  
11 sure that all of these lessons learned as well as  
12 any, um, protocol that you put in place as it relates  
13 to engaging with the Community, engaging with the  
14 victims, um, providing confidential information. The  
15 Executive Officer in the relative Precincts are aware  
16 of this and they are giving instructions to the  
17 officers that are in the Precinct. I just want to  
18 make a point that is very important. Um you know we  
19 talked about injuries and, and like I said, injuries  
20 actually not only have an effect on families but they  
21 have an effect on our communities and it is very  
22 important that we work together with the detective  
23 bureau who has a lot of these cases to make sure that  
24 we are keeping in touch with the family members to  
25 make sure that we are transparent to the community.

2 To make sure that we are providing information as it  
3 relates to, um, accidents or fatalities, I'm sorry  
4 collisions or fatalities that happen in the Community  
5 and working with the Department of Transportation is  
6 very important because they're, they are the experts  
7 in making sure the infrastructure is changed and one  
8 other partner is very important which is the District  
9 Attorney's office. As we mentioned before, the law  
10 is the law and we work closely with the District  
11 Attorney to make sure that all of the investigation  
12 cases as well as evident that we collect at the scene  
13 is presented to the District Attorney to determine if  
14 criminality is there where we can make an arrest.  
15 Also, we need to be able to have the community trust  
16 us to provide us with information. This reckless  
17 driving and behavior that's taken place since the  
18 pandemic, we've seen it, we know it's in some of our  
19 communities. We need to be able to have the  
20 community trust us and tell us where it is occurring  
21 and we need enforcement as well as doubling down on  
22 education and also looking at infrastructure. So.

23 PETER KOO: So, Chair, are you saying  
24 that police officers in the prison to inform the  
25 victim's family the progress of the case?

2 KIM ROYSTER: Well.

3 PETER KOO: Which officer? The  
4 commanding officer or just the, the officer?

5 KIM ROYSTER: So, I'm clarifying that.  
6 As I mentioned before, every crash is investigated.  
7 A crash may happen where the two motorists are at the  
8 scene, there are no other factors and that police  
9 officer is responsible for taking that information  
10 and communicating with the individuals that are  
11 involved, or making the arrest if necessary. And  
12 then, there are cases where an individual may be  
13 involved in a collision and that vehicle has left the  
14 scene. That particular investigation will be under  
15 the office of the Detective Bureau and then there's  
16 the one that will reach our Collision Investigations  
17 Forum which is if a person is seriously injured,  
18 likely to die or critically injured or death and  
19 that's when our Collision Investigation Squad will  
20 reach out to that particular victim or family.

21 PETER KOO: Thank you. You could have  
22 called that the police handle it in the proper way  
23 because when a family member die or disabled, it's  
24 not only a statistic, it's the whole family is  
25 suffering. Nobody's feeding the family. They lost

2 their whole family income, so it's very emotional and  
3 traumatized so I hope you guys can do a g-, do a  
4 better job in meeting with the family. Thank you.

5 CHAIRPERSON YDANIS RODRIGUEZ: Thank you.  
6 Thank you Council Member.

7 ELLIOTT LYNN, COMMITTEE COUNSEL: Chair,  
8 I believe Council Member Levin has a quick follow up.

9 CHAIRPERSON YDANIS RODRIGUEZ: Okay.

10 STEPHEN LEVIN: Thank you very much, uh,  
11 Chair I just want to get this in the record. I had  
12 asked about this before. So, in the data that I  
13 have, um, um is from 2011, 2011, there were 304 AIS  
14 deployment, 241 resulted in deaths, 63 likely to die.  
15 So, there has been a marginal increase, from, uh from  
16 that time and the change being that it now includes  
17 critical cases, so, it's, what was last year's  
18 deployments, you said? 3, 345, was that right?

19 OLEG CHERNYAVSKY: It was 374 but there's  
20 a, one point, you are correct that there has been a  
21 change of the criteria that triggers CIS since 2011  
22 but there has also been a significant decrease in  
23 crash fatality since 2011. So, the universe expanded  
24 but the, thankfully, the individuals that fall within  
25 the universe, um, contracted.

2           STEPHEN LEVIN: How many, how many crash  
3 fatalities were there in 20-, last year?

4           OLEG CHERNYAVSKY: 245.

5           STEPHEN LEVIN: 225? So it went from 241  
6 to.

7           OLEG CHERNYAVSKY: 245.

8           STEPHEN LEVIN: There was 241 in 2011.  
9 So that's actually an increase?

10           OLEG CHERNYAVSKY: Right, well there's  
11 critical injures, that account for the other 128.

12           STEPHEN LEVIN: Right, so, so, um, so  
13 then 63 likely to die in 2011. So that's, I would  
14 say that's an increase, it's not.

15           OLEG CHERNYAVSKY: We'll verify the 2011  
16 number because that seems a little low to us but I'll  
17 verify that and then circle back with you.

18           STEPHEN LEVIN: Okay, this came from a  
19 resolution that I, I actually sponsored in 2012 that  
20 cited that so if you go back and look at the  
21 resolution, that number came from, I believe NYPD  
22 when we did the resolution.

23           OLEG CHERNYAVSKY: We'll check the stat  
24 and get back to you, it sounds a little low but we  
25 will follow up with you.

2 STEPHEN LEVIN: Uh-huh.

3 OLEG CHERNYAVSKY: And we will give you  
4 what we found.

5 STEPHEN LEVIN: Right, I just want to be  
6 clear, um, there was 4,000 cases of serious injury  
7 resulting from crashes last, in 20-, in 2019, right?  
8 Or injury that was serious injury is that? What was  
9 the number of serious injuries resulting in crashes?

10 OLEG CHERNYAVSKY: Yeah we tr-, so that's  
11 not a category we track, we track injury, critical  
12 injury and death. Serious injury is not.

13 STEPHEN LEVIN: Nothing in between injury  
14 and critical injury, so you have 36,000? How many  
15 thous-, how many injuries?

16 OLEG CHERNYAVSKY: Total injury in 2020  
17 was 24,030.

18 STEPHEN LEVIN: Thank you. Right.  
19 Right. So, the issue here and Council Member Lander  
20 spoke to this you've got nothing between 24,000 and  
21 374. There's nothing in between that because you  
22 either have your injury, um, criteria or your  
23 critical injury criteria and there's nothing in  
24 between.

25

2 OLEG CHERNYAVSKY: So, that's not  
3 accurate. That's not.

4 STEPHEN LEVIN: That's not right?

5 OLEG CHERNYAVSKY: You're, the criteria  
6 that we are talking about is what triggers CIS. What  
7 you are leaving out is the Detective Squad. So,  
8 there's not. There is something in between. There  
9 are detectives investigating the cases that don't  
10 rise to CIS jobs.

11 STEPHEN LEVIN: Okay, but what I'm saying  
12 is that if you don't. I mean I'm talking about  
13 criteria here. If you have, you have, you just said  
14 you have injury and then your next step up from  
15 injury is critical injury and then your next step up  
16 from that is serious, likely to die and the next step  
17 up from that is death. So, you don't have any, you  
18 don't have anything between injury and critical  
19 injury and if you've got 24,000 injuries and 374  
20 critical injuries or critical and above, that's a, I  
21 mean obviously that's a huge difference. But if you  
22 are only. Basically what you are saying is, what's  
23 happening you are investigating 1% or 2% of injury  
24 cases. CIS, not you, I, I, I respect the fact that  
25 the detective squad is doing investigations but CIDS

2 is investigating 1% or 2% of car crashes that involve  
3 an injury, 1% or 2%. That's it?

4 OLEG CHERNYAVSKY: Critical injuries.

5 STEPHEN LEVIN: 345 out of 24,000 what is  
6 that? That's ... So, that's, that's not a very high  
7 percentage, it's like it, I don't think anyone is  
8 stating that the CIS needs to investigate all 24,000  
9 that result in injuries but there is a big difference  
10 between you know 1% or 2% and 100% and so, you  
11 underst-, I mean, I understand what you guys are  
12 saying that it's, that detectives take care of the  
13 vast majority of these cases but obviously, um, you  
14 know, I think that the level of training expertise  
15 with CIS could be put to good use investigating a  
16 broader universe of cases that involve some level of  
17 serious injury in between critical and any injury at  
18 all.

19 OLEG CHERNYAVSKY: I did not, and to that  
20 point, that's why the highway district trained 143,  
21 145, uh, police officers in the evidence collection  
22 teams on measurements, on photographing scenes, they  
23 are already trained so.

24 STEPHEN LEVIN: I get it.

2 OLEG CHERNYAVSKY: When you are talking  
3 about the universe of real categorizing as serious  
4 injuries, when we certainly there are layers within  
5 injuries and the ECT teams are activated within those  
6 layers as well. So, there is ...

7 STEPHEN LEVIN: Understood.

8 OLEG CHERNYAVSKY: A graduated process as  
9 well.

10 STEPHEN LEVIN: Okay. I would, I would  
11 encourage you to go back on those 2011 numbers,  
12 because, uh, it will show that the numbers are  
13 pretty, pretty consistent actually. Um, but okay,  
14 I'll turn back to the chair. Thank you very much.

15 CHAIRPERSON YDANIS RODRIGUEZ: Thank you.

16 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
17 you Council Member. Uh, our next Council Member will  
18 be Council Member Yeger. Council Member Yeger.

19 KALMAN YEGER: Thank you very much. Um,  
20 good afternoon. This first question is to the police  
21 department, are there any car crashes that are not  
22 investigated by the police if the police are  
23 notified?

24 KIM ROYSTER: The only category that  
25 would, uh, actually apply to is property damage only.

2 KALMAN YEGER: All right. So, um, and  
3 then obviously there are the categories of death,  
4 serious injury, uh, critical injury where, where the  
5 CIS team is brought in and are there any other  
6 categories of, that that fit that criteria that CIS  
7 is not able to investigate because of a lack of  
8 resources?

9 KIM ROYSTER: Every category, um, which is  
10 serious injury, likely to die, critical or death, um,  
11 CIS is notified and CIS will investigate every one of  
12 them, um, is-, uh collisions.

13 KALMAN YEGER: And do you have the  
14 resources right now in that division to investigate  
15 all the, all the crashes that fall into those  
16 categories?

17 KIM ROYSTER: We have detectives that are  
18 assigned to the squad and they are responsible for  
19 investigating, uh, the 374 uh collisions that we had  
20 this year.

21 KALMAN YEGER: Okay. Thank you, my next,  
22 um, set of questions is for the Department of  
23 Transportation. If a Community Board, sorry, is  
24 that, uh, if the Community Board and a Council  
25 Member send a letter to the Department of

2 Transportation saying there is a public school on a  
3 block and we believe that a speed bump ought to be  
4 installed, how long does it take for that speed bump  
5 to show up and be installed?

6 MARGARET FORGIONE: So, our first step is  
7 obviously to, um, do an investigation at that  
8 location. We will take, we will look at the crash  
9 history, we'll look at the speeds at the location, I  
10 won't, I'll be very honest with you, Council Member,  
11 we have a long backlog of speed hump requests so we  
12 don't get to them very quickly, um, so it could be a  
13 number of months before we respond back if we believe  
14 a speed hump is warranted or not.

15 KALMAN YEGER: Okay, so first you have to  
16 look it and see if one, if you believe one is  
17 warranted.

18 MARGARET FORGIONE: Correct.

19 KALMAN YEGER: And should you deter-, and  
20 should you determine that one is warranted then  
21 working backwards from the time that the initial  
22 inquiry request was made how long would it take?

23 MARGARET FORGIONE: It would definitely be  
24 a number of months.

2 KALMAN YEGER: Is it true that right now  
3 the department is not doing traffic studies in  
4 response to requests for traffic signals at  
5 locations?

6 MARGARET FORGIONE: We have resumed doing  
7 traffic studies. Um, in late fall we resumed them.  
8 Um, if, if it is a traffic study directly adjacent  
9 to a school or on a school block we are not doing  
10 them because obviously schools are not in full  
11 swing so it won't be representative of the typical  
12 traffic that we would normally see so those are still  
13 on hold but by and large our traffic analysis has  
14 continued.

15 KALMAN YEGER: Okay, well, I'll get to  
16 the, to the part about the full swing in a second but  
17 how long were they suspended? How long were you not  
18 doing traffic studies?

19 MARGARET FORGIONE: They were suspended  
20 roughly from March to November.

21 KALMAN YEGER: Okay. Um, if a Council  
22 Member and a Community Board send a request to the  
23 department about a particular intersection that they  
24 believe warrants a traffic signal of some kind,

2 either a light or a sign, how long does it take for  
3 the light or the sign to arrive?

4 MARGARET FORGIONE: Okay. It's similar  
5 to the speed hump answer, first we need to, um,  
6 investigate it and determine if its, if it's  
7 necessary so that work, um, can take place  
8 between four and six months and then if it's a stop  
9 sign obviously that's very simple to put up. That  
10 would happen very quickly. If it were a traffic  
11 signal that requires trenching and installation of  
12 infrastructure and that would take longer to put out  
13 on the street.

14 KALMAN YEGER: And, longer is not a  
15 period of time. Longer is just a characterization of  
16 a period of time. How long would it take once you  
17 determine that the Council Member and Community Board  
18 were right, working backwards from the time that the  
19 initial request is made, so now you have four to six  
20 months for a study to be done, my experience by the  
21 way, we are being told in Brooklyn that it takes no  
22 less, no less than eight months but let's say four to  
23 six months is the right answer, how long does it take  
24 after that six month period for the light to show up?

2 MARGARET FORGIONE: It generally takes  
3 about three months after.

4 KALMAN YEGER: Okay. So, we're talking  
5 about nine to ten months for a light to show up from  
6 the time that the request is made?

7 MARGARET FORGIONE: If it's warranted,  
8 correct.

9 KALMAN YEGER: If it's wa-, if it's  
10 warranted, okay. Um, these, these series and I just  
11 want to reflect, that before I go into just making a  
12 statement, these series of questions are not in,  
13 thank you Sergeant. I'm certain that the Chair is  
14 going to give me the same time that was allotted to  
15 other members on this topic. Um, I'm glad to see  
16 that the Department is in agreement with the police  
17 department on the issue of where the investigations  
18 for traffic crashes, for fatalities, particularly in  
19 places where there may be criminal investigations  
20 involved should be made and that's with the police  
21 department and I'm fascinated, and Commissioner this  
22 is not for you. I know you are the last spoke with  
23 here, but this is just in general, the notion that,  
24 a simultaneous notion that number one we have too  
25 many cops and also by the way we don't have enough

2 cops. Um, the notion that the police department is  
3 simultaneously not doing enough and (B) doing too  
4 much. There were questions earlier today, um, about  
5 whether or not, what the percentage of crashes that  
6 resulted in arrests are. A department that has been  
7 accused in this body of not affording proper due  
8 process is also at the same time expected to have  
9 100% of its cases, of, of crashes result in an  
10 arrest. Not with-standing the notion of due process  
11 and I assume that the District Attorneys who are all  
12 here and who agree with my opposition to this Bill,  
13 uh, we'll talk about. There is an investigation.  
14 There is a question of whether or not there is  
15 probable cause to make an arrest. Just because a  
16 very bad guy got behind the wheel of a car and did a  
17 very bad thing and cost people's lives doesn't  
18 necessarily mean that an investigation will result in  
19 an arrest. But the police department is being accused  
20 of not doing enough because it didn't hit 100%  
21 arrests in every time a cra-, a car touches a person.  
22 Now I believe that if somebody, and this is not a  
23 question this is a statement. I believe that if  
24 somebody gets behind the wheel of a car and acts  
25 recklessly and causes death, serious injury,

2 property damage, hurt somebody, has broken the law,  
3 they ought to be arrested, they ought to be  
4 prosecuted to the fullest extent to the law. So,  
5 this question to the Commissioner, uh, to the  
6 Department of Transportation, do you have arrest  
7 powers?

8 MARGARET FORGIONE: No we do not.

9 KALMAN YEGER: Okay. Do you have the power  
10 to swear out a complaint and file it with the  
11 criminal court and/or justice and seek a search  
12 warrant?

13 MARGARET FORGIONE: No we don't.

14 KALMAN YEGER: Do you have the power to  
15 seek an arrest warrant?

16 MARGARET FORGIONE: No.

17 KALMAN YEGER: Okay. If an arrest warrant  
18 or a search warrant were issued by a court, do you  
19 have the power to effectuate the arrest or the  
20 search?

21 MARGARET FORGIONE: No, we don't.

22 KALMAN YEGER: Okay. If you're, if you're  
23 department were to show up at the scene of a crash  
24 and were to find that, uh, that it was a crime  
25 scene, uh, or that there was, or that an

2 investigation was necessary to determine if a crime  
3 were made, do you have the power, the legal power  
4 to bar people from that area? To secure the scene?

5 MARGARET FORGIONE: The, the thing you  
6 are describing generally goes along with the law  
7 enforcement entity, we don't secure scenes, criminal  
8 scenes.

9 KALMAN YEGER: Okay. So if somebody, if  
10 somebody from the Department of Transportation said  
11 oh go here, there was a crash and we are securing the  
12 scene and I said, 'Hey pal, you don't tell me what to  
13 do and I keep walking. Can he arrest me?

14 MARGARET FORGIONE: All right, for your  
15 line of questioning really, I don't have a comment on  
16 these items.

17 KALMAN YEGER: Well, you, you can comment  
18 to the extent whether or not your department has the  
19 ability to make an arrest?

20 MARGARET FORGIONE: We don't make arrests.

21 KALMAN YEGER: And, no cer-, not that you  
22 don't but you don't have the legal authority to do  
23 so.

24 MARGARET FORGIONE: That's correct.

2 KALMAN YEGER: Council, this City Council,  
3 the City of New York cannot give you that legal  
4 authority, is that correct? Because you are not  
5 peace officers?

6 MARGARET FORGIONE: Um, my, we, my  
7 understanding is that. My understanding is that  
8 between ...

9 KALMAN YEGER: If you don't know the ...

10 MARGARET FORGIONE: The State and right.  
11 There is State implications as well as City Charter  
12 Implication.

13 KALMAN YEGER: All right.

14 CHAIRPERSON YDANIS RODRIGUEZ: Thank you.

15 KALMAN YEGER: So, I'm going to wrap this.  
16 Yes Mr. Chair I'm going to wrap up. Thank you Mr.  
17 Chairman. Um, I appreciate the chair giving me, uh,  
18 as close to as much time as he's given to others and  
19 I'm going to wrap up for now and turn it back over,  
20 I'm sure there will be other witnesses who will come  
21 in. I look forward to hearing from the District  
22 Attorneys who have the ultimate responsibility to  
23 bring these cases to trial, um, about whether or not  
24 they want to entrust, uh, this kind of work to the  
25 police, to the law enforcement or to the Department

2 of Transportation and I'm excited to hear there. I  
3 too have been here for as long as Councilman Holden  
4 um, waiting to learn more about this Bill. Thank you  
5 Mr. Chairman.

6 CHAIRPERSON YDANIS RODRIGUEZ: Thank you  
7 Council Member but you are describing something that  
8 is not accurate? Uh, uh, first of all Commissioner,  
9 I think that some of those answers are not even  
10 accurate because I feel that that conversation that  
11 we are having right now is not about having DOT to  
12 have the power to investigate. Its' not for DOT  
13 now to have the power that the State is the one that  
14 mandates. I even say on the beginning of my opening  
15 statement that one of the way of how it can work is  
16 for the unit to continue doing their job, to continue  
17 having their men and women that they have in that  
18 unit, just be, finding a way of how it should be  
19 coordinated and be under the DOT. The pieces, the  
20 Ingrid and how can that happen, I feel this is about  
21 City Hall and the Council to go over and see how we  
22 can come out and come in agreement. But I feel that  
23 this is not a scenario to come and create a situation  
24 that definitely would provoke in a completely  
25 opposite way on how we see things. I think that in,

2 and first of all, all of those questions about who  
3 having power to investigate. From the beginning we  
4 know and look at the bill. It is describing a way  
5 that the NYPD will continue having the investigation  
6 role. Read the bill. Second, when we look on the  
7 resources to the NYPD, if the person is led in this  
8 conversation by **INAUDIBLE** together with my colleague,  
9 I the one who advocate before discussion conversation  
10 of people to calling to defund the NYPD, calling to  
11 double this unit. Some Council Member is a way of how  
12 the NYPD should save money and not being able to  
13 identify area that we need to act, the head count.  
14 I've been advocating that for many years and I've  
15 maintained my level of advocacy, asking for this unit  
16 to be doubled. It doesn't matter if the unit  
17 continues having the person in charge right now and  
18 get and be coordinated with the, with the New York  
19 Department of Transportation. So, I, I ask that we  
20 continue this continue as it is described. This  
21 bill, this intention including NYPD continues their  
22 role to do the investigation. And, and, and, and,  
23 uh, let me go back to again your Commission of the  
24 NYPD. The Chief of the NYPD, because I think it's  
25 important to uh, to put some clarity to this number.

2 So last year, based on current, again, let me just  
3 put it in your words? How many crashes did we have  
4 in 2020?

5 KIM ROYSTER: The number of collisions  
6 that we had was 111,779.

7 CHAIRPERSON YDANIS RODRIGUEZ: Okay. How  
8 many, how many of those ended with people being with  
9 injuries?

10 KIM ROYSTER: Of that 111,000, 44,030  
11 resulted in injuries.

12 CHAIRPERSON YDANIS RODRIGUEZ: Injuries  
13 and, and how many from that 44,000 ended with, in  
14 critical injuries?

15 KIM ROYSTER: 128.

16 CHAIRPERSON YDANIS RODRIGUEZ: 128, and  
17 the number of cases that the CIS investigated last  
18 year, how many were there?

19 KIM ROYSTER: 374 cases were investigated  
20 by CIS.

21 CHAIRPERSON YDANIS RODRIGUEZ: 74 and  
22 then the rest of those, involved injuries are, were  
23 investigated under the Detective Bureau, that's what  
24 we got from you guys right?

25 KIM ROYSTER: Could you repeat that sir?

2 CHAIRPERSON YDANIS RODRIGUEZ: The rest  
3 if, from those 44,330 injuries that happened last  
4 year in 2020, you just say that the CIS investigated  
5 374, did the rest of those cases, were investigated  
6 by the bureau, by the Detective Bureaus?

7 KIM ROYSTER: No. They would either be  
8 investigated by patrol, or the Detective Bureau.

9 CHAIRPERSON YDANIS RODRIGUEZ: Who leaves  
10 that, who centralized that piece? Who is the person  
11 in charge right now to do continue investigation on  
12 the patrol or under the Detective Bureau?

13 KIM ROYSTER: So you are talking about two  
14 different Bureaus. Patrol would be under the patrol  
15 services bureau and that would be the officer  
16 responding to the scene of a collision.

17 CHAIRPERSON YDANIS RODRIGUEZ: Okay.

18 KIM ROYSTER: And then the Precinct  
19 Detective Squad would be under the Detective Bureau;  
20 that is responsible for all the detectives.

21 CHAIRPERSON YDANIS RODRIGUEZ: Does it  
22 make sense, doesn't it make sense again, regardless  
23 where the unit will land and I know, I know about  
24 increasing the effectiveness and supporting and  
25 asking to support to those men and women and calling

2 for that today as I called three or four years ago.

3 That's my record. So, don't you think that makes

4 sense that patrol who are also following

5 investigation related to injuries that are related to

6 crashes should also be coordinated with this unit?

7 KIM ROYSTER: Um, not necessarily sir.

8 You're talking about, um, investigations. Again as I

9 mentioned before that are very skillful and talented

10 in conducting investigation as well as the crime

11 scene and also working with the District Attorney's

12 Office. When an officer responds to a crash or a

13 collision and there's an injury, uh, these cases

14 don't necessarily rise to the level of, of an

15 investigation that will be presented to the District

16 Attorney's Office. Now.

17 CHAIRPERSON YDANIS RODRIGUEZ: I

18 understand.

19 OLEG CHERNYAVSKY: Again, Council Member

20 I think what we are trying to say is should these

21 other, should a crash that results in injury be

22 coordinated under CIS? And the answer is no, because

23 it's coordinated as part of traffic stat where the

24 Precinct command, uh, Precinct Executive Officer has

25 to appear once a week. It's once a week still

2 right? Once a week and these sorts of investigations  
3 and these sorts of collisions are spoken about. So,  
4 yes it is coordinated, it is just not coordinated by  
5 CIS, nor should it be coordinated by CIS. CIS is  
6 part of the traffic staff and their, and that's,  
7 that's the umbrella under which everything is  
8 coordinated.

9 CHAIRPERSON YDANIS RODRIGUEZ: I, I  
10 understand you. I understand your, your point, but  
11 I'm looking at, there were 44 injur-, 44,000 injuries  
12 as a result of crashes last year and 374 were  
13 investigated by the Collision because the  
14 responsibility, uh, that we give to them. We're  
15 talking about, there were more 43,000 that involved  
16 injuries and I would like to ask the question right  
17 now, how many people were arrested from those 43,000?

18 OLEG CHERNYAVSKY: Again, Council Member,  
19 we, I said this earlier on. I mean that's not a  
20 number that we have, how many people were arrested by  
21 patrol? By Detective Bureau? We have the number  
22 of cases that got to CIS and how many arrests were  
23 made out of that universe. I can follow up with you  
24 after the hearing as I promised and we can talk  
25 about how much enforcement was taken in those other

2 cases, whether it was summons or arrests or it didn't  
3 rise to the level of criminality or.

4 CHAIRPERSON YDANIS RODRIGUEZ: Yep. And  
5 I, I just want to be sure that we. And I know that is  
6 the heart of make 24/7, you know to make our streets  
7 safe. As you know I always have respect to the work  
8 of the Chief, the great Chief that we have right now,  
9 the previous one, the Commissioner, everyone again  
10 involved, DOT and you guys from the NYPD, so, but we  
11 also have to look at the epidemic that we are dealing  
12 with and now we not looking for 100% of the cases to  
13 be, end with arrests. No one has said that, what we  
14 are saying is how can we cre-, how can we increase  
15 that number and how can we figure out a different way  
16 in how we can reform it and I know, it, it merits to  
17 one only way that we can end to that goal. However,  
18 I feel that with a few months in this Administration,  
19 when we made Vision Zero, it's time for your. I hope  
20 that this Administration will end it well when it  
21 came to getting close to our goal of making and  
22 bringing to zero the number of people who are  
23 dying because of crashes. I know that that's a goal.  
24 I'm not expecting that, that we will be able to say  
25 that you know from here today can we go to zero, but

2 this is an epidemic and I feel again that you know  
3 centralizing this information, is, is important and  
4 of course looking for opportunity to how we all risk  
5 and think and different way of how we can coordinate  
6 it. So, I have never expected that this unit that  
7 has investigation would not be composed of men and  
8 women that are trained, that are law enforcement.  
9 The question right now is how this unit can be  
10 coordinated? And in this case we do believe that if  
11 it's under DOT or coordinated close to DOT we can  
12 increase the level of effectiveness and we also, we  
13 believe that all this case that doesn't give it the  
14 attention because no one that died should also be a  
15 top priority to be investigated too. I think that  
16 the Council Member, has a final question. Council  
17 Member.

18 ELLIOTT LYNN, COMMITTEE COUNSEL: Go to  
19 Council Member Yeger first.

20 KALMAN YEGER: Thank you Mr. Chairman.

21 CHAIRPERSON YDANIS RODRIGUEZ: First of  
22 all, I'd, I would like to join, uh, you, in your  
23 advocacy to double the size of this unit, I'd like to  
24 triple it and I am fine with that and that's if the  
25 position you are heading, I'm, I'm happy to advocate

2 for that. The point of my question about the size of  
3 the unit and the line of questions indicating or  
4 asking the department whether or not that they were  
5 satisfied that they had the right number of personnel  
6 is simply because when we have departments in the  
7 City, um, it seems to me, I'm not that familiar in  
8 any department in, or any unit in any department  
9 anywhere where we are Legislating the size of the  
10 department, the size of the unit in any way. So if  
11 the position is that we ought to double or triple the  
12 size of that unit, I'm okay with that and I'm happy  
13 that to advocate for that alongside you chair, but  
14 what I would also point on this Bill and Chair as you  
15 know I do read the Bills here and I know, I know you  
16 do as well, this particular Bill requires that the  
17 new unit to be created in the Department of  
18 Transportation will have the primary responsibility  
19 for doing the investigation and one of the lines in  
20 there that, uh, that concerns me the most is, it's,  
21 it's the requirement that the inspect the crash  
22 sites, I'm okay with that, document vehicle and party  
23 positions, maybe that make sense. Measuring and  
24 collecting data, sure they are good at that, um, but  
25 preserving evidence, interviewing witnesses, um,

2 conducting collision reconstructions, these are  
3 primarily law enforcement, uh, tactics designed to  
4 build a case, designed to document and, and build a  
5 case that it can turn over to the District Attorney  
6 for prosecution and that's the ultimate goal, I  
7 think. Chair, and I'm sure that you agree with me.  
8 We have criminality involved in a crash, you and I, I  
9 think want to see the perpetrators prosecuted to the  
10 fullest extent of the law and we want to make sure  
11 that the, that the investigation that leads to that  
12 place is done by the experts and at least, I'm not  
13 going to speak for you Chair but at least that's my  
14 position and I do thank you again for allowing me to  
15 clarify.

16 CHAIRPERSON YDANIS RODRIGUEZ: Thank you.  
17 And we will follow. I will follow with your  
18 conversation. I think one of, one or, one of my  
19 priorities right now is to be sure that we look at  
20 everything that it might take to continue making our  
21 streets safe and for me this is about how we make any  
22 changes without putting in jeopardy when it comes to  
23 the work of the men and women and how they go to keep  
24 us safe including that piece related to delivering  
25 investigations. So, I think that is only one and I

2 know Commissioner I have a lot of respect, we have  
3 done a lot of work together. So, and, and I feel  
4 that the most is for us to continue also being open  
5 in this conversation and trying to figure out a way  
6 on how we address the work that we have to continue  
7 doing to improve safety because I know that you are  
8 going to make sure that we are dealing with this  
9 epidemic, coronavirus would be under control most  
10 likely in '21, hopefully, but I feel that this  
11 epidemic of crashes, hit and run as we would hear  
12 from the DA is something that even as we can hear  
13 different positions from them and different opinions  
14 of the Bill but they also know that they need more  
15 from the State in order to be able to prosecute those  
16 criminal drivers who leave the scene after they get  
17 involved in crashes. So, again more than happy to  
18 continue working with you. So, I think that,  
19 Council Member Holden you also have, uh, final  
20 questions.

21 BRAD HOLDEN: Yes, thank you Chair for  
22 the, um, follow up. I just want to make a point  
23 because again, this, this Bill that we are talking  
24 about today. It creates a new unit, investigative  
25 unit and I've read the Bill and it is, DOT doesn't

2 want this. Um, DOT can't handle this and I think  
3 that the Bill should have directed NYPD to  
4 investigate more crashes, probably you know, compel  
5 the, change the criteria, compel the NYPD to lower  
6 the standards to investigate if that's what, um, I'm  
7 hearing today. I have to agree with that. You know  
8 if you, if you increase the staff on the NYPD which  
9 many of my colleagues voted to eliminate to actually  
10 defund the police or un-fund. So, I, that's, that's  
11 the problem that I have here and be careful what you  
12 ask for Chair because I waited over three years, not  
13 months, three years for speed bumps in Woodhaven that  
14 experienced so many accident sand I just kept getting  
15 it pushed back and pushed back and there are dozens  
16 of accidents on that, on that block, yet over three  
17 years. When I was campaigning I put in speed bumps,  
18 it went through the Community Board and I just got  
19 them installed recently. So, be careful what you ask  
20 for, DOT is overwhelmed. And if we want to put the  
21 money in the right place, the unit has been doing  
22 this for years. If we want to change the criteria,  
23 let's do that, but this Bill is ill-advised, wrong  
24 and it needed to be, you know, obviously, some  
25 negotiations needed here before this Bill was written

2 and submitted, but I just think it is ill-advised.

3 Again, I'm just frustrated with the amount of time we  
4 spent talking about going around in circles.

5 CHAIRPERSON YDANIS RODRIGUEZ: Thank you  
6 Council Member and again we would follow up on such  
7 thing and, and I don't know, I'm not going to repeat  
8 what I have say about my approach. And again, even  
9 when the Commissioner is going to say that they  
10 didn't need more men and women than what they do, we  
11 say that we add and even you know in the whole  
12 conversation under the create what we've been doing,  
13 criminal justice reform. I'm very clear on my  
14 position that we can find a way to continue improving  
15 the relationship between the police and the community  
16 and the proof that the data has said there is a lot  
17 of assignment that we have made to men and women that  
18 want to be inside the prisons, another area that they  
19 can be doing by the civilians and those men and  
20 women can be reallocating on the areas so that we can  
21 fight crimes and made the streets safer, so, again I  
22 know that this is only a hearing and an opportunity  
23 for all of us to ventilate and at the end of the  
24 day, department expressed by City Hall, what? And  
25 that, where is leading in any department. And this

2 is a conversation that I hope that, you know, led by  
3 Speaker Johnson and many people ask me, all of us, we  
4 came to a place where we can come out, again,  
5 identify the best way of how the Investigation  
6 Squad Unit, the Detective Bureau, the Patrol;  
7 whoever are investigating these cases. We definitely  
8 need something else because the number that we have  
9 in front of us right now are not the best. So, with  
10 that, uh, Commissioner and Chief you would like to  
11 say a few words before we close this and we will let  
12 you go and go to the public.

13 MARGARET FORGIONE: I just want to say  
14 thank you very much Chair. And we look forward to  
15 continuing our good work with you on Vision Zero and  
16 talking through all of this more. Thank you for your  
17 leadership.

18 CHAIRPERSON YDANIS RODRIGUEZ: Thank you  
19 for your work.

20 KIM ROYSTER: I agree. Thank you Chair.  
21 Um, I just want to thank you for the opportunity to  
22 speak with the Council today in regards to this very  
23 important issue and my heart goes out to the  
24 families, um, the victims and we look forward to  
25 working with the Department of Transportation as well

2 as collaborating with other internal, uh, units  
3 within the department to get better as we look to  
4 investigate these cases.

5 CHAIRPERSON YDANIS RODRIGUEZ: Thank you,  
6 and, and again that's the case that is happening in  
7 the Borough of Brooklyn. We also been in  
8 conversation with the Brooklyn Borough President,  
9 Eric Adams and my colleagues there and we will have  
10 follow with you guys after this hearing to see, you  
11 know what is the invest-, how is investigation going.  
12 As a father of two daughters and I know that  
13 Commissioner you also have your too, we care for  
14 everyone but especially when there is a child  
15 involved, I know that you break a heart so  
16 hopefully we will see results from this  
17 investigation. Thank you and now we will go to the  
18 public.

19 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
20 you Chair, um, we will next turn to the District  
21 Attorneys that are here to testify followed by, there  
22 is no public testimony. Uh, I'd like to remind  
23 everyone that unlike our typical Council Hearings we  
24 will be calling individuals one by one to testify.  
25 Each panelist will be given two minute to speak

2 unless otherwise instructed by the Chair. Um,  
3 Council Members who have questions for panelists  
4 should use the raise hand function in Zoom and I or  
5 the Chair will call on you after the panelist has  
6 completed their testimony. For panelists, once your  
7 name is called, a member of our staff will un-mute  
8 you. Please wait for the Sergeant to announce that  
9 you may begin before delivering your testimony. Our  
10 first panelists will be the District Attorney for  
11 Richmond County, Michael McMahon, who will be  
12 followed by the District Attorney for Queens County,  
13 Melinda Katz. Um, Sergeants at the Chair's  
14 discretion we will allow the elected official's time  
15 to finish their testimony, thank you.

16 MICHAEL MCMAHON: Thank you. Uh, good  
17 afternoon Mr. Chairman, can you hear me?

18 CHAIRPERSON YDANIS RODRIGUEZ: Yes, I do,  
19 thank you.

20 MICHAEL MCMAHON: Thank you Mr. Chairman  
21 and members of the Committee and to our colleagues in  
22 the police department and DOT and of course the  
23 members of the public who are so interested in this  
24 topic. Thank you for allowing me to speak to you this  
25 afternoon, um, on this Bill and on this issue. Um, I

2 am speaking at the Richmond County District Attorney,  
3 I know my colleague, Melinda Katz from Queens will  
4 follow me and, um, I just want to just say to you all  
5 that I, I appreciate that you like everyone in my  
6 office are so concerned about public safety and  
7 keeping the roads safe for our fellow New Yorkers  
8 and in our case our fellow Staten Islanders and I  
9 share this goal with you as well as my, my main  
10 role as DA is to keep the people of my Borough safe  
11 and to, um, prosecute crime when it occurs, uh, and  
12 to do everything I can in my power and working with  
13 you as partners, uh, to prevent crime. And, I  
14 commend this Committee in particular for its  
15 commitment to public safety as seen through the  
16 Failure to Yield Law, the Vision Zero Laws that were  
17 passed and the work that you are doing on Reckless  
18 Drive Accountability as well. So, I want to speak to  
19 you briefly as a District Attorney, I speak, will  
20 speak to you also as a former civil litigator, I've  
21 worked a lot on automobile crash reconstruction  
22 cases, um, and the I also want to speak as a former  
23 member of the City Council, in particular, this  
24 Committee. Um, Mr. Chairman I've heard what you've  
25 said this morning and I'm impressed by your

2 compassion and, and knowledge, but the truth remains  
3 that before this Committee right now is a piece of  
4 Legislation that I, as well as, the other DAs and it  
5 has taken in the form of a letter that we have  
6 submitted to the Committee, strongly oppose this  
7 Bill, because its language is very clear that quite  
8 simply it would yank primary investigative  
9 responsibility for critical crashes from the police  
10 department and give it to DOT. Now I know that  
11 you've heard a length this morning reasons that that  
12 is a bad idea. I want to state without, state  
13 uncritically that it's a terrible idea and I'll just  
14 summarize briefly why I think that's so and I know  
15 my colleagues, uh, feel the same way. As you've  
16 heard this morning, uh, the inves-, the handling of  
17 serious crashes, uh, where someone's life is either  
18 taken or may be taken is something that requires an  
19 incredible amount of expertise. I'm joined this  
20 afternoon by Frank Prospero who is a seven or eight  
21 year Associated District Attorney, Assistant District  
22 Attorney in our office who heads up our Vehicular  
23 Crimes Unit. Um, and he responds to just about every  
24 type of crash that we've been talking about, uh,  
25 today himself or another Executive in this office so

2 he has had a wealth of knowledge about how these  
3 cases are handled both by the police department and  
4 then by this office. And this is a very specific  
5 knowledge, one that the rest of the people in this  
6 office really don't have. It's taken him seven  
7 years to acquire this knowledge. You've heard how  
8 police officers with, with now, CIS, continues on  
9 highways and the amount of training they have has is  
10 enormous, uh and they have that expertise because of  
11 the critical situations that they're called in to, to  
12 handle. As you've heard, they have to secure the  
13 crime scene, they have to secure evidence, they have  
14 to inves-, interview witnesses, they have to take  
15 measurements, accident re-construction. In many  
16 cases someone has fled the scene and they have to  
17 pursue those individuals, coordinate that with the  
18 police department. Um, sometimes those pursuits  
19 cross county lines and state lines as well. It's a  
20 highly specific, highly technical, uh and highly  
21 essential work that they do and to think that you can  
22 yank that mission from the police department and drop  
23 it with the Department of Transportation, sir,  
24 although your goals are lottable is as I said a very  
25 bad idea. Um, and so, I, I echo the sentiments of my

2 fellow DAs as well as DOT and the police department  
3 and even some of your fellow, um, Council Members  
4 who have pointed out that in terms of criminal  
5 investigation and criminal prosecution it would  
6 create an impossible situation and really have the  
7 opposite effect of what it is you guys, you and  
8 the co-sponsors want to obtain with this Bill. So,  
9 I urge you to reconsider it, withdraw this Bill and  
10 then go after the very lottable goals that you spoke  
11 in to in different ways. Just let me speak briefly  
12 as someone who worked on crash cases, as a civil  
13 litigator, who has been to many scenes and worked  
14 with accident reconstructionist. You were right in  
15 having compassion and concern for the victims of, of  
16 crashes. They are innocent. It is the result of  
17 negligence of criminal activity of others, um, that  
18 they suffer, uh, injuries that they should not be  
19 suffering, uh, damages to their lives a change in  
20 probably their lives forever, um, and that's  
21 something that we should all strive to eliminate.  
22 Um, I have to, and, and I also want to say that as  
23 DA in our office, every victim of a crime including  
24 vehicular crimes is immediately connected with the  
25 victim advocate who works with them and their

2 families, uh to help them get through the tragedy  
3 that they've suffered. Um, the truth is Mr.  
4 Chairman, not every collision that results in injury,  
5 results in a criminal investigation or prosecution  
6 because a large number of those seem to be the result  
7 of negligence, a civil obligation or a civil wrong if  
8 you will that doesn't reach the level of criminality  
9 and therefore we do not connect with the victims of  
10 those cases. Um, so, I think you are right in asking  
11 the police department about how they could create a  
12 victim advocacy unit to deal with the individuals who  
13 are the victims of crashes but maybe not the victim  
14 of crime and I'd be glad to consult with you and work  
15 with you on that very lottable goal. Now, I also  
16 want to speak to you lastly as a former member of  
17 this noble, uh, uh, Committee. Because I see that  
18 what you are trying to accomplish is, as I said a  
19 very lottable goal which is in to increase the breath  
20 and the scope of work that Accident Investigation,  
21 I'm an old guy too, that Collision Investigation  
22 Squad does and increase their bandwidth but yanking  
23 them out of, uh, the police department is a bad idea  
24 and think about it, if you were running the  
25 Department of Health and you had certain policies

2 that you wanted to implement on behalf of the City  
3 of New York, you wouldn't go into a hospital and yank  
4 the, the surgeons out of surgery or the emergency  
5 room doctors out of the emergency room, you would  
6 work with them and try to have them implement the  
7 policies that you see lottable but you would not  
8 eliminate them or tell them that you are going to  
9 have somebody else do the surgery who is not trained  
10 to do surgery. And I know that you are an educator  
11 sir, and I know that you've been in the classroom and  
12 at the same time you oversee the Department of  
13 Education and you work with them to implement  
14 policies that will better serve the children but you  
15 would not go into the classroom and yank a teacher  
16 out of the classroom and put a bureaucrat in and not  
17 that DOT is bureaucrats, excuse me for that, but  
18 people who are not trained to do that work to now do  
19 that work. What you would do is focus your efforts  
20 on the classroom. You would focus your effort in the  
21 surgery theatre or in the emergency room. And you  
22 would say let's, let's bring more resources. Let's  
23 get more data, let's collect more data and let's see  
24 what we can do to better serve the victims of  
25 collisions. Uh, to prevent collisions, uh and I

2 think that is what you need to do here. So, I urge  
3 you to withdraw this Bill and yet proceed after this  
4 very important goal and I have one final point,  
5 because Councilman Lander spoke about justice and  
6 accountability and he also spoke about prevention and  
7 that's what you are trying to achieve here. You are  
8 trying to bring justice to the victims and  
9 accountability to those that commit vehicular crimes,  
10 right? That is a law enforcement function. Our  
11 partners in the police department have the obligation  
12 to investigate these crimes and to make arrest when  
13 appropriate and as you heard stated by Councilman  
14 Yeger, when there is probable cause, arrest is made  
15 and then it's brought to us and we hold the people  
16 accountable. We protect the rights of the victims, a  
17 t the same time we are aware of the constitutional  
18 rights of the accused. That's what we do. Prevention  
19 is primarily the role of the Department of  
20 Transportation but to mix the two, to take that civil  
21 obligation and goal away or to mix that with what  
22 happens, uh, when it comes to justice and  
23 accountability that would be a big mistake and I  
24 think would be deleterious in the overall initiatives  
25 that you have spoken so eloquently about, uh, this

2 morning, so, I again, I am thanking for the time to  
3 be with you and, uh, I will now if I may yield the  
4 rest of my time to my colleague from Queens, Melinda  
5 Katz and I will also be available for any questions  
6 that any of you may have. Thank you so much for the  
7 opportunity to speak with you today. Thank you to  
8 the Council Members for your public service and to  
9 all of your, uh, for the work that you are doing on  
10 this important issue. Thank you.

11 CHAIRPERSON YDANIS RODRIGUEZ: Thank you.

12 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
13 you for your testimony. Do any Council Members have  
14 questions for this particular panelist? Council  
15 Member.

16 CHAIRPERSON YDANIS RODRIGUEZ: Elliott,  
17 why don't we finish listening to all of them and then  
18 if anyone has any questions then, since they are  
19 going to be still in the panel so we address it?

20 ELLIOTT LYNN, COMMITTEE COUNSEL: Sure.  
21 Okay, our next panelist will be, uh, the District  
22 Attorney for Queens County, Melinda Katz.

23 MELINDA KATZ: Thank you, uh, Mr.  
24 Chairman. Thank you, uh to my colleagues that are on  
25 this call, in law enforcement. Thank you very much

2 for having this hearing. Uh, look, as someone who  
3 has been and I don't want to go into a personal  
4 history but many of you know my history. As someone  
5 who has been personally affected by collisions in  
6 their life and I know the terms that a collision can  
7 take into someone's world. I know the effect it has  
8 on the families. I know how the victims are feeling  
9 and the helplessness that they sometimes feel. It is  
10 the reason in my office we have increased the  
11 penalties for DWI. It's the reason I've not made it  
12 a secret that when drivers drive a suspended licenses  
13 because of DWIs or because of tickets or because of  
14 the dangerousness in which they drive, I believe that  
15 the penalties should be enhanced. But I want to be  
16 very clear, as a former Legislator myself, as DA  
17 McMahon said, we are here to talk about a  
18 particularly piece of Legislation. This piece of  
19 Legislation from what I understand of reading it, I  
20 also read the Bills, um, transfers primary  
21 responsibility to a crime scene that has critical  
22 injuries to DOT and it not only transfers them to  
23 have the primary responsibility it transfers the  
24 responsibility for press releases and for  
25 coordination and all that comes with being the

2 primary investigator. But the fact is, you know,  
3 Council Members, everybody is talking about making  
4 the streets safer and I'm not sure why the mutually  
5 exclusive of one another. You can certainly have  
6 coordination with DOT and still keep the experts,  
7 those that are trained, those that know how to handle  
8 a crime scene be the primary investigators. As I  
9 took office a year ago, we've worked hand in hand  
10 with highly trained, uh, CIS Squads. And over 90  
11 collision scenes involving deaths. Assistant  
12 District Attorneys assigned to my Homicide Bureau are  
13 on call 24 hours, 7 days a week. If there is a  
14 homicide I have an ADA that goes to the scene. And  
15 the collisions were pedestrians, cyclists, motorists,  
16 were all killed or deemed likely to die. That's why CIS  
17 has them, because the critical injuries that they  
18 have, either they, the victim is deemed likely to die  
19 or they die. These assistants are specifically  
20 trained in the investigation of a potential  
21 prosecutions that arise at these scenes. And be very  
22 clear that in investigating and prosecuting these  
23 cases, we rely on the expertise of CIS. CIS not  
24 only has the responsibility to investigate these  
25 crashings but the unique skill set to do so. They

2 are not knowledgeable about advancing vehicular  
3 technology and by the way they are the ones that are  
4 going to be called in grand juries and in trials to  
5 testify about what happened at that scene. And with  
6 their specialized knowledge, CIS detectives as police  
7 officers are specifically authorized by the criminal  
8 procedure law to perform any crucial functions. So,  
9 the critical evidence must be collected and stored in  
10 a way that my office, as DA can actually deem  
11 admissible for trial. The crime scene must be  
12 preserved in anticipation of the collection of  
13 additional evidence and analysis. As police  
14 officers, they are authorized to obtain samples for  
15 chemical analysis of a suspect's breath, they are  
16 authorized to take saliva, they are authorized to  
17 take blood. Without this evidence, people that are  
18 driving impaired by drugs and/or alcohol and they  
19 kill people and they mame people, our prosecution is  
20 going to be severely curtailed. Most notably police  
21 officers are authorized to obtain search warrants, to  
22 collect additional evidence in investigating these  
23 collision scenes, a crucial function that's by the  
24 way unavailable to DOT. Uh, the time in obtaining  
25 such warrants is critical. Since January of 2020, my

2 office has worked with CIS to expeditiously obtain 2  
3 dozen court authorized search warrants. To obtain  
4 evidence that may be found. I t's found in a car,  
5 it's found in a black box, it's part of DNA and  
6 forensic samples, um, there's blood samples for  
7 chemical testing then they are all very extremely  
8 time sensitive and you want to make sure that you  
9 are getting a correct analysis of all of these things  
10 at the time of the crash. And it's our duty to help  
11 prevent these crimes and to make the streets safer,  
12 um, for all of us. You know, in a hit and run case  
13 and I give you example because I heard a lot of  
14 people talking about hit and runs. In a hit and run  
15 case this past year CIS detectives in my office work  
16 together. They obtain authorized search warrants for  
17 the vehicle airbag and the airbag helps to identify  
18 the suspect that killed a passenger in a vehicle that  
19 he hit. In another vehicle case, we were able to  
20 obtain a search warrant in the middle of the night  
21 based on information provided by CIS detective for a  
22 driver's blood order after the driver refused to  
23 provide a breath or a blood sample to measure the  
24 blood alcohol. Though under expedient and thorough  
25 investigation at the time of this incident, working

2 with CIS we are able to hold the driver accountable  
3 for the criminal charges. Taking the primary  
4 responsibility of these investigations out of the  
5 hands of NYPD will undoubtedly have detrimental  
6 effects on our ability to prosecute dangerous drivers  
7 and to provide some sort of sense of justice to the  
8 victims that are left behind. What, what most of you  
9 here now, have strong, I believe in collisions and  
10 holding people accountable. I do think that you can  
11 make the streets safer through collaboration with DOT  
12 cause I do agree with my colleague, DA McMahon that  
13 this is extremely lottable, very lottable thing that  
14 you would like to do and I think that it is necessary  
15 I just think that transferring responsibility with  
16 accountability is also so important for the future  
17 safety of drivers, pedestrians, bike riders and  
18 everyone is crucial. So, thank you for your time  
19 today and like DA McMahon we are happy to answer  
20 questions.

21 CHAIRPERSON YDANIS RODRIGUEZ: Thank you.

22 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
23 you, um, Chair, Council Member Yeger has a question  
24 for this witness.

2 CHAIRPERSON YDANIS RODRIGUEZ: We will end  
3 it, all end it when we finish with other DA then we  
4 ask any questions.

5 ELLIOTT LYNN, COMMITTEE COUNSEL: I think  
6 these are the only two DAs we have, uh, testifying in  
7 person.

8 CHAIRPERSON YDANIS RODRIGUEZ: Okay. So,  
9 I'm sorry, then, uh, let's hear from Council Member  
10 Yeger then who has a question. I, I thought that we  
11 have more DAs that's why I say that.

12 KALMAN YEGER: Mr. Chair, I defer to you.  
13 Okay.

14 CHAIRPERSON YDANIS RODRIGUEZ: That's  
15 okay. You can, you can start. That's fine with me.  
16 Yeah.

17 KALMAN YEGER: Thank you Chair. Um,  
18 Madam District Attorney, I, I don't doubt for a  
19 second that you read the Bills. Uh you and DA McMahon  
20 are, are legends, uh, and, and former Legislators in  
21 this house, uh, at a time when common sense ruled and  
22 I'm very grateful for your service and, and, it's an  
23 honor to try to even fill the shoes that you and DA  
24 McMahon left behind. Uh, I wanted, I'll start in no  
25 particular order but since you're the last one to

2 testify Madam DA. Um, you know justice and  
3 accountability were talked a lot about in this  
4 hearing this morning and by yourself and the DA, DA  
5 McMahon and really in my, in my view and perhaps I'm,  
6 I'm somewhat alone in this Council thinking it but  
7 justice and accountability are not alone served by  
8 fixing the road, uh, where a crash happened. That's  
9 important work. That has to happen. That's the DOTs  
10 job. But justice and accountability for a heinous  
11 crash which took the life or injured somebody or even  
12 caused property damage by a criminal perpetrator,  
13 somebody who drove unsafely and did someone a  
14 criminal way is the function of the judicial system.  
15 It's the function of the District Attorneys, it's the  
16 function of as, as, uh, as, as the, uh, famous  
17 starting to a New York show goes Law and Order. The  
18 police who investigate the crimes and the District  
19 Attorneys who prosecute the offenders and these are  
20 their stories and you gave us some of them today.  
21 The DOT in my view, and this may not turn into a  
22 question, but the DOT in my view doesn't have the  
23 expertise. But it's not just the expertise that's  
24 lacking. It doesn't have the legal tools and we as a  
25 Council are not empowered to give them the legal

2 tools and as you DA Katz and DA McMahon eluded to.  
3 The, the idea that, that we are going to turn this  
4 over, I don't want to call them bureaucrats but in my  
5 mind, this, the analogy I think would be we don't,  
6 you know we don't move sanitation pick up from the  
7 Sanitation Department to the Department of Health and  
8 Mental Hygiene just because its healthy and mentally  
9 hygienic to have a clean City. Um, or we don't go to  
10 and eye doctor for heart problems. We rely on law  
11 enforcement to not just to get the warrants but in  
12 the immediate aftermath of a crash to sometimes do  
13 the warrantless seizure that is necessary and that's  
14 permissible under the fourth amendment. People who  
15 work for the DOT don't have the ability to do that.  
16 So, you know you have both talked about this and DA  
17 McMahon just to prove that I'm a big nerd I have this  
18 article that you wrote on February 12<sup>th</sup> on the outbed  
19 and the Daily News and yes DA Katz knows me for long  
20 enough to know that I'm a little bit of a nerd. Um,  
21 and I, I really refer my colleagues to this, to this  
22 article from DA McMahon. It sets it forth so  
23 clearly. The letter from the District Attorneys from  
24 the 5 DAs to this Council sets it forth so clearly,  
25 this Bill, in my view would make our City more

2 dangerous. Would make pedestrians, riders, cyclists,  
3 car owners, car drivers, passengers, everybody who  
4 uses our roads and by the way our sidewalks more  
5 vulnerable, uh and, uh, ultimately less safe. So, I  
6 guess my question is, really, is there a way in your  
7 minds and DA McMahon you suggested withdrawing the  
8 Bill but you are both, uh, you are both former  
9 members of this house and I'm curious to know if you  
10 believe that this Bill, there is anything in this  
11 Bill that can resuscitate the Bill to the point where  
12 it actually makes sense or is this simply such an  
13 incon-, an ill-conceived notion as I believe, um,  
14 that it simply must die? If either, either of you,  
15 this is, uh.

16           MICHAEL MCMAHON: I'll just jump in quick  
17 because, um, I, I, I think that what could be done  
18 and should be done is really and I say this with all  
19 due respect, a better understanding of what it is  
20 that CIS does, how it works a scene if you will, how  
21 it works a crime if you will and as DA Katz outlined  
22 so well, the different steps along the way, that uh,  
23 that the police department has to take in order to  
24 investigate a case and allow us to prosecute the case  
25 in terms of evidence, in terms of warrants, in terms

2 of security the crime scene, in terms making arrests  
3 when appropriate, in terms of inves-, you know and  
4 then when you think besides just the scene, but there  
5 could have been other drivers who passed and using,  
6 uh, OPRs and things like that to identify other  
7 witnesses and get all the witnesses statements and  
8 all of those thing happen in such a real time way,  
9 and such a fast way that you have to understand  
10 that, uh, certainly my, my colleague or my assistant  
11 Frank has offered to meet with anyone to ex-, because  
12 he goes to these scenes to explain to anyone who  
13 really wants to know what happens on the scene and  
14 understand that. And then secondly to work with the  
15 police department and DOT to get the data that you  
16 really seem to be wanting and have been discussing,  
17 to understand how many collisions there are. How  
18 many are serious? Critical? Deadly? Uh, how many  
19 are the result of, uh, criminality? How many are  
20 the result of civil negligence and how many are the  
21 result of almost unavoidable because maybe there was,  
22 uh, some sort of infrastructure defect that caused  
23 the accident, it was almost unavoidable and that's  
24 when DOT could come in and, and fix that problem.  
25 But it sounds like, uh, again, it's a lottable to, to

2 prevent all accidents but this you know collision.  
3 This is not the way to do it. The way to do it is to  
4 work with the partners here, the PD and the DOT in  
5 particular, uh, to get, to get the fact, to get the  
6 data and then to come up with solutions with them in  
7 their role of holding people accountable and  
8 delivering justice for the police department and  
9 prevention for the Department of Transportation. And  
10 also maybe even mandating a victim advocacy role for  
11 victim services for individuals who are victims of  
12 collisions but do not get that type of service.

13 MELINDA KATZ: If I might add, uh, number  
14 one Mr. Chairman, the DA McMahon just said in the  
15 beginning and I just want to repeat that all five  
16 DAs, uh, wrote a letter that we submitted in to  
17 evidence. So, the DA and I are here, um, we  
18 represent the five DAs already put in their  
19 testimony, just so you know, the other three are also  
20 opposed, uh, to this Legislation. The answer to your  
21 question Councilman Yeger, I, I am of the belief that  
22 the goals of this Legislation and CIS being active  
23 and continuing to do what they do with the expertise  
24 of what they have, are not mutually exclusive. So, in  
25 Section 19-182.3 c, you have the review of street

2 design. There is absolutely no reason and I doubt  
3 that it doesn't happen now, although someone else  
4 would have to answer that, you know that DOT goes  
5 back and looks at the crime scene of those that CIS  
6 have already investigated when, uh, the collision  
7 investigation is done and looks to see how it can  
8 make that particular street safer, how we can make  
9 that particular bike lane safer, how we can make the  
10 signals on the street and the lights safer. I mean  
11 DOT has to be part of that analysis on how we respond  
12 to collisions that could have been avoided and so I  
13 do think that that part of your Legislation, um, is  
14 something that we could work with. I think that we  
15 are here today to say you know if we really want to  
16 hold driver's accountable, if we really want to make  
17 sure that victim's families have accountability when  
18 it comes to those that cause collisions that kill or  
19 name individuals then we need to have the experts  
20 involved in the investigation. We need to be able to  
21 do the investigation and as the District Attorney I  
22 need to be able to be assured of the fact that when  
23 the evidence comes before me and when my folks are  
24 going in to a grand jury or a trial that the evidence  
25 gathered by the experts that were at the scene are

2 gathered properly, within the law and the necessary  
3 evidence that I need is also taken. They have to  
4 know, do I need the blood? Do I need saliva? How do  
5 you test for someone who just smoked? How do you,  
6 figure out that they are drug impaired? When the  
7 signals may not be that obvious. So, I do think  
8 that, that one is not inclusive of the other. Um,  
9 and so look, we are here to say that the primary  
10 responsibility should be to those that allow us to  
11 hold driver's that cause death accountable.

12 KALMAN YEGER: And that's to. Go ahead.  
13 Mr. Ch-.

14 CHAIRPERSON YDANIS RODRIGUEZ: No, go  
15 ahead.

16 KALMAN YEGER: One, one quick question,  
17 um, DA Katz, just to follow up. Um, on the, on the  
18 collection of evidence. You know some of this is  
19 obviously blood work, breathalyzer and the reality is  
20 that it's not, this is not simply technical work and  
21 please correct me if I'm wrong, I'm in, not in your  
22 line of work but this is law enforcement collection  
23 of evidence. This is, these are not things that can  
24 be done by technicians who happen to work for a City  
25 agency but they have to be done by law enforcement

2 for purposes of preserving the chain of evidence, for  
3 making sure that the, that the people who are able to  
4 testify to what was seen, uh, and what was retrieved  
5 through these tests are, is actually representative  
6 of, of an indicator that a crime was committed. Is  
7 it, your, do you have the view that it is possible  
8 that these tasks can somehow be outsourced to DOT in  
9 any way or must they remain in the police department  
10 no matter pretty much what we Legislate.

11 CHAIRPERSON YDANIS RODRIGUEZ: Sorry  
12 Council Member before I let the DA answer this  
13 question, after this question, we need to move to the  
14 next Council Member because of the time.

15 KALMAN YEGER: Thank you. Yes, thank you  
16 very much.

17 MELINDA KATZ: So there's, there's two  
18 components to that answer. Number one, yes, you have  
19 to work with DOC ME and its law enforcement that  
20 works with DOC ME. You have to know exactly how to  
21 take it, and, have to know exactly the chain of  
22 evidence. You have to know exactly, um, what is  
23 going to be admissible in a courtroom. You have to  
24 be able to testify in that courtroom. You got to be  
25 able to testify at the grand jury, so there's a lot

2 of expertise that can only be done by law  
3 enforcement. The second part really is, you know we,  
4 we work, uh with the police every single day and  
5 whether they are CIS who are investigating those  
6 cases that are likely, uh, to die or critical or  
7 death or whether they are the patrol people that are  
8 on the street who then call their sergeant to come in  
9 and control the scene because CIS may not be  
10 appropriate for that. Those individual police  
11 officers have been trained as well in working with  
12 these types of cases. So, even if it is not CIS, um,  
13 there are several types of expertise that is needed  
14 on the ground to investigate whatever has happened in  
15 that collision. That they learn in the academy and  
16 with experience and with continuing education.

17 KALMAN YEGER: Thank you.

18 CHAIRPERSON YDANIS RODRIGUEZ: Thank you  
19 but basically I want to be sure for whoever is  
20 listening to this conversation and, and to whoever is  
21 writing in their way of how this unit, even if it is  
22 maintained under the NYPD or with DOT. The men and  
23 women will continue doing the investigation doesn't  
24 actually change, those 26 that we have right now. So  
25 and of course I look into your effort this day and,

2 and I think that, I know that we all share the common  
3 law, but it has to be clear on record that no, in the  
4 way DOT handling your people with the expertise and  
5 how I see, 26 men and women right now who have been  
6 trained from the law enforcement to do investigation  
7 and if even we need to double that number they will  
8 be. We will not lose any of those men and women  
9 already under this collision investigation squad  
10 unit. And even if we are more, those people will  
11 have to be getting the same type of training that  
12 those 26 have received. So, I feel at a peace when  
13 it comes to how, you know and for me it's not, it has  
14 to be necessary, DOT completely. For me, this is  
15 about how can we expand effectiveness and cover more  
16 people in this investigation. That's all I'm looking  
17 for and, and as I saw more than happy. I have a  
18 respect for both of you because of the challenges you  
19 do and especially with experience that you have in  
20 both at the DA and the previous role that you also  
21 have here, in, in at the Council. So you know I just  
22 want to be, bring the clarity to that. So.

23 MELINDA KATZ: Thank you.

24 CHAIRPERSON YDANIS RODRIGUEZ: Thank you.

25 Now let's hear from Council Member Holden, going to

2 be limiting the comment question to three minutes so  
3 that we can also then move to the public, to the  
4 other members of the public.

5 BRAD HOLDEN: Thank you Chair. I'll be  
6 quick, um, and thank you both. Thank you both DAS  
7 for your work in defending and protecting public  
8 safety, uh, and I just want to, uh, I just want to  
9 ask. You are not opposed to what the Chair just  
10 said, both of you are not opposed to try to expand,  
11 uh, some of the work that the CIS is doing. And some  
12 of the investigations. Let's say expand a pool,  
13 maybe change the criteria to investigate some of  
14 these accidents or collisions?

15 MICHAEL MCMAHON: No, from my perspective  
16 I think that that is something I think that that is  
17 something also, uh, that could be looked at, as has  
18 been discussed here today in any collision where  
19 there is criminality if it is not investigated by CIS  
20 then it's investigated by the, the Precinct squad  
21 and, uh, Patrol and, uh, or a combination, uh, and I  
22 think that that's, that's something that they could  
23 use support. There are times that it doesn't seem  
24 like it's a CIS case and then sometimes CIS is called  
25 in to consult even though it's not officially a CIS

2 case or the people power from CIS pitches in a little  
3 bit so you could expand, uh, that, again that band  
4 width if you will be increasing our resources. And,  
5 the question on the cases that they cover, uh but you  
6 know and again it's extremely complicated because we  
7 talk about all the steps that are taken in any  
8 investigation. They've been spoken about here today  
9 but if you think about the particular cases, you know  
10 we had a case a few years ago where an off-duty  
11 police officer from New Jersey came to Staten Island  
12 and before he sped in the wrong direction on the West  
13 Shore Expressway, he spent hours here on Staten  
14 Island going to different bars. And so CIS together  
15 with the local squad had to work with collecting all  
16 the video from his actions that led up to the  
17 accident, the collision itself. Again, I'm dating  
18 myself, and so you had to do all the things that you  
19 would do in any crash but also a much more expanded  
20 investigation. And so that's CIS working with the  
21 broader police department and the great work that  
22 they do. These cases are complicated. We recently  
23 had a case where a gentleman in a domestic violence  
24 situation who is accused of crashing the vehicle  
25 into a tree to victimize further, uh, his victim and

2 so you have the domestic violence element mixed in  
3 together with, uh, uh, the crash itself. Again,  
4 extremely complicated cases that really glide this  
5 easy solution of just moving the unit into a  
6 different department, because you want to prevent  
7 accidents from occurring. Uh, leave the criminality  
8 aspect, the accountability and the justice with the  
9 police department and the DAs office and also beef up  
10 DOTs resources as well, uh, to, to better achieve,  
11 um, preventing more of these cases but no, we would  
12 not oppose that as long as their mission stays where  
13 it is and how it is, if it's broader that's fine.

14 SGT. MARTINEZ: Time has expired.

15 MELINDA KATZ: Right, and, and Councilman  
16 I think, that, you know, just so I could add to that,  
17 look CIS investigates the most egregious victim's,  
18 um, results and, and that's on purpose. Right?  
19 They are meant to investigate those that result in  
20 death? They are meant to investigate those that are  
21 likely to die. They are meant to investigate those  
22 that are critical in-, critically injured so that  
23 there is some justice or just, some closure for the  
24 families of those that are no longer here, uh, you  
25 know if you wanted to add. It's funny, I was

2 listening to the police testimony thinking of course  
3 they will take more staff if you want to give it, um,  
4 and they could investigate more crimes. And in fact,  
5 CIS with the results they have or with the resources  
6 they have a lot of times, we'll call on them for  
7 their expertise on cases that may not come exactly  
8 within their bandwidth but I know they have the  
9 expertise, um, to answer the question. Um, but how  
10 many more staff members they would need if you  
11 expanded their prevue, um, I think that's something  
12 we can talk about. All I can tell you is that when  
13 you deal with a victim's family and the victim is not  
14 able to speak, they are not able to be present and  
15 not able to answer any questions themselves, or they  
16 die, the expertise is critical.

17 BRAD HOLDEN: Okay, just, just a quick  
18 question it could be yes or no, Chair if I may?

19 CHAIRPERSON YDANIS RODRIGUEZ: Okay.

20 BRAD HOLDEN: Um, were, were any of the  
21 DAs consulted on this Bill? Um, at all, just  
22 somebody reaching out? Some Council Member reaching  
23 out or? The City Council reaching out to get your  
24 opinions before the Bill, um, was heard?

2           MICHAEL MCMAHON: Not, not prior to it's,  
3 uh, introduction but we are grateful for the  
4 opportunity that our voices are being heard now in  
5 this process but not previously.

6           BRAD HOLDEN: Okay. DA Katz?

7           MELINDA KATZ: No, but again, you know,  
8 DA McMahon and I know the speed and the investigation  
9 that goes in to writing, uh, the Bills. We  
10 appreciate being able to come in today. I would ask,  
11 uh, you know, like I would ask like the DA said as  
12 well for this to either be withdrawn or tabled, um,  
13 if there is any additional information needed on the  
14 expertise and needed on why we need to hold drivers  
15 accountable, for, for the injuries that they cause,  
16 um, we would be happy to answer the questions after.  
17 I do have with me as well John Krasinski, um, you can  
18 write that name down if you also need any expertise.  
19 He handles all of the deaths, um, from collisions  
20 that happen in the Borough of Queens County. And  
21 again, you know, I have someone specializing in the  
22 deaths as well because it is such a fine line area of  
23 expertise, uh, and he has had years of investigating  
24 these, uh, collisions.

25           BRAD HOLDEN: Thank you.

2 CHAIRPERSON YDANIS RODRIGUEZ: Thank you.

3 MICHAEL MCMAHON: Colleagues have that,  
4 each office has an expert-, a, a unit with expertise  
5 who would be happy that I volunteer them to meet  
6 individually with their Council Members or as a  
7 group, they'd be happy to do it.

8 CHAIRPERSON YDANIS RODRIGUEZ: Thank you.  
9 And we will follow with you. Uh, I got to say that  
10 since started on the Council they've been consulted  
11 at least getting the feedback from the Brooklyn DA  
12 before this Bi-, introducing this Bill and he doesn't  
13 necessarily say that the Brooklyn DA give their okay  
14 and agree with this but for the purpose for today,  
15 we, we did that. And, and again, whatever place we  
16 end it, we, in my case, in my role as the Chairman on  
17 this Committee and the lead prime investigator, with  
18 Lander and Speaker Johnson, the NYPD will maintain  
19 an investigative role in this. I think that it is  
20 important to continue conversations with you from the  
21 DA role and to figure out on how, it will end. And  
22 if continue moving forward. Um, but I want to move a  
23 little bit from that piece, and, and ask you two  
24 questions. One is on, on, a, the cases that you've  
25 been inve-, uh, prosecuting related to hit and run

2 and crashes. Of course, the main cases that you can  
3 share. I'm not talking about cases that is under  
4 investigation that you cannot share any information  
5 because of the moment of the investigation. I will  
6 be, I've been involved, deeply involved in two cases.  
7 One was in the Bronx, a young person, recently  
8 graduated from college, uh, Mr. Loureda (SP?) that it  
9 was even in the case, the image where the driver put  
10 his car on fire to get rid of the evident. That  
11 happened like seven years ago and it took like two or  
12 three years, you know, from the Bronx DA and to  
13 continue working this case and even with the support  
14 that they had because the family had a lawyer who  
15 worked at Columbia Law School they were only able I  
16 think to get a year and a half in jail even though  
17 the person again put the car on fire to get rid of  
18 the evidence and everything. Then, we work with, I  
19 went a couple of times had a meeting with the family  
20 of D.J. Pough (SP?) in Brooklyn. And I know that it  
21 took time. And, and it's not like I expected. I  
22 believe that I have some understanding about you know  
23 all the work that you guys have to do to prove a, to  
24 make a strong case, but even in that, in that case,  
25 in the D.J. Pough, it was only like, I think one or

2 two years and I feel that as we are listening from  
3 you now and legitimate concerns, something that I  
4 hope that we will continue getting your feedback. I  
5 also see that we are in an equal situation when it  
6 comes for us going together to the State to get some  
7 changes on a state level to empower you guys, all the  
8 DA to be able to prosecute, to have more tools when  
9 you prosecute those cases. So, what can you say  
10 about, you know, changes that you expect also on a  
11 state level that we should go together and ask for  
12 and second is if you can share, again, I, in a number  
13 of cases that you have in front of you last year, in  
14 2019, related to, uh, crashes and how many of those  
15 were you able to end up proving that those drivers  
16 were guilty?

17 MICHAEL MCMAHON: So we, here in Staten  
18 Island, I would consult with Frank who handles these  
19 cases, we don't have any major outstanding, uh, hit  
20 and run or leaving the scene accidents where we  
21 didn't ultimately catch, uh, the prosecutor and were  
22 able to prosecute them, largely because of the great  
23 work that the police department does in quickly  
24 gathering evidence, in particular, physical evidence  
25 from the scene and the statements from possible

2 witnesses and video of evidence taken from the scene  
3 and also collations from around, people approaching  
4 and leaving the scene. So, we don't have those. I  
5 would say as you talk to the state, Mr. Chairman, one  
6 thing that we see is that the penalty for leaving the  
7 scene of an accident is a D non-violent felony and  
8 not one that the courts take as seriously as we would  
9 like. We would like to see more teeth in that law so  
10 that we can prosecute those cases with more effect.

11 CHAIRPERSON YDANIS RODRIGUEZ: Okay,  
12 thank you.

13 MELINDA KATZ: I would also add, uh, like  
14 every, every case that we brought and charged with  
15 the cooperation of CIS, uh, last year, ended in  
16 accountability, conviction or was still pending. And  
17 it's gathering of the evidence and the time it took  
18 to make sure that we had a solid case, and by the way  
19 that it was the right thing to do. You know we have  
20 to make sure that we are holding the right person  
21 accountable and, and especially if its DWI and all of  
22 these other things that have come in to that we have  
23 the element proven as we prosecute the case. Uh, I  
24 will tell you Mr. Chairman that I have been  
25 increasingly frustrated by those that drive, and this

2 is a totally different subject than we are talking  
3 about, but since you asked the question, I've been  
4 increasingly frustrated by those driving on suspended  
5 license because of losing their license, not because  
6 of a financial issue but they lost their license  
7 because of DWIs or because they were reckless drivers  
8 and then they are driving again. And you know then  
9 something happens that may or may not be, uh, at  
10 fault and that comes up time and time again. You  
11 have a suspended license and it is taken because you  
12 are a dangerous driver you shouldn't be driving and I  
13 do find that the laws sometimes are a little  
14 frustrating to me, uh, and we are happy to talk about  
15 that with you. Um, I do think that DWI, uh, needs to  
16 be taken, uh, very seriously, uh, you know I have  
17 taken a little bit of heat because we now hold DWI  
18 drivers accountable to the fullest extent that I am  
19 allowed to. I, I, under extremely rare circumstances  
20 have we allowed plea bargain on them, um, and I do  
21 think they need to be held accountable. I do think it  
22 is one of the most selfish crimes, um, that you can  
23 commit. And so, I think that those are just some of  
24 the things but right now to get back to where we are,  
25 the Legislation that's in front of you asks that DOT

2 take the primary responsibility for these  
3 investigations, for the 374 investigations last year  
4 that either ended up in death, likely to die or  
5 critical and I just sort of wanted to bring us back  
6 to what we have in front of us which is that we do  
7 believe that the expertise of CIS is best to handle  
8 these cases to be sure that where we hold driver  
9 accountable that we are able to do so in a legal  
10 and, uh, get a conviction.

11 CHAIRPERSON YDANIS RODRIGUEZ: Thank you  
12 and, as you know in your previous role in Queens you  
13 know a Bill has always the opportunity to not go back  
14 to, you know, to City Hall and see what changes we  
15 make so, so, thank you for your input. And can you,  
16 do, like, we're looking at 374, you know investigated  
17 by the Collision, uh, Investigation Squad Unit but do  
18 you have any recollection of other, and of course, we  
19 have like 43 cases of crashes that ended with injury  
20 and yet because you were the driver and you were in a  
21 crash and someone get injured doesn't mean that you  
22 committed a criminal act but those cases should be  
23 investigated and if pedestrians, motorists and I have  
24 a car too so it could be that it would be involved in  
25 a crash and injuries a core investigation should be

2 done and the experts including me whoever is guilty  
3 of anything there should be consequences. But when  
4 you look at those, a big concern last year from the  
5 NYPD 43,000 crashes happened last year that involved  
6 injuries and have you, were you able to see the  
7 number of those cases being in front of you, not the  
8 374?

9 MELINDA KATZ: I will look toward my  
10 experti-, my expert sitting next to me while DA  
11 McMahon tries an answer on that.

12 CHAIRPERSON YDANIS RODRIGUEZ: Okay.

13 MICHAEL MCMAHON: And of course I look to  
14 ADA Prospero as well, but, again there are many cases  
15 that don't, uh, get handled by CIS that we do, do  
16 prosecutions on, and there are reckless endangerment  
17 cases, they're leaving the scene of the accident um,  
18 and then you know there are all but also there are  
19 many if its civil negligence and that initial  
20 evaluation will be done by the police officer who  
21 responds to the scene. They, when they fill out  
22 their statement dated, Accident Report as the State  
23 calls it, they have to make an assessment whether or  
24 not there was criminality or not, uh, and in the case  
25 of serious injury, I know that that gets reviewed up

2 and if there is something then it gets referred to a  
3 detective, so, what I think as I said before. Like a  
4 suggestion that I see instead of passing this Bill,  
5 uh, is to do a deep dive on those numbers and I'm  
6 sure the police department could provide that working  
7 with you, uh, and DOT as well, uh, and the state to  
8 evaluate those cases and see how many are, uh,  
9 prosecuted, uh, how many are investigated for  
10 criminality and how many are not and where along the  
11 process those decisions are made and there perhaps  
12 evaluate are there other ways to change the way that  
13 those proc-, those decisions are made, but I don't  
14 think you can do that until you really, uh, do an  
15 evaluation of those.

16 CHAIRPERSON YDANIS RODRIGUEZ: Okay.  
17 Thank you.

18 MICHAEL MCMAHON: And also I just want to  
19 say too that even in my office in addition to giving  
20 an advoc-, to victim, there, that we enhance in our  
21 office as well, uh, when we, we may think that it  
22 should be looked at from, by detective investigators  
23 and I have some that came from the Highway Squad or  
24 CIS work in my office and we do that as well. So  
25 there are instances where that could happen. I think

2 you have to really dig in to those numbers, Mr.

3 Chairman with the staff to see how many there really  
4 are.

5 CHAIRPERSON YDANIS RODRIGUEZ: Okay.

6 MELINDA KATZ: And, and I will echo, uh,  
7 DA McMahon, we are happy to help, you know, really do  
8 a deep dive into those numbers. Yeah, I would like  
9 to point out one thing that probably has not been  
10 pointed out. As much as the expertise of CIS for  
11 the like to die or death or, uh, critical is, and as  
12 much as the expertise is of the police officers, if  
13 there are injuries but not CIS qualified, remember  
14 that with all this expertise we are also exonerating  
15 people of criminality as well. Right, so, it's not  
16 just about, you know sometimes collisions just are  
17 not criminal and sometimes they are. And I think  
18 there has to be an acknowledgment of that, uh, there  
19 may be 43,000 injuries, um, the ones that come to us  
20 that deserve accountability, we are going to hold  
21 them accountable. Um, but with the expertise of the  
22 police department, with the OCME, with all of the  
23 labs and, and experts that we have that are involved  
24 in each of our scenes, we also can make sure that we  
25 are not holding people criminally liable that aren't.

2 Um, and so I think that is an important balance that  
3 I just wanted to mention.

4 CHAIRPERSON YDANIS RODRIGUEZ: Okay.

5 Thank you and of course, like we hear a lot of  
6 frustration so to so many of you guys. Also, we  
7 have so many cases, uh, in front of you and I feel  
8 that we both agree as I said before, and I said  
9 frustration when it comes to many, you know red  
10 tapes that have been in the middle of many of those  
11 cases. Like sometime I know that in some of the cases  
12 that I've been personally involved with those  
13 families, DAs have to be waiting for months to get  
14 the results of a, of a blood test, it coming from the  
15 labs so I think, you know there is more than one  
16 thing that we should look at it and happy to continue  
17 again taking your feedback and, and see how we can  
18 deal with this epidemic, when we heard 2019 there was  
19 210,000 crashes in New York City. Last year there  
20 was 111,000 crashes and hit and run were 24,000. One  
21 person dying every week, now that's too much and I  
22 think that, and I know you are doing your job at the  
23 DA and we have to do our part so let's continue the  
24 conversation. Thank you for your service, both of  
25 you and the rest of the team.

2 MELINDA KATZ: Thank you.

3 MICHAEL MCMAHON: Thank you.

4 CHAIRPERSON YDANIS RODRIGUEZ: And now we  
5 are going to be going to the rest of the public. We  
6 are going to be limiting the time to two minutes and  
7 please, if anyone will be taking longer you can  
8 summarize when you are closer to two minute and if  
9 your testimony takes longer, just send it to the  
10 Council.

11 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
12 you Chair. Our next panelist will be Bernadette  
13 Karna. Bernadette.

14 SGT. MARTINEZ: Time begins now.

15 BERNADETTE KARNA: I-.

16 CHAIRPERSON YDANIS RODRIGUEZ: Go ahead  
17 Bernadette.

18 ELLIOTT LYNN, COMMITTEE COUNSEL: Go  
19 ahead.

20 BERNADETTE KARNA: Can you, can you hear  
21 me?

22 ELLIOTT LYNN, COMMITTEE COUNSEL: Yes.

23 CHAIRPERSON YDANIS RODRIGUEZ: And, and  
24 before I also to, clar-, sorry, I want to up on  
25 record to clarify that as I said, the central staff

2 of the Council, get feedback from the Brooklyn DA  
3 that they were not consulted before the bill was  
4 drafted. The consultation was made, shared some  
5 feedback but it was after the Bill was drafted. I  
6 hope we are very close and have a lot of respect for  
7 our Brooklyn DA Gonzalez. So, I wanted to you know,  
8 clarify that. Thank you. You may begin now.

9           BERNADETTE KARNA: Oh, I'm sorry. You're  
10 waiting for me. Thank you, thank you Chair and thank  
11 you, uh, everybody. My name is Bernadette Karna. I  
12 am a member for Families for Safe Streets and a  
13 survivor of a hit and run crash. On June 8, 2016, I  
14 was run over by a reckless driver while in the cross  
15 walk with a light. The driver dragged me 50 feet and  
16 then fled leaving me for dead. My ribs were crushed  
17 and I had numerous other fractures to my back,  
18 shoulder, knee and foot. While I was recovering I  
19 relied on the police to do, to do a complete  
20 investigation however my case wasn't investigated  
21 thoroughly. The Precinct Detective assigned to my  
22 case went on a 2 week vacation during the critical  
23 investigative period and closed my case after four  
24 months. No charges were filed and he retired shortly  
25 thereafter without any further investigation. I was

1 told very little and the video of the crash was lost  
2 by the NYPD. I waited over 19 months to receive the  
3 first detailed report of the crash. From the report  
4 I learned that City cameras captured a car and plate  
5 prompting the detective to question a person of  
6 interest. It was only after the New York Times  
7 profiled my crash and I shared my story with the City  
8 Council that the NYPD Collision Investigation Squad  
9 reopened my case in September of 2018, more than 2  
10 years after my crash. With the CIS reviewing the  
11 case I was hopeful that the driver would be found and  
12 held accountable. To my surprise the video of the  
13 crash was found and it was only then that the NYPD  
14 identified the correct SUV that ran over me. The  
15 owner of the vehicle was located and she admitted  
16 ownership and an hour after my hit and run the SUV  
17 was set on fire in Brooklyn. Her daughter insured  
18 the vehicle and never spoke to the police. She  
19 didn't respond to police phone calls or a house call.  
20 I was shocked to learn that she ignored the detective  
21 and the police search ended there. Despite new  
22 information from a second investigation, I was  
23 utterly dismayed in June of 2019 when the NYPD closed  
24 the investigation without pressing any charges.  
25

2 Whether it is a lack of resources to investigate and  
3 prosecute drivers or an apathy that these are just  
4 accidents is unclear. But what is obvious is that  
5 the Justice System doesn't bring justice to crash  
6 victims or hold reckless drivers accountable. To  
7 prevent these crashes and lack of justice from  
8 happening to others I strongly support changes to the  
9 CIS and increased involvement of the Department of  
10 Transportation. The DOT is committed to Vision Zero.  
11 They have the expertise to conduct a detailed  
12 analysis at every crash site, to understand what  
13 could have prevented the crash. This analysis will  
14 help address the underlying issues and truly make our  
15 streets safe. Thank you.

16 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
17 you. Are there any questions from Council Members  
18 for this witness? Okay, seeing none. Our next  
19 panelist will be Dulcie Canton. Dulcie.

20 SGT. MARTINEZ: Time begins now.

21 DULCIE CANTON: Can everyone hear me?

22 ELLIOTT LYNN, COMMITTEE COUNSEL: Yes.

23 DULCIE CANTON: Hi. My name is Dulcie  
24 Canton and I'm a member of Families for Safe Streets  
25 and survived a hit and run crash on August 7, 2014. I

2 was biking home and my friend Jay was skateboarding.  
3 We waited patiently at the light at Bleaker and  
4 Wilson. I was wearing all the cycling gear meant to  
5 keep us safe, a helmet, light colored clothing, front  
6 and rear light and a bell. It was important to me as  
7 a black woman and a cyclist to be the perfect role  
8 model. When the light turned green and I started to  
9 follow Jay through the intersection, I heard a car  
10 engine rumble and then boom, a Chevy Camaro crashes  
11 into the rear of my bike and my person. I remember  
12 flying up into the air and landing in the street on  
13 my right shoulder like a human ragdoll. My very  
14 thoughts were, "Am I going to die? Is this the end?  
15 Will my family have to plan and attend my funeral?  
16 Where is my bike? And is she okay. Thank goodness I  
17 can feel my hands and toes, I know my name. I'm  
18 conscious." I think back now about the excruciating  
19 physical pain that I was in and my fears knowing that  
20 NYPD doesn't have a good track record of working with  
21 black and communities of color. As a black woman, I  
22 have first-hand personal experience. My mother  
23 survived a hit and run crash in the Bronx in the  
24 2000s and the police, NYPD was of no help. When I  
25 was in the hospital I called a co-worker and he

2 referred me to speak with Carl Lawyer. He said he  
3 will take care of you. He got to working on my case  
4 immediately traveling back to the crash site and  
5 completing an investigation with my friend Jay that  
6 the NYPD failed to do. He gathered witness  
7 statements, obtained not one but two CCP videos of  
8 the crash from a nearby building superintendent and  
9 was given a right side driver mirror to the Camaro  
10 from one of the witnesses. Being injured in a crash  
11 is very traumatic. I was unable to work for weeks.  
12 Was in pain from the concussion and a broken ankle  
13 and terrified to get on my bike. I had to set up a  
14 GoFundMe to pay my rent and for food. I knew I wanted  
15 to bike again once my body recovered but that I would  
16 also need talk therapy to get over the PTSD. It was  
17 all so much to go through at the time and I'm very  
18 thankful for everyone who helped me. But sadly, the  
19 NYPD was of absolutely no help and I expected to at  
20 least get a call from a detective. No call. About  
21 three weeks later my head was feeling a bit better so  
22 I called the 83<sup>rd</sup> Precinct myself only to be told  
23 that the Detective assigned to my case went on  
24 vacation. We had the incident on tape. A witness  
25 corroborated my story and the car had been traced to

2 its owner. The NYPD told me they would question the  
3 driver if they had the time. Gotformis even profiled  
4 the NYPD's failure to apprehend the driver but even  
5 after the article NYPD never took action. Although a  
6 civil court found him responsible, he is still  
7 allowed to drive his car and was never forced to  
8 change his dangerous behavior. Clearly, the NYPD is  
9 failing which is why I'm here today to support  
10 changes to CIS and increased involvement of DOT. But  
11 on behalf of Families for Safe Streets we urge the  
12 Council to go even further to reduce the role the  
13 NYPD officers play in traffic enforcement. As  
14 indicated in our statement supporting the fight for  
15 racial justice. It is essential that ending the  
16 preventable epidemic of traffic violence does not  
17 inadvertently harm people of color. First, we urge  
18 the Council to support our call for a pilot program  
19 for Failure to Yield, Block the Box, bike lane and  
20 distracted driving cameras which the Council can do  
21 without any authorization from Albany. Automated  
22 enforcement does not racially profile and is proven  
23 to change behavior with only modest fines. Second, we  
24 urge the Council to consider moving routine traffic  
25 enforcement to the DOT. There is a reason we have

2 armed officers enforcing our traffic laws, that's not  
3 how we will achieve Vision Zero.

4 CHAIRPERSON YDANIS RODRIGUEZ: Thank you.  
5 And, and, thank you. As you know, working always, a  
6 Committee to continue working close with you and the  
7 members of the Families for Safe Streets and  
8 Transportation. All the advocates. Please save your  
9 testimony will take more than two minutes. Just  
10 summarize and send in the written testimony to the  
11 Council. Thank you.

12 ELLIOTT LYNN, COMMITTEE COUNSEL: Okay.  
13 Our next panelist will be Amy Tam Liao. Amy.

14 AMY TAM LIAO: Hi. On October 6, 2013, we  
15 got an awful phone call telling us to go to the  
16 hospital because our daughter Ally was hurt. I  
17 wasn't until we got to the hospital that our ER  
18 doctor told me that Ally and her grandmother had been  
19 hit by a car. Ally died that day. She was 3 years  
20 old. Grandma lived but is not the same. I am  
21 Allison Hoag Liao's mom. My name is Amy. At the  
22 hospital, the police officers told my husband that  
23 there was nothing that they could do and provided  
24 excuses for the driver. The driver didn't see Ally  
25 and grandma. The driver had a blind spot. They

2 actually took the time to provide extensive detail on  
3 what part of the car causes blind spot and never  
4 mentioned that Allison and her grandma had the signal  
5 and the light of, and the right of way. It was as  
6 though they had already made up their mind before the  
7 investigation was complete. Our nightmare was  
8 compounded when the newspapers read that Ally had  
9 broken free from grandma's hand and that she was  
10 walking behind grandma. NYPD was cited as the  
11 source. The next day, the owner of a dash camera  
12 submitted a video to the police of the crash. Ally  
13 and grandma were hand in hand.

14 CHAIRPERSON YDANIS RODRIGUEZ: I'm sorry  
15 and take your time.

16 AMY TAM LIAO: A distracted driver of an,  
17 of an SUV made an aggressive left turn, failed to  
18 yield and hit them both. Knocked Ally to the ground  
19 and rolled over her with both the front and rear  
20 tires. The video is available for anyone to see.  
21 Okay, to prevent these crashes, the rest of my  
22 testimony has been submitted. I'm just going to skip  
23 to this part. To prevent these crashes and lack of  
24 justice from happening to others, I strongly support  
25 changes to CIS and increased involvement from the

2 DOT. The DOT has been leading the fight for Vision  
3 Zero. Does not have the same pro-driver biases as  
4 the NYPD and has the expertise to conduct a detailed  
5 systemic analysis at every crash to make our streets  
6 safer. Thank you.

7 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
8 you for your testimony. Uh, our next panelist will  
9 be Marco Conner DiAquoio. Marco.

10 SGT. MARTINEZ: Time begins.

11 MARCO CONNER DIAQUOIO: Yes, thank you  
12 Chair Rodriguez and thank you for spearheading this  
13 bill and hearing. I represent Transportation  
14 Alternatives as Deputy Director. We are the City's  
15 nonprofit advocacy organization for Livable and Safe  
16 Streets. We strongly support Intro 2224, New Yorkers  
17 need an overhaul of the current crash investigation  
18 process. It is abundantly clear that the status quo  
19 is not working for anyway. That the NYPD and DAs you  
20 heard from today want to maintain the status quo.  
21 And I want to address the misinformation that they  
22 provided. Most importantly I urge everyone to not  
23 believe the spin put forth by the City agencies today  
24 and the DAs saying that enforcement and prosecution  
25 of the worst reckless driving will somehow be taken

2 away with this bill and that the highly trained CIS  
3 officers somehow won't be doing crash investigations  
4 anymore and that confidential private data will  
5 somehow be made publicly available for all to see.  
6 That is not true. It is spin and fearmongering and  
7 it is disinformation that I pray that the Council and  
8 reporters do not buy in to. Um, Intro 2224, would  
9 still allow for prosecution when appropriate in  
10 compliance with State law. And to address DOT's four  
11 person Office of Emergency Response that responds to  
12 CIS crashes, if the post-crash assessments of that  
13 DOT unit were heeded by this Administration we would  
14 have achieved Vision Zero already. It should not  
15 have taken decades of efficacy and hundreds of deaths  
16 to convert the Queens Boulevard of Death. How our  
17 City provides crash information to reporters informs  
18 the changes that the public demands and Intro 2224  
19 would help address that. Now we just heard the most  
20 gut-wrenching account from victim and survivors  
21 providing a damning condemnation of the NYPD and DAs  
22 current crash response. Um, and those are just the  
23 tip of the iceberg. NYPD routinely engages in  
24 harmful victim blaming and premature statements to  
25 media. It's clear that NYPD is either unwilling or

2 unable to adequately address victim blaming. In  
3 addition, they fail to investigate crashes. They fail  
4 to investigate thousands of hit and run crashes that  
5 result in injuries. A repeat TA report documents  
6 this. An 8-year-old child was tragically killed just  
7 this very morning in Brooklyn in a hit and run. In  
8 addition to inadequate investigations of hit and runs  
9 since at least 2015, NYPD has likely been in  
10 violation of state law that requires them to  
11 adequately investigate thousands of failure to yield  
12 crashes under the right of way law. And importantly  
13 the current criteria determining CIS crash response  
14 allows for complete discretion by the NYPD to respond  
15 to any crash they want to not just the crashes that  
16 they are percented. NYPD could unilaterally expand  
17 the cases that the CIS responds to right now. Um,  
18 CIS is recognized as perhaps the best crash  
19 investigation unit in the country. The problem is  
20 that their leadership clearly does not believe that  
21 their work is worthy of expanding. Commissioner  
22 O'Neill said thanks but no thanks to additional  
23 funding for CIS, um, in 2019. In closing, we  
24 recommend one expanding crash investigation in  
25 response include NYPD, including CIS officers, DOT

2 and the Department of Health. 2) Create a pathway  
3 for quick implementation of street reader signs  
4 following a crash. 3) include a victim advocate from  
5 the Department of Health to provide a social worker  
6 on site to immediately support the crash victim and  
7 loved one in navigating the confusing and often  
8 heartless process of hospital, legal insurance and  
9 law enforcement interaction following a serious crash  
10 and finally we suggest removing NYPD from the tens of  
11 thousands of property only in minor injury crashes.  
12 There is no need for armed police officers to respond  
13 to these crashes. So, in the words of Council Member  
14 Rodriguez Intro 2224 is about coordination, it's  
15 about center and victim needs, comprehensively  
16 addressing the root causes. We strongly support  
17 Intro 2224 and urge its enactment as soon as  
18 possible. Thank you.

19 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
20 you Marco. Um, our next panelist will be Steve  
21 Vaccaro. Steve.

22 SGT. MARTINEZ: Time begins now.

23 STEVE VACCARO: Yes, thank you, um, to  
24 the committee and, um, listening to this testimony  
25 today I feel like I and the clients who I represent

2 as an attorney representing crash victims and the  
3 families of fatal crash victims. I feel like we're,  
4 we're living in two different alternative realities.  
5 I cannot believe the representations that I heard  
6 from Ms. Royster and NYPD of the, you know regarding  
7 the Collision Investigation Squad that they give our  
8 resources to crash victims. All of the crash  
9 victims that you've heard from today were represented  
10 by our law firm and you will hear from two more and  
11 none of them will tell you that they received some  
12 list of resources or frequently asked questions and  
13 you see them nodding their heads there and if there,  
14 if you can be told lies by the police department  
15 officials who are giving you statements in this  
16 hearing then you can bet that there are a lot more  
17 lies that they are telling. They do not give  
18 resources to crash victims and they do not give the  
19 consideration to these cases that they deserve and  
20 that is why we need the DOT involved. I was told  
21 because of technical limitations I would not be able  
22 to actually publish this video to you. But I am  
23 going to show you. This is Mario Valenzuela, a 14-  
24 year-old riding his bicycle on Borden Avenue in  
25 Queens. There is a truck that is over the double

2 yellow to the left. He is behind the truck and this  
3 is the video that NYPD says proves that Mario was  
4 completely at fault. He was not at fault. The truck  
5 driver makes an un-signalized left turn in to Mario and  
6 kills him right there. And in the NYPD Collision  
7 Investigation Squad report that was done by a veteran  
8 investigator that I've dealt with many times, a  
9 Detective Conlin and signed off on by Sgt. Denig who  
10 was at this hearing and maybe still is. They made no  
11 mention of the fact that the truck was over the  
12 double yellow to the left before suddenly cutting to  
13 the right. They made no mention in the fact in their  
14 conclusions that the truck had a broken turn signal  
15 and could not have visibly signaled to the cyclist.  
16 They make absolutely no mention of all of the facts  
17 that they gathered and did a good job of gathering  
18 and put in their file. They reached the conclusion  
19 and blamed the victim and you will find the exact  
20 same story with Robin Hiteman a 20-year-old cyclist  
21 whose mother will be testifying who was sandwiched  
22 between a truck that merged in to her from the left  
23 and a Taxi that pulled out from the curb on the right  
24 and sandwiched her and killed her and there is  
25 absolutely no mention in the NYPD's conclusion that

2 was blameless in this. She was blamed 100% for that  
3 collision. The evidence is there in the file but  
4 NYPD does not understand that cyclist has a right to  
5 be on the road and the Collision Investigation Squad  
6 has repeated cranked out decisions that blame the  
7 cyclists no matter how blameless they were. I  
8 strongly encourage this Bill to get the DOT involved  
9 with the NYPD so that they will understand the  
10 traffic laws with all of their wonderful specialized  
11 training and actually apply them. Thank you.

12 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
13 you for your testimony. Our, our next panelist will  
14 be Kymberlee Goldfield. Kymberlee.

15 KYMBERLEE GOLDFIELD: Hello and thank  
16 you to the Council for giving me the opportunity to  
17 speak today in support of this Bill. My name is  
18 Kymberlee Goldfield, I am the mother of Robin Hiteman  
19 who at age 20 was killed by a box truck while they  
20 were working as a bike messenger. Anticipating a  
21 right turn is part of their job. Robin was traveling  
22 in the right hand lane of 6<sup>th</sup> Avenue between the  
23 intersections with West 23<sup>rd</sup> and West 24<sup>th</sup> Streets.  
24 As Robin was traveling in the right hand lane a box  
25 truck began to change lanes into Robin's path of

2 travel at the same time a Taxi cab was attempting to  
3 pull off the curb in to traffic. As a result at 9:24  
4 a.m. on June 24, 2019 Robin was run over by the box  
5 truck and killed. Many people were on the street  
6 that morning including several eye witnesses who saw  
7 the truck run Robin right over bouncing high as it  
8 did; however, the truck did not stop nor did the Taxi  
9 cab. They continued on only to be pulled over a few  
10 blocks later by a pedestrian who flagged them down  
11 telling them they needed to return to the scene.

12 Detectives Suther with the NYPD CIS was assigned to  
13 Robin's case. Despite his professional manner and his  
14 seeming willingness to help determine the cause of  
15 Robin's death he ignored critical information which  
16 caused his report to place the blame squarely on  
17 Robin and I quote "After reviewing all available  
18 information, the cause of this collision is BICYCLIST  
19 ERROR. The contributing factors to this collision  
20 are the bicyclist improper lane use and possible  
21 reaction to an uninvolved vehicle." Detective  
22 Suther's report contains information that should not  
23 have been ignored to include the fact that the driver  
24 of the taxi cab did not look when he pulled out.  
25 The operator of the box truck was cited on scene for

2 several equipment violations and was not offered an  
3 interpreter and his cooperation was minimal. Both  
4 the operator of the box truck and the truck itself  
5 were allowed to leave the scene. As a result, the  
6 Detective Suther's finding that Robin was at fault.  
7 The DMV has decided not to hold a fatality hearing.  
8 This decision is currently being appealed as the  
9 driver of the box truck needs to be held accountable  
10 for the fact that he ran Robin over, left the scene  
11 and then stated he never knew that he had run someone  
12 over. Physical evidence has shown that there were no  
13 defects in 6<sup>th</sup> Avenue that would have caused the  
14 truck to bounce as it did. There is no reason the  
15 operator could not have known he ran someone over.  
16 Robin's autopsy cleared showed that the truck ran  
17 them over. My understand is that CISS was charged  
18 with determining whether a crime has been committed  
19 in cases such as these. Instead responsibility needs  
20 to be determine d and fully shouldered with  
21 appropriate consequences to include education of the  
22 driver involved and changes to the infrastructure.  
23 There are far too many vehicles on the street and not  
24 enough room for pedestrians and cyclists. What  
25 little infrastructure is available to cyclists in the

2 form of bike lanes is often not usable due to  
3 vehicles and vendors using it as a parking lane.  
4 There needs to be protected bike lanes on every  
5 street. There needs to be fewer vehicles on the  
6 road. As a result of the negligence of the driver of  
7 the box truck and his poor driving skills Robin  
8 Hiteman lost their life. The driver of the box truck  
9 was not held accountable for his actions. The  
10 incident could have been prevented had the driver  
11 received proper driving education, the crash could  
12 have also been prevented with the presence of better  
13 infrastructure and fewer vehicles on the road.  
14 Instead NYPD, CIS stated it was Robin's fault and  
15 closed the case. In conclusion, please note the  
16 background I'm using today. This is a bandana I  
17 received during Robin's memorial ride on June 27,  
18 2019. It hangs on my wall along with the keys to  
19 Robin's bike lock that I placed on their ghost bike.  
20 This bandana should not exist but it does because of  
21 the irresponsible actions of the driver of the box  
22 truck. This mother should not have had to write her  
23 daughter's obituary but she did because there are far  
24 too many vehicles on the streets and not enough

2 responsibility being assumed by the drivers' of those  
3 vehicles. Thank you for your time.

4 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
5 you for your testimony. Our next panelist will be  
6 Martha Valenzuela and if we could just try and keep  
7 things close to two minutes please, thank you.

8 SGT. MARTINEZ: Time begins.

9 MARTHA VALENZUELA: Okay. Chairman  
10 Rodriguez and members of the City Council  
11 Transportation Committee. My name is Martha  
12 Valenzuela. Thank you for the opportunity to speak  
13 about my beloved Mario Valenzuela who was killed by a  
14 truck driver on September 21, 2019 and the terrible  
15 injustice for the police investigation that blame him  
16 for his own death. He was in fact not at fault. The  
17 second injustice could have been prevented by the  
18 Bill Intro 2224 which I ask you to enact into law.  
19 My beautiful son, my, my beautiful 14-year-old son  
20 Mario was out with his friends riding bicycles when  
21 he was killed. Mario loved to ride his bike and he  
22 knew how to keep safe in traffic. Even to this day  
23 it is too painful for me to watch the video showing  
24 the truck, the truck driver killing Mario. But you  
25 have heard from my attorney, Steve Vaccaro who has

2 also produced for this hearing to show you the video  
3 and to explain how the NYPD Collision Investigation  
4 Squad completely misunderstood the crash and blamed  
5 Mario. It was too terrible to lose my son in a  
6 traffic crash. He was out with his friends on that  
7 Saturday and he never came home. I never had the  
8 chance to protect Mario from that, from that truck  
9 driver. I never had the chance to say good-bye to  
10 Mario. When a mother, these are terrible things that  
11 make my heart ache. We parents put too much of  
12 ourselves in to a child to become an adult. Then  
13 horrible having Mario suddenly ripped from our family  
14 by a truck driver is unspeakable. Because of that  
15 unfair and incorrect decision of the police to blame  
16 Mario for his own death, this is something I must  
17 relive and relive over and over again. Whenever  
18 anyone asks me about Mario, I must also explain the  
19 dangerousness of the police falsely blaming him. It  
20 is impossible for me to have peace, to have closure  
21 for this terrible loss. When the officers gave an  
22 account of what happened is a lie. We look to our  
23 government to provide justice for the people at a  
24 moment like this but instead the police department  
25 has presented a grand injustice of me and my family

2 in addition to us losing Mario. Nothing can be done  
3 to bring Mario back. We can only continue our fight  
4 to win justice for Mario's death but bring in to  
5 light the truth of what happened. I'm not a mind  
6 reader and I cannot say why police chose to blame  
7 Mario when the video shows that it is not his fault.  
8 Part of it is that people within the police do not  
9 understand and respect the right of people including  
10 children to bicycle in the road. But regardless of  
11 that motivation of the police it is clear that even  
12 the trained police specialist do not understand basic  
13 matters of the traffic law and the right of people to  
14 bicycle in the street. Please pass this Bill, Intro  
15 2224 and move the work of investigated traffic  
16 crashes to properly trained professional and other  
17 agencies who will care about cases like Mario's. In  
18 his way the City Council can get some tiny measure of  
19 justice and solace to the family like me who lose  
20 their children due to violence is due in New York  
21 City. Thank you.

22 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
23 you so much for your testimony. Um, our next  
24 panelist will be Mark Henry. Mark.

25 SGT. MARTINEZ: Time starts now.

2 MARK HENRY: Thank you, uh, Chairman  
3 Rodriguez for this impor-, for this opportunity to  
4 speak on behalf of the ATU. The ATU appreciates this  
5 opportunity to provide commentary on Intro 2224, uh,  
6 which calls for establishing a crash investigation  
7 analysis unit within the City's DOT. This, uh, is a  
8 clear duplication and manipulation of services, often  
9 Legislation and transportation and transits get  
10 developed without little or any discussion from all  
11 the agencies that are impacted by this Intro. Um, we  
12 have shared in previous comments with this Committee  
13 and other committees about how the ATU is without a  
14 contract currently and this Intro seeks to corral or  
15 control the narrative on accidents. It is not  
16 designed to present true or biased opinion of facts.  
17 The Council by introducing this Legislation kind of  
18 reflects the same thing that I deal with with the MTA  
19 on a day to day basis and only provides a slant on  
20 motor vehicle operators. And the City has many motor  
21 vehicle operators, not only in police, fire,  
22 sanitation, taxis, public bus transit, school buses,  
23 etc. Currently we know the NYPD handles all accident  
24 investigations and should continue to do so.  
25 Stripping them of their duties and they are highly

2 trained and certified in their function of evaluating  
3 accidents lacks merit and, and just demonstrates lack  
4 of physical sense. Given the unquestionable  
5 authority to a new investigative unit would mean it  
6 would be embedded within the DOT to me just seems  
7 like a waste of resources and it is time consuming.  
8 It is just another attempt to litigate instead of  
9 educating the masses. Vision Zero which was a  
10 Legislation that was passed recently. It was  
11 globally flawed as well. It was well attended but it  
12 was globally flawed. Those civil service were  
13 arrested at accident scenes that demonstrates the  
14 misguided thinking this is evident also in this  
15 Intro. In short, there is no check and balance with  
16 this Legislation. This piece of Legislation is  
17 introduced under the guys of public safety, uh, and  
18 we opposes it in its entirety. The ATU extends our  
19 condolences on the losses of those families that have  
20 been impacted at this level but this Legislation  
21 doesn't provide the true accountability that they are  
22 looking for. Thank you.

23 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
24 you for your testimony Mark. Our next panelist will  
25 be Christine Berthet.

2 SGT. MARTINEZ: Time begins now.

3 CHRISTINE BERTHET: Yes. Thank you. Uh,  
4 I represent CHEKPEDS which is pedestrian safety. I  
5 focus in New York City for the last 15 years and I  
6 think what's missing in this whole discussion is, uh,  
7 the concept of trust. It is clear that NYPD is the  
8 epitome of the car culture. Their behavior and  
9 comment prove, generate victim blaming is prevalence  
10 and the police use this car to run into, you know  
11 demonstration and, uh, and they absolutely do not  
12 like cyclist so there is a tremendous bias in the  
13 NYPD and what you are hear here is the two sides, the  
14 official side and then the people which are going  
15 through it and it is very, very concerning. Um, the  
16 second part is that the numbers, we need, we need  
17 different numbers, you know it is, they are resolving  
18 17 case per year per person, how does that compare to  
19 the work load of standard detective. They have a rate  
20 of 25% of conviction. I mean, is it the right number?  
21 How does that compare to normal detectives? And how  
22 many of the 374 location were fixed by the DOT? Um,  
23 and finally communication. We, I, very often talk to  
24 the, the Precinct. I am on the Community Board and  
25 what I hear from the agents concerning victims is

2 horrifying. The comments are callus. The comments  
3 are about they don't care about the, the pedestrian  
4 and people killed and they always find an excuse to  
5 make the car driver the person who is blameless.  
6 That communication. So, I think we have a much bigger  
7 problem which is how do we fix this mentality and  
8 whether I believe that moving the unit to the, to  
9 the DOT would help but this goes way deep and we have  
10 a lot of work. Thank you.

11 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
12 you for your testimony. Our next panelist will be  
13 Lauren Secular. Lauren.

14 SGT. MARTINEZ: Time begins.

15 LAUREN SECULAR: Thank you for letting me  
16 testify this afternoon on this important Intro 2224.  
17 My name is Lauren Secular and I work with the AMA  
18 local district 34. I am in support of this Intro.  
19 A fresh start and new ideas can help along with  
20 sharing the findings as a key component. A new set  
21 of eyes, a new perspective might be what's needed. I  
22 feel DOT may be better to complete the job with  
23 policy and procedure as long as there are policies  
24 and programs like education, enforcement and  
25 engineering in place that get followed. It would be

2 nice to see current data utilized to make our roads  
3 starting, safer starting with planning commissions,  
4 safety improving infrastructures. We all benefit  
5 when we have more data which we cannot seem to get.  
6 I have no issues where it lies, it's in the tools  
7 that are given is the key. Policy what constitutes  
8 investigation needs to be clearer. I remain unclear  
9 as to the preparedness of DOT to vamp up the 26 folks  
10 that NYPD had. We need to be having this on the  
11 books for the incoming administration. I realize DOT  
12 has to split its resources by conducting  
13 investigations and developing new proposals for safer  
14 roads based on the information gathered from a crash  
15 scene. Currently the squad has never shown up as a  
16 factor in policy making. CIS does not testify at  
17 City Council Hearings on traffic safety. In my  
18 opinions the squad's work informs little and deters  
19 nothing. I've dedicated my time to microability and  
20 safety. Large lesson is only one end point to these  
21 investigations. We are all ride for different  
22 reasons as well, fun, adventure, to bond with  
23 friends, to relax, as a moving meditation, to make  
24 the commute more interesting, to get through traffic  
25 easier, to accomplish goals. The reasons are as

2 infinite as they are diverse. Thank you for allowing  
3 me to be heard.

4 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
5 you Lauren for your testimony. Um, our next panelist  
6 will be Tanya Cruz. Tanya.

7 SGT. MARTINEZ: Time begins.

8 TANYA CRUZ: Good afternoon Chair  
9 Rodriguez, Council Member Miller, Transportation  
10 Committee and DA Katz. Thank you Chair Rodriguez for  
11 sponsoring Intro 2224 and listening to my testimony.  
12 I like to speak to the personal impact that today's  
13 policies and procedures has had and forever changed  
14 my life with one incident. While crossing the  
15 street, my father was struck by a Winnebago being  
16 driven by a 70+ year old male more concerned about  
17 pulling an oncoming car potentially running his stop  
18 sign. This was the investigating officer's report  
19 verbally given to me and my grieving mother. More  
20 than decades later, we have an opportunity to broaden  
21 and the bandwidth, increase manpower and establish  
22 reporting transparency of investigations. Isn't  
23 that the driving goal? Do we say criminality  
24 injustice is not only the core but the only driving  
25 goal leaving the door open for downplaying additional

2 resources outside of the NYPD and DOT tool box? I am  
3 concerned we are missing the opportunity to  
4 concurrently work while maintaining law, order and  
5 transportation safety goals thus delivering safe  
6 travels while enjoying all means of transportation  
7 that New York City has granted to all. We can't  
8 bring my father back; however, New York City Council,  
9 NYPD, New York City DOT, and the DA Office has a  
10 chance to improve, secure additional resources and  
11 increase entities to better assist our Mayor's  
12 Directives. I thank DOT for all their assistance and  
13 guidance for many, many years, to DA Katz for your  
14 encouragement and leadership and I look forward to  
15 working with Chief Royster, the 105<sup>th</sup> and South East  
16 Queens Corridors need your TLC. Councilman Miller  
17 you always have our back. Giving my best and always  
18 here to assist. Our lives are in your hands.

19 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
20 will be Glen Bolofsky. Glen.

21 SGT. MARTINEZ: Time begins now.

22 ELLIOTT LYNN, COMMITTEE COUNSEL: It  
23 looks like we are having trouble hearing Glen. Okay,  
24 we will go to the next person and then we can circle

2 back to Glen, uh, our next panelist will be Jesse  
3 Erlbaum. Jesse.

4 SGT. MARTINEZ: Time begins now.

5 JESSE ERLBAUM: Hey, uh, you can hear me?  
6 Okay?

7 ELLIOTT LYNN, COMMITTEE COUNSEL: Yes.

8 JESSE ERLBAUM: Um, thank you very much,  
9 um, Chair Rodriguez, uh, for bringing this issue up.  
10 Um, my name is Jesse Erlbaum. I am a New York City  
11 motorcycle rider. I am also one of the founding  
12 members of the New York Motorcycle and Scooter Task  
13 Force, an organization started over a decade ago by  
14 New York City riders with the purpose of making  
15 motorcycle riding in New York City safer. As of  
16 today, we have nearly 3,000 members in our group  
17 ranging from social riders for whom riding is a fun  
18 group activity, the sport riders who own their skills  
19 on closed circuit to daily motorcycle commuters such  
20 as myself who choose motorcycles as an energy and  
21 cost efficient way to get to work. Our organization  
22 strongly supports this Bill as I do personally as a  
23 lifelong New Yorker. New York City Motorcyclists  
24 have a death problem and a data problem. Since 2010,  
25 New York City has managed to lower road fatalities

2 about 15% overall, that's great, but it hides our  
3 deaths, that of motorcyclists. Motorcycle fat-,  
4 overall fatalities went down but deaths of motorcycle  
5 riders during that same period went up 13%. I'd  
6 like to know why? But I cannot know the answer to  
7 this question without data and this data is  
8 inaccessible to me. It is inaccessible to me because  
9 it is locked up behind NYPDs tradition of secrecy and  
10 distrust in the public. At this moment, I have an  
11 open full request to request data from CIS that was  
12 filed in early October 2020 and has yet to receive  
13 any more than the automated reply that it's been  
14 received. The fact that I have to file a full  
15 request in the first place is a huge barrier. Access  
16 to this information could do the public good. In all  
17 likelihood I will eventually have to sue my own City  
18 if I want to see this important information but the  
19 most maddening part of my situation is that the  
20 report my organization is trying to create from the  
21 CIS data is for the benefit of DOT and NYPD. My org  
22 is one of a number of New York City Motorcycle orgs  
23 which has been working for two years with NYPD and  
24 DOT as part of Vision Zero. We've been called in to  
25 help the City reduce the rate of death of New York

2 City motorcycle riders. It is outrageous to me that  
3 I am stymied from doing this job because of NYPD and  
4 their default stance of secrecy. This stance might  
5 serve the task of law enforcement well but it is huge  
6 disservice in the larger and more urgent task of  
7 public safety and health on our roads. This is why  
8 we strongly support creating a new agency to take  
9 over this critical task. The Office of the Chief  
10 Medical Examiner, the OCME is proof that a highly  
11 technical investigations tends to get conducted  
12 effectively outside of the NYPD. At large scale, they  
13 handle about 8,500 investigations a year, not 300  
14 something and still serve the public interest. Thank  
15 you very much to the Chair and everybody for having  
16 this issue come up. Thanks very much.

17 ELLIOTT LYNN, COMMITTEE COUNSEL: Thank  
18 you Jesse for your testimony. Uh, next we will go  
19 back to Glen Bolofsky if we have his audio now?

20 CHAIRPERSON YDANIS RODRIGUEZ: Sir, we  
21 still don't hear you.

22 ELLIOTT LYNN, COMMITTEE COUNSEL: Glen,  
23 I'm sorry, it seems like your audio is not working.  
24 If you could just submit your written testimony if  
25 you are not able to get this. Thanks. Uh, Chair

2 Rodriguez, I think we've reached the end of our  
3 public testimony.

4 CHAIRPERSON YDANIS RODRIGUEZ: Thank you  
5 Elliott for the great job that you have done. And  
6 also thank you to every member of the Central Staff  
7 of the Council. Also, from my end, thank you to my  
8 Chief of Staff, Lisa Conformer (SP?), to my Director,  
9 Beverly Korjago (SP?) and to my Communication Person,  
10 Tomas Rogrita (SP?) for working with me in this and  
11 thank you to the lead, the co-planner of this Bill,  
12 Speaker Johnson and Council Member Lander. I think  
13 that there's no doubt after listening from the Chief  
14 of Transportation of the NYPD, the Deputy  
15 Commissioner, Margaret Forgione and the DAs but most  
16 important the members of the family that as every  
17 know if there is one way of how anyone can change the  
18 way of how we understand, uh, people dying. This  
19 epidemic is by listening to those families that  
20 unfortunately we cannot bring their loved one back  
21 but they are fighting for justice in their name so  
22 that no other family go through a similar situation.  
23 Note, this couple of months we heard that with the  
24 vaccine, with people maintaining distance, we're  
25 using masks, we will control COVID 19 and hopefully

2 in 21, the 2021 will be our year; however, this  
3 epidemic when we heard about 111,000 crashes, when we  
4 hear of 44,000 hit and run, 1,001 people sending  
5 critical condition to the hospital, a person dying on  
6 average every week, that's an epidemic.  
7 Unfortunately, we cannot guarantee that we will close  
8 it. So, thank you everyone. Thank you for the great  
9 job and thank you to the Sergeant also and everyone  
10 behind those computers helping us to connect with all  
11 New Yorkers this hearing. So, with that, this  
12 hearing is adjourned.

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C E R T I F I C A T E

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



Date \_\_\_\_\_ <INSERT TRANSCRIPTION DATE>