

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON OVERSIGHT
AND INVESTIGATIONS

Jointly with

COMMITTEE ON GENERAL WELFARE

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April 30, 2021
Start: 11:05 a.m.
Recess: 2:22 p.m.

HELD AT: Remote Hearing - Virtual Room 1

B E F O R E: Vanessa L. Gibson
Chairperson - Oversight &
Investigations

Stephen T. Levin
Chairperson - General Welfare

COUNCIL MEMBERS:
Darma Diaz
Oswald Feliz
Barry S. Grodenchik
Brad S. Lander
Antonio Reynoso
Rafael Salamanca, Jr.
Mark Treyger
Diana Ayala
Eric Dinowitz
Ben Kallos

Keith Powers
Carlina Rivera
Kalman Yeger

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

Molly Park
DHS First Deputy Commissioner

Margaret Garnett
DOI Commissioner

Erin Drinkwater
DSS Deputy Commissioner

Catherine Trapani
HSU United

Towaki Komatsu

Wes Rickson
NYCAVP

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2 WITH COMMITTEE ON GENERAL WELFARE 4

3 UNIDENTIFIED: Recording to the computer,
4 all set.

5 UNIDENTIFIED: Recording to the cloud all
6 set. Sergeant Sadowsky [sp?] with your opening
7 statement, please.

8 SERGEANT AT ARMS: Thank you and good
9 morning and welcome to today's remote New York City
10 Council hearing of the Committee on Oversight and
11 Investigations jointly with the Committee on General
12 Welfare. At this time, would all Council Members and
13 council staff please turn on their video. To
14 minimize disruption, please place electronic devices
15 on vibrate or silent mode. If you wish to submit
16 testimony, you may do so at
17 testimony@council.nyc.gov. Once again, that is
18 testimony@council.nyc.gov. Thank you Chairs. We are
19 ready to begin.

20 CHAIRPERSON GIBSON: Good morning ladies
21 and gentlemen. Welcome to the City Council. I am
22 Council Member Vanessa L. Gibson of District 16 in
23 the Bronx, and I am proud to serve as Chair of the
24 City Council's Committee on Oversight and
25 Investigations. Today, we are holding a joint
hearing with the Committee on General Welfare on the

1
2 City's audit of shelter providers. In February, the
3 New York Times released an investigative report on
4 the financial mismanagement and allegations of sexual
5 misconduct at a homeless shelter in the borough of
6 the Bronx. The report detailed the City's knowledge
7 of many of these misdeeds, and in response Mayor Bill
8 de Blasio called for an audit of all of the City's
9 shelter providers. Today, we seek to understand the
10 scope of the Administration's audit and to better
11 understand the City's process for overseeing all
12 shelter providers. The residents of our shelters
13 include many of our City's most vulnerable
14 individuals, children, and family. We placed an
15 enormous amount of trust and confidence in all of our
16 shelter providers to ensure that our residents and
17 client and constituents are safe and cared for and to
18 do so honestly and not for personal gain. Today, we
19 hope to ensure that the City is doing everything
20 possible to make sure that our trust is not broken.
21 The communities-- the Committees, rather, will also
22 hear several pieces of legislation on today's agenda
23 including proposed Intro 2056A sponsored by Council
24 Member Keith Powers, which would require officers and
25 employees of city contractors to report corruption

1 and to cooperate with the Department of
2 Investigations. Another Intro, 2284 sponsored by
3 Council Member Helen Rosenthal, which would establish
4 a survivor-centered response by the Department of
5 Social Services for complaints of sexual assault or
6 sexual harassment by DSS employees or contractors.
7 Introduction 2285, also by Council Member Helen
8 Rosenthal, which would require the establishment of
9 standards and procedures to determine the existence
10 of conflicts of interest and other misconduct
11 concerning city contracts. And finally, on the
12 agenda, Introduction 2292, which I am proud to have
13 introduced, which would require the Department of
14 Investigation to include misconduct investigations by
15 city employees and contractors in its annual report.
16 This bill will provide greater transparency and
17 accountability with respect to both misconduct by
18 city employees and contractors as well as the city
19 contractors, as well as the city's processes for
20 investigating that misconduct. I'd also like to
21 thank the members of the Administration who have
22 joined us today and who are here to testify, as well
23 as members of the public. I'd also like to thank the
24 Oversight and Investigations staff who worked really
25

3 hard for today's hearing. I'd like to acknowledge
4 our Counsel Ed Atkins [sp?], Johnathan Mosserano
5 [sp?], Emily Rooney [sp?], Janita John [sp?], Justin
6 Kramer, Noah Mixler [sp?], and thank you so much for
7 your help as well as the staff of the Committee on
8 General Welfare. I'd like to acknowledge my
9 colleagues who have joined us today. We have Council
10 Member Keith Powers, Council Member Barry Grodenchik,
11 Council Member Oswald Feliz-- welcome to the City
12 Council-- Council Member Helen Rosenthal, Council
13 Member Diana Ayala, and Council Member Brad Lander.
14 We will also be joined by other Council Members
15 throughout the morning and they will be acknowledged
16 as well. And with that, I'd like to recognize my
17 colleague and partner for today's hearing, the Chair
18 of the Committee on General Welfare for his opening
19 statement, Chair Steve Levin. Thank you everyone and
20 welcome.

21 CHAIRPERSON LEVIN: Thank you very much,
22 Chair Gibson. Good morning everybody and welcome to
23 this hearing.

24 UNIDENTIFIED: [inaudible]

25 UNIDENTIFIED: Chair, we apologize, but
we're going to have to reconvene and take a moment

2 here to-- we had the wrong virtual room stream. So
3 we may have to--

4 CHAIRPERSON LEVIN: Oh, okay.

5 UNIDENTIFIED: Just pause for a moment
6 and come back.

7 CHAIRPERSON LEVIN: Sure.

8 UNIDENTIFIED: So, just give us a moment
9 and we'll let you know.

10 CHAIRPERSON LEVIN: No problem.

11 UNIDENTIFIED: Okay, what we're going to
12 do is start from the beginning. So, again, Sergeant
13 Sadowsky [sp?] please with your opening statement.

14 SERGEANT AT ARMS: Good morning and
15 welcome to today's remote New York City Council
16 hearing of the Committee on Oversight and
17 Investigations jointly with the Committee on General
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1 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS JOINTLY
2 WITH COMMITTEE ON GENERAL WELFARE 9

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4 and gentlemen. Welcome to the New York City Council.
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6 in the Bronx. I am proud to serve as Chair of the
7 City Council's Committee on Oversight and
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10 Welfare on the City's audit of shelter providers. In
11 February, the New York Times released an
12 investigative report on the financial mismanagement
13 and allegations of sexual misconduct at a homeless
14 shelter in the borough of the Bronx. The report
15 detailed the City's knowledge of many of these
16 misdeeds, and in response Mayor Bill de Blasio called
17 for an audit of all of the City's shelter providers.
18 Today, at this hearing, we seek to understand the
19 scope of the Administration's audit and to better
20 understand the City's process for overseeing all
21 shelter providers. The residents and clients of our
22 shelters include many of our most vulnerable
23 individuals in the City of New York. We placed an
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and cared for and to do so honestly and not for

3 personal gain. Today, we hope to ensure that the
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6 hear several pieces of legislation including proposed
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23 investigations by city employees and contractors in
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3 as the city's process for investigating that
4 misconduct. I'd like to thank the members of the
5 Administration who are here with us to testify, all
6 of my colleagues, and members of the public for
7 joining us today. I'd like to acknowledge the staff
8 of the Oversight and Investigations Committee: Ed
9 Atkins [sp?], Johnathan Mosserano [sp?], Emily Rooney
10 [sp?], Janita John [sp?], Justin Kramer, Noah Mixler
11 [sp?] for all of your help in putting today's hearing
12 together. I'd like to acknowledge the members who
13 have joined us today for this hearing, Council Member
14 Keith Powers, Council Member Barry Grodenchik,
15 Council Member Oswald Feliz-- welcome and
16 congratulations, colleauge-- Council Member Brad
17 Lander, Council Member Eric Dinowitz--
18 congratulations and welcome, colleague, Council
19 Member Carlina Rivera, Council Member Diana Ayala,
20 and Council Member Brad Lander, and Council Member
21 Ben Kallos. And with that, I'd like to turn this
22 hearing over to my Co-Chair, the Chair of the
23 Committee on General Welfare, Chair Steve Levin.
24 Thank you all and welcome. I'd also like to
25 acknowledge the presence of Council Member Adrienne
Adams as well. Thank you.

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2 WITH COMMITTEE ON GENERAL WELFARE 12

3 CHAIRPERSON LEVIN: Thank you very much,
4 Chair Gibson. Thank you to the members of the
5 Administration that are here. Good morning and
6 welcome everybody to this hearing on the City
7 Council's Committee on General Welfare, jointly with
8 the Committee on Oversight and Investigations. I'd
9 like to thank my colleague, Chair Vanessa Gibson for
10 convening this hearing. Today, the Committees will
11 examine the City's audits of shelter providers as
12 well as hear several pieces of legislation. In
13 Fiscal Year 2021 DHS awarded 1.8 billion dollars for
14 288 homeless families service contracts and 143 for
15 individuals homeless service contracts. DHS
16 contracts with 75 providers who carry out the
17 services for those in the system. It is imperative
18 that agencies like DHS have procurement, evaluation,
19 and assessment processes that are thorough and
20 comprehensive in order to ensure that service meet
21 expectations and that an operational issues will be
22 swiftly and appropriately addressed. In the course of
23 the contracting process, any DHS shelter provider may
24 be subject to audit by the City and State
25 Comptroller's offices as well as the New York State
Office of Temporary and Disability Assistance. On

1
2 February 1st-- excuse me. On February 7th, 2021, as
3 Chair Gibson mentioned, the New York Times released
4 an investigative report into dealings of Victor
5 Rivera, the CEO of Bronx Parent Housing Network,
6 which is a city-contracted provider. It is
7 inexcusable that the City didn't quickly or
8 comprehensively address the allegations against Mr.
9 Rivera which first came to light as early 2017
10 according to the New York Times investigation. The
11 women targeted by his abuse deserve to be heard and
12 their allegations taken seriously with prompt action
13 instead of the lagging and frankly apathetic response
14 that they were met with from the City. The
15 contracting and oversight process should facilitate
16 success for both providers and their clients through
17 strong oversight quality assurance mechanisms
18 including zero tolerance policies regarding sexual
19 assault and allegations of abuse in the system. It
20 is my hope that the legislation we are hearing today
21 will help to put into place better protections for
22 staff and clients in the future and to better
23 maintain the integrity of social services delivery in
24 the City. I want to thank, again, members of the
25 Administration that are here this morning, as well as

3 advocates, for joining us today, and I look forward
4 to hearing from all of you on these critical issues.
5 Chair Gibson mentioned all of our colleagues. I'd
6 also like to take a moment to thank the staff, my
7 staff, Jonathan Buche [sp?], my Chief of Staff, and
8 Nicole Hunt, Legislative Director, as well as
9 Committee Staff Amenta Killawan [sp?], Senior
10 Counsel, Crystal Pond, Senior Policy Analyst, Natalie
11 Omarie [sp?], Police Analyst, and Frank Sarno [sp?],
12 Finance Analyst. And I'd also like to acknowledge of
13 course Chair Gibson and the staff on the Committee of
14 Oversight and Investigations. With that, I'll turn
15 it back over to Chair Gibson.

16 CHAIRPERSON GIBSON: Thank you so much,
17 Chair Steve Levin. We look forward to today's
18 conversation on a very important matter. I'd now
19 like to recognize our colleague who has sponsored a
20 bill on today's agenda. I'll now turn this hearing
21 over to Council Member Keith Powers for opening
22 remarks.

23 COUNCIL MEMBER POWERS: Thank you and
24 good morning everyone. Thank you to Chair Gibson and
25 thank you to Chair Levin for allowing me to say a few
words before you start. I'm glad to join everyone on

1 this Friday. It's good to be Friday, but also it's
2 such a really important hearing on-- oversight
3 hearing on the City's audit of shelter providers, and
4 including the bill that I have here today which is
5 about whistleblower protections here in New York
6 City. My bill, Proposed Intro. 2056, requires
7 officers and employers of city contractors and
8 subcontractors to report corruption and to cooperate
9 with the Department of Investigation. The idea of
10 this bill actually came as a result of a hearing that
11 this committee conducted last year, and I believe is
12 a recommendation from the Commissioner of the DOI as
13 well, related to whistleblower protections. Charter
14 68 of the City Charter sets out a code of ethics for
15 city employees and prohibits conflicts of interest
16 for public servants. However, it's unclear whether
17 the specific conflict of interest standards for
18 officers-- are also for office employees,
19 contractors, and their subcontractors or independent
20 contractors who do business with the City in various
21 capacities. In addition, there's no duty to report
22 requirement regarding conflicts of interest and other
23 misconduct when it comes to city contracts. The
24 city's whistleblower law prohibits an office or
25

3 employee of a contractor or subcontractor that is
4 party to a contracted city agencies that has a value
5 of over 100,000 dollars from taking an adverse
6 personal action with respect to another officer or
7 employee of the contractor for reporting misconduct
8 such as corruption, criminal activity, conflict of
9 interest, gross mismanagement, abuse of authority by
10 an office or employer of a contractor. However, the
11 existing language does not require an office or
12 employee of contractor to actually make such reports
13 to the Commissioner of Department of Investigation or
14 to cooperate with investigations, and that's what my
15 bill will seek to resolve here today. So I want to
16 thank again Chairs Gibson and Levin for allowing me
17 the opportunity to say some words and hearing this
18 bill today. I want to thank Council Members Kallos,
19 Chin, and Diaz for their support as sponsors of the
20 bill, and look forward to hearing more from the
21 agency about my legislation. Thanks so much.

22 CHAIRPERSON GIBSON: Thank you, Council
23 Member Powers. And now I'd like to turn this over to
24 another colleague who has two bills on today's
25 agenda. I'll turn this hearing over to Council
Member Helen Rosenthal for opening remarks.

3 COUNCIL MEMBER ROSENTHAL: Oh, I'm

4 unmuted. Great. Okay, thank you very much for that.

5 Good morning. I'm Council Member Helen Rosenthal.

6 My pronouns are she and her, and I want to begin by

7 thanking Chairs Gibson and Levin for holding this

8 hearing and for including my bills. I think the

9 night we all read that New York Times article we were

10 all on the phone with each other, and you all

11 followed through just so quickly to have this

12 hearing. Thank you. Intro. 2284 was a response to

13 the disturbing cases of sexual assault and harassment

14 experienced by clients and employees of the

15 Department of Social Service contractor homeless

16 service provider. The perpetrator of abuse was the

17 Director of the organization, someone above all whom

18 this city had placed trust in. What upset me most

19 about the situation was that a survivor had reached

20 out to government offices for support multiple times,

21 only to be directed back to the Board of Directors of

22 the organization led by their abuser. Let's be

23 clear, city government let all of these survivors

24 down. The first response to any survivor who comes

25 forward must be, "I believe the survivor and I want

to make sure that that individual is getting all of

3 the support they need." It's long overdue that the
4 City put procedures in place so it can respond
5 appropriately and quickly when survivors come
6 forward. This draft legislation is a step in the
7 right direction by ensuring that survivors are
8 believed, connecting them to resources like
9 counseling and protecting them from further
10 individual and systemic harm. We welcome your
11 testimony today, especially from the survivors,
12 victims, and service providers, as we hammer this
13 bill into a true reflection of what the best possible
14 response can be. Intro. 2285 comes from a similar
15 place, the need to drastically improve our systems of
16 accountability for government contracted
17 organizations, but I want to stress that realize
18 there are many complexities in how we go about
19 establishing this system-- these systems, and what we
20 don't want to do is make it more difficult for the
21 very excellent providers who do their very good work.
22 So I'm well aware that this bill may change
23 considerably, and that's why this hearing is so
24 important. We really do welcome your input today and
25 in written testimony following the hearing. Above
all else, we need to ensure that all future survivors

3 receive due process and are treated with the respect,
4 consideration, and dignity that they deserve. Thank
5 you, Chairs Gibson and Levin, and everyone who is
6 here today, appreciate it.

7 CHAIRPERSON GIBSON: Thank you so much,
8 Council Member Rosenthal, for your heartfelt words,
9 and I share your sentiments and agree whole heartedly
10 that we as a council, as an administration, have to
11 do everything possible to believe those that come
12 forward with their stories. We have to encourage
13 them and give them the strength they need, but the
14 resources as well. Trauma-informed care, wrap-around
15 services, and access to healthcare, mental health
16 services is really a critical part of our work, and I
17 represent many, many families and individuals who
18 live in shelters every single day, temporary housing.
19 And so we want to allay a lot of their concerns, a
20 lot of their anxieties. You know, when that story
21 broke in February it was alarming, but I think it
22 also shocked many of us because we realized that this
23 was documented, but we understand that there are
24 probably many other cases that we may not know about
25 because people fear coming forward because of
retribution, because of discrimination. No one wants

3 to lose the roof over their head, and I think the
4 last year of COVID-19 has reminded us so much of the
5 value of affordable housing in the City of New York.
6 And so I thank you so much, and thank you to all of
7 my colleagues who are here with us as well, because
8 today's hearing is very, very important as we move
9 forward and certainly since we are in the midst of a
10 budget season for the FY22 season. I'd like to
11 recognize Council Member Kalman Yeger has also joined
12 with us, and we are just momentarily waiting for
13 another colleague to join us. She's chairing a
14 hearing at the same time, and I would want her to
15 provide opening remarks as well, and that is Council
16 Member Darma Diaz. So if we could just pause for one
17 second while she logs on, Sergeant at Arms, I'd
18 appreciate that.

19 CHAIRPERSON LEVIN: Chair, I'm just going
20 to give a quick disclaimer. I'm going to be also
21 balancing some parental duties. So there's going to
22 be a moment that-- or a period of time during I think
23 the Administration's testimony and Council Member
24 Gibson's-- Chair Gibson's questioning where I'm going
25 to be either off video or in my car to get my

1 daughter. But that's-- I just wanted to give fair
2 warning on that.
3

4 SERGEANT AT ARMS: Thank you for your
5 patience. As we stand at ease we should be
6 reconvening momentarily. Thank you.

7 UNIDENTIFIED: Chair Gibson, we have
8 Councilwoman Diaz.

9 CHAIRPERSON GIBSON: Thank you so much.
10 Thank you. Thank you, everyone, and our apologies
11 for the delay. Our hearing will continue, and I'd
12 like to acknowledge and recognize my colleague for
13 opening remarks before today's hearing begins.
14 Council Member Darma Diaz?

15 UNIDENTIFIED: Council Member, you're on
16 mute.

17 COUNCIL MEMBER DIAZ: Have I been
18 unmuted?

19 UNIDENTIFIED: Yes, you have.

20 COUNCIL MEMBER DIAZ: Thank you again.
21 Thank you to my colleagues who waited for me as I was
22 chairing another meeting today. I just want to be
23 brief and thank you to my colleagues and the Chair of
24 General Welfare for hosting this conversation here
25 today. I'm definitely saddened and dismayed the

3 results of what's happened to women who were turned
4 over to a specific shelter, which we will be
5 discussing today, the maltreatment of individuals.
6 It's unfair. It's unjust. We cannot continue to
7 allow for providers to benefit in hardship
8 individuals. Again, I want to thank you. I worked
9 13 years within the shelter system, and when I heard
10 of the case that we're going to be discussing today,
11 it broke my heart and brought me to tears.
12 Vulnerable people, individuals that were victimized
13 by a sick individual that not only profited from
14 their hardship but of their brokenness. So again, I
15 thank you for my colleagues. I know this is a
16 sensitive conversation, and I truly hope that you
17 bring them to task. When we audit an organization,
18 we're supposed to see it through, and I'm sure there
19 were triggers that were overlooked, and that's not
20 okay. It is our job, our role, our responsibility as
21 government to ensure that we take care of our
22 population. Again, thank you, and I'll turn it over
23 to my colleagues. Thank you again.

24 CHAIRPERSON GIBSON: Thank you, Council
25 Member Darma Diaz, and thank you Chair Levin, Council
Member Powers, Council Member Rosenthal for all of

3 your opening remarks. I'd now like to turn this
4 hearing over to our moderator, Senior Legislative
5 Counsel, Aminta Kilawan to go over some procedural
6 items as we begin. Thank you.

7 COMMITTEE COUNSEL: Thank you, Chair
8 Gibson, and good morning everyone. I am Aminta
9 Kilawan, Senior Legislative Counsel to the General
10 Welfare Committee of the New York City Council.
11 Before we begin testimony, I want to remind everyone
12 that you will be on mute until you are called on to
13 testify. After you are called on, you will be
14 unmuted. I will be calling on witnesses to testify,
15 so please listen for your name to be called. I'll be
16 announcing in advance who the next witnesses will be.
17 I'd like to remind everyone that unlike our typical
18 council hearings, while you'll be placed on a panel,
19 I'll be calling individuals to testify one at a time.
20 Council Members who have questions for a particular
21 panelist should use the raise hand function in Zoom.
22 You'll be called on in the order with which you
23 raised your hand after the panelist has completed
24 testimony. We will be limiting Council Member
25 questions to five minutes and this includes both
questions and answers. For panelists, once your name

3 is called a member of our staff will unmute you and
4 the Sergeant of Arms will give you the go-ahead to
5 begin after setting the timer. Please listen for
6 that cue. All public testimony will be limited to
7 two minutes. At the end of two minutes, please wrap
8 up your comments so we can move to the next panelist.
9 Please listen carefully and wait for the Sergeant to
10 announce that you may begin before delivering your
11 testimony, as there is a slight delay with the
12 muting. Written testimony can be submitted to
13 testimony@council.nyc.gov. I'm not going to call on
14 the following members of the Administration to
15 testify: DHS First Deputy Commissioner Molly Park,
16 DOI Commissioner Margaret Garnett, and DSS Deputy
17 Commissioner Erin Drinkwater. I'll first read the
18 oath, and after I will call on each panelist here
19 from the Administration individually to respond. Do
20 you affirm to tell the truth, the whole truth and
21 nothing but the truth before this committee and to
22 respond honestly to Council Member questions? DHS
23 First Deputy Commissioner Molly Park?

24 FIRST DEPUTY COMMISSIONER PARK: I do.

25 COMMITTEE COUNSEL: Thank you. Do you
affirm to tell the truth, the whole truth and nothing

1
2 but the truth before this committee and to respond
3 honestly to Council Member questions, DOI
4 Commissioner Margaret Garnett?

5 COMMISSIONER GARNETT: I do.

6 COMMITTEE COUNSEL: Thank you. Finally,
7 do you affirm to tell the truth, the whole truth and
8 nothing but the truth before this committee and to
9 respond honestly to Council Member questions, DSS
10 Deputy Commissioner Erin Drinkwater?

11 DEPUTY COMMISSIONER DRINKWATER: I do.

12 COMMITTEE COUNSEL: Thank you. First
13 Deputy Commissioner Park, you may begin when ready.

14 FIRST DEPUTY COMMISSIONER PARK: Thank
15 you very much. Good morning. I would like to thank
16 the City Council's Oversight and Investigations
17 Committee, the General Welfare Committee and their
18 chairs for giving us the opportunity to testify.
19 Today, we are here to speak about homeless service
20 provider contracts and the work we have done to
21 ensure shelter providers are true partners in making
22 reforms to improve programs and services for New
23 Yorkers experiencing homelessness. My name is Molly
24 Park and I am the First Deputy Commissioner of the
25 New York City Department of Homeless Services. I am

3 joined by my colleague Erin Drinkwater, Deputy
4 Commissioner for Intergovernmental and Legislative
5 Affairs at the New York City Department of Social
6 Services. We want to thank the City Council for your
7 commitment to the safety and wellbeing of our
8 clients. We value the Council's partnership and
9 support as we work to ensure our staff and providers
10 deliver the best possible services to vulnerable New
11 Yorkers. The wellbeing of our clients is of
12 paramount importance to DHS and to me personally, and
13 what we have learned about Bronx Parent Housing
14 Network is absolutely unacceptable. As I will
15 discuss, DHS is taking affirmative steps to protect
16 clients and prevent such situations in the future.
17 We look forward to walking the Committee through the
18 policies and practices we have put in place to ensure
19 our clients are safe and receive the services to
20 which they are entitled. Under this Administration,
21 DHS has spearheaded several initiatives to strengthen
22 the management and oversight of shelter programs,
23 with the end goal of improving the conditions
24 experienced by our clients. Our multipronged
25 approach to further support our not-for-profit
providers has included reforming our contract

1 process, updating our approach to funding and
2 performance evaluations, improving shelter conditions
3 through real time tracking systems and strengthening
4 quality assurance practices across the system. As we
5 move forward, it is important to consider the
6 background of our city's haphazardly developed
7 shelter system, which was built over the last several
8 decades as the City confronted a range of factors
9 resulting in displacement across New York City. This
10 environment resulted in an increased shelter
11 population, which, compounded by underinvestment,
12 created challenges for DHS and providers as the
13 agency sought to provide safe, clean and secure
14 conditions for clients. However, we are seeing that
15 our strategies are starting to take hold and are
16 headed in the right direction. For example, the
17 shelter census for 2017, 2018, 2019, and 2020
18 remained roughly flat year over year for the first
19 time in more than a decade at approximately 60,000,
20 and now, the DHS census stands below 50,000.
21 Additionally, since the launch of the Turning the
22 Tide plan, we have already: Ended the use of more
23 than 260 shelter buildings as part of our commitment
24 to ending the use of the Band-Aid measures of
25

1 previous administrations, including the 21-year-old
2 cluster program. We have sited 89 high-quality,
3 borough-based shelters, of which 46 are already open,
4 operational, and providing high-quality services and
5 supports to New Yorkers experiencing homelessness.
6 Additionally, our average days' notice before opening
7 stands at more than 200 days. And we have reduced
8 our overall shelter footprint by 41 percent. With
9 that, we would like to provide you with an overview
10 of the initiatives DHS has taken on in collaboration
11 with our providers to improve services for New
12 Yorkers experiencing homelessness. Currently, DHS
13 holds contracts with approximately 70 human services
14 providers, whose role is to provide services to New
15 Yorkers experiencing homelessness. DHS has an open-
16 ended RFP process to solicit new shelters, meaning
17 that proposals from not-for-profit providers can be
18 submitted on a rolling basis, throughout the year.
19 After a proposal is submitted, our program experts at
20 DSS-DHS review, evaluate and score the application in
21 accordance with New York City Procurement Policy
22 Board Rules. This evaluation process involves
23 assessing the need for the proposed shelter
24 population, such as: Families with Children, Adult
25

1 Families, Single Adults, the proposed location, the
2 building's viability, the scope of the client
3 services, the provider's experience and their
4 pricing, along with other operational factors.
5 Moreover, RFP responses are also reviewed through the
6 lens of our Turning the Tide's borough-based shelter
7 plan to ensure consistency and an equitable siting
8 process. This approach has replaced the prior
9 haphazard system in which shelter development was
10 addressed on an ad hoc basis. As we have previously
11 testified to the Council, in order to ensure
12 providers could deliver the high-quality services
13 required to help New Yorkers experiencing
14 homelessness and get back on their feet, DHS has
15 invested upwards of a quarter of a billion dollars a
16 year in additional funding for our not-for-profit
17 providers to address decades of disinvestment. These
18 efforts also include modernizing the outdated rates
19 providers had been paid over the years. This
20 overhaul includes funding for social workers in
21 contracted Families with Children shelters, housing
22 specialists in all shelters and standardizing rates
23 for shelter services. As we developed the funding
24 parameters of the services that our partners provide,
25

1 a model evolved, hence the term "Model Budget." The
2 model budget efforts to rationalize shelter provider
3 rates for contracted providers follows the City's 90-
4 Day Review reforms. In 2016, following the
5 recommendations from the 90-Day Review, DHS worked
6 with stakeholders from the shelter provider
7 community, oversight agencies and other experts to
8 develop budget guidelines. This reform initiative
9 was reported on by the New York State Comptroller's
10 Office, when in a 2017 Comptroller audit, DHS was
11 commended for developing the model budget tool. DHS
12 began to use the model budget template in 2017 to
13 phase in the rate reform for existing shelter
14 providers through a process that includes
15 negotiations with providers and a budget amendment
16 process. Separately, the New York State Office of
17 Temporary and Disability Assistance, or OTDA, reviews
18 and approves budgets for Tier II family shelters.
19 This process has also been used for providers
20 proposing new shelter sites. As of today, the model
21 budget process is nearly complete with three model
22 budget amendments yet to be registered. All three
23 remaining amendments are pending due to reasons
24 outside the control of the Agency. After providers
25

1 submit a budget proposal using the standard template,
2 the DHS Shelter Program Budget Office compares the
3 proposed budgets to the model and then proceeds to
4 review with DHS program staff. This process is
5 completed in close consultation with each shelter
6 provider. From there, DHS sends a recommended budget
7 to the DSS Finance Office and the New York City
8 Office of Management and Budget for approval. Once
9 the recommendations move forward, the contract
10 proceeds to the amendment phase, which includes legal
11 review and eventually ending with registration at the
12 City Comptroller's office. We have also worked
13 closely with our provider partners to update
14 performance evaluations so that together we can raise
15 the quality of the services we provide to New Yorkers
16 experiencing homelessness. The updated shelter
17 performance approach includes an important management
18 evaluation process to help both DHS and our providers
19 measure the most critical indicators that show
20 whether our investments are paying off. Our
21 investment in the not-for-profit sector has
22 strengthened our work with providers, addressing
23 historic under-investments and working to ensure
24 providers are able to meet standards across the
25

1 system. The model budget and performance evaluations
2 are intended to make sure that our investments and
3 our expectations are aligned so that our clients are
4 able to receive high-quality services in a healthy
5 and safe environment. Through this collaborative
6 process, we have heard positive feedback from our
7 provider partners, as they have expressed their
8 desire to access information to manage and further
9 improve their services. The challenge of
10 homelessness didn't occur overnight and it won't be
11 solved overnight, but our City's comprehensive
12 strategies are taking hold, and we are committed to
13 continually finding ways to do better for the New
14 Yorkers we serve. Additionally, we work with shelter
15 providers to provide trainings on various topics,
16 ranging from language access, using trauma-informed
17 approaches to service delivery, and cultural
18 sensitivity. These periodic trainings help equip our
19 providers with the knowledge and tools they need to
20 deliver the best possible supports to our clients.
21 Moving on to shelter conditions, DHS typically
22 conducts Routine Site Review Inspections, or RSRIs,
23 to review current violations at shelters, as well as
24 conditions that may become problematic over time.
25

1
2 RSRIs are part of the contracting process, and
3 providers must show steps towards addressing any
4 problematic conditions at existing sites before DHS
5 can submit a shelter contract for registration. The
6 shelter director is required to submit a Corrective
7 Action Plan to DHS, detailing the steps needed to
8 address shelter conditions identified in the RSRI.
9 The Mayor also established the Shelter Repair Squad,
10 a multi-agency task force to inspect shelter
11 buildings and identify code violations requiring
12 repair. At least two times per year, each task force
13 agency will inspect facilities for code violations
14 and inform shelter providers of the results. A
15 critical component of the Shelter Repair Squad is the
16 ability for the City to track all shelter building
17 violations, along with measuring the progress made
18 towards mitigating the identified issues. To drive
19 this task, the City developed a system to report on
20 all city shelters and every violation associated with
21 each building. Essentially, this system acts as a
22 real time tracker for shelter building violations,
23 allowing the City to appropriately allocate Shelter
24 Repair Squad staff to work with providers to inspect
25 buildings and develop and implement remediation

1 plans. As a proof of the utility of this system, the
2 framework has since been adopted by the State to
3 develop their statewide Shelter Management System,
4 which allows our State oversight agency to more
5 efficiently monitor building systems by tracking the
6 status, remediation, and lifecycle of deficiencies
7 and their responses by providers and users.

9 Information is aggregated from various sources
10 available to DHS to provide a central clearinghouse
11 where users retrieve information about shelters or
12 evaluate and track the status of repairs at shelters.

13 This approach facilitates interagency collaboration
14 in improving conditions in shelters and makes it
15 possible to formulate the monthly Shelter Repair
16 Scorecard, which publicly reports on the conditions
17 of homeless shelter facilities. The scorecard helps
18 define the scope of any problems by publicly listing
19 conditions at all homeless shelters in New York City.

20 As part of our ongoing efforts to transform a
21 haphazard shelter system that was built up over
22 decades, we are continuing to examine the performance
23 of all our service providers to ensure New Yorkers
24 experiencing homelessness are receiving the
25 appropriate services and supports they need to get

1 back on their feet. These ongoing transformation
2 efforts include phasing out certain providers who do
3 not meet our high standards of service and care, and
4 our comprehensive review of all providers and
5 contracts continues. For example, in this
6 Administration, we've ended the City's relationships
7 with various providers. This started with We Always
8 Care and Housing Bridge, who had a history of serious
9 shelter conditions or other issues. We then
10 announced actions we have taken against Bushwick
11 Economic Development Corporation, also known as
12 BEDCO, phasing out all their commercial hotels,
13 cluster shelters, and traditional shelters, so that
14 they are no longer a shelter provider of any kind.
15 Over the last year, with the assistance of the court-
16 appointed receiver, which we went to court to obtain,
17 we have completely phased out Children's Community
18 Services, CCS, as a DHS shelter provider. At their
19 peak, CCS had a very large shelter footprint, mostly
20 in commercial hotels, providing more than 15 percent
21 of the Families with Children capacity necessary to
22 meet our legal requirements to provide shelter. Our
23 efforts to phase out this provider unequivocally
24 demonstrate that no provider is too big fail or able
25

1 to avoid accountability. In the case of Bronx Parent
2 Housing Network, we have used our compliance tools to
3 try to ensure this provider remained on the right
4 track. When DHS had a concern about their
5 operations, we required a Corrective Action Plan, a
6 CAP. When Bronx Parent proposed increasing their
7 share of units, we considered their apparent attempts
8 to comply with that CAP, used the contracting process
9 to adjust their portfolio and more effectively right-
10 size their capacity, giving them fewer beds and fewer
11 shelters than they proposed. In accordance with the
12 City's Procurement Policy Board Rules, this process
13 was conducted while also evaluating new proposals
14 submitted on their merits, including potential
15 positive impact on clients in immediate need, such as
16 to provide isolation services to clients recovering
17 from COVID-19 or COVID-like illness. This work is a
18 delicate balancing act. We are four years into
19 addressing a problem that built up over 40 years,
20 overhauling the way we do business top to bottom,
21 including removing noncompliant providers and
22 building a bench of qualified and experienced new
23 providers, while also meeting our legal and moral
24 obligation to shelter all those who need it every
25

1
2 single night. At the same time as we work to correct
3 conditions across providers, we must also work
4 together on the ground with provider staff, who are
5 trying to do the right thing and improve the daily
6 lives of those we serve. It is important to stress
7 that not every oversight indicates corruption, not
8 every missed disclosure means there is a bad actor,
9 and our first response is to work with providers to
10 understand the issues that exist and see if we can
11 help, since our clients depend on continuity of
12 services. It is also essential to distinguish
13 between the actions of select executive leaders, and
14 the work performed by dedicated frontline staff, who
15 everyday try to do the right thing, provide services
16 and programs to those in need, and help individuals
17 and families get back on their feet. In the case of
18 Bronx Parent, we took several immediate steps in
19 response to recent developments, which include:
20 First, appointed an interim Bronx Parent CEO.
21 Effective February 10, 2021, Daniel W. Tietz was
22 appointed as Interim Chief Executive Officer of BPHN.
23 As you know, Mr. Tietz was the court-appointed
24 receiver for Children's Community Services and has
25 successfully managed the wind-down of its operations

1 while continuing to provide essential shelter and
2 services to clients. While Mr. Tietz was not court-
3 appointed as a receiver, by agreement with Bronx
4 Parent, as interim CEO, he has full authority to run
5 the organization, including the authority to remove
6 or add Board members. He is accountable to DSS, not
7 to the Board of Bronx Parent, which has no power to
8 remove him. Second, we launched an independent
9 investigation of Bronx Parent. On February 24th,
10 2021, the New York City Department of Investigation
11 released a request for proposals for an independent
12 integrity monitor to investigate Bronx Parent under
13 the direction of DOI. The selected Integrity
14 Monitor, Kroll Associates, will investigate the
15 actions, conduct, operations or omissions of Bronx
16 Parent or any of its current or former key people,
17 employees, subcontractors, consultants, suppliers,
18 vendors, and affiliated businesses with a focus on
19 issues including, but not limited to, employment
20 practices, including sexual harassment, abuse and
21 assault, conflicts of interest, related-party
22 transactions, and compliance with its 2018 CAP and
23 City procurement policies. Aside from an in internal
24 investigation that will be conducted by the Integrity
25

1
2 Monitor, the firm will also be retained for a total
3 of two years to ensure that Bronx Parent maintains
4 compliance with the CAP as well as a supplemental
5 monitorship agreement that Bronx Parent will enter
6 with DOI. The engagement will be jointly managed by
7 DOI and DSS. Third, we initiated a review surveying
8 practices across providers. In addition to the above
9 investigation, DSS reminded all DHS providers of
10 their legal obligations regarding appropriate
11 corporate structure, accountability and transparency,
12 and has requested responses to a survey, prepared
13 jointly by DOI and DSS, regarding their policies and
14 practices in key areas. DSS has also worked with DOI
15 to prepare a second competitive solicitation for an
16 independent organization to review all DHS providers
17 with respect to their policies and practices in
18 certain key areas, including, but not limited to,
19 employment practices, including sexual harassment,
20 abuse and assault, related-party transactions, and
21 conflicts of interest. The information provided in
22 response to the survey will enable a more targeted
23 review of any specific areas of concern, as
24 appropriate. Fourth, we strengthened sexual
25 harassment reporting protocols. DSS has clarified and

1 strengthened its protocols with respect to contracted
2 providers around the reporting and investigation of
3 allegations of sexual harassment. Specifically, in
4 addition to alerting the shelter director, program
5 administrator, social service director, program
6 analyst, and organization's board, claims of sexual
7 misconduct or harassment involving senior leadership
8 must be reported to DSS, which will then determine an
9 appropriate mechanism for investigating the claims in
10 consultation with DOI. At our facilities, we are
11 committed to providing all those New Yorkers who we
12 serve with information on the extensive resources
13 available to them, and how to access them. To that
14 end, we have reminded DHS providers that under Local
15 Law 95 for the year 2018, they are required to
16 display and distribute information to clients
17 regarding what clients can do if they have been
18 sexually assaulted or harassed; and under Local Law
19 96 for the year 2018, they are required to ensure all
20 employees have received anti-sexual harassment
21 training. The City's Commissioner on Human Rights
22 makes this training available online. Moreover, as
23 discussed and recommended at this year's DSS
24 Preliminary Budget hearing, we have developed an
25

1 informational flyer for clients who express that they
2 have experienced sexual harassment or abuse to our
3 staff or provider staff to advise them of how they
4 can get support and assistance. Let me now turn to
5 the legislation. Introduction 2284 would amend the
6 Administrative Code by establishing a framework for
7 survivor-centered response by DSS when DSS receives
8 complaints of sexual assault or harassment. DSS
9 supports the intent of the bill and looks forward to
10 working with the sponsor in supporting clients by
11 referring and connecting survivors to resources. As
12 indicated above, DSS developed a procedure and flyer
13 for shelter staff and intake staff at DHS and HRA to
14 distribute to clients who express that they have
15 experienced sexual harassment or abuse. Overall, the
16 Administration has made comprehensive and concerted
17 efforts to address years of underinvestment in the
18 infrastructure of the shelter system with a
19 combination of immediate investments alongside top-
20 to-bottom organizational improvement reforms. There
21 is still work to be done, and we look forward to
22 partnering with the Council to help families and
23 individuals experiencing homelessness get back on
24 their feet in a safe, secure and clean environment.
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1
2 Taken together, Introduction 2056-A and Introduction
3 2285 appear to be intended to strengthen provider
4 accountability in contracting, specifically calling
5 for personnel to report corruption, cooperate with
6 investigations and address conflicts and misconduct.
7 We take our responsibility to protect clients,
8 monitor performance and safeguard public funds very
9 seriously and agree with the apparent goals of the
10 bill. The City has a robust process for assessing
11 vendor integrity which requires integrity, financial
12 and potential conflicts self-disclosures through
13 procurement systems as a prerequisite to contract
14 registration. City contracts require full and
15 accurate disclosure, and cooperation with any
16 potential investigations, which are in alignment with
17 the goals of these bills. This information is
18 considered as part of the vendor background check
19 process. The PASSPort system implemented by MOCS
20 also gives agencies a historical view into vendor
21 performance evaluations and any cautions that emerged
22 from prior contracting, which further enhance
23 background check reviews. In the case where a vendor
24 is struggling to meet the performance requirements of
25 a contract, on a case-by-case basis agencies may

3 prefer to enter into a CAP to build their capacity
4 before taking the final measure of terminating the
5 contract. This existing legal and oversight
6 framework helps to surface and correct issues as we
7 have shared earlier in our testimony but we will
8 always look for opportunities to do more. The
9 Administration looks forward to working with the
10 sponsors to identify meaningful new actions that we
11 might take to achieve desired goals. I will now turn
12 it over to Commissioner Garnett and look forward to
13 answering questions you may have following her
14 testimony. Thanks very much.

15 COMMISSIONER GARNETT: Good morning Chair
16 Gibson and Chair Levin, and members of the Committee
17 on Oversight and Investigations and the Committee on
18 General Welfare. My name is Margaret Garnett and I
19 am the Commissioner of the New York City Department
20 of Investigation. Thank you for inviting me to
21 address the Committee today to offer some context
22 about DOI's oversight of shelter providers contracted
23 by the City Department of Social Services and to
24 respond to any questions you may have about that
25 oversight. Additionally, I appreciate the
opportunity to speak briefly on the concerns DOI has

1 regarding Intro 2292, which would expand the public
2 reporting requirements related to DOI's
3 investigations; and to offer our commitment to work
4 with Councilmembers to refine that legislation. Let
5 me start by discussing DOI's oversight of nonprofit
6 contractors, specifically DSS providers, and DOI's
7 role in rooting out fraud and strengthening internal
8 controls as it relates to City funding of these
9 entities. For more than a decade, DOI has focused
10 resources in this area, regularly conducting
11 investigations that hold individuals accountable for
12 crimes and other wrongdoing. At the same time, DOI
13 has worked to safeguard City funds, identify gaps in
14 City agencies' internal controls, and recommend ways
15 to strengthen those controls to prevent fraud from
16 occurring. Conducting criminal investigations,
17 monitoring nonprofit providers, and issuing
18 recommendations to City agencies to close corruption
19 gaps are part of the multi-pronged approach that DOI
20 takes in combatting corruption, particularly as it
21 relates to fraud at City-funded nonprofits. Pursuant
22 to Executive Order 64, issued March 3rd, 2021, DOI
23 will also have a new role in ensuring that the City's
24 human services contractors take appropriate steps to
25

1
2 investigate and address allegations of sexual
3 harassment made against the Chief Executive Officer
4 or an equivalent principal of their organization.
5 Specifically, the Executive Order requires that the
6 City agencies amend their human services contracts to
7 require contractors transmit to DOI certain
8 information, including: a copy of any complaint or
9 allegation of sexual harassment or retaliation on the
10 basis of a complaint brought by any person against
11 the Chief Executive Officer or equivalent principal
12 of the organization, as well as a copy of the final
13 determination or judgment with regard to any such
14 complaint. Contractors retain all of their
15 obligations, as both employers and service providers,
16 to prevent sexual harassment and to investigate and
17 address all complaints of sexual harassment
18 accordingly. DOI's role, working with the contracting
19 agency as appropriate, will be to ensure that
20 contractors meet their obligations and handle such
21 complaints appropriately, even when the complaint is
22 against the leader of the organization. As has been
23 publicly reported, DOI has an ongoing investigation
24 into financial improprieties at Bronx Parent Housing
25 Network that was well in process in 2020 and has

1
2 already resulted in federal criminal charges against
3 one defendant. Because this is an ongoing and active
4 matter I cannot provide further details at this time.
5 Alongside this ongoing investigation, DOI has been
6 working with DSS to strengthen oversight of Bronx
7 Parent Housing Network, including retaining a monitor
8 that will report directly to DOI and provide
9 additional oversight in two specific ways: first, the
10 monitor will conduct an internal investigation of
11 BPHN, examining in particular, the nonprofit's
12 policies and practices around sexual misconduct
13 allegations, and more broadly examining BPHN's
14 subcontractors and their relationships to the former
15 CEO. Once that review is completed, the monitor will
16 then focus on BPHN's ongoing compliance with the
17 terms of its City contract, which is a more
18 traditional type of integrity monitorship. In
19 addition, DOI and DSS are working to retain an
20 independent monitor that will also report to DOI and
21 will conduct an audit of all non-profit homeless
22 shelter providers with City contracts, providing
23 greater oversight of how this nonprofit sector is
24 using City dollars and complying with City
25 requirements designed to prevent fraud. I'd like to

1 turn now to briefly address Intro. 2292, which
2 proposes amendments to the City's whistleblower law.
3 DOI fully supports efforts to encourage the reporting
4 to DOI of wrongdoing by both City contractors and
5 subcontractors, as well as City employees. One of
6 the strongest defenses against the pernicious impact
7 of corruption are individuals who are willing to step
8 forward and report it. Providing a safe and
9 confidential place to report wrongdoing, and
10 conducting thorough investigations of these
11 allegations, while also treating the targets of
12 allegations fairly are all central to DOI's mission.
13 The amendments proposed in Intro 2292, however, in
14 our view are likely to discourage the reporting of
15 corruption to DOI, and undermine our ability to
16 fairly and thoroughly investigate those reports.
17 DOI's annual Whistleblower letter provides
18 foundational information about our Whistleblower
19 investigations without compromising complainants or
20 ongoing investigations. Legislation recently enacted
21 by City Council will enhance those reporting indices
22 in the annual report we will file later this year,
23 specifically the number of reports that come from
24 City employees under subsection B of the
25

1 Whistleblower statute, the number of reports
2 concerning wrongdoing from City contractors, and more
3 detailed information about DOI's investigations of
4 complaints of retaliation. Intro 2292 would vastly
5 expand DOI's reporting mandate to list all reports of
6 wrongdoing from City employees and City contractors,
7 attributing them to a particular agency or
8 contractor, as well as providing the status of each
9 of those cases, including open and ongoing
10 investigations. And while the law states that any
11 personally identifiable information could be
12 redacted, the act of linking a specific complainant,
13 and complaint, to an agency or contractor, along with
14 providing the status and outcome of a matter could
15 provide enough specific information to identify
16 complainants and potential witnesses. The Law also
17 does not take into account that a closed matter is
18 not necessarily a substantiated one. Publicly
19 reporting of the information called for by the bill
20 would provide just enough information about City
21 employee complainants to spark conjecture and
22 potentially a hunt to find who the complainants are,
23 which would of course be particularly detrimental to
24 active and ongoing investigations, but would also be
25

1
2 damaging in closed cases. Moreover, publicizing
3 subjects of investigations that are not yet concluded
4 or where we do not substantiate the allegations is
5 deeply unfair and could result in negative
6 consequences for those targets when such consequences
7 are not supported by any evidence or facts. This
8 kind of public reporting will have a potential
9 chilling effect on all of DOI's work, and would
10 rightly give pause to individuals who may want to
11 step forward to report corruption. An investigative
12 agency like DOI must have the ability to work
13 confidentially on investigations and to speak
14 publicly on them only when we have reached
15 conclusions based on the evidence and the law. I
16 take transparency seriously and understand its value
17 in better understanding and monitoring the work and
18 impact of law enforcement. That is why my
19 administration at DOI has taken steps to increase the
20 type of information available to the public about
21 what DOI does, including developing an accurate and
22 comprehensive public database that catalogues our
23 policy and procedure recommendations to City agencies
24 and reports on their status; as well as posting
25 publicly for the first time our Whistleblower Law

1
2 annual letters and the annual anti-corruption report
3 that provides detailed citywide insight into
4 agencies' anti-corruption programs. But our
5 obligation to protect complainants who report
6 wrongdoing to DOI, as well as to safeguard
7 information about individuals under investigation or
8 where our investigations do not result in
9 substantiated findings, are also part of DOI's
10 mission and one we must carefully balance with the
11 benefits of transparency. Those are best practices
12 and allow DOI to conduct its work with integrity and
13 fidelity to the law. DOI follows the facts in its
14 investigations wherever they lead, but we speak
15 publicly only on substantiated facts and confirmed
16 conclusions. To do otherwise would jeopardize our
17 ability to use all available investigative tools,
18 could expose complainants and witnesses who deserve
19 confidentiality for as long as we can provide it, and
20 would unfairly taint the subject of an investigation
21 where DOI's findings did not ultimately support the
22 allegations. Striking a measured balance between
23 transparency and carrying out investigations
24 ethically and under best practices are attributes
25 that I know this Committee respects and understands.

3 DOI is committed to working with you to achieve those
4 goals and refine this bill to best represent those
5 interests and protect our investigations. Thank you
6 for this time and I'm happy to answer any questions
7 you may have.

8 CHAIRPERSON GIBSON: Thank you so much.
9 Thank you to Deputy-- First Deputy Commissioner Molly
10 Park and Commissioner Margaret Garnett. Thank you so
11 much for testifying on behalf of DSS and DOI. I'd
12 like to acknowledge we've also been joined by Council
13 Member Mark Treyger, and I just had several
14 questions. I guess I'll start with DSS just to
15 understand some general procedures that we currently
16 have on the books, and I recognize that a lot of the
17 work you talk about, Deputy Commissioner, has been as
18 a result of the Executive Order, and I guess that's
19 one of the reasons why, you know, colleagues and I
20 are just deeply concerned. I don't know if we would
21 be having this conversation had the New York Times
22 article not been published, right? And so it just
23 reminds me that we have to continue to look at
24 discrepancies and gaps in services and make sure that
25 we tighten up our procedures as best we can. So I
acknowledge a lot of the work that DSS has done, a

3 lot of changes in policies and procedures to really
4 provide more of an accountability from our providers
5 who we entrust to provide these critical services.
6 So, generally speaking, you talked a little bit about
7 this in your testimony. What is the current process
8 for handling sexual assault complaints made by
9 clients of shelters? Are there differences in the
10 reporting if it's coming against the CEO versus a
11 lower level staff member at an administrative level
12 or any other capacity? And I'd like to understand if
13 there is a difference, and how do we get that
14 information out to the providers who in turn will
15 share that with clients.

16 FIRST DEPUTY COMMISSIONER PARK:

17 Absolutely. So, an allegation that is against a
18 lower level staff person the shelter is-- sorry.
19 Whoever receives the complaint, it could be a shelter
20 staff person, it could be the DSS Ombudsman's Office,
21 but wherever the complaint is received, they are
22 obligated to inform the shelter staff, the program
23 administrator which is the person with the dated--
24 DHS staff person with the day-to-day oversight and
25 engagement in the shelter, and other leadership
within the organization. That claim is investigated

1 at that level. If there is an allegation that is
2 against either the CEO of the organizations or any
3 other senior principal, there is also an obligation
4 to report it to DSS where we are going to take it to
5 our Legal Department and the Department of
6 Investigation. That is-- that has been reiterated to
7 all of our providers very recently. I think I could
8 pull the date, but it was in, I believe, in March.
9 We sent out information to reiterate that policy. We
10 continue to reinforce that with our providers. The
11 bottom line is that absolutely an allegation that is--
12 - involves a senior leader in the organization it has
13 to be treated very seriously and will go to DOI.

15 CHAIRPERSON GIBSON: Okay, and how often
16 does DSS follow up with providers to ensure that that
17 information has been given to clients? And then the
18 second part of that question is I wonder how we deal
19 with language access with clients who do not speak
20 English as a primary language? Do we ensure that
21 that information is translated in a way in which they
22 can understand?

23 FIRST DEPUTY COMMISSIONER PARK: Yes.
24 Our documentation when we put out client notices we
25 absolutely translate those to the seven languages

3 that the city requires, and we use the language line
4 or other resources when we are working with a client
5 who speaks a language where there might not be
6 automatic translation there. I think I mentioned in
7 my testimony we do a lot of training, a lot of
8 reinforcement with our providers. So, reinforcing
9 the message around sexual harassment training, making
10 sure that providers are doing the annual training.
11 That is absolutely something that we do. We have
12 quarterly meetings with all executive directors where
13 this is an opportunity to reinforce these kinds of
14 messages, that's at the senior-most level. There are
15 regular meetings with the shelter directors. There
16 are regular meetings with lower-level shelter staff.
17 So throughout the organization, throughout the DHS
18 organization, we really emphasize community and
19 transparency, flow of information. This is
20 absolutely something that's important to do. It's
21 absolutely something we will continue to reinforce.

22 CHAIRPERSON GIBSON: Okay. Within the
23 Times' investigation it was made aware that there was
24 a client that reported a case of sexual harassment
25 by, you know, the particular CEO, and DHS has
acknowledged that that complaint was not

1
2 appropriately escalated to agency leadership. Now,
3 you talked about a series of steps that have not been
4 implemented to address that. But could I ask in
5 terms of this particular instance, how did this type
6 of thing happen? So, you know, we educate, we do
7 outreach, we do as much as we can to make sure that
8 everyone understands the rules, but I understand,
9 we're all humans and we do make mistakes. But you
10 know, this type of error and acknowledging that it
11 was not escalated in such a way, it just doesn't make
12 sense to us that a case of sexual abuse would be
13 referred back to the particular provider. It just
14 seems that something went very wrong here in this
15 process.

16 FIRST DEPUTY COMMISSIONER PARK: As you
17 note, we have publicly acknowledged that this case
18 was not handled appropriately.

19 CHAIRPERSON GIBSON: Okay.

20 FIRST DEPUTY COMMISSIONER PARK: We have
21 worked with the ombudsman's office. We have worked
22 with other DHS, DSS staff to reinforce the
23 appropriate protocols. We have revised those
24 protocols to strengthen those. I personally was part
25 of many conversations making sure that those

3 protocols, which are in fact written documentation,
4 are thorough and complete and that all of the staff
5 that might come in contact with that have the
6 appropriate training.

7 CHAIRPERSON GIBSON: Okay. And I just
8 had a quick question about the relationship that we
9 have OTDA and other agencies like the State Division
10 of Human Rights. If clients go directly to the state
11 and file reports of alleged misconduct and/or abuse,
12 how would that be handled as a city agency? Is there
13 any MOU, any partnership that we have with the state
14 where they: number one, are mandated to report to us
15 that a client in our system has filed a report, but
16 is there anything that we can do to strengthen that
17 partnership with the state?

18 FIRST DEPUTY COMMISSIONER PARK: So,
19 there is no mandated reporting at this time. We have
20 reached out to OTDA, to our oversight agency to help
21 with that, to look for ways that we might be able to
22 create that kind of reporting relationship. I think
23 certainly if the Council was entrusted in passing a
24 resolution calling for that, it could also be
25 helpful.

3 CHAIRPERSON GIBSON: Okay. And I
4 appreciate you saying that. I think it's a little
5 disturbing that it's taking so long that we don't
6 have that particular Memorandum of Understanding,
7 because these were clients that went directly to the
8 state. We have no knowledge of it. It was
9 acknowledged by the state, but there was no mandate
10 that forced them to let the City of New York know
11 that one of our clients in our residence hall to
12 report. So, we will further have conversations
13 around that.

14 FIRST DEPUTY COMMISSIONER PARK: Look
15 forward to that.

16 CHAIRPERSON GIBSON: Okay. Any
17 individual that's seeking city services, how were
18 they made aware of how to report an incident
19 involving sexual assault or harassment? So, are they
20 given this information as they enter shelter services
21 while they're going through the assessment as they
22 exit? How does that work today?

23 FIRST DEPUTY COMMISSIONER PARK: Yep.
24 People are given information at intake as they come
25 into the system. there are-- there's notices posted
in shelters and I want to really thank Council Member

3 Rosenthal who in our Preliminary Budget hearing
4 suggested that we create a resource guide flyer for
5 individuals who may be sexual assault survivors. We
6 have done so. That has been distributed. That will
7 also be given to people as they come into the system
8 as well as posted in shelters. So, yes, the
9 information is available and made available to
10 clients.

11 CHAIRPERSON GIBSON: Okay, and I think
12 this is a tough question, but how do we give
13 assurance and confidence to clients that if they do
14 come forward with a report, that their identity is
15 confidential, their safety is going to be protected?
16 And you know, there is a culture in our shelter
17 system, and I think many of colleagues are aware of
18 it because we hear from clients ourselves, and so do
19 you, that no one wants to be known as a snitch. No
20 one wants to come forward by themselves. There could
21 be others that are experiencing the same type of
22 abuse and just not want to come forward. Just as we
23 have these conversations in the world of domestic
24 violence and intimate partner violence, it's
25 challenging to give clients that reassurance. So,
what can we do as an agency to assure clients that

3 their identity will be protected and they're safe
4 and they don't have to fear discrimination or
5 retaliation?

6 FIRST DEPUTY COMMISSIONER PARK:

7 Absolutely. So, I think a couple of answers. I
8 think the first is that there are multiple pathways
9 for reporting. In some-- for some people they might
10 have a close relationship with their case worker or
11 other staff person at the shelter. That is
12 absolutely a pathway that they can use to report
13 instances and the shelter staff are trained and
14 required to report that up and out, but that, you
15 know, is-- that is building on the personal
16 relationships that already exist is for some people
17 the most comfortable way to do it. For other
18 individuals having it a step removed from the place
19 where they live is the most comfortable option, and
20 we do have an ombudsman's office that is independent,
21 available by phone during business hours. It's
22 actually DSS staff that answer it. It is transferred
23 via 311 when it's not business hours, but there is
24 this independent body that can accept complaints,
25 accept notifications, and get those to the right
place for investigations. So whether somebody prefers

3 something that is removed or something that is
4 personal relationship both pathways exist. The other
5 thing that I really wanted to mention is that we do
6 have a process within the DHS shelter system to
7 facilitate safety transfers. They can be used in
8 this instance or in other circumstances, but if
9 somebody believes-- feels unsafe in their existing
10 shelter, we have a defined pathway to help them
11 transfer to an alternative shelter, taking into
12 account all of that household's needs, right? If
13 it's a family, the child's school district. If it's
14 a family that has experienced domestic violence we
15 want to make sure that they're not in an area where
16 their abuser might be. So it's a complicated
17 process, but we absolutely can transfer somebody to a
18 place where they feel safer if that's what they
19 desire.

19 CHAIRPERSON GIBSON: Okay. I'm glad you
20 mentioned that, Commissioner, because it is a
21 complicated process, and I think because of that a
22 lot of clients don't always want to come forward,
23 because when they do request a transfer, you have to
24 match them up with their particular borough, in terms
25 of their children in the local school district,

3 safety measures, paperwork. There's a lot that
4 clients have to go through. So I'm wondering if a
5 client comes forward with that type of allegation and
6 confides in a caseworker or case manager, and does
7 request that transfer, how can we make it easier for
8 them to transfer so that it's not inundated with
9 paperwork and just all this bureaucratic red tape so
10 they can actually move and be safe.

11 FIRST DEPUTY COMMISSIONER PARK: Right.

12 First of all, let me say we take the safety transfer
13 process very seriously whether it is around sexual
14 assault or any other reason for a safety transfer
15 because they do come up in other context as well, and
16 we act on those very promptly, taking into account
17 the different dynamics that I mentioned, we do act
18 promptly. I think a very key answer to that frankly
19 lies in the larger Turning the Tide goals of making
20 sure that we have sufficient high-quality shelter
21 capacity in different parts of the city, right? When
22 we are operating at more or less full capacity and we
23 are, you know, tapping into less than ideal shelter
24 capacity like commercial hotels. It is harder to move
25 a household to the setting that is right for them.
but one of the things that I think we have done with

3 the Turning the Tide plan is to really focus on
4 taking down less than ideal capacity and to
5 developing a strong pipeline of high-quality shelters
6 with high-quality providers [inaudible] that means
7 that [inaudible] that is already [sic][inaudible] the
8 work that we have done to develop more units of high
9 quality shelter is really important to the question
10 that you asked.

11 CHAIRPERSON GIBSON: Okay, I agree with
12 you. Can you expand a little bit on the Ombudsman
13 Unit [inaudible] you said that is an independent unit
14 that gets referrals from the 311 system? Who does
15 the staff work for? How often do they operate, and
16 what is their protocol for referring any calls that
17 come into the unit?

18 FIRST DEPUTY COMMISSIONER PARK: Sure.
19 So, this is a division of DSS, the Department of
20 Social Services. They operate a hotline essentially
21 to take any kind of call from a DHS or DSS and HRA
22 client reporting a concern of any type. So this is
23 not specific to sexual harassment or discrimination.
24 It is-- it can be, you know, a little-- I need help
25 with a particular benefit. I need this, right?
Somebody who either isn't sure where to go or, you

1 know, may not have the personal relationships for
2 whatever reason at their shelter. Perhaps they're
3 new to the shelter. Perhaps they prefer a certain
4 level of anonymity. So it's a wide range of calls
5 that they accept. It is-- it's DSS staff. They
6 answer-- it's a direct hotline during business hours.
7 If calls come in outside of normal business hours,
8 they are routed through 311, but ultimately followed
9 up by ombudsman staff.

11 CHAIRPERSON GIBSON: Okay. So in terms
12 of clients they would call 311 or call the
13 Ombudsman's Unit directly?

14 FIRST DEPUTY COMMISSIONER PARK: They can
15 call the ombudsman's number directly. If you're
16 interested, we're certainly happy to provide you with
17 that number. Either I can send it over email if
18 that's easier or [inaudible]

19 CHAIRPERSON GIBSON: [interposing] Okay.

20 FIRST DEPUTY COMMISSIONER PARK: record.

21 CHAIRPERSON GIBSON: Okay, and they're
22 given this number at intake as well during the whole
23 assessment period?

24 FIRST DEPUTY COMMISSIONER PARK: I am
25 relatively--

3 CHAIRPERSON GIBSON: [interposing] Or is
4 it upon request?

5 FIRST DEPUTY COMMISSIONER PARK: It is a
6 number that is publicized, but let get back to you
7 with exactly all the forms that we-- ways that we
8 make that number available.

9 CHAIRPERSON GIBSON: Okay. I just have
10 two questions about the Executive Order. I wanted to
11 understand that a little bit more, because the way
12 that we're understanding it is that providers are
13 still required to investigate complaints of sexual
14 harassment on their own, and that DOI would then
15 review the provider's handling of that particular
16 complaint. So I wanted to understand, is that an
17 accurate assessment of the Executive Order? Because
18 the Mayor indicated that not-for-profits should not
19 handle their own sexual assault investigations on
20 their own. So, if that's not accurate, could you
21 just explain it a little bit more so we understand
22 what the process is when a complaint does come in.

23 FIRST DEPUTY COMMISSIONER PARK: sure, I
24 will answer and my colleague would like to jump in as
25 well--

CHAIRPERSON GIBSON: [interposing] Okay.

3 FIRST DEPUTY COMMISSIONER PARK: and we
4 certainly appreciate that. Any allegation that is
5 against a principal of the organization, right, the
6 Executive Director, CEO, other comparable leadership,
7 is going to be investigated independently. If it is
8 an allegation against lower-level staff, like a case
9 worker or security guard, that can be investigated at
10 the organizational level.

11 COMMISSIONER GARNETT: I don't mean to
12 contradict my colleague, but that's-- I think DOI's
13 understanding is the same as your understanding,
14 Chair Gibson. Because all the shelter providers are
15 employers as well as service providers. We have an
16 obligation under the law to have an EEO process and
17 to follow it when they have allegations against any
18 staff member, including the head of the organization.
19 The extra layer of protection that's provided in the
20 EO is that when the organization has such an
21 allegation that where the alleged harasser is the
22 head of the organization, whatever name they give to
23 that person. They have to inform DOI that they have
24 such an allegation, the process they're going to
25 follow, and then the results of that investigation,
and DOI has oversight over how did they conduct the

3 investigation, what was the outcome, was that
4 appropriate, and we can take any further steps after
5 that point that we deem appropriate. The intent is
6 not to displace the provider's own legal obligations
7 whether as an employer or a service provider to have
8 a process and to handle complaints appropriately. It
9 just adds an extra layer of supervision when-- in the
10 most sensitive matters, when the allegation is
11 against the head of the organization.

12 FIRST DEPUTY COMMISSIONER PARK: Thank
13 you for that clarification. I can jump in on that.
14 DSS will be investigating cases when the allegation
15 is against a leader of the organizations. So, that
16 investigation will not be left the organization
17 alone. We, as an agency, will be involved in that
18 process. That's specific to DSS, so I cannot speak
19 to how other agencies may be interpreting the EO, but
20 that is our policy.

21 CHAIRPERSON GIBSON: Okay. And I guess
22 that's the reason why I asked the question, because
23 it is-- it's very disturbing to even think that the
24 homeless services provider would be responsible for
25 investigating cases of misconduct within the
organization from shelter clients. That level of

3 oversight as a result of the Executive Order to me
4 has to be tight and strengthened. I worry about, you
5 know, allowing providers their own ability to
6 investigate these particular cases. And again I go
7 back to the original comment I made when we talk
8 about clients coming forward. These clients have to
9 live in these shelters. Many of them have nowhere
10 else to go, and so if you make an allegation against
11 the CEO, that is a serious allegation, and a lot of
12 these clients are predominantly women and women of
13 color and mothers with children right? It is really
14 hard to come forward and to make an allegation of
15 that nature and thinking that no one will retaliate
16 against you. I can't emphasize that enough, and so
17 that's why I'm asking. You know, we have to give the
18 assurance, the confidence that they're going to be
19 protected and safe. There is this culture that CEOs
20 of, you know, many of our not-for-profits, they're
21 the leaders, right? They're in charge, but if you
22 have a leader that abuses their power and takes
23 advantage of clients and creates that atmosphere, one
24 of which is harassing in nature, clients are not
25 going to come forward. That's just the way it is,
right? They don't want to lose their space. They

1
2 want to lose their bed. They don't want to be on the
3 street, right? And that's the reality that we all
4 see in our district. So, you know, this to me, I
5 need to further understand this because it makes me
6 feel a little uncertain knowing that under the EO
7 they're still investigating our claims of misconduct
8 and sexual abuse in their own organization, even
9 though there is a level of oversight. I worry about
10 what that looks like on the ground.

11 COMMISSIONER GARNETT: Chair Gibson, I
12 could just step in too. one thing I think that's
13 worth clarifying, and this is really building on what
14 Molly said earlier is that the EO-- what the EO, I
15 think, as DOI understands it, is intended to add an
16 additional layer of oversight when the organization
17 itself is the first recipient of the allegation. So
18 it doesn't mean that agencies will be referring those
19 allegations back, and I think one of the things that
20 DHS has done and that I would hope other agencies
21 would do as well, is to crate, publicize, work to
22 have a variety of places where clients in particular
23 who-- you know, because the EO deals with both
24 clients and employees, but where clients in
25 particular have a variety of places to go with their

1
2 complaints so they don't feel that their only option
3 is to report it to the provider. So, I think the EO
4 in that sense is relatively narrow in scope, in that
5 where a victim has chosen to go to that provider and
6 the object of the defendant or target of their
7 complaint is the head of the organization. Those are
8 particularly sensitive situations that need
9 additional oversight. And I think parallel to that,
10 separate from the EO, the other measures that have
11 been taken, whether that's to go to Special Victim's
12 Division to the agencies ombuds-person to social
13 workers, to other providers to make that report is I
14 think equally important. So, there's multiple ways
15 of addressing the concern that you've raised which I
16 think is a really valid one. But I think the EO is
17 dealing only with sort of this narrow piece and then
18 there's many other things that can and are being done
19 to provide other places where victims can go where
20 they might feel more comfortable going rather than
21 the organization itself.

22 CHAIRPERSON GIBSON: Okay, I understand.
23 I appreciate that. And I also think, again, that's
24 why it's important to make sure information is
25 available so that clients know what alternatives they

1
2 have and what options they have, going to the NYPD,
3 calling 311. I mean, many of these entities we work
4 so closely and so hard. I'll use this as an example.
5 Council Member Rosenthal knows, NYPD Special Victims
6 Division, we have tried so hard to transform that
7 entire unit from the investigators to the detectives
8 to the safe spaces to the, you know, centers where
9 many clients go so they feel comfortable because the
10 reality is, it takes a lot of strength and a lot of
11 bravery for anyone to come forward and bring this
12 type of allegation against a staff member at any
13 level. Many clients feel it's embarrassing. They're
14 ashamed. They don't want to come forward. They
15 don't want to be double victimized again, right? So
16 we know we have to create that environment and that
17 safe space for them to feel comfortable and
18 strengthened and know that we are here. We're
19 sympathetic. We understand, and we're going to give
20 them that outlet. Another question I have is, upon
21 reporting the complainant to DSS, are providers
22 supposed to initiate the investigation or do they
23 wait for guidance from DSS? How does that work?

24 FIRST DEPUTY COMMISSIONER PARK: So,
25 again, if it is a lower-level staff person,

3 absolutely, they should initiate the investigation.

4 If the complaint is against senior staff person, a

5 leader of the organization, DSS will be playing a

6 direct role and engaging with the Board, right,

7 because the job of the not-for-profit board is to

8 provide that kind of oversight. So, we will be

9 investigating, but we will also be coordinating with

10 the Board, not with the person against whom the claim

11 is levied, of course.

12 CHAIRPERSON GIBSON: Okay. Is there any

13 reason why the scope of both the required reporting

14 to DSS and DOIs review, why it's limited to only the

15 allegations made against the CEO and high-level

16 executive staff members? Are we trying to create a

17 difference in the level of staffing as it relates to

18 the allegations? Because you said, Molly, that the

19 provider is responsible for overseeing the

20 investigation if it's one of the administrative-- I

21 don't like to use the word lower-level, but you get

22 what I'm saying-- the administrative staff or anyone

23 else at that level? Are we creating this two-tiered

24 system? Are we saying that all allegations against

25 anyone at a provider whether it's janitorial

custodial, secretarial, administrative, CEO, the

3 Deputy, the Deputy's Deputy, like every allegation we
4 take seriously, but are we creating this two tiered
5 system where the reporting and the investigation
6 would be treated differently.

7 FIRST DEPUTY COMMISSIONER PARK: So, we
8 absolutely take every allegation seriously. I want to
9 start by saying that. As the Commissioner alluded,
10 the expectation is-- and which is part of what the EO
11 and the review process that DHS is currently engaged
12 in, but organizations need to have a sexual
13 harassment policy, including a procedure for how
14 claims and allegations are investigated. The
15 expectation is that the not-for-profit has strong
16 policies and procedures in place to handle this, and
17 it is their responsibility to implement those
18 policies and procedures. The reason we have
19 differentiated between leadership staff is that the
20 concern that the organization really can't
21 independently investigate its own leadership, that
22 there is inherent conflict there, and so we are
23 taking a different role in a different position
24 there. But absolutely it is our expectation that our
25 not-for-profit contractors have strong sexual

1 harassment policies that included investigation
2 pathway.
3

4 CHAIRPERSON GIBSON: Okay. I hear you. I
5 agree with you. I also think that it would be an
6 inherent conflict of interest for any staff at any
7 level. They are employed by that particular
8 provider. They have a responsibility to private
9 services, and so I think we should treat everyone at
10 the same level, but that's just my opinion. I'm
11 wondering about the findings of the survey that was
12 done. I believe it was a joint survey, DOI and DSS
13 sent a survey to all of the DHS provides requesting
14 information about their existing employment
15 practices, including sexual harassment, assault, any
16 violations. Could you just provide us with some of
17 the oversight of some of the things you found? Did
18 you see that there was any patterns? Are not
19 providers consistent with these types of practices
20 and policies, and are there areas that you saw for
21 improvement.

22 FIRST DEPUTY COMMISSIONER PARK:

23 Responses are due June 15th, so we're going to have
24 to come back to you on that one.
25

3 CHAIRPERSON GIBSON: Oh, okay, okay. We
4 have a little bit of time. Okay. Interesting. I
5 have one more question before it turn it over to
6 Chair Levin, and this is a-- honestly, just me, just
7 trying to understand, you know, how we move forward,
8 and you know, obviously in the shadow of an ongoing
9 active investigation of this particular provider, the
10 message that we send to all of our other providers.
11 There is a process by which some of our existing
12 homeless service providers are on an enhanced review
13 list for infractions. They could be minor
14 infractions. They could be major. A wealth of
15 different things that could be happening there on
16 this list. As I understand, during the time in which
17 a provider is on this list, there is a possibility
18 that the City will award them a brand new contract,
19 right? And so in the case of BPHN during the
20 pandemic, I understand they were awarded an
21 additional contract of 10 million dollars. Do you
22 think that this is a practice that we should
23 maintain, or do we say to ourselves, that if a
24 provider is on an enhanced review list for compliance
25 issues, whether it's discrepancy, etcetera, etcetera,
does it make sense to award them brand new contracts?

3 FIRST DEPUTY COMMISSIONER PARK: So, you
4 know, as you note Council Member, there's a variety
5 of reasons why an organization might have a
6 corrective action plan. Our first goal whenever we
7 identify an issue is to work with the organization to
8 build their capacity. We want that not-for-profit to
9 become a strong provider. We want that organization
10 to build up the connections that they have to the
11 community. The goal is to right the ship. So, the
12 corrective action plan in its initial phase is really
13 a tool to help build the capacity of the
14 organization, and in fact, for a couple of the
15 organizations that currently have CAPs with DSS, the
16 issue is that they're relatively new and that we want
17 to be helping them build the organizational strength
18 to be able to become a strong provider. So, the
19 goal-- we approach the CAP with it from a perspective
20 of what do we need to do working together to get-- as
21 I say, to right the ship, to get back on track. When
22 an organization submits a proposal for a new site, we
23 are considering the proposal on the merits. That's a
24 requirement of procurement rules, and one of the
25 pieces of that consideration is are they complying
with their CAP. So an organization that is-- that

1
2 might have that-- that has that extra level of review
3 but is doing what they are supposed to do, yes, we
4 can move forward with an additional contract. In the
5 case of Bronx Parent, it was-- it appeared that Bronx
6 Parent was complying with their CAP. They had done a
7 number of-- taken a number of steps around hiring of
8 a fiscal monitor, changing their policies and
9 procedures that were in compliance with the CAP that
10 we put them on in 2018. As soon as we got to the
11 point where we realized in fact that they were very
12 much not in compliance with their CAP, we immediately
13 halted all the business with them, including taking
14 back awards that had already been made.

15 CHAIRPERSON GIBSON: Okay, I appreciate
16 that. I think we still should continue to talk about
17 it, because I don't think we should necessarily
18 reward providers while they're on the corrective
19 action plan. I do agree we need to strengthen their
20 structure, their operations, but for the sake of
21 brand new contracts, I think that's something we
22 should really look into. It's concerning for those
23 that may be on their enhanced review corrective
24 action plan [inaudible] more serious allegations, but
25 I think it sends a message. Number one, we don't

3 have a lot of providers within the, you know, the
4 arena in which we contract with, and then the second
5 part of it is that we want to make sure that while
6 they are addressing those issues they're not given a
7 brand new contract. I can understand waiting until
8 their off that corrective action plan. That makes
9 sense to me, but while they're on there, I just find
10 that to be very troubling to me.

11 COMMISSIONER GARNETT: Chair, if I could
12 just say one thing briefly on that point. I think
13 one concern that DOI would have just to add to-- as
14 you [inaudible] concerning these issues, is that
15 given as you noted, in a number of social service
16 arenas, there's a limited number of providers. I
17 think DOI has-- often recommends to agencies that
18 they enter into correction action plans with a
19 provider that we've reviewed, and my concern would
20 just be that we not create disincentives [sic] for
21 agencies who have a limited number of choices. We
22 don't want to disincentive them to undertake
23 corrective action and put providers under review for
24 fear that they won't be able to continue to use their
25 services or give them new contracts, because there
really are a range of issues from capacity all the

1 way to serious fraud that could lead to a corrective
2 action plan. So I think they have a really useful
3 role, and I would just, from DOI's perspective, I
4 think not want to dis-incentivize agencies to take
5 those steps for fear that they won't be able to use
6 the vendor in the future.

8 CHAIRPERSON GIBSON: Okay. Thank you so
9 much. I appreciate that, and I definitely
10 acknowledge that, you know, during this period of an
11 investigation with BPHN, speaking from the
12 perspective of representing Bronx County, I
13 appreciate that the services have continued. What I
14 never want to do is send a message that any CEO or a
15 leader of a not-for-profit and their actions are
16 reflective of the entire staff, and there are
17 hardworking staff BPHN and many others that may be on
18 the corrective action plan that do their work every
19 day. Go to work with the commitment to serve and
20 provide critical services that clients need. And so
21 I appreciate-- you know, Commissioner Steve Banks and
22 your team for not penalizing the entire staff. The
23 services that must be provided will continue, and I
24 think it gives us an ability to provide more
25 oversight to ensure that the services provided are of

1
2 quality. And so I just wanted to acknowledge that on
3 behalf, you know, my county of the Bronx because I do
4 have many, many family in individual shelters that
5 are operated by a number of providers, and I do
6 acknowledge that, you know, those residents do
7 deserve our services. So, I thank you for that. I
8 will turn it over to my co-chair, but I want to
9 acknowledge the presence of Council Member Rafael
10 Salamanca, Jr. Thank you colleagues for joining us,
11 and I turn this hearing over to co-chair Steve Levin.
12 Thank you again.

13 CHAIRPERSON LEVIN: Thank you very much
14 Chair Gibson. I greatly appreciate you covering for
15 me. Back home kids are safe in the other room. So,
16 first question just as following up on a couple of
17 Council Member Gibson's questions. So when in a
18 shelter, in a DSS-run shelter, is there a flyer right
19 in the, you know, door way or vestibule right at the
20 entrance on the front door that says, "If you-- you
21 know, If you want to report misconduct, call this
22 confidential number."

23 FIRST DEPUTY COMMISSIONER PARK: We have
24 certain-- yes. Every shelter's physical geography
25 differs a little bit, so I'm going to, you know, not

3 on the record say that is necessarily in the
4 vestibule, but yes, those are-- that is information
5 that is widely distributed and posted.

6 CHAIRPERSON LEVIN: Okay. In big letters
7 like the way that DOI has their very compelling
8 flyers off that-- in city agencies that instruct
9 people on how to report misconduct?

10 FIRST DEPUTY COMMISSIONER PARK: Yes, and
11 I think we'd be happy to get you copies of what is
12 posted.

13 CHAIRPERSON LEVIN: Okay. So, I want to
14 ask a couple questions about how we're approaching
15 these issues systematically. As you know [inaudible]
16 Deputy Commissioner, as I've now looked-- been Chair
17 for seven years and have seen a number of these
18 instances that you referenced in your testimony that
19 some trends that I've noticed are that particularly
20 when it comes to shelter providers, we as a city have
21 granted significant contracts to providers that don't
22 have track records of delivering high-quality
23 services, largely because-- it's not that there
24 aren't good providers out there. It's that good
25 providers, at least you'll hear this I'm sure from
Home Services United and their testimony, ought not

3 to apply for a lot of contracts because they are
4 concerned that they are not going to be able to
5 provide excellent services under the budgets that are
6 provided for in the contracts, and I'll give you an
7 example. I mean we could look at Bronx Parent.
8 Bronx Parent was-- had their-- I mean, if we look at
9 the trajectory of their contracts, I believe that
10 they, you know, increased their awards by several
11 hundred [inaudible] in a five-year time frame. But
12 the more kind of clear case to me is CCS that, you
13 know, went from, you know,-- I mean-- as you know,
14 there was an article that was-- I forget where it was
15 reported, but I first became aware of this agency
16 when there was an article detailing that they had
17 over 100 or over 200 million dollars' worth of
18 contracts, DHS contracts, providing family shelter in
19 hotels, and their offices were like, you know, on
20 some second floor in Queens that like didn't have
21 really much of a staff manning it. And so the issues
22 that these raise to me is how are we vetting-- this
23 is three agencies here. This is DSS, DOI, and MOCs,
24 I think working in a coordinated fashion, but how are
25 we-- how did we look at that situation and say,
"okay, here's an organizations that like didn't exist

1 three years ago, sure let's award them a couple
2 hundred million dollars with a city contract." Those
3 are red flags for me, and it goes to-- you mentioned--
4 - sorry, I'm going all over the place here, but-- you
5 mentioned that there was-- that there's new systems
6 in place that can allow agencies to look back several
7 years in terms of compliance records and if there are
8 any corrective actions or anything like that. I mean,
9 something like CCS, they don't even go back that
10 long. You know, that would be a very limited review
11 because they're only a couple of years old. And so,
12 my broad question here, and I want to put this to
13 both Deputy Commissioner Park and Commissioner
14 Garnett, how are we looking at this big picture and
15 saying, okay, why did something like this happen, and
16 how is it that the city is, you know,-- how are we
17 preemptively addressing agencies that have a limited
18 track record or spotty track record from getting, you
19 know, out-sized contracts?

21 FIRST DEPUTY COMMISSIONER PARK: Sure.
22 Covered a lot of ground there.

23 CHAIRPERSON LEVIN: Sorry.

24 FIRST DEPUTY COMMISSIONER PARK: No,
25 that's okay. I think actually you're really hitting

3 to the heart of the Turning the Tide plan on the
4 approach to transforming the shelter system. what
5 you saw in, you know, 2012, 13, 14, right, was-- into
6 15, right-- very, very rapid increases in the shelter
7 census that had to be dealt with immediately and
8 where there was no plan in place for how to tackle
9 that. And basically, what that resulted in-- given
10 the legal obligation, moral obligation to provide
11 shelter, what that resulted in was lots of very fast
12 decision-making and use of buildings that could be
13 brought online very, very quickly with whoever could
14 bring those very, very quickly. The Turning the Tide
15 plan says no. We don't want to use that substandard
16 capacity. We want to have a plan. We need to
17 project how much shelter capacity we need, and we
18 need to bring on high-quality contract-- high-quality
19 shelters with the appropriate contracting mechanism
20 around them, right? And that gives predictability
21 and a runway of-- we have terrific providers who are
22 applying to our open-ended RFP to provide those
23 really high-quality shelters on a regular basis,
24 because that is saying we're going to plan it out.
25 We are going design the building. We are going to
have a start-up period before clients move in. We

3 are going move people in gradually over time. Right?

4 And that is the kind of environment that the high-
5 quality providers we all want to work with can thrive

6 in. And so getting out of the-- we have an

7 emergency, because otherwise we're going to be in

8 violation of our legal obligation and into an

9 environment where we are planning shelter capacity.

10 I think it's incredibly important to the issues that

11 you raise. The other thing that I want to point out

12 is that also as part of Turning the Tide plan, we've

13 invested more than a quarter of a billion dollars a

14 year in shelter operations. So that allows

15 organizations to hire the case workers, to hire the

16 housing specialists in the tier two shelters, hire

17 the social workers that we need to be able to provide

18 services to our clients and that those high-quality

19 organization not-for-profits need to be able to

20 provide the level of services that they care about.

21 And lastly I would just add-- it's very recent, but I

22 think this weeks' announcement around indirect cost

23 rates is going to be really important as well for

24 investing in a strong not-for-profit sector. It is--

25 not-for-profits need good boards. They need good

back office function. All of that work is just as

3 important as the social service delivery to making
4 sure that we have a strong track record.

5 CHAIRPERSON LEVIN: Commissioner Garnett,
6 I want to ask, is there something-- is your reviewing
7 the CCS case file, or you know, what happened there--
8 what is your takeaway from what happened?

9 COMMISSIONER GARNETT: So, I think--
10 first, I'll step back and address something from your
11 original question, which is that DOI has almost no
12 role in the decision-making about awards to
13 particular vendors for any city agency. We have an
14 extremely limited in role in the City's contracting
15 process in advance, which is simply to-- for
16 contracts over a certain amount which is now
17 \$250,000. DOI has a unit that checks to make sure
18 that DOI doesn't have any substantiated findings in
19 the past against that particular vendor, and if we
20 do, we provide that closing memorandum or other
21 referral letter to the contracting agency to factor
22 into their decision about responsibility. So, DOI is
23 not involved in vetting award recipients or vendors
24 or anything like that other than in that very limited
25 way. On CCS, as I think you probably know, we have
ongoing a criminal investigation into CCS. It was

3 publicly reported that we executed federal search
4 warrants at their offices and facilities last year.
5 Everything seems like last year, I'm sorry. I think
6 that was probably in late 2019, and you know, I think
7 what CCS-- I have to be careful what I say about it--

8 CHAIRPERSON LEVIN: [interposing] Sure,
9 okay.

10 COMMISSIONER GARNETT: because it's an
11 ongoing matter. But I do think that it is an example
12 of something that DOI has seen numerous times in our
13 nonprofit investigations and that you identified in
14 your question of at a minimum an organization that
15 rose too quickly for its capacity and too quickly
16 for-- arguably for the agency to provide proper
17 oversight of the contract. So I think the question
18 of the agency's administrative capacity, financial
19 capacity, professionalization of their board relative
20 to the size of the contracts they have is an issue
21 not just to shelter providers but an issue across the
22 nonprofit contracting sector, which I think DOI has
23 time and again made recommendations to the various
24 agencies, not just DHS, but DFTA, DYCD, etcetera
25 about a need to take that more seriously in terms of
the oversight of their vendors.

3 CHAIRPERSON LEVIN: And I think-- what I
4 would suggest is-- I think-- you mentioned in your
5 testimony that over the last decade DOI has engaged
6 in a process to kind of try to build that up. I think
7 the ongoing relationship between DOI-- especially
8 MOCS, I mean, I think MOCS is a very important agency
9 in this conversation to have stronger and clearer
10 stance around governance. Governance-- governance--
11 a broad program of governance I think is really
12 essential. I'm wondering-- I mean, I guess my
13 question here now is-- does that-- does a strong-- do
14 we feel like right now we have a strong across-the-
15 board program of governance for agencies that are
16 getting large contracts, whether it be over \$250,000
17 or it could be over 10 million dollars, but that
18 we're examining best practices in governance. So
19 that's board development. That's standards and
20 procedures around accounting and the things that
21 we're talking about right here about reporting of
22 misconduct and ability to have independent
23 verification and investigation. How is-- can you
24 maybe explain a little bit broadly about the
25 relationship between DOI and MOCS in developing

3 governance protocols for larger contracted agencies?

4 I think you're on mute, Commissioner. There you are.

5 COMMISSIONER GARNETT: There we go.

6 Sorry. The host controls it, so I can't unmute

7 myself. So I know that we have had and continue to

8 have conversations with MOCS about what to ask for in

9 passport about the guidance to give to individual

10 agencies, contracting officers about what they should

11 be looking for when making responsibility

12 determinations for vendors. I think some of the

13 issues that you highlighted in terms of

14 professionalization of the board, anti-nepotism

15 policies, not having family members or close

16 associates, or the people involved in subcontractor

17 relationships on the board. Leadership salaries is

18 another issue that we have made a number of

19 recommendations over the years to both MOCS and

20 individual agencies about developing a more robust

21 standard around reporting on the executive salaries

22 of nonprofits. So, we have had ongoing conversations

23 with MOCS and the agencies. I think sometimes it's

24 complicated for DOI because we are not policy makers

25 and we are-- need to stand in a place of critiquing

implementation of policies. And so we try to strike

3 a balance between using our investigations to make
4 good recommendations to the agencies, but not
5 ourselves becoming involved in making those policies
6 which really should be made by the agencies
7 themselves, including MOCS. So there is an ongoing
8 conversation and we're actively-- have been actively
9 engaged in recommendations on many of these matters,
10 but we are not ourselves sitting at the table to
11 craft the policy.

12 CHAIRPERSON LEVIN: Okay, but I-- I mean,
13 I guess-- so if-- I mean, nepotism and executive
14 salary issues are ubiquitous. They're ubiquitous. I
15 mean, we're talking about scores of not-for-profit
16 agencies without any clear standards and I mean, how
17 often are we hearing about cases of nepotism? We
18 hear about it all the time, but we only hear about it
19 when it gets to you when it's a problem. And so--
20 but I-- how are we-- I mean, who's in charge of
21 flagging when a case of nepotism comes to our
22 attention. Maybe it doesn't come from a client.
23 Maybe it comes from somebody at an agency reviewing
24 contract noticing that somebody has the same, you
25 know, last name as the executive director or board
member or something like that. And so, you know,

1
2 who's-- I mean, is there are-- are we-- are there red
3 flags that go up when we're seeing instances of
4 nepotism, or is there a way for those issues to get
5 flagged? This could be for either Commissioner
6 Parker or Commissioner Garnett. Or, you know, for
7 executive salary, I mean, these things are so wildly
8 divergent, but you can have an organization-- I
9 forget what the salary was at Bronx Parent, but it
10 was really high, and for an organization whose budget
11 was in the grand scheme of things not that high. I
12 mean, that's-- there's-- so where-- who's in charge
13 of enforcing those standards before it becomes a
14 problem?

15 FIRST DEPUTY COMMISSIONER PARK: So, I'm
16 happy to jump in here, and there's actually-- I'd
17 like to actually-- before I answer that question, I'd
18 like to go back to the CCS situation, for example,
19 for a minute. I think CCS is in many ways a perfect
20 example of getting at some of the larger concerns
21 that you raised initially around how we reinforce
22 standards in the sector. CCS was if not the largest
23 families with children provider, certainly one of the
24 largest families with children providers, and they
25 are no longer providing any shelter services for DHS

1
2 whatsoever. They are-- they are completely done with
3 work with CCS. Financial closeouts that we have to
4 do, but they are no longer a shelter provider and
5 they are not going to be a shelter provider. So I
6 think we have very clearly illustrated that no one is
7 too big to fail, that we take these situations very,
8 very seriously, and that there will be consequences.
9 So, first of all, I-- you know, I think CCS, that's
10 a terrible situation, but I also think it is a good
11 example of sending exactly the right message that we
12 need to send so that--

13 CHAIRPERSON LEVIN: [interposing] But it
14 was a terrible situation that was totally
15 foreseeable. I mean, like, as clear as day this was--
16 - it was obvious that like an organization who
17 basically is running out of a P.O. box, you know,
18 getting \$200 million dollar contract is going to have
19 some problems. It was pretty obvious.

20 FIRST DEPUTY COMMISSIONER PARK: So, let
21 me pivot to your other questions. I think in the
22 regular course of business, MOCS requires a number of
23 self-disclosures as part of a contracting process.
24 So, those exist. They are self-disclosures, but the
25 DHS questionnaire that we have put together with DOI

1 asks for quite a lot of detail on nepotism policies,
2 on conflicts of interest, on a range of different
3 things that-- and we will be collecting all of that
4 information, reviewing it with an outside entity
5 working in collaboration with DOI. There is right
6 now this very aggressive proactive effort to look
7 comprehensively across the sector. We aren't
8 distinguishing between entities that are on CAPS or
9 entities that aren't' on CAPS. It is across the
10 board. And I also just say that DHS has, over the
11 recent years, had a very strong relationship with
12 DOI, and I think that has been helpful because it
13 does mean, you know, when we do have a question there
14 is-- when there is a concern that comes up, there is
15 a pathway where we can collaborate and sometimes is
16 needed if it results [inaudible] investigation
17 [inaudible]

19 CHAIRPERSON LEVIN: Two more things and I
20 do want to turn it to our colleagues. One is,
21 Commissioner Park, I just want to thank you for
22 mentioning in your testimony that front line staff
23 often, you know, get left holding the bag
24 [inaudible], and for an organization, people that
25 work at an organization that ends up getting closed

1 down, you know, they didn't do anything wrong
2 necessarily and here they are having to find new job.
3 It is-- so, you know, I just want to let-- I
4 appreciate you mentioning that there are a lot of
5 people out there that are working that are in this
6 bus-- they're doing this work for the right reasons
7 and are working hard day in and day out trying to
8 find their clients, sign them up for benefits, taking
9 care of their education needs, taking care of their
10 social service's needs, and to find them a new
11 apartment in really adverse environments, and so, you
12 know, we want to make sure that we're honoring their
13 work while also ensuring accountability from the
14 higher-ups in the agencies. That's number one.
15 Number two, I strongly encourage you both to stay and
16 listen to the testimony of Catherine Trapani who is
17 the Executive Director of Homeless Services United,
18 which is the-- your organization or it's like an
19 umbrella organization for homeless services providers
20 that are-- you know, that are more of the long-
21 standing providers that have these strong internal
22 accountability measures that have-- you know, that
23 are really invested in this work for the long term.
24 And I do encourage you both to stay and listen to
25

3 them, and if you're not able to, get a copy of their
4 testimony and read it over later because, you know,
5 what I've heard from Catherine is that reputable and
6 long-term providers are very reluctant to take on new
7 contracts, and do with a lot of trepidation because
8 of budgetary issues. And so this isn't necessary--
9 this is-- maybe OMB should be part of this
10 conversation as well because OMB signs off on what is
11 allowed to go into these contracts and they're
12 frankly, you know, nickel and demining it, and it's
13 not acceptable. and it's-- if we can't-- if we're
14 hearing from the input and I appreciate again the
15 indirect [sic] [inaudible] issue, but if we're
16 hearing from providers, "Look, we're not bidding on
17 these contracts because they don't pay enough to
18 provide a decent level of service." We need to pay
19 attention to that, take it seriously, not just brush
20 it off and think of it as them just trying to get
21 more money, but really take it seriously because
22 these are organizations that are running huge
23 deficits trying to provide good services, and you
24 know, are often doing private fundraising to
25 supplement their city contract, be able to do the
level of services necessary, and OMB needs to hear

3 that, that you get what you paid for. OMB needs to
4 hear that. You get what you pay for. If you're
5 going to be cheap on your contract, you're going to
6 get less than stellar providers that are bidding on
7 the 200 million dollar contracts. So, just-- I need--
8 - I really, really need that message to go back to
9 OMB, that listen, you get what you pay for. You want
10 good services you got to compensate the not-for-
11 profits accordingly.

12 FIRST DEPUTY COMMISSIONER PARK:

13 Absolutely I agree with you on the frontline staff.
14 I think it's really important that you recognized it.
15 The day-to-day work that so many people do is so
16 important and terrific, and thank you for
17 acknowledging that. With Catherine and I, I have a
18 very collegial relationship with Catherine. We work
19 very closely together and I really appreciate all of
20 her advocacy for the sector and the problem solving
21 that she and I have done together. You know,
22 certainly here and understand the financial
23 constraints faced by not-for-profit organizations.
24 We work very closely with both Homeless Services
25 United and with individual not-for-profits. I would
just point out we have at this point four or five

3 dozen proposals in the que that we're in the process
4 of reviewing and scoring, so I absolutely believe the
5 not-for-profits, want to make sure that we are
6 funding people appropriately, but also really
7 appreciate the fact that there is still strong
8 interest in providing high-quality programming from
9 those providers.

10 CHAIRPERSON LEVIN: Thank you so much.

11 CHAIRPERSON GIBSON: Thank you, Chair
12 Levin. Now, I'll turn it over to our Committee
13 Counsel to recognize our colleagues who have
14 questions for the Administration. Thank you.

15 COMMITTEE COUNSEL: Thank you Chair
16 Gibson and Chair Levin. I'll now call on Council
17 Members in the order the have used the Zoom raise
18 hand function. We will be limiting Council Member
19 questions and answers to five minutes. The Sergeant
20 at Arms will keep a timer and will let you know when
21 your time is up. And we would begin with Council
22 Member Rosenthal followed by Council Member Diaz.
23 Over to Council Member Rosenthal.

24 SERGEANT AT ARMS: Time starts now.

25 COUNCIL MEMBER ROSENTHAL: Oh, great,
I've been unmuted. Thank you so much. Well, boy,

3 everyone, to the panel and to the Chairs, this has
4 been a rally powerful hearing. I appreciate
5 everyone's really thoughtful work here in response to
6 what is a just horrific story. I'd like to just, if
7 it's alright with you, drill down a little bit more
8 about my two bills and hear from you about what you
9 think about sort of codifying and, you know,
10 routinizing how anyone who hears about surv-- who
11 hears from a survivor, how they respond and ensuring
12 that the first response is in the interest of the
13 survivor themselves.

14 FIRST DEPUTY COMMISSIONER PARK: Sure.

15 Thank you, and I want to start by really thanking you
16 for the incredibly valuable suggestion that you had
17 [inaudible] budget hearing that we develop
18 essentially a user guide for survivors. That has been
19 created and distributed--

20 COUNCIL MEMBER ROSENTHAL: [interposing]

21 Oh, wow.

22 FIRST DEPUTY COMMISSIONER PARK: It was
23 really thoughtful, so thank you. I think we really
24 support the intent of the bill and we'd like to work
25 with you on some of the details, and maybe that's
something that we can do offline, and also welcome my

1
2 colleague Erin Drinkwater who's on. She may have
3 additional thoughts. With respect to the broader
4 bill, I think that's a place where I think I need to
5 rally defer to my colleagues at MOCS who
6 unfortunately aren't here today, but it does have
7 ramifications that go beyond DSS, so I'm going to
8 defer there.

9 COUNCIL MEMBER ROSENTHAL: Yeah, on the
10 contract--

11 FIRST DEPUTY COMMISSIONER PARK:
12 [interposing] Yeah.

13 COUNCIL MEMBER ROSENTHAL: conflict of
14 interest, yeah. No, I'm really-- I think there are
15 issues. We're going to hear a lot of issues with that
16 bill and I always worry about what we layer on top
17 for nonprofits. But you know, Council Member Levin
18 mentioned something very straight forward, you know,
19 does-- when somebody walks into a shelter, any
20 shelter, is there, you know, a framed, you know,
21 sheet of paper? I know there's lots of information
22 that's put up there, but how-- do you have on your
23 checklist when you inspect all shelters, whether or
24 not they make it very clear how, what people can do

3 should they experience this by somebody else in the
4 shelter or a provider, worker, anything?

5 FIRST DEPUTY COMMISSIONER PARK: So, it
6 is-- absolutely we have distributed that information.
7 We expect providers to post it. Because the shelters
8 are all so physically different, I don't want to
9 speak to exactly where everything is posted, but as I
10 mentioned, I'd be more than happy to get you copies
11 of the material that everybody is expected to have
12 posted.

13 COUNCIL MEMBER ROSENTHAL: Yeah, and
14 then, you know, just sort of, is it on your checklist
15 when you go do an inspection as to whether or not it
16 exists somewhere?

17 FIRST DEPUTY COMMISSIONER PARK: It is
18 something that we look for, whether it is physically
19 on the checklist, I'm not sure, so we will get back
20 to you on that.

21 COUNCIL MEMBER ROSENTHAL: Yeah, because
22 I think it'd be interesting to know how many times
23 and what happened when an inspector saw it wasn't
24 there, right?

25 FIRST DEPUTY COMMISSIONER PARK: Sure,
understood.

2 COUNCIL MEMBER ROSENTHAL: I mean, I
3 don't want to-- you know, I know it's too much
4 tracking, I think we have to pull out all the stops
5 here.

6 FIRST DEPUTY COMMISSIONER PARK:
7 Understood, and I absolutely agree with the
8 sentiment, and it is something that we take very
9 seriously. As I say, it's been actively [inaudible]
10 with the providers. I just don't want to give
11 information that might not be correct, and I don't
12 know physically--

13 COUNCIL MEMBER ROSENTHAL: Would you mind
14 just for the public-- I mean, this is a serious
15 question. What are the hurdles here? Like one
16 hurdle I can imagine is training the 311 operators to
17 know what to do when they get those calls. That's a
18 serious hurdle, and what language do we give them and
19 what language-- right? What does it look like?
20 Having a drop-down menu to connect them immediately.
21 You know, those are things that we've talked before
22 with-- and GBD [sic]. What's another hurdle to
23 getting this right for survivors?

24 SERGEANT AT ARMS: Time expired.
25

3 COUNCIL MEMBER ROSENTHAL: I'm sorry.

4 Chair, may I continue for another few minutes? Chair
5 Gibson?

6 CHAIRPERSON GIBSON: [inaudible]

7 COUNCIL MEMBER ROSENTHAL: Okay. Thank
8 you.

9 FIRST DEPUTY COMMISSIONER PARK: So, I
10 think-- we operate as a fairly diffuse system that I
11 think is both really a blessing and a curse here,
12 right? There are a lot of different pathways that
13 people can use to report sexual harassment or sexual
14 assault. That's a good thing, because what is
15 comfortable for me may not be comfortable for you.
16 There are different sets of circumstances. People
17 should have a lot of different pathways that they can
18 communicate, but it also means that you have a lot of
19 different people and a lot of different players who
20 need to be fully trained and trauma informed.

21 COUNCIL MEMBER ROSENTHAL: Oh, you froze
22 at a really important-- and I agree with everything
23 you're saying. Deputy Commissioner Drinkwater, do
24 you want to pick it up from there?
25

2 DEPUTY COMMISSIONER DRINKWATER: Yes. I
3 will. I'm just going to actually also shoot molly a
4 note to let-- to just say that everything's alright.

5 FIRST DEPUTY COMMISSIONER PARK: Care
6 [inaudible]--

7 COUNCIL MEMBER ROSENTHAL: [interposing]
8 Oh, there you are, you're back.

9 FIRST DEPUTY COMMISSIONER PARK: Maybe
10 I'm just going to take myself off video for a minute.

11 COUNCIL MEMBER ROSENTHAL: Yeah.

12 FIRST DEPUTY COMMISSIONER PARK: Maybe
13 it'll help.

14 COUNCIL MEMBER ROSENTHAL: Thank you.

15 FIRST DEPUTY COMMISSIONER PARK: Because
16 we have this diffuse system, which I think offers
17 some advantages, right? Sorry, I may be repeating
18 myself. I'm not sure where I cut out. You know, the
19 pathway of reporting that is comfortable for one
20 person might not be the comfortable pathway for
21 another person. That diffuse system offers some
22 advantages, but it also means you have a lot of
23 people who need to be trained in trauma-informed care
24 who need to understand all the language access rules,
25 have all the resource available to them. we

3 absolutely invest in that training, and we invest in
4 training that is very broad based, but you know, you
5 asked about hurdles, and I'm being honest here about--
6 -

7 COUNCIL MEMBER ROSENTHAL: [interposing]
8 Yeah.

9 FIRST DEPUTY COMMISSIONER PARK: you know,
10 what I think is a hurdle. You know, a possible
11 silver lining of the very challenging experiences
12 that we've had over the last year with the pandemic
13 is that we've really developed some really excellent
14 new online trainings that, you know, while-- that
15 make it easier to reach that diffused audience. We
16 are doing language access training. We are doing
17 trauma-informed care training, and we can do all of
18 that online at this point, and that allows us to
19 reach a lot of people. I think it will be very
20 positive going forward.

21 COUNCIL MEMBER ROSENTHAL: Yeah, I really
22 think that, you know, if we don't grab this moment,
23 it's going to be lost to us for another 20 years.
24 So, now's the time to grab it, and you know, I'm
25 hearing the hurdles, and I'm hearing, you know, that
we can work on them and get over them. You know,

1
2 maybe it's something different than exactly for what
3 the bill asks. You're right, there are lots of
4 different ways to respond, and yes, it's best for
5 survivors to get a trauma-informed response. But in
6 many ways it's very simple to say the first response
7 is to look out for the interest of the individual,
8 right? The first response is, "I believe you. What
9 do you need?" And then, you know, I'm confident that
10 everyone would say I need someone to advocate for me.
11 I need to get my head straight. I need to get my
12 head in the game, and then you need to connect them
13 with all those advocates who are out there, at which
14 point you have a trauma-informed individual who can
15 help them think through what they want to do and how
16 they recover themselves. So, I think we just have to
17 keep coming back to that very simple first response
18 and not overcomplicate it.

19 FIRST DEPUTY COMMISSIONER PARK: I think
20 what you described is very much in line with
21 Administrator Carter's vision for the agency, what
22 she says to all of us all the time is we are raising
23 the bar on service delivery at DHS. Right? And that
24 is about infusing everything that the agency does
25 with a trauma-informed lens with making sure that we

1
2 are providing good training, thinking really
3 critically and thoughtfully about the services that
4 we DHS and our provides are offering, and that is--
5 applies to issues of reporting sexual harassment,
6 sexual assault, but it's much broader than that, and
7 when we have an agency and a provider base that
8 speaks that trauma-informed language that has really
9 raised the bar on surface delivery, it is going to
10 positively impact what you're talking about.

11 COUNCIL MEMBER ROSENTHAL: That's right.
12 We just need to get the survivor to that person. You
13 know, Commissioner Garnett, can I ask you from your
14 experience doing investigations, and I'm asking-- you
15 know, I'm certainly not asking you to reveal anything
16 about anyone. But in your experience in trying to
17 investigate in whatever agency with these types of
18 concerns, have you noticed that-- is there anything
19 that you can think of that could have preempted the
20 thing from occurring, the assault from happening? I
21 mean, I know it's human behavior, bad human behavior,
22 but-- and have you found anything in terms of the
23 City's response to these situations where perhaps
24 it's worked better at one agency versus another
25 agency?

3 COMMISSIONER GARNETT: So, I think that
4 some of the same issues that we have flagged in our
5 financial investigations of nonprofit providers
6 contributes to situations where other kinds of
7 problems, whether they're sexual harassment or sexual
8 assault or other kinds of mistreatment of client
9 recipients, some of the same dynamics are at play in
10 both kinds of impropriety, which is that the growth
11 in an organization from a small one that is centered
12 around a single person's vision that often is started
13 with that person inviting their family members and
14 friends from other things to join them in this
15 endeavor--

16 COUNCIL MEMBER ROSENTHAL: [interposing]

17 Yes.

18 COMMISSIONER GARNETT: and then the
19 difficulty that we see time and again, sometimes
20 while intention difficulty and sometimes less well-
21 intentioned difficulty of moving from a single
22 person's passion project to an actual professional
23 organization that has the structure systems,
24 policies, practices that are appropriate to the level
25 of service and level of contracts that they're now in
the business of providing. And so I think you asked

1
2 do different agencies handle it differently, I think
3 there are differences across social service agencies
4 in terms of how they approach this problem of
5 assisting their providers to professionalize but
6 it's-- it's a vital role I think the City has chosen
7 to outsource a huge range of human service, social
8 service programs to outside providers, and if the
9 City-- if that's a policy the city wants to continue
10 to pursue, then what goes with that is some
11 responsibility to help organizations--

12 COUNCIL MEMBER ROSENTHAL: [interposing]
13 For sure.

14 COMMISSIONER GARNETT: have the policies,
15 programs, oversight that is a good match for the
16 level of services they're providing and the amount of
17 money that's coming in, and I think some of those
18 same dynamics and the difficulty of moving from, you
19 know, one person sort of beefdom [sic] their pet
20 project to a real professional organization is where
21 you-- that causes a lot of the range of problems,
22 whether the issues that you're concerned about in
23 terms of sexual harassment, sexual assault, and not
24 enough structure around addressing that, or whether

3 it's financial improprieties, I think some of the
4 same dynamics are at play.

5 COUNCIL MEMBER ROSENTHAL: Is that
6 something that could be red-flaggable?

7 COMMISSIONER GARNETT: Yeah, actually DOI
8 has done a lot of training over the years of ACOS
9 [sic] of the audit staff at various city agencies to
10 give them guidance about red flags to look for in
11 terms of whether it's nepotism, whether it's do they
12 have-- is there appropriate board review of executive
13 salaries or budget, things of that nature. What are
14 the kinds of policies that a professional
15 organization of this size should have, and we have
16 been actively engaged in that training.

17 COUNCIL MEMBER ROSENTHAL: Do you think
18 it's red-flaggable on MOCS in the con-- you know, in
19 other words, as I've done this work with bad
20 contractors in talking to HPD, I don't-- I still
21 don't quite understand it and perhaps I'm saying it
22 wrong, but there's some federal law that you can't
23 debar a building contractor, but that's actually what
24 should happen because they've been repeatedly, you
25 know, wage theft, abuse of workers, sexual abuse,
whatever it is, and all the HPD can do is put it on a

3 list of bad actors and never take them off, but that
4 doesn't seem to change the City's willingness to
5 contract with that provider.

6 COMMISSIONER GARNETT: Yeah, so the--

7 COUNCIL MEMBER ROSENTHAL: [interposing]

8 I'm not suggesting that we never contract with these
9 providers, the social service providers, but you
10 know, one of the things that I thought was
11 interesting when I was asking about it was that in
12 the contract review process, you literally could not
13 have a red flag in the system that would note that
14 this person is on the bad actor list.

15 COMMISSIONER GARNETT: Yeah, the-- as I
16 understand it, the way the City's contracting system
17 works is that much of the burden is on the agency
18 ACOS [sic] to make a responsibility determination and
19 MOCS does provide guidance to those ACOS about hey,
20 here are the things you should be looking at, and we
21 at DOI have regularly made recommendations to MOCS
22 about things that we think they should be providing
23 additional training or guidance on to agency ACOS,
24 but ultimately because of the huge range and
25 complexities of the City's contracting, much of that
discretion and decision-making about who is

3 responsible and what does responsibility mean is left
4 to individual agency ACOS to make that judgement.

5 COUNCIL MEMBER ROSENTHAL: Great, okay.
6 I'm going to wrap it up there. Thank you for giving
7 me the extra time. I just want to get confirmation
8 from DHS that you'd be willing to set up a little
9 working group to push this idea along for how we can
10 better respond for survivors.

11 FIRST DEPUTY COMMISSIONER PARK: We'd be
12 happy to work with you, of course.

13 COUNCIL MEMBER ROSENTHAL: Great. Thank
14 you so much. Thank you Chair for your indulgence.

15 COMMITTEE COUNSEL: Alright, so at this
16 time I don't see any other Council Members with their
17 hands raised. If there is any other Council Member
18 who wishes to ask questions, please use the Zoom
19 raise hand function now. And if not, I will turn it
20 back over to Chair Gibson.

21 CHAIRPERSON GIBSON: Okay. Thank you so
22 much and thank you Council Member Rosenthal. Just a
23 few more questions. I wanted to circle back. I too
24 had to take my video off as well. I wanted to ask
25 about some of the cases where providers are on the
corrective action plan. In one instance with

3 children's community services, when they were put on
4 the corrective action plan, we actually asked for a
5 judge to place them under receivership. So I wanted
6 to understand some of the threshold and guidelines
7 that DSS uses with providers on the corrective action
8 plan. At what point or what types of infractions
9 would warrant receivership or filing these particular
10 plans with judges?

11 FIRST DEPUTY COMMISSIONER PARK: Sure, and
12 I'm going to try again with the video. If it doesn't
13 work, please let me know.

14 CHAIRPERSON GIBSON: Okay.

15 FIRST DEPUTY COMMISSIONER PARK: So the
16 court receiver-- court-appointed receiver and filing
17 the corrective action plan is really the exception,
18 not the rule. As I mentioned, we use the CAP process
19 to try to right the ship, right? It is about
20 investing in the organization, and given the array of
21 circumstances where we do use a CAP, a newer
22 organization that needs to build capacity from the
23 beginning. In some instances it is, you know, an
24 organization made what is really an honest mistake,
25 but we need to make sure that they are learning from
that and of course correcting. Sometimes it's some

3 external audit functions or findings that may or may
4 not fully reflect what we think about the quality of
5 the work, but to be responsive to the audit we use a
6 CAP process and in other instances it's-- there are
7 more serious concerns, right? So, a CAP is a tool
8 that we employ in a lot of different situations. The
9 goal always is to get the organization back into a
10 place where they can pro-- or to a place where they
11 can provide high-quality services. We want
12 continuity of service for our clients, and we also
13 really want to build off in many cases-- we're
14 talking about organizations that have strong
15 connections to the community that we also value. As
16 Chair Levin pointed out, we also want to respect the
17 work of the frontline staff. So, righting the ship
18 is the goal. If it can't happen we will-- sometimes
19 it means intensifying the CAPS, so going from
20 changing internal protocols to requiring hiring an
21 outside monitor, and then court action is really
22 unusual. To the best of my knowledge, CCS is the
23 only time we've ever filed a CAP with the courts.

24 CHAIRPERSON GIBSON: Okay. And then many
25 of the cases where you do have corrective action
plans, do you typically restore those contracts or is

1
2 there a trend where some are suspended and/or
3 terminated. Like what are some of the patterns with
4 many of these providers?

5 FIRST DEPUTY COMMISSIONER PARK: Sure.

6 So let me us our current CAP list as an example. I
7 think it would be helpful. Without going into detail
8 about specific organizations, we currently have 11
9 Cap-- 11 organizations on CAPS. Two of those are
10 organizations that we have fully phased out, BedCo
11 and CCS. The CAPS remain, however, because there's
12 some financial closeouts that we have going on. A
13 third organization is fairly close to that phase out
14 period as well. So, that's three of the 11. A
15 fourth one is Bronx Parent where I talked about we're
16 certainly not doing any new work with them right now.
17 They are still an active service provider with the
18 contracts that they had in place. If we can course
19 correct with the interim CEO and with the changes
20 that are happening, we are-- that is our focus right
21 now. A couple of the 11 are brand new organizations
22 or brand new to DHS organizations. We have used the
23 CAP structure to help them grow. Another couple have
24 had, you know, what I talked about as infractions
25 that were well-intentioned but misapplication of

1 policy. You know, I think it is really important-- I
2 said this in my testimony-- but not every-- not every
3 mistake is evidence of fraud. It is-- procurement
4 rules are complicated. Compliance with invoicing
5 procedures it's complicated. It is possible to be
6 very well-intentioned and still make a mistake, and
7 we use the CAP as a tool to correct that. And then
8 we have a handful that are left where the concerns
9 are a bit more serious and whether or not we go the
10 route of phasing out or we are able to course correct
11 I think is still an open question.

13 CHAIRPERSON GIBSON: Okay, and now moving
14 forward, how do you believe the City has made efforts
15 to improve the system, to streamline the system, to
16 increase efficiency, and even with the Executive
17 Order in place, you know, there's always room for
18 improvement. I think today's hearing highlighted
19 some of the things that I generally am concerned with
20 that exist, and I'm wondering how the City Council
21 can work with DSS on closing any of these gaps in
22 service, making sure that clients are assured that
23 there is a process in which they can come forth,
24 their identity is concealed, their safety is
25 protected, and how can we move beyond, you know, this

1 particular instance with BPHN, what really set a
2 standard of exceptional service moving forward and
3 hold everyone accountable? I think this instance has
4 really put everyone on notice, and I give credit for
5 all of the great homeless service providers, many of
6 whom I know that do great work, and I know anytime
7 something happens with, you know, a neighbor or
8 someone in your network, you know, we all feel that.
9 We all feel that concern, and you know, that
10 embarrassment of how this happened. But I want to
11 make sure the City Council continues to work with DSS
12 in this budget season as we continue to move forward.
13 We spent a lot of money, Deputy Commissioner, as you
14 know, on homeless services. We have an obligation to
15 provide homeless services to every New Yorker that
16 comes into our shelter system, and I just want to make
17 sure that we send a message that this is not a
18 character assassination on everyone, but this is an
19 instance in where someone was accused of doing, you
20 know, wrong and they're going to be held to a certain
21 system, but at the end of the day it does not
22 outweigh all the great work that homeless services
23 providers do give every single day across our city.
24

3 FIRST DEPUTY COMMISSIONER PARK:

4 Absolutely. I really echo that sentiment. You know,
5 what we have here is a balancing act. We have a
6 system that grew up over decades, and we are working
7 hard to reform that, to increase transparency, to
8 increase accountability, to support providers. The
9 vast majority of providers we know do work incredibly
10 hard to provide really good work, but we also know
11 that there have been incidents. The questionnaire,
12 the survey that I talked about in testimony, which
13 really does take a very broad brush view looking at
14 all of the providers, I think will be something that
15 will help us build for a very long term and improve
16 the quality of the sector as a whole because we will
17 have that-- all the information that we are talking
18 about, really dig into the accountability, and may
19 potentially help us hone in on some problems or not,
20 right? But that we are putting in the effort now to
21 build that strong foundation [inaudible] anything
22 that is going stand-- DHS providers and really the
23 sector as a whole and [inaudible] for many years
24 going forward. And we certainly welcome the
25 opportunity to work in partnership with the Council
either talking further about these bills or in other

3 context to make sure that we are continuing to
4 support providers.

5 CHAIRPERSON GIBSON: Okay, great. I
6 appreciate that. Thank you, Deputy Commissioner. I
7 have two questions, Commissioner Garnett, for you
8 with respect to your testimony around one of the
9 proposed bills Intro 2292 that would provide
10 reporting of allegations of misconduct made under
11 section 12-113 and the development of web
12 applications to track city agency and contractor
13 compliance with certain investigations and
14 recommendations. So number one, I think you've made
15 it clear that you intend to work with us to address
16 the concerns that you outlined while we work
17 collectively to achieve transparency and
18 accountability and the goals of a legislation,
19 correct?

20 COMMISSIONER GARNETT: Yes.

21 CHAIRPERSON GIBSON: Okay, great, great,
22 great. Wanted to ask you how many misconduct
23 investigations does DOI conduct in a given year and
24 what are some of the most common types of complaints
25 that you typically investigate as it relates to
misconduct?

3 COMMISSIONER GARNETT: So, DOI gets
4 thousands of complaints each year, and anyone, any
5 members of the public or the Council are interested,
6 we report in aggregate numbers in the Mayor's
7 Management Report probably. So we get thousands of
8 complaints each year that come in from city
9 employees, from employees of vendors, from members of
10 the general public, from-- as official referrals from
11 other city agencies, and out of those thousands of
12 complaints, we open hundreds of investigations each
13 year. At any given time DOI typically has between
14 1,200 and 2,000 open investigations, and those
15 investigations run the gamut from-- we're also the
16 statutory investigator for the Conflicts of Interest
17 Board. So our investigations sort of run the gamut
18 from kind of time and attendance abuse by single
19 employee up to, you know, massive fraud cases
20 involving hundreds of millions of dollars,
21 potentially. So, things really-- I mean, I would
22 say, what's the most common? The most common are--
23 in number are probably relatively low-level, time and
24 attendance abuse, violations of the City's conflicts
25 of interest rules relating to using city resources or
your city position for personal benefit, as well as

3 relatively low-level embezzlement or bribery by city
4 employees. So, receiving bribes or relatively low-
5 level investment. So in terms of volume, I would say
6 that kind of category takes up a lot of volume, but
7 then of course we also have very significant serious
8 investigations into corruption by elected officials
9 or city agency officials, corruption or other
10 misconduct as well as fraud by vendors and
11 contractors that can be, you know, run into the tens
12 of millions or hundreds of millions of dollars.

13 CHAIRPERSON GIBSON: Okay. And is it
14 common for employees to face retaliation for filing a
15 misconduct complaint, and if so, what steps has DOI
16 taken to provide any safeguards and protections for
17 employees that do come forth with a complaint.

18 COMMISSIONER GARNETT: So, I would say
19 it's really tremendous testament, I think both to
20 DOI's well-established role and our protections for
21 confidentiality, and I think the general level of
22 understanding in the City about DOI that we actually
23 get very few. Compared to the volume of complaints
24 we get, we have really very few complaints of city
25 employees who say that they believe they've been
retaliated against for making a complaint.

1
2 Regardless of the number, we take those complaints
3 extremely seriously, because any retaliation against
4 a city employee really strikes at the heart of what
5 DOI's mission is and kind of our unique role in New
6 York City where employees are required by law to
7 report corruption to DOI. So, we want to do-- you
8 know, we know city employees are kind of our best
9 defense, our best window into corruption, and so we
10 want to do everything we can. So we promise
11 complainants confidentiality for as long as we can
12 maintain that. At some point, particularly if
13 there's a criminal case, once you're a witness in a
14 criminal case, if you have to testify at a trial, you
15 know, that has to be public. That's the
16 constitution. So there are limits to forever
17 confidentiality, but our goal is to provide
18 confidentiality, an open place for the filing of
19 complaints, for any city employee for as long as we
20 possibly can.

21 CHAIRPERSON GIBSON: Okay. And in your
22 opinion, as we look at the Executive Order and we
23 made substantial changes to the way homeless service
24 providers account for any cases from clients of
25 alleged abuse or misconduct on just as I asked the

1
2 First Deputy Commissioner, how do you see the City
3 Council working with you with DOI so that we can
4 strengthen protections for clients in our homeless
5 shelters and make sure that we hold all of our
6 providers to a higher level of standards, so that we
7 don't have another unfortunate case like we had seen,
8 and certainly, you know, making sure that everyone
9 understands that there are rules to be followed and
10 we want everyone to be treated with dignity and
11 respect, and also given a safe space to come forward
12 with any allegations of misconduct as they see fit.

13 COMMISSIONER GARNETT: Yeah, so I think a
14 lot of the points have already been made, and just
15 very briefly I think one key thing is making sure
16 that complaints and victims know about and get to the
17 place that is the place that is most able to help
18 them. and as First Deputy Commissioner Park said,
19 that will be different for different victims, but
20 there are a lot of agencies in places in New York
21 City that have really well-trained, competent staff
22 and ensuring that victims know where to go and that
23 appropriate services are available to them at the
24 right place to bring their complaint is, I think,
25 crucially important, and that's really a public

1
2 education campaign in part. And then on the City's
3 side, I think, you know, the Council with these bills
4 and with the EO as well is following, I think, a
5 time-honored and often successful path to use the
6 City's massive contracting power to put forward the
7 City's values. And I think if the City through the
8 Council or the Mayor or wherever it's coming from
9 wants to say sexual harassment by-- the City's not
10 going to contract with entities that don't have
11 proper policies, procedures and controls to create a
12 safe work place and a safe service provision place.
13 Then I think that's appropriate for the City to be
14 using its contracting authority to put out those
15 values and to enforce them.

16 CHAIRPERSON GIBSON: Great. Thank you.
17 Well, I appreciate you saying that. And I
18 appreciate, you know, DSS, and again I do think we're
19 talking about vulnerable New Yorkers that need so
20 much support and they are in a state of temporary
21 housing, trying to find real affordable housing in
22 our city, trying to create stability for themselves
23 and their families, and so we have to do everything
24 possible, even beyond today's hearing, beyond the
25 Executive Order to make sure that everyone is held to

1
2 a higher standard. We will not accept this type of
3 behavior from anyone at an executive level or an
4 administrative level or any other level at a provider
5 agency, and I say that because I know many, many
6 families that live in temporary housing every single
7 day, and what they have endured the past year with
8 COVID-19 have exacerbated their current circumstance,
9 struggling for basic necessities like food, roof over
10 their head, digital divide, connectivity issues so
11 their children can learn remotely. I mean, it's been
12 a lot, and so I want to make sure that we're doing
13 our part to assure them out there all of our
14 advocates that do this work every day that we are
15 working together towards common goals and common
16 priorities. I emphasize that so much, and I thank you
17 for being here. That's all for my questions. I want
18 to recognize my colleague who has questions, and then
19 we will close out with our chair, Steve Levin. So let
20 me recognize now for questions, Council Member Darma
21 Diaz. Thank you, colleague.

22 COUNCIL MEMBER DIAZ: Thank you all for
23 this opportunity. My colleagues, thank you for
24 taking the charge on what many of us have been
25 mortified by. December 2nd was the last--

1 [inaudible] was the last day of service for me
2 working within the shelter system and definitely
3 dismayed. I want to put a hammer to the-- I want to
4 amplify that nepotism is real within providers which
5 leads to discourse amongst co-workers. I-- and I'll
6 be particular about a-- I won't say the name of the
7 provider because now they're no longer a provider
8 which is DSS-- DHS rather. There was a family
9 member of-- an executive hired a family member into
10 one of their shelters. He had an affair with-- it
11 turned out to be a relationship, and they were both
12 moved into my shelter. He was always intoxicated,
13 had issues. I reported it to the Administration. It
14 got to the point with him that went one day to
15 assault me. I'm four foot nine and a quarter. This
16 man was a little over six foot two. When I reached
17 out to my board [sic] administrator I was told
18 "handle it. It's the population that we're working
19 with." I share that to say that DHS needs to do
20 better by the staffers and when we call in a
21 situation, it's real. I'm glad that that staffer
22 over at DHS is no longer there. I also want to go
23 to-- I want to know in reference to NYPD being taken
24 out of the shelters. What are we doing to enhance
25

1
2 the services that are being provided by the safety
3 officers, more so meaning are we given [inaudible]
4 providers additional funds to pay for safety
5 officers?

6 FIRST DEPUTY COMMISSIONER PARK: Sure.
7 So, just to clarify, DHS-- oh, sorry. NYPD is no
8 longer overseeing the DHS peace officers. So, we
9 still have a robust-- so that-- and we are in the
10 process of replacing that management structure with
11 DHS employees. We have a really terrific new Deputy
12 Commissioner who has a deep background in both
13 security but also human services, which I think is a
14 really valuable combination. The DHS peace officers
15 are still part of the shelter system, an important
16 part of the shelter system. we have done some
17 restructuring recently so that we are at intake and
18 at assessment sites, also on Ward's [sic] Island
19 where we have a particular concentration of shelters,
20 and then-- so there are the same number of peace
21 officers at a fewer number of sites. It makes it
22 easier and I think more effective to provide
23 supervision and support to those peace officers.
24 These shelters that used to have peace officers that
25 no longer do have a full complement of private

3 contracted security, and in addition we are also
4 working with those providers to add funding to their
5 budget for additional social service staff. Those
6 amendments are in process.

7 COUNCIL MEMBER DIAZ: You say process,
8 can you please share me what the timeline is?

9 FIRST DEPUTY COMMISSIONER PARK: I would
10 say it'll probably be a couple of additional months
11 before those amendments are processed.

12 COUNCIL MEMBER DIAZ: That's
13 disheartening. I have a site maybe five minutes from
14 my office if I chose to walk there that has-- I would
15 say at any given day we have 50 if not more
16 individuals that are loitering around site. It's
17 obvious to me that the campus site does not have
18 control, and they're in need of additional staff
19 today, not in 90 days. We need to help providers
20 help themselves.

21 FIRST DEPUTY COMMISSIONER PARK: So, I
22 would be more than happy to talk about the specific
23 situation, and certainly if people are behaving in a
24 way that is in any way problematic for the community,
25 that's something that we should dig in. I would also
raise the point, though, that particularly in this

1
2 environment where we can't have indoor socialization
3 and people can't spend time with their friends and
4 neighbors indoors, all of us, including people
5 including people experiencing homelessness are
6 spending more time in outdoor public spaces. So, I
7 under-- again, to the extent that there are things
8 that are concerning for the community that are going
9 on, I'm more than happy to dig in with that at that
10 specific shelter.

11 COUNCIL MEMBER DIAZ: I am an advocate
12 for homeless individuals. I've been homeless, so I
13 understand it. I don't have an issue with the fact
14 that they're outside walking through the community.
15 My issue is when it comes to check-in, when it comes
16 to just assuring that they themselves, that they're
17 being provided services as needed and not being
18 pushed out of the shelter because the staff in the
19 shelter is not able to deal with them because their
20 manpower is not sufficient. That's--

21 FIRST DEPUTY COMMISSIONER PARK:
22 [interposing] Of course. Of course. And I apologize
23 for going back off video. I got another one of the
24 unstable internet connection messages. You know,
25 absolutely again, happy to dig into the specifics the

1
2 shelter offline. All of our shelter providers have
3 full complement of case managers, of security, most
4 of them at this point private contracted security,
5 and then the services that otherwise can vary by
6 shelter, but recreation staff, medical staff, job
7 specialists, housing specialist. Every shelter has
8 housing specialists. So, there are an array--

9 COUNCIL MEMBER DIAZ: [interposing] I'm
10 sorry to interrupt you, but not every shelter has
11 housing specialists.

12 FIRST DEPUTY COMMISSIONER PARK: It--

13 COUNCIL MEMBER DIAZ: [interposing] There
14 may be a budget line for it, but just know that's not
15 so.

16 FIRST DEPUTY COMMISSIONER PARK:

17 Certainly if people have vacan-- it is possible that
18 people have vacancies.

19 COUNCIL MEMBER DIAZ: Okay, because
20 again, I was there for 13 years, and I was a one-
21 stop-shop at my facility. My next question-- thank
22 you for your time and for your-- answering my
23 questions to the best of your abilities. I have a
24 fiscal conduit question. My-- I'd like to know how
25

3 do you monitor when agency B is receiving the funds
4 and their receiving the funds in timely fashion?

5 FIRST DEPUTY COMMISSIONER PARK:

6 [inaudible]

7 COUNCIL MEMBER DIAZ: My understanding is
8 that I, Darma Diaz, can be an ABC shelter provider.
9 It can be a fiscal conduit for CDE to ensure that CDE
10 is able to provide services, but the funds come
11 through my said-- my said organization, and then I
12 move forward and give the organization that's indeed
13 providing the services, the financial resources, the
14 funds.

15 FIRST DEPUTY COMMISSIONER PARK: A
16 subcontracting relationship?

17 COUNCIL MEMBER DIAZ: Yes.

18 FIRST DEPUTY COMMISSIONER PARK: Am I
19 understanding correctly?

20 COUNCIL MEMBER DIAZ: Yes, that's it.

21 FIRST DEPUTY COMMISSIONER PARK: So I
22 think the first responsibility at DHS is to make sure
23 that contracts are registered in a timely way, that
24 invoices are processed properly and the payments are
25 made properly, right? And those interactions are
occurring with the primary provider, with the

3 organizations with which we have the contract. It is
4 then the responsibility of the provider to turn
5 around and pay their subcontractor. If that is not
6 happening, you know, DHS will sometimes-- first of
7 all, I think it's fairly unusual because we are--
8 when we make payments of contracts and we are
9 essentially paying on a reimbursement basis, right?
10 We are looking for an invoice to say provider x, you
11 paid your security company, for example, and we are
12 looking at those invoices. So, but yes, you are
13 absolutely correct. There are instances where there
14 are delays in payments to subs [sic], and in there--
15 and when there are cases where we actually think that
16 is a sign of problem with the provider, we certainly
17 do step in and we are engaged in the conversation
18 both with the provider and the sub to work out
19 whatever issues may exist.

20 COUNCIL MEMBER DIAZ: With the monetary
21 tool process is there a staff person that's assigned
22 to look at that fiscal conversation to assure that
23 the monies have been not only received, the
24 reimbursement funds received, but that have been
25 dispersed to the big organization?

3 FIRST DEPUTY COMMISSIONER PARK: So,
4 invoice review and the financial accountability is a
5 really important part of both analysts, program
6 administrator, and assistant commissioner jobs,
7 right? They are looking at the-- looking very
8 closely at the payment process in general. That is
9 largely about reviewing the invoices that providers
10 submit to us. I would also say there's an audit
11 function right where we have-- the DSS audit team is
12 going out and reviewing provider's financial records,
13 reviewing their payment histories, otherwise looking
14 to make sure that they are remaining accountable.
15 That is something that we do on an ongoing basis
16 throughout the year, and then there's an open line of
17 dialogue so that if there is a subcontractor who is
18 reporting problems, as I say, we are happy to work
19 with them.

20 COUNCIL MEMBER DIAZ: What do you see to
21 be a responsible timeline from organization A to
22 organization B to disperse the money? I've heard
23 situations where the monies may come in on the 5th,
24 and it's the 28th of the month, and they're still
25 waiting for their funds to be delivered to them.

3 FIRST DEPUTY COMMISSIONER PARK: I mean,
4 I'd be happy to talk about specific cases off line. I
5 think the contract that the provider has with their
6 sub, presume-- should specify a payment timeline.
7 That's going to be specific to that contract, so I
8 can't really au pine on that.

9 COUNCIL MEMBER DIAZ: Okay, thank you.
10 Thank you for allowing me to ask my questions. I'm
11 done. No more questions at this time.

12 CHAIRPERSON GIBSON: Thank you, Council
13 Member Diaz. Now, I'll turn it over to my Co-Chair,
14 Chair Levin.

15 CHAIRPERSON LEVIN: Thank you very much,
16 Chair Gibson. I just have one last follow-up
17 question, a specific question about with Bronx
18 Parent. They made some-- they did some settlements,
19 some monetary settlements with people that brought
20 the accusations forward. Do we know whether with
21 what monies they paid out those settlements? Because
22 did they use city monies at all, or how did they pay
23 for it?

24 FIRST DEPUTY COMMISSIONER PARK: I don't
25 know. That's absolutely not something they would be
able to claim against their contracts.

3 CHAIRPERSON LEVIN: Okay, but how-- they--
4 - if it's in the hundreds of thousands of dollars,
5 you know, where are they getting that money?

6 FIRST DEPUTY COMMISSIONER PARK: Not for
7 profits very often have private fundraising that is
8 outside the scope of DHS, you know. I can speak to
9 what is submitted on invoices and what we would pay.
10 Absolutely, we would never recognize that.

11 CHAIRPERSON LEVIN: Okay, but-- can we
12 find out with what monies they used to pay out
13 settlements?

14 COMMISSIONER GARNETT: Yeah, I think one
15 of the issues that the monitor will be looking at and
16 evaluating the organizations policies around sexual
17 harassment and other issues and their relationship
18 with their former CEO, Victor Rivera, would be able
19 to get you the information on that. That'll be
20 encompassed within the monitor's review.

21 CHAIRPERSON LEVIN: Okay, thank you.

22 CHAIRPERSON GIBSON: Thank you, Chair
23 Levin.

24 CHAIRPERSON LEVIN: That's it for me.

25 CHAIRPERSON GIBSON: I'll turn it back
over to our counsel Aminta Killawon [sp?].

3 COMMITTEE COUNSEL: Thank you, Chair

4 Gibson. We are now going to turn to public
5 testimony. Thank you to members of the
6 Administration for testifying today. So once more,
7 I'd like to remind everyone that unlike our typical
8 council hearings, we're going to be calling on
9 individuals one by one to testify. Council Members
10 who have questions for a particular panelist should
11 use the Zoom raise hand function, and you will be
12 called on after each panel has completed their
13 testimony. For panelists, once your name is called a
14 member of our staff will unmute you and the Sergeant
15 at Arms will give you the go-ahead to begin after
16 setting the timer. All testimony will be limited to
17 two minutes. Please wait for the Sergeant to
18 announce that you may begin before delivering your
19 testimony. And again, as a reminder, written
20 testimony can be submitted to
21 testimony@council.nyc.gov. The first panelist for
22 today's hearing will be Catherine Trapani followed by
23 Towaki Komatsu, followed by Wes Rickson [sp?], and we
24 will begin with Catherine Trapani.

25 SERGEANT AT ARMS: Time starts now.

3 CATHERINE TRAPANI: Thank you. My name
4 is Catherine Trapani and I'm the Executive Director
5 of Homeless Services United. HSU is a coalition of
6 approximately 50 nonprofit agencies serving homeless
7 and at-risk adults and families in New York City.
8 Each day, HSU member programs work with thousands of
9 homeless families and individuals preventing shelter
10 entry whenever possible, and working to end homelessness
11 through counseling, social services, healthcare,
12 legal services, and public benefits access among
13 other supports. We thank Chairpersons Levin and
14 Gibson and members of the City Council for your
15 commitment to ensuring high-quality homeless services
16 are available to all in need and for your continuing
17 leadership on the creation of protection of
18 affordable housing and related services to all New
19 Yorkers. HSU was founded by a committed group of
20 nonprofit leaders to defend the right to shelter and
21 to elevate best practices cultivated by mission-
22 driven service providers. Throughout our history we
23 have advocated for high-quality program and services
24 for people experiencing homelessness and are proud of
25 the work that all of our member programs do. There
is no place in our community for persons who would

1 seek to exploit their positions of power to harm the
2 people we serve or employ. We all have a
3 responsibility to ensure that our organizations are
4 responsibly and professionally managed. It is
5 painful to learn that when extreme misconduct was
6 discovered, the City allowed it to continue with new
7 contract awards being given to those who had
8 demonstrated that they either weren't ready to or
9 could not be trusted to administer homeless services
10 programs. The Department of Homeless Services has
11 stated that they had no choice but to continue to do
12 business with unscrupulous or even dangerous service
13 providers because of the right to shelter. While
14 it's true that the City must open new programs to
15 uphold that right, it is unfortunate that instead of
16 asking why responsible providers couldn't or wouldn't
17 open new programs to help them meet their
18 obligations. They instead turned to untested groups
19 with questionable governments or other deficiencies.
20 Instead of contracting with bad actors, the City
21 could instead address longstanding problems with the
22 way homeless service contracts are structured and
23 administered to ensure responsible providers are able
24 to--
25

3 SERGEANT AT ARMS: [interposing] Time
4 expired.

5 CATHERINE TRAPANI: [inaudible] need it.
6 Chair, may I continue?

7 CHAIRPERSON LEVIN: Yes.

8 CATHERINE TRAPANI: Thank you. I stated
9 as Executive Director of HSU in 2016 and even before
10 my official first day on the job I was invited to a
11 meeting with Commissioner Banks and members of my
12 board to discuss what had become a crisis of such
13 significant proportions that many shelter providers
14 were on the brink of collapse. Following a
15 reorganization at DHS that moved the contracting
16 function out of DHS and collapsed into HRA, timely
17 registration of homeless shelter contracts plummeted
18 sector-wide. Providers were working without
19 contracts, unable to bill for services, and were
20 struggling to meet payroll. From the moment I walked
21 into the door and every day since, I have worked with
22 DSS to course correct. It wasn't until Fiscal 2019
23 that things began to normalize. It is no wonder that
24 when the City issued urgent calls for providers to
25 open new shelters to meet skyrocketing demand for
shelters six or seven years ago, very few established

1 providers were able to afford to answer their call.

2
3 Instead, the agency poured hundreds of millions of
4 dollars into relatively unknown agencies, two of
5 which have since collapsed following revelations of
6 self-dealing and other improprieties. I don't raise
7 this as a "gotcha" tactic, but as a warning of what
8 may still be to come. [inaudible] budget actions,
9 [inaudible] in wake of the COVID-19 pandemic, HSU's
10 members are once again struggling financially.

11 Providers are owed millions of dollars in delayed
12 contracts and are dipping into a line of edit to make
13 payroll and keep their programs operational. While I
14 want to give DSS credit for working with us to
15 address the delays as Commissioner Park testified,
16 DSS' contracting pipeline must be upgraded to handle
17 greater capacity and process contracts and
18 registrations in a more streamlined manner to prevent
19 this problem from repeating. Our sector is still
20 working to rebound with nonprofits in precarious
21 financial situations. Should the city find itself in
22 need of surge capacity, perhaps when the eviction
23 moratorium is lifted, I worry our providers may not
24 be able to answer the call. Our members and other
25 shelter providers are in the process of cooperating

1
2 with DHS in a comprehensive review triggered by the
3 latest scandal to ensure that all providers have
4 policies and procedures in place that can help guard
5 against these types of abuses that have been recently
6 reported. While it can be helpful to have a second
7 set of eyes to ensure policies and procedures are in
8 place to guard against nepotism, conflicts of
9 interest and sexual harassment. The scope of the
10 review is far more in-depth and duplicative of audit
11 and vendor integrity functions that should already be
12 in place. We believe in a high level of
13 transparency, but the administrative burden of this
14 review is not insignificant. While we work with DSS
15 and our members to cooperate with the investigation,
16 it is difficult not to be struck by the fact the city
17 should have a functioning contract system that weeded
18 out proposals from these bad actors in the first
19 place, preventing their abuses from ever occurring.
20 It is incumbent upon the city to cure the situation
21 at once and ensure that business practices are set up
22 to promptly register and pay contracts in a timely
23 manner and that funding levels are sufficient and
24 flexible enough to enable providers to respond to
25 emergencies, including adequately compensating our

1
2 staff, frontline staff I should say. Further, the
3 city must look at their internal procedures to ensure
4 that there-- that if there is a dearth of qualified
5 providers bidding on a contract for required
6 services, that they immediately take steps to address
7 deficiencies in their contract or business practices
8 to ensure that quality providers can perform the
9 necessary service. I have a couple of notes on the
10 proposed legislation that I'll submit in writing,
11 because you've already indulged me to speak far over
12 my time and I appreciate that, and I thank you for
13 the opportunity to testify.

14 CHAIRPERSON LEVIN: Thank you, Catherine.
15 I appreciate very much the points that you raised in
16 your testimony here. You know, I'm going to make
17 sure that we have your written testimony forwarded to
18 Commissioner Garnett and to the Director of MOCS. I
19 think it raises-- and I think it's a point that needs
20 to be raised over and over and over again. And that,
21 you know, there is-- just want to-- and just to be
22 clear, your members, there is a significant
23 reluctance among your members to bid on new contract.
24 That's what you told me. That's--

3 CATHERINE TRAPANI: Yeah, there's been a
4 few members that have moratoriums on new projects.
5 Their boards will no longer allow them to do new
6 business with DSS and there are a few other boards
7 that are discussing terminating existing contracts
8 because of the poor payment record. I don't dispute
9 with Commissioner Park said, that certainly there are
10 others that are trying to find a way forward, but it
11 has been a true challenge, and some of the most
12 respected and longstanding providers in our sector
13 are sort of on the list of folks that are-- are not
14 in a position to do anything new with the agency.

15 CHAIRPERSON LEVIN: Can you speak a
16 little bit about your membership and the history of
17 HSU so that we kind of get kind of clear picture of
18 the sector a little bit?

19 CATHERINE TRAPANI: Sure. So our
20 members, our organization was founded in 1996, and it
21 actually was two separate groups at the time. There
22 was the Tier II Coalition for the families with
23 children provider, and then there was a coalition
24 with an acronym that I cannot remember or pronounce,
25 but it was for the single adult providers. And
really we were set up when the leaders of these

1 groups were fighting against the City at the time the
2 Giuliani Administration was really trying to
3 undermine the right to shelter, was trying to erode
4 the City's responsibility, and we all felt really
5 called, mission driven, to say that homeless families
6 of individuals deserved high-quality homeless
7 services on-demand whatever and whenever it was
8 necessary. So these groups really came together and
9 felt that there was safety in numbers, and when
10 you're trying to fight City Hall to really make the
11 case and to share best practices. So these are the
12 folks that were the-- you know, around since the
13 beginning of upholding the rights that were codified
14 in the Callahan Consent Decree and later the Boston
15 McCain [sic] litigation for families, and these are
16 pioneers in social services programs. I mean, if you
17 take a look at our member list you'll see that these
18 are thought leaders. These are creative people.
19 These are folks that founded the Safe Haven model.
20 These are folks that founded supportive housing.
21 These are-- I mean, they're the best of the best in
22 terms of what homeless services providers have to
23 offer. You know, we have a vetting process for our
24 membership that we actually had to create in 2016 or
25

1
2 17 to amend our membership policies to ensure that
3 anyone coming into HSU as a member has to fill out an
4 application and submit copies of their 990's and
5 supply references, because we were noticing sort of
6 these new groups popping up that maybe weren't in it
7 for the right reasons, and so we had to take steps to
8 protect the integrity of our community to ensure that
9 we were really surrounding ourselves with good folks.
10 It's not to say that nobody ever has a problem and
11 there's nothing we can learn. We learn every day,
12 and HSU exists to support providers to improve
13 practices. That's another benefit of membership,
14 frankly, of the peer learning opportunities, the
15 training, and the technical support, but it really
16 does speak to the community that we've endeavored to
17 build of people that are really in this to solve the
18 crisis of homelessness and to ensure the safety that
19 exists is robust and equipped to handle all the
20 myriad of needs that folks might have as they come
21 into the system.

22 CHAIRPERSON LEVIN: Yeah, yeah. No, I
23 just-- you know, as a Chair for seven years and had
24 the opportunity and pleasure to work with you since
25 2016 and your predecessor before you, it is-- you

3 know, I think that this-- that the issues that you
4 raise get directly to the topic of today's hearing,
5 because if we don't-- and I'm of the firm believe and
6 opinion that New Yorkers are willing to dedicate
7 their tax dollars to quality services that-- in other
8 words, I don't think that New Yorkers are upset about
9 funding not-for-profit providers that are doing
10 homeless services. I don't think that that's what
11 New Yorkers have a problem with. I think New Yorkers
12 have a problem when those providers turn out to be
13 corrupt or have other significant problems, and that
14 they don't see-- New Yorkers don't see real results,
15 tangible results. So, you know, I think the case
16 continues to need to be made at the highest levels of
17 this Administration to the Mayor, to the First Deputy
18 Mayor, and to the Director of OMB. I think that even
19 though I'll be out of here in eight months, it's
20 important that we continue to make that case, and I
21 thank you for being out there and making the case
22 publicly. Again, I'll make sure that your testimony
23 goes directly to Commissioner Garnett and the head of
24 MOCS as well.

25 CATHERINE TRAPANI: Thank you so much,
and you've been such an excellent partner and friend

1
2 to homeless New Yorkers and helping build our
3 resiliency, and really just appreciate your
4 leadership over the years.

5 CHAIRPERSON LEVIN: Thank you.

6 COMMITTEE COUNSEL: Thank you so much,
7 Catherine. We'll now turn to Towaki Komatsu for
8 testimony.

9 TOWAKI KOMATSU: Hi can you hear me?

10 SERGEANT AT ARMS: Time starts now.

11 TOWAKI KOMATSU: So, yeah. So with
12 regards to today's hearing, it's basically about
13 oversight of shelter providers, oversight of HRA to
14 some extent. But Mr. Levin, when exactly are you
15 going to hold a public hearing about corruption by
16 HRA, corruption by DSS, corruption by DHS? I've
17 testified to you repeatedly. I don't think you've
18 ever once conducted such a hearing. Yesterday I
19 submitted papers to the Second Circuit Court of
20 Appeals. I got a split decision, partly in my favor.
21 There's going to be a three-judge panel that's going
22 to make a determination as to whether to impose
23 severe restrictions on the City Council's ability to
24 conduct public hearings. I was trying to actually
25 have today's hearings postponed, but that's going to

1
2 be for a different day. Are you-- also, Mr. Levin,
3 are you aware of the fact that there was an arsonist
4 in my building in the last couple weeks? He tried to
5 light his mattress on fire and the Fire Department
6 had to come hose down the building? So, in terms of
7 like security guards, security in the shelters, where
8 exactly were the security personnel when this person
9 was trying to set the building on fire. Also, there
10 was another woman, she was coming back to my building
11 the other day. She was staggering the street. Two
12 cops nearby had to escort her into the building.
13 Apparently, she was trying to sell some kids nearby
14 drugs. So, think about it, if there's no oversight
15 of the shelter system, you have people who are, you
16 know, trying to sell school kids drugs. So why in
17 the heck-- where's your oversight of HRA? Where's
18 your oversight of DSS? Also, I got some disturbing
19 material in the federal lawsuit that I think I
20 previously advised you about on February 1st. That
21 disturbing material confirms that Mr. Banks was
22 actually the catalyst for the illegal acts that were
23 committed against me at public forums, beginning in
24 April of 2017. There was a witness who I wanted to
25 testify on my behalf in that case, Robert Vargas. I

3 testified on his behalf to you. I think on February
4 4th--

5 SERGEANT AT ARMS: [interposing] Time
6 expired.

7 TOWAKI KOMATSU: Can I continue?

8 CHAIRPERSON LEVIN: You can continue.

9 TOWAKI KOMATSU: So yeah, we were in the
10 room, in the Chamber on February 4th, 2019. He was a
11 disabled military veteran. I told Mr. Banks by email
12 in August of 2020 that he needed an air conditioner
13 for his apartment. It was pretty humid back then.
14 Instead, he had the Fire Department break down his
15 front door and escort his body out of the building.
16 So think about it, if it's pretty humid during
17 summertime and you don't have an air conditioner in
18 your apartment-- if I sent an email to Mr. Banks I
19 think on August 2nd or August 3rd of 2020, why is it
20 that he couldn't get a portable AC for this disabled
21 military veteran on whose behalf I repeatedly
22 testified to you and also talked to Mr. Banks and
23 other people at public town hall meetings, public
24 [inaudible]. You had one in October of 2017. I told
25 you that I was being illegally prevented from
attending it. You told me that there ws nothing that

1
2 you could do, despite the fact that you were the
3 moderator for that town hall. So, again, people are
4 dying in the building in which I reside. I try to go
5 to these public forums to testify on their behalf.
6 Why is it that I can't walk through the doors and
7 say, you know what, you're a legislator, you're a law
8 maker. You have a legal duty to do something about
9 it, especially in the aftermath of what Chaim Deutsch
10 experienced recently by being fired from the New York
11 City Council. Last question is exactly when are you
12 going to do your job? Can I get an answer?

13 CHAIRPERSON LEVIN: Mr. Komatsu, I'm
14 sorry to hear about your friend. You say he passed
15 away--

16 TOWAKI KOMATSU: [interposing] Yep.

17 CHAIRPERSON LEVIN: this past August?

18 TOWAKI KOMATSU: His name was Robert
19 Vargas. He was about 62 years old. He had multiple
20 strokes. So he used to stagger along the street. I
21 used to carry him up the street because he was really
22 disabled. He was an Army National Guard Veteran and
23 also a Marine Veteran. I testified on his behalf on
24 February 4th, 2019 in the chambers, as well as I
25 think September 30th. Mr. Banks was there on

1
2 February 4th of 2019. I could forward you the email
3 that I sent to Mr. Banks in August of 2020 apprising
4 him of Mr. Vargas' need for that air conditioner
5 where nothing happened.

6 CHAIRPERSON LEVIN: Please do, and I'll
7 keep an eye out for it.

8 TOWAKI KOMATSU: Are you going to read
9 it?

10 CHAIRPERSON LEVIN: Yeah, yes.

11 TOWAKI KOMATSU: [inaudible]

12 CHAIRPERSON LEVIN: I will.

13 TOWAKI KOMATSU: I sent it off to you
14 before, and I have not gotten a response.

15 CHAIRPERSON LEVIN: I'll search my email
16 for Robert Vargas as well.

17 TOWAKI KOMATSU: Okay. Have a nice
18 weekend.

19 CHAIRPERSON LEVIN: Okay, you too.

20 COMMITTEE COUNSEL: Thank you, Towaki.
21 We are going to move to our next panelist, Wes
22 Rickson [sp?].

23 SERGEANT AT ARMS: Time starts now.

24 WES RICKSON: Good afternoon Committee
25 Chairs. My name is Wes Rickson and I'm a community

1 member of the New York City Anti-Violence Project,
2 AVP. AVP empowers lesbian, gay, bisexual,
3 transgender, queer, and HIV-infected communities and
4 allies to end all forms of violence through
5 organizing, education, counseling, and advocacy.
6 Today I'm here advocating for more resources for my
7 sex-working community as a means to provide a safer
8 space and facilitate a betterment of life. I urge
9 the City to invest in a resource center for sex
10 workers that is culturally competent and safe. Since
11 even before the pandemic the sex work community has
12 operated under halting conditions. Mutual aid
13 campaigns within the sex work community have always
14 been remarkable in how much assistance has been
15 rallied. However, the community should not have to
16 entirely fund this alone. Sex workers need a brick
17 and mortar resource center to act as a physical hub
18 for redistribution as well as a secure, confidential,
19 and a familiar place to fulfill any needs. We at AVP
20 see a shelter, a learning center, a legal resource,
21 child care, and sexual health services. With the
22 DA's offices recent decision to no longer prosecute
23 prostitution, and throw out thousands of bench
24 warrants spanning back decades. It begs to reason
25

1
2 that New York City is ready to head in the direction
3 of decriminalization. Since the pandemic, in-person
4 sex work has become not only safe but difficult to
5 maintain for those who must engage in it for
6 survival. Online fees have surged for sex workers,
7 since options to work in-person have become unsafe
8 and scarce. Rental spaces are also unsafe and
9 costly. Work online is over-saturated. Income has
10 fluctuated for many workers which has caused a lot of
11 workers to file for unemployment, relocate, or just
12 work in unsafe conditions--

13 SERGEANT AT ARMS: [interposing] Time
14 expired.

15 WES RICKSON: We appreciate past support
16 and--

17 CHAIRPERSON LEVIN: [interposing] You can
18 keep going. You can keep going.

19 WES RICKSON: It's just one more
20 sentence. We at AVP hope to ever so gently demand
21 that the city fully funds this resource center so
22 that sex workers can conduct their work safely and
23 efficiently now and post pandemic. We do appreciate
24 past support and we look forward to working with you
25 again. Thank you.

3 COMMITTEE COUNSEL: Thank you so much,
4 Wes, for your testimony. At this time we have gone
5 through the list of our registered panelists. If we
6 have inadvertently missed anyone that would like to
7 testify, please use the Zoom raise hand function, and
8 we will call on you in the order your hand is raised.
9 Seeing none. We have concluded public testimony for
10 this hearing. I'm now going to turn it back to Chair
11 Gibson for closing remarks.

12 CHAIRPERSON GIBSON: Thank you so much.
13 Thank you Aminta and thank you Chair Steve Levin. I
14 want to thank all my colleagues for joining us today
15 for a very important hearing. I want to thank the
16 Administration, the Department of Social Services,
17 the Department of Investigation, all the members of
18 the public who have testified. I want to thank the
19 Sergeant at Arms for leading today's hearing. Thank
20 you to the team for assembling us and allowing
21 today's hearing to go off smoothly, and with that,
22 Council Member-- Chair Levin, do you have any final
23 remarks?

24 CHAIRPERSON LEVIN: No, Chair, just want
25 to thank you very much for co-chairing this hearing

3 and for your dedication to transparency and
4 accountability in government. Thank you.

5 CHAIRPERSON GIBSON: Absolutely. Thank
6 you so much Chair Levin. We do have a lot of work to
7 do, but I appreciate everyone's commitment,
8 dedication to making sure that we operate efficiently
9 and reassure all of our clients that are in the
10 shelter system that we are there to support them to
11 give them a safe space, and to make sure they are
12 given quality services with the utmost integrity by
13 all of our providers. I thank you all for joining us
14 today. Today's joint hearing of the Committee on
15 Oversight and Investigations and General Welfare is
16 hereby adjourned. Have a blessed afternoon everyone,
17 and thank you to all the staff. Thank you so much
18 everyone.

19 CHAIRPERSON LEVIN: Thank you everyone.

20 CHAIRPERSON GIBSON: You're adjourned.
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COMMITTEE ON OVERSIGHT AND INVESTIGATIONS JOINTLY
WITH COMMITTEE ON GENERAL WELFARE

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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 July 13, 2021