

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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April 4, 2016  
Start: 10:48 a.m.  
Recess: 12:22 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: BRAD S. LANDER  
Chairperson

COUNCIL MEMBERS: Inez E. Dickens  
Daniel R. Garodnick  
Ydanis A. Rodriguez  
Margaret S. Chin  
Deborah L. Rose  
Jumaane D. Williams  
Rafael L. Espinal, Jr.  
Mark Levine  
Speaker Melissa Mark-Viverito  
Steven Matteo

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

Michelle de la Uz  
Executive Director of Fifth Avenue Committee  
Candidate for Appointment to NYC Planning Commission

Michael R. Regan, Vice Chairman  
J.P. Morgan Chase  
Candidate for Appointment to NYC Board of Correction

Marbre Stahly-Butts, Policy Advocate  
Criminal Justice, Affordable Housing, Racial Justice  
Candidate for Appointment to NYC Civilian Complaint  
Review Board

Ramon Peguero, Executive Director  
Southside United (Los Sures)  
Candidate for Appointment to NYC Civilian Complaint  
Review Board

2 [sound check, pause]

3 [background comments, pause]

4 [gavel]

5 CHAIRPERSON LANDER: Good morning and  
6 welcome to the New York City Council's Committee on  
7 Rules, Privileges and Elections. My name is Brad  
8 Lander. It's my honor to chair this committee.  
9 We're joined this morning by several members of the  
10 Committee, our Minority Leader Steve Matteo, Council  
11 Members Margaret Chin, Debbie Rose and Rafael  
12 Espinal. We're also joined this morning by the  
13 Public Advocate Letitia James. Thank you, Madam  
14 Public Advocate for joining us. I also want to  
15 acknowledge the counsel to the Committee Jason  
16 Antanyo (sp?), and want to thank and appreciate our  
17 Investigative staff for the great work that they do  
18 helping us have all the information we need about  
19 these candidates and extensive background research.  
20 Chuck Davis, the Director of Investigations as well  
21 as Deandra Johnson, Alicia Vacell (sp?) and Otto  
22 Knight. Thanks to all of you.

23 We have four nominations that we're  
24 considering this morning, and I'll tell you the order  
25 that we're taking them. We're going to first hear

2 from Michelle de la Uz, who is the nominee of Public  
3 Advocate Letitia James for a reappointment to the  
4 City Planning Commission. Second we will hear and  
5 consider Michael Regan, who is the Council's  
6 appointee, and is up for reappointment to the Board  
7 of Corrections. And then two proposed nominees by  
8 the Council to the Civilian Complaint Review Board,  
9 Ramon Peguero recommended by the Queens Delegation  
10 and Marbre Stahly-Butts recommended by the Brooklyn  
11 Delegation. And I'll say a little more just about  
12 the offices that they're appointed to before we move  
13 to each one. We're going to take Ms. de la Uz first  
14 both because like Mr. Regan she's a reappointment. I  
15 think, therefore, it will be relatively short, and  
16 also because out of courtesy to the Public Advocate  
17 who would like to make a statement on behalf of her  
18 appointee.

19 If the Council gives its advice and  
20 consent, Michelle de la Uz, a resident of Brooklyn  
21 will serve the remainder of a five-year term expiring  
22 on June 30th, 2020. Pursuant to the New York City  
23 Charter the Planning Commission consists of 13  
24 members with seven appointments, which includes the  
25 appointment of the Chair made by the Mayor and one

2 appointment each made by the Public Advocate and each  
3 borough president all members except the chair--I  
4 don't really understand that. It seems like the  
5 chair should also be subject to the advice and  
6 consent of the Council, but the charter framers in  
7 their infinite wisdom made the other members besides  
8 to the chair subject to advice and consent of the  
9 Council. The members are to be chosen for their  
10 independence, integrity and civic commitment. CPC  
11 members serve for five-year terms other than the  
12 chair, who serves at the pleasure of the Mayor.  
13 These CPC members are not considered regular city  
14 employees, and there's no limitation on the number of  
15 terms they may serve. They are prohibited from  
16 holding any other city office while serving on this  
17 CPC. I will not go into all of the responsibilities  
18 of the City Planning Commission. You can see Council  
19 Member Espinal if you would like to talk more about  
20 the work of the City Planning Commission as he's had  
21 extensive experience with it recently. But folks  
22 know what that--what the Planning Commission does.  
23 [laughter] Yes. Oh, and I guess I will also just  
24 disclose for the record that though I have no formal  
25 conflict here that--that Ms. de la Uz was both the--

2 is that--as Executive Director of Fifth Avenue  
3 Committee holds a position that I once held and that  
4 long ago when I held it, she was the board chair of  
5 the organization. So we do indeed have a long  
6 history, and--and continue to do a lot of working  
7 together in the neighborhood, but I have sought  
8 advice from counsel, and as I have no and have not  
9 had it more than a decade any formal or legal  
10 relationship to the Fifth Avenue Committee, there's  
11 no formal conflict to disclose. So thank you. Ms.  
12 de la Uz, if you would--Oh, I've--Madam Public  
13 Advocate, would you--would you like to speak before  
14 or after your appointee.

15 PUBLIC ADVOCATE JAMES: [off mic] Now,  
16 please. (sic)

17 CHAIRPERSON LANDER: Great. Please.

18 PUBLIC ADVOCATE JAMES: [on mic] First,  
19 Council Member Espinal he's in my thoughts and in my  
20 prayers. [laughter] And Chair perhaps we should  
21 revisit whether or not the Chair of the Planning  
22 Commission should be subject to approval of the City  
23 Council in Charter revision. We can talk later  
24 offline, and I, too, have a long and storied history  
25 with the candidate Michelle de la Uz, and I'd like to

2 thank the Chair and the staff for holding today's  
3 hearing, and clearly I am in total, total, total,  
4 total support of the--the appointment of Michelle de  
5 la Uz for the office of Public Advocate. I want to  
6 thank you for all that you have done in Brownstone  
7 Brooklyn not only working with the Mayor's Public  
8 Advocate, but as the former City Council Member and  
9 as a former constituent. You're one of the finest,  
10 foremost experts on affordable housing and  
11 preservation. You've been a fierce advocate for New  
12 York--preserving New York City's neighborhoods and  
13 making sure that are diverse both economically and  
14 racially. I want to thank you for that, and you have  
15 been a very valuable asset to my office, and I  
16 particularly want to thank you for defending the  
17 rights of vulnerable individuals who confront the  
18 challenges posed by New York State's hot real estate  
19 market. And I just want to thank you for taking all  
20 of that into consideration. You stand for two vital  
21 principles, which are part of my DNA, and that is  
22 social and economic justice, and that's why you--you  
23 and I have--have been close allies. You--before you  
24 were on the Planning Commission, I also must add you

2 worked for one of the strongest advocates in this  
3 country la da--della--

4 CHAIRPERSON LANDER: [interposing]  
5 Congressman Valazquez.

6 PUBLIC ADVOCATE JAMES: Yes, but they  
7 referred to her as La Leche Dora.

8 CHAIRPERSON LANDER: La Leche Dora.

9 PUBLIC ADVOCATE JAMES: La Leche Dora.  
10 She's worked for La Leche Dora [laughter] and before  
11 and then she worked for the Planning Commission for  
12 the past four years, and then she's--obviously she's  
13 the Executive Director of the Fifth Avenue Committee  
14 since 2004 program. The organization has served more  
15 than 5,500 low and moderate income individuals with a  
16 budget of more than \$5 million, and several affiliate  
17 corporations with annual budgets of over \$6 million,  
18 assets of over \$100 million, and a housing  
19 development pipeline of nearly 1,000 units or nearly  
20 \$400 million. You clearly have 20 years of  
21 experience in public and community service, and on a  
22 post--personal note, again you have been extremely  
23 helpful to me, to my staff and to any elected  
24 official who contacts your office. As a result of  
25 all of that, and because I think the reason why

2 you've warmed my heart the modus--the most is when  
3 there were some homeless families who were displaced  
4 in Brooklyn as a result of fire and other  
5 catastrophes. It was the Fifth Avenue Committee that  
6 came to their aid and provided them with housing, and  
7 so I thank you on their behalf and so without any  
8 further ado, I strongly, strongly, strongly urge the  
9 reappointment of Michelle de la Uz. Thank you, Mr.  
10 Chair.

11 CHAIRPERSON LANDER: Thank you very much,  
12 Madam Public Advocate. Ms. de la Uz, if you'll be  
13 sworn in by the counsel and--and give your opening  
14 statement.

15 LEGAL COUNSEL: Good morning. You  
16 already have your--your hand raised. [laughter] Do  
17 you swear--do you swear or affirm that the statement  
18 that you're about to make will be the truth, the  
19 whole truth and nothing but the truth?

20 MICHELLE DE LA UZ: [off mic] I do.

21 LEGAL COUNSEL: Thank you.

22 CHAIRPERSON LANDER: Go ahead.

23 MICHELLE DE LA UZ: Well, first I just  
24 really want to thank Public Advocate Tish James for--  
25 for her kind words, and know that I am deeply honored

2 that she is nominating me for reappointment because I  
3 have deep, deep respect for her and, you know, when  
4 other--other elected officials were shying away from  
5 standing up to some significant special interest in  
6 Downtown Brooklyn, she--she stood up for communities,  
7 and that's--that's something that I know many, many  
8 people to this day value, and respect her for. So  
9 good morning Chairman Lander and other members of the  
10 Committee on Rules, Privileges and Elections. My  
11 name is Michelle de la Uz, and I am pleased to be  
12 here before you to answer questions, and ask for your  
13 support in my reappointment to the City Planning  
14 Commission. I've been honored to serve in the City  
15 Planning Commission since April of 2012 when then  
16 Public Advocate Bill de Blasio appointed me. I'm  
17 honored once again that Public Advocate Tish James,  
18 who I've known and worked for--worked with for more  
19 than 12 years has recommended my reappointment. I  
20 know that you have my resume, and answers to pre-  
21 hearing questions before you. I thought I would  
22 share the--more information about my background that  
23 I believe supports my reappointment to the  
24 Commission, and hopefully sheds more light on my keen  
25 interest to continue to serve in this important role.

2 As you can see from my resume, and background I'm  
3 someone who has been deeply committed to economic and  
4 social justice my entire career, and a belief that  
5 those are most to--who are most directly impacted by  
6 public policy should inform policy. As a social  
7 worker assisting homeless and formerly homeless  
8 individuals with special needs, access and remaining  
9 in affordable and supportive housing at the Center  
10 for Urban Community Services, I became intimately  
11 familiar with this highly effective approach to  
12 addressing homelessness, and the important role that  
13 supportive housing plays in any affordable housing  
14 plan. I also know both as an affordable housing  
15 developer and member of CPC that siting supportive  
16 housing can be very challenging at times. As a  
17 staffer for Congresswoman Nydia Valazquez, the first  
18 Puerto Rican woman elected to the U.S. House of  
19 Representatives that helped to advance a number of  
20 key community and policy issues. I attended and  
21 participated in numerous community board meetings,  
22 and became intimately familiar with the important  
23 role that community boards play in the civic  
24 infrastructure in our city.

2 Finally, at Fifth Avenue Committee where  
3 I immediately succeeded Council Member Lander more  
4 than 12 years ago as Executive Director and who I'm  
5 certainly very, very honored to contribute and  
6 advance work that he started. There have been three  
7 city sponsored neighborhood wide rezonings, North  
8 Park Slope, South Park Slope and Sunset Park that  
9 have directly impacted communities that serves.  
10 Another rezoning in Gowanus was postponed by the  
11 Bloomberg Administration due to the--due to the U.S.  
12 EPA listing the Gowanus Canal as a superfund site.  
13 Much of that work is in mixed-use coastal  
14 neighborhoods with a significant amount of public  
15 housing where there is considerable climate risk, a  
16 concentration of industrial uses and substantial  
17 gentrification and displacement pressures. These  
18 neighborhoods often highlight the planning challenges  
19 before the City today. Additionally, the rezonings I  
20 had mentioned earlier along with the large-scale \$5  
21 billion Atlantic Yards Project, and multiple local  
22 environmental cleanup efforts offer cautionary  
23 lessons in the importance of balancing the need for  
24 growth with efforts to preserve and build truly  
25 affordable housing and manufacturing uses and ensure

2 proper and timely investment in neighborhood  
3 infrastructure. More than anything all of these  
4 efforts underscore the importance in ensuring  
5 meaningful and early public engagement to inform  
6 public policies and maximize public benefits and  
7 minimize negative impacts. Our development in New  
8 York City is often controversial and have found that  
9 if communities are meaningfully engaged early enough  
10 to actually impact the scope of a proposal or project  
11 that they are certainly able to inform and even able  
12 to accept the tradeoffs that are inherent in most  
13 development. My experience at CPC has borne this out  
14 as well with most communities who believe that they  
15 have been truly consulted early and often expressing  
16 support for public and privately sponsored actions.  
17 As someone who leads a non-profit community  
18 development corporation that builds and manages  
19 affordable housing, and that has an affiliate that  
20 trains the trains and places low and moderate income  
21 people into decent jobs with career ladders, I am  
22 familiar with affordable housing finance, government  
23 programs and public policies that preserve and  
24 promote affordable housing and economic and workforce  
25 development in New York City. I have found that my

2 knowledge contributes to a thorough public dialogue  
3 about the proposed--proposals before the commission  
4 since a large number of proposals touch on these  
5 issues. Lastly, I believe I have established a  
6 record on the City Planning Commission as a  
7 thoughtful informed and independent voice who tries  
8 to ensure that proposals are informed by public  
9 input, and the needs of a broad range of New Yorkers  
10 as we seek to balance public and private goals. I  
11 worked as the lead--the input of community boards and  
12 the borough presidents, read press on all of the City  
13 Planning materials including environmental  
14 assessments often visit sites, and more than anything  
15 I ask many, many questions of the parties involved  
16 including public parties. I also take seriously the  
17 conflict of interest rules, recuse myself when  
18 necessary, have other--the committee staff handle  
19 matters as required, and seek counsel on any  
20 potential conflicts. It has truly been an honor to  
21 serve on the City Planning Commission especially as  
22 the Public Advocate representative. I believe that  
23 in order for the public to maintain safe in  
24 government, they must believe that their concerns are  
25 acknowledged, and that legitimate concerns

2 meaningfully inform the dialogue and debate. I am  
3 humbled that I play some role in helping to establish  
4 and maintain that space in government as part of the  
5 New York City's planning and land use process. I  
6 would be very grateful for your support, and I thank  
7 you for your consideration.

8 CHAIRPERSON LANDER: Thank you. I am in  
9 no way an objective observer here--

10 MICHELLE DE LA UZ: [laughs]

11 CHAIRPERSON LANDER: --because I'm an  
12 enthusiast. So I'm going to dispense with questions  
13 of my own, and just call on my--my colleagues, and  
14 we---we have the custom in this committee of not  
15 people on the clock, but I will remind people we have  
16 multiple appointees today. I do just want to,  
17 though, call attention to the conflicts letter, which  
18 is in the binder that when you were first appointed  
19 you saw from the Conflicts of Interest Board, and you  
20 sort of referenced your open statement. We'd like to  
21 just make it very clear on the record, you--you have  
22 the Conflict Statement from the Conflicts of Interest  
23 Board, and you commit to continue to abide by it and  
24 seek guidance on conflicts.

25 MICHELLE DE LA UZ: Absolutely.

2 CHAIRPERSON LANDER: Great. Thank you  
3 very much. Council Member Espinal has some  
4 questions.

5 COUNCIL MEMBER ESPINAL: Thank you so  
6 much, and thank you to my colleague for all the  
7 support. I've never received this much attention and  
8 support. [laughter] So really I'm really grateful for  
9 the prayers as well. But Michelle, I'd love to ask  
10 you a few questions about East New York.

11 MICHELLE DE LA UZ: Sure.

12 COUNCIL MEMBER ESPINAL: I know you were  
13 the only member of the CPC to bolt the plan down.  
14 Can I get your thoughts as I go into these talks with  
15 the Mayor's Office, and hopefully get the best plan  
16 for my community?

17 MICHELLE DE LA UZ: Sure. I mean first  
18 off, I just want to echo the--the thoughts and  
19 prayers that--that your colleagues have for you. I--  
20 I--I mean that honestly as the--as the first  
21 neighborhood wide rezoning under the de Blasio  
22 Administration I think we're all witnessing a new  
23 approach to neighborhood rezonings that is evolving,  
24 and you're setting a precedent honestly for the rest  
25 of the city, which is--which is very, very critical.

2 You know both from the community's perspective, and I  
3 think also from the elected officials' perspective.

4 My--my primary thoughts, you know, there's obviously  
5 been a significant amount of community consultation  
6 that the de Blasio Administration has undertaken with  
7 you and other members in your community. I--I think--

8 --I think the biggest challenge for me especially  
9 receiving the community board recommendation, the  
10 borough presidents. I want to say 50-page

11 recommendation as it relates to East New York and  
12 then, of course, have about nine hours of hearing

13 specific to East New York is that the--the concerns  
14 about displacement both primary and secondary

15 displacement are very, very significant. As you

16 know, you--you know, and as I said, I think during  
17 certification for East New York within a naturally

18 occurring affordable neighborhood in New York City

19 that is an incredibly important resource. You have a  
20 neighborhood where much of the housing is not

21 protected under Rent Stabilization. It's a lot of  
22 modern income homeowners in one to four-family

23 properties. We don't--we don't currently have  
24 creative policies to specifically address

25 displacement pressures in non-regulated housing. And

2 the--the tool that we have in regulated housing is  
3 one that is now being considered at the Council as it  
4 relates to anti-harassment certificate. If--you  
5 know, my approach honestly would have been to address  
6 the--the very legitimate displacement of concerns  
7 first, and then go about having a community  
8 conversation and neighborhood wide rezoning.

9 Obviously we have the city where the population is  
10 growing. That is contributing to the displacement  
11 pressures. We--we do need to increase the production  
12 of housing overall, and certainly deeply affordable  
13 housing and, you know, I believe that the work that  
14 the Council did to achieve another option with MIH,  
15 at 20%, at 40% of AMI is--is very critical for  
16 neighborhoods like East New York to ensure that any  
17 new housing that is built under MIH actually begins  
18 to address and--and be--and ensure affordability for  
19 existing residents. So I think those are the primary  
20 challenges. I think, you know, there's also--you  
21 have the mixed-use neighborhood with quite a number  
22 of manufacturing and industrial uses that absolutely  
23 should be preserved, and I think there is a  
24 tremendous opportunity to leverage what is going on  
25 to not only increase economic development

2 opportunities, but honestly access workforce  
3 development opportunities to access those economic  
4 development, those new jobs.

5 COUNCIL MEMBER ESPINAL: Right.

6 MICHELLE DE LA UZ: So those are my  
7 primary thoughts.

8 COUNCIL MEMBER ESPINAL: So when it comes  
9 to anti-displacement, do you--you don't--do you feel  
10 that there's more than could have been done besides  
11 pouring dollars into legal representation and legal  
12 services in those neighborhoods. Because currently  
13 we do--the--the Mayor's Office does have a team that  
14 goes out into East New York and knocks--goes door-to-  
15 door and tries to provide legal services for people  
16 facing eviction and people renewing their--their  
17 apartments.

18 MICHELLE DE LA UZ: I think that's a  
19 crit--critical resources. You know, I--I guess as  
20 someone who also knows the value of grassroots  
21 organizing and having advocates that aren't  
22 necessarily attorneys at the table that's also  
23 another critical part of the puzzle. The reality is  
24 the attorney--having the legal counsel there is only  
25 going to help in cases where people have rights that

2 they're unaware of. We have a situation where in one  
3 to four-family properties there are no right to--to  
4 try or any particular program besides the new Green  
5 Building Program that HPD has launched, which I  
6 think-- You know, I--I asked a lot of questions of--  
7 of HPD about, you know, how many homeowners do they  
8 anticipate that reach? Where, you know, we're the  
9 regulatory agreements that they were hoping that  
10 homeowners would sign onto, were they realistic in  
11 order for people to come under some kind of  
12 regulatory scheme. So I think the legal services is  
13 a component. I don't think it's the only component.  
14 I think, you know, the Administration coming out in  
15 support of the Good Neighbor Tax Credits, which would  
16 provide incentives for homeowners to--to rent to  
17 seniors and--and other individuals below market rate  
18 would be an important step for instance.

19 COUNCIL MEMBER ESPINAL: Right. I mean  
20 would go on for days having this conversation, and  
21 [laughter] I appreciate your input. So I--I guess  
22 my--my question in regards to the position is how do  
23 you see your role kind of coinciding with the  
24 Council--or working with the Council especially when  
25

2 we're having like 15 other re-zonings come down the  
3 pipeline.

4 MICHELLE DE LA UZ: I primarily see my  
5 role as someone who listens very, very closet to the  
6 input of--of community boards, and of communities in  
7 the process and tries to ensure that that perspective  
8 is reflected either in the kinds of modifications  
9 that are made by CPC and to the extent that I don't  
10 feel comfortable that those modifications have gone  
11 far enough. I--I almost believe that I'm--you know,  
12 the--the--the burden in the--the canary in the tunnel  
13 that kind of gives a heads up to all of you to say  
14 pay attention to these particular points. Not that  
15 you wouldn't have paid attention anyway, but I--but I  
16 think I can sometimes raise certain issues that--that  
17 helped the Council pay particular attention. And--  
18 and I think you often have, and I've been very  
19 pleased with many of the modifications that you all  
20 have made.

21 COUNCIL MEMBER ESPINAL: Yeah, just one  
22 suggestion. I--I think in the future TPC should make  
23 a stronger effort in reaching out to the Council  
24 members because I can say that throughout this entire  
25 process not one member of the CPC reached out to me

2 to have a one-on-one talk. You know, just speaking  
3 to you now is very helpful to me to kind of get your  
4 thoughts. I know you were the only member to vote  
5 the plan down. So that kind of caught me by surprise  
6 as well. So I think it will be great that as we move  
7 forward with the future re-zonings that CPC does a--a  
8 greater job at talking go the global Council members  
9 so we all come to some of consensus, or understand  
10 where we're all coming from. But I appreciate your  
11 input. I appreciate all the work you're doing.

12 MICHELLE DE LA UZ: Thank you.

13 CHAIRPERSON LANDER: Any other questions  
14 for other members? [pause]

15 COUNCIL MEMBER CHIN: A fellow traveler.  
16 Welcome.

17 MICHELLE DE LA UZ: Thank you.

18 COUNCIL MEMBER CHIN: I strongly support  
19 Michelle's--your appointment. I mean we worked  
20 together in the affordable housing field and she has  
21 such a great track record, and it's so important to  
22 have an independent voice on this with the Planning  
23 Commission to really, you know, that the  
24 representative there hears from the community and  
25 really values what's going on within the community.

2 So I think you do have a very strong voice. So we  
3 look forward to continue working with you.

4 MICHELLE DE LA UZ: Thank you. Yeah, I  
5 mean I--I think it's worth repeating, you know, what--  
6 -what--what Council Member Lander raised in the  
7 beginning there are seven mayoral appointees, one  
8 from each borough president and then the Public  
9 Advocate. And I--I believe it's a very unique role  
10 honestly to be appointed by the Public Advocate. I--I  
11 think I have greater latitude [laughs] in expressing  
12 certain things as a result.

13 CHAIRPERSON LANDER: Which we'll thank  
14 you for and thank the Public Advocate for this, and  
15 she appears to have gotten it. (sic) You know, we  
16 don't--most of the-- [laughs] Well, and I think it's  
17 better saying just because we're doing the hearing,  
18 you know, most of the appointments that we consider  
19 [applause/laughter]-- Well, that's good. We are--  
20 well, that's fine. We don't usually allow applause,  
21 but we'll clap for the Public Advocate. I'm glad  
22 she's here. Yes, exactly. But most of the  
23 appointees we consider are either the Council's  
24 appointees or we're, you know, or the Mayor's  
25 appointees who we, you know, have a kind of higher,

2 like it's our job to grill the--the appointees of the  
3 borough presidents and the Public Advocate to various  
4 positions. You know, obviously we give a lot of  
5 deference, make a kind of standard of like are they  
6 qualified for the position, but it's not our  
7 political judgment. I will say in this case it's  
8 great to have an appointment that helps to push  
9 forward a lot of the things that we care about  
10 collectively, and use as this unique role. So thank  
11 you.

12 PUBLIC ADVOCATE JAMES: You want to give  
13 me more appointments, the Charter Division.

14 [laughter]

15 CHAIRPERSON LANDER: All right, what do  
16 we do in that Commission? All right. Unless there's  
17 any further questions since we do have other  
18 nominees, we will close this hearing and move on.

19 [gavel] As folks will--

20 MICHELLE DE LA UZ: [interposing] Thank  
21 you all.

22 CHAIRPERSON LANDER: Thank you very much  
23 for your time. As--as folks know who have been here,  
24 but maybe those who don't, we don't vote on the  
25 hearings in this committee on the day of the hearing.

2 We find this an opportunity to ask questions and--and  
3 then reflect before the vote. So we will scheduled a  
4 meet--we will put this meeting into recess, and  
5 resume from recess on the morning of the Stated to  
6 vote on all four of these candidates. All right for  
7 our next nominee for reappointment, we have another  
8 just eminently qualified, and we're really grateful  
9 for your--for your public service. Michael Regan is  
10 being nominated for reappointment to the Board of  
11 Corrections. If reappointed by the Council, Mr.  
12 Regan, a resident of Manhattan, will serve on the  
13 Board of Corrections for the remains a six-year term  
14 expiring on October 12th, 2020. The Department of  
15 Corrections provides for the care, custody and  
16 control of persons accused or convicted of crimes and  
17 sentence to one year or less of jail time. The  
18 Department manages 15 inmate facilities, 10 of which  
19 are on Rikers Island. It handles more than 100,000  
20 missions each year. The Board of Corrections  
21 oversees the Departments of Op--Operations, and has  
22 the power and duty to inspect and visit all  
23 institutions and facilities under the jurisdiction of  
24 the Department, and evaluate the Department's  
25 performance, establish minimum standards as well as

2 procedures for hearing grievances and complaints.

3 The Board of Corrections is comprise of nine members,

4 three appointed by the Mayor, three by the Council

5 and three by Mayor on the nomination jointly by the

6 presiding judges of the Appellate Division of the

7 Supreme Court for the First and Second Judicial

8 District Apartments---Departments. Members are

9 appointed to a term of six years, and vacancies are

10 filled for the remainder of an unexpired term. The

11 Mayor designates the Chair. Board members receive no

12 compensation, but they may be reimbursed for expenses

13 incurred in the performance of their duties, and I'll

14 call members' attention to, you know, Mr. Regan's

15 resume and materials here. He has a really eminent

16 career. A little stint even here at the City

17 Council. A really esteemed career at the Fire

18 Department where he really helped restructure and

19 bring the department back after the tragedy of 9/11,

20 and has now had a long and valued career at J.P.

21 Morgan Chase where he is now the Vice Chairman. And

22 let me welcome Council Member Mark Levine from

23 Manhattan who has joined us, and Mr. Regan, thank you

24 for joining us this morning. If you'll raise your

25 hand to be sworn in by counsel.

2 LEGAL COUNSEL: Do you swear or affirm  
3 that the statement that you're about to make will be  
4 the truth, the whole truth, and nothing but the  
5 truth?

6 MICHAEL REGAN: [off mic] I do.

7 LEGAL COUNSEL: Thank you.

8 [background comments, pause ]

9 MICHAEL REGAN: Hi. Thank you. Good  
10 morning, Chair Lander and Rules Committee members.  
11 My name is Michael Regal. I am a Vice Chairman at  
12 J.P. Morgan Chase. I'm responsible for advising the  
13 Chief Security Office and the head of real estate and  
14 other senior folks at J.P. Morgan Chase on issues--  
15 all kinds of issues. I also want to point out that I  
16 was--my first 28 a Brooklynite, a proud Brooklynite  
17 from Albany and even in Flatbush. I was first  
18 appointed to the Board on December 19, 2001. At that  
19 time, I was the First Deputy Fire Commissioner for  
20 the FDNY. I then--previous to that I served here as  
21 Director of Communications for the Council. I am  
22 interested in continuing to serve on the Board  
23 because I believe that independent oversight of our  
24 jails is critical especially in this moment of  
25 reform. During my tenure, the Board has played a

2 significant role in drawing attention to key issues  
3 inside of our jails such as punitive segregation,  
4 mental health and suicide. But much work remains to  
5 ensure that our oversight support, the fair and  
6 effective functioning of our city jails. The Board  
7 with its broad access to and oversight of the jails  
8 is poised to play an important role in reform. I  
9 believe that given our new Board, our new staff  
10 leadership, increased funding from our work as well  
11 as the critical support from this Council, this  
12 Speaker and the Administration for reform efforts we  
13 are in an inflection point. I would like to continue  
14 to serve with my colleagues on the Board to build off  
15 all of the renewed interest and reform of our jails.  
16 To implement new strategies for effectively providing  
17 independent oversight and continue to effectively  
18 collaborate with the Department of Correction and  
19 others in order to support smaller, safer, fairer and  
20 more human--humane city jails. Thank you for  
21 considering me for reappointment. It has been an  
22 honor to--to--to serve as this Council's  
23 representative to the Board of Corrections.

24 CHAIRPERSON LANDER: Thank you very much  
25 for your opening statement, and your service. I feel

2 very proud of the Council's cadre of three nominees.  
3 You know, we--we recently appointed Stanley Richards,  
4 somebody who spent time--

5 MICHAEL REGAN: [interposing] You made a  
6 point there. (sic)

7 CHAIRPERSON LANDER: --at Rikers and we  
8 have a medical doctor who--

9 MICHAEL REGAN: Dr. Cohen. (sic)

10 CHAIRPERSON LANDER: --is our second  
11 appointee who can bring perspective on the--you know,  
12 so then we also have someone whose professional  
13 responsibilities are in security, and can help bring  
14 that perspective. I really think is, you know, a  
15 thoughtful and balanced and diverse panel of our  
16 appointments. So I wonder if you could just say a  
17 little bit more as you point out in your opening  
18 statement, you know, this has been a time when  
19 there's a lot of change going on, pushing a lot of  
20 policy changes. You've reviewed some new policies on  
21 the Board. The Commissioner obviously has been under  
22 a--a lot of pressure to address issues and, of course  
23 the Speaker has now empaneled this new commission  
24 that Judge Lippman is chairing to look at even  
25 broader and more significant long-term changes. And

2 I just wonder what--you know what your thoughts are  
3 about the moment that we're in and what, you know,  
4 the perspective that you bring to the Board in this  
5 time.

6 MICHAEL REGAN: I think you're absolutely  
7 right. Stanley Richards was a very wise appointee to  
8 this Board. As you know, Judge Lippman and--and this  
9 Council has appointed him to the--to the new  
10 commission. We're delighted at the Board about that.  
11 I spoke briefly about the renewed commitment that  
12 this Council and this Administration has in spending  
13 money, and putting money where their mouths are in  
14 terms of--of ensuring safety on Rikers Island. I'm  
15 here today or one of the people in the audience,  
16 Martha King is the new Executive Director of the  
17 Board of Corrections. She's doubled the size of the  
18 staff in the last year or so. We're in the jails.  
19 Those folks are in the jails 24 hours a day, 7 days a  
20 week talking to inmates, talking to people who have  
21 not been sentenced for any crime to make sure that  
22 their concerns are--are--are heard of. With regard  
23 to the Speaker's suggestion that Rikers Island be  
24 closed, I think it's a spectacular idea that needs to  
25 be studied and brought about. The antiquated

2 systems, buildings, that--that--that--that Stanley  
3 Richards Island on a Friday just seeing again that  
4 antiquated systems and buildings and deterioration.  
5 It is time that this idea get a--get a full set of  
6 lights.

7 CHAIRPERSON LANDER: Super. Thank you.

8 I'll just ask one more question and then I'll open it  
9 up to colleagues if they have them. I think one  
10 unfortunate side effect of the dialogue about reform  
11 is that it is sometimes in the media been portrayed  
12 as though it's kind of a, you know, a battle or a  
13 polarize between the guards and the inmates.

14 Obviously from the Council's point of view we want it  
15 to be safe for everyone, and we want those guards to  
16 be able to go home safely at night in addition to the  
17 work we're doing to make sure-- As someone who  
18 supervises security personnel, and thinks about these  
19 things, it's just--I wonder about your perspective  
20 on, you know, an approach that works for all  
21 stakeholders so we keep everybody safe who don't  
22 really do the work the we're doing to reduce  
23 incarceration and--and--and focus on safety and--and  
24 health of inmates. But that we also attend to the  
25 safety of--of the guards as well.

2 MICHAEL REGAN: Commissioner Ponte has  
3 done a yeoman's job in trying to bring about reform.  
4 He's--he's having a tough time. I can tell you that--  
5 --that the men and women of--of--of the Crisis  
6 Department, the Mental Health experts, the--the--the  
7 healthcare folks, the administrative people on Rikers  
8 Island they're going God's work. They're--they're  
9 all there everyday. They're treating people with  
10 great respect. They're--they're trying to--to--to  
11 help people, but this a time of crisis. There is a  
12 reform agenda. There are new metrics that are coming  
13 out. There are new visitation rights. We all have  
14 seen that Department of Investigation has arrested  
15 people that work in Rikers Island bringing weapons.  
16 It is a--it is a time for reform.

17 CHAIRPERSON LANDER: Thank you very much.  
18 Okay, we have several colleagues signed up, Rose,  
19 Levine, Williams and Matteo.

20 COUNCIL MEMBER ROSE: Good morning. My  
21 chair, you know, pretty much asked you the--the very  
22 questions that, you know, I was going to ask you.  
23 However, the Corrections Department is a--is a very  
24 important aspect for me, the--the daughter of a--a  
25 correction officer, and--and knowing I guess the

2 story from both sides. And--and my questions were  
3 about, you know, where you were. I find that the  
4 Corrections Department is in a state of transition  
5 and I'm just wondering having been on the Board since  
6 2001, what--what would you attributed to the fact  
7 that it took so long for, you know, these reform  
8 measures to--to be considered? And--and how are you  
9 going to ensure that they are balance, that we don't  
10 tip the scales all in--in one direction either/or in  
11 terms of support for personnel? And I--and I'm  
12 concerned about your opinion about the closing or  
13 Rikers? What--what's your opinion.

14 MICHAEL REGAN: I--I--I think closing  
15 Rikers would be an unbelievable fete. It's a  
16 complicated issue. I think Judge Lippman has  
17 assigned some of the smartest people in New York to  
18 take a look at that. I think it would be an amazing  
19 success. I also think that there--that there are a  
20 large percentage of people that are residing on  
21 Rikers Island, and I'm going to say it again, in most  
22 cases, people who are incarcerated, but not having  
23 been convicted of any crimes. I think that there has  
24 been--and this has been pet issue for many years--I  
25 think there are significant mental health issues that

2 most of--that many of those men and women are  
3 suffering from. I don't think that we've done a  
4 terrific job. We're doing a better job in this issue  
5 as uncomplicated as continuity of--of care for mental  
6 health providers. Folks don't get to see the same  
7 social worker, the same psychiatrist, the same person  
8 who--who can help them, and try to kind of put  
9 together several conversations. It seems intuitive  
10 that that would make a lot of sense. It seems  
11 intuitive that that, you know, as someone that dealt  
12 with a lot of mental health issues after 9/11, the--  
13 the--it seems intuitive to talk to the same person  
14 would--would be a terrific change. We're going to  
15 get there. I think that this administration and this  
16 Council is--is putting the resources where they need  
17 to be. All too often in a--in a budget that is  
18 competitive, you know, we didn't make the necessary  
19 infrastructure improvements to Rikers Island. We  
20 didn't have enough money for training the correction  
21 officers. We didn't have enough money to bring in  
22 the--the right staff to help folks. I think that  
23 that has a correlation with violence, violence that  
24 is unnecessary and wrong. But as I said before, the--  
25 the--the--it's not just about one issue, it's--it's--

2 it's a collaboration of issues. I've been one member  
3 in a nine member board, but I have never seen the  
4 commitment that I'm seeing right now. Also, Stan  
5 Brezenoff--the--the new members. I'm the oldest guy  
6 [laughs] on the board, and the new members are so  
7 attuned, so bright, so hungry for reform. They--  
8 they--they--the--the chairman mentioned our  
9 compensation, we're--we're--we're earning more than  
10 we deserve.

11 COUNCIL MEMBER ROSE: [laughs] Are you  
12 looking at the overtime issue, and--and the fact that  
13 officers might be burnt out, or the--the stress  
14 level--

15 MICHAEL REGAN: [interposing] It's an  
16 issue that the--

17 COUNCIL MEMBER ROSE: [interposing] --the  
18 mental health of--of both--

19 MICHAEL REGAN: [interposing] Yeah.

20 COUNCIL MEMBER ROSE: --you know, I know  
21 where we focus the fact I--I am sort of the initiator  
22 of a mental health initiative for youth who are  
23 incarcerated or were formerly incarcerated. Would--  
24 are you also looking at mental health issues in terms  
25 of the officers that are--are also--

2 MICHAEL REGAN: [interposing] I know that  
3 the department is. I'm not as familiar with them,  
4 but--but I can tell you this, anecdotally, there are  
5 young men and women who come to the department and  
6 are being assigned. Not lots and lots, but they are  
7 being assigned after their time in the Academy and  
8 they're choosing to leave because of the enforced  
9 overtime. That they're--they're choosing to leave  
10 the Department of Corrections to seek other career  
11 goals. I think we've got to fix that.

12 COUNCIL MEMBER ROSE: So, you--you--

13 MICHAEL REGAN: [interposing] That  
14 speaks--the one part--

15 COUNCIL MEMBER ROSE: --you're going to  
16 address to the overtime--

17 MICHAEL REGAN: [interposing] Yeah.

18 COUNCIL MEMBER ROSE: --the excessive  
19 overtime.

20 MICHAEL REGAN: Mandatory overtime.

21 COUNCIL MEMBER ROSE: Mandatory overtime  
22 and--and just again with the mental health issues,  
23 are you--you looking at--at enhancing the services  
24 that's delivered in terms of--

2 MICHAEL REGAN: [interposing] It's a  
3 really important time. The--the--the healthcare and  
4 the mental healthcare providers are leaving the  
5 private sector and moving towards the Health and  
6 Hospitals Corporation. I know that there's a--  
7 there's a--there's a commitment with the Department  
8 of Health to--to--to do a better job, but you're  
9 absolutely right. If--if we could figure out this  
10 issue of continuity, if we could figure out how to  
11 bring these services, if we could figure out the  
12 process of delivering on time---

13 COUNCIL MEMBER ROSE: [interposing] Uh-  
14 huh.

15 MICHAEL REGAN: --the men and women who  
16 are in Rikers, it's such an administrative and  
17 bureaucratic difficult issue for them to get their  
18 hands around because you've--you've got to--

19 COUNCIL MEMBER ROSE: [interposing]  
20 Because you provide medical services on the site--

21 MICHAEL REGAN: [interposing] Yeah.

22 COUNCIL MEMBER ROSE: --on site, but you-  
23 -do you have mental health professionals on site?

24

25

2 MICHAEL REGAN: Absolutely, many, many,  
3 many, psychiatrists, psychologists, social workers  
4 throughout Rikers Island. That's--

5 COUNCIL MEMBER ROSE: [interposing] And  
6 adequate--

7 MICHAEL REGAN: [interposing] --that's--

8 COUNCIL MEMBER ROSE: --adequate levels?

9 MICHAEL REGAN: --that's how you kind of  
10 ratchet down anxiety, right. That's how you calm  
11 young men and women down.

12 COUNCIL MEMBER ROSE: I'm--I'm really  
13 please to see that, you know, mental health is--is  
14 one of the areas that the Board's, you know,  
15 addressing, as well as all the other reform issues,  
16 and thank you--

17 MICHAEL REGAN: Thank you.

18 COUNCIL MEMBER ROSE: --for coming  
19 aboard.

20 CHAIRPERSON LANDER: Council Member  
21 Levine followed by Council Member Williams.

22 COUNCIL MEMBER LEVINE: Thank you, Mr.  
23 Chair. Good morning.

24 MICHAEL REGAN: Good morning.

2 COUNCIL MEMBER LEVINE: Thank you for  
3 your service, and for your comments today. You--I  
4 noticed that you called for smaller, not just more  
5 humane and fair jails, but smaller jails, and I'm  
6 wondering if you mean simply that that total inmate  
7 pop--population should be reduced or that there's an  
8 ideal size for an individual jail?

9 MICHAEL REGAN: Well, I mean I think last  
10 week's number was 13,500 people in Rikers Island.  
11 That--and it's much better than it was I guess during  
12 the late '70s and early '80s.

13 COUNCIL MEMBER LEVINE: But that's better  
14 with ten jails, right?

15 MICHAEL REGAN: Yes.

16 COUNCIL MEMBER LEVINE: So--so the  
17 average I guess is 1,300 per jail?

18 MICHAEL REGAN: Different buildings and  
19 different--and there's portable buildings. You guys  
20 have been out there and seen--seen this stuff. It's--  
21 -it's--it's, you now, in Utopia if--if Judge Lippman  
22 decides to close Rikers Island, which would very, you  
23 know, and we're excited to--to--to think about to go  
24 about doing that. You know, smaller jails are better  
25 jails. Smaller jails are safer jails.

2 COUNCIL MEMBER LEVINE: And what would be  
3 the ideal size of a jail?

4 MICHAEL REGAN: I'm--I'm going to point  
5 to the department on that. I--I don't have a number  
6 in my head that I want to give because I just don't  
7 know enough about that.

8 COUNCIL MEMBER LEVINE: I--I--I think  
9 that some of the alternative sites that are being  
10 considered in the case of where we want to close  
11 Rikers around the city are between one and 2,000 per  
12 jail.

13 MICHAEL REGAN: It feels right.

14 COUNCIL MEMBER LEVINE: That feels right?  
15 Okay, and what are the benefits of smaller jails?  
16 What--is--is it more likely that--that inmates will  
17 get personalized services, or what's--what are the  
18 benefits?

19 MICHAEL REGAN: Personalizes services, a  
20 better infrastructure, a safer infrastructure. You  
21 know, the ability to look down a hall and see if  
22 anything untoward is going on, better technology,  
23 right. Jake can attest we have--we have about 6,000  
24 branches. We have cameras. We have a lot of  
25 cameras, right? Rikers should--should better use

2 cameras. Cameras about safety on Rikers Island.  
3 Cameras are making--making sure that people are safe.  
4 Those type of issues, right. You have--you have a  
5 new building. You design in a way that it's going to  
6 be safe. We were in a facility called West last  
7 week. It's round. You know, your--your--your--your  
8 line of vision is--is--is very, very limited. It  
9 doesn't make sense to build a building like that.

10 COUNCIL MEMBER LEVINE: Well, of course,  
11 you could build new buildings on Rikers Island.

12 MICHAEL REGAN: You could do that.

13 COUNCIL MEMBER LEVINE: Right. I think  
14 there's also potentially advantages of dispersing to  
15 points throughout the city so you're--

16 MICHAEL REGAN: [interposing] It just  
17 seems--again, intuitively and--and--and the Lippman  
18 Commission is going to--is going to look at a lot of  
19 these issues, intuitively it just seems to make  
20 sense. Less transportation coming and going. Less-  
21 less bureaucracy, less issues. It--it just--it  
22 doesn't seem to make sense that all those folks are  
23 at once place.

24

25

2 COUNCIL MEMBER LEVINE: About  
3 transportation you mean transporting to and from  
4 court--

5 MICHAEL REGAN: [interposing] Yeah.

6 COUNCIL MEMBER LEVINE: --I presume--

7 MICHAEL REGAN: [interposing] Yeah.

8 COUNCIL MEMBER LEVINE: --which is the  
9 time and expense.

10 MICHAEL REGAN: Yes.

11 COUNCIL MEMBER LEVINE: Okay. All right  
12 well thank you very much.

13 MICHAEL REGAN: Thank you, sir.

14 CHAIRPERSON LANDER: Thank you, Council  
15 Member. Council Williams followed by Minority Leader  
16 Matteo.

17 COUNCIL MEMBER WILLIAMS: Thank you very  
18 much Mr. Chair, I appreciate it. I--I--I know a lot  
19 of people have been objecting to closing Rikers,  
20 which is strange for me. I'm--I'm like at least wait  
21 for the study to come out to see what comes out about  
22 it.

23 MICHAEL REGAN: I don't know anybody on  
24 the Board that doesn't think that this is a really  
25 good idea

2 COUNCIL MEMBER WILLIAMS: All right.

3 MICHAEL REGAN: That doesn't think it's a  
4 really smart thing to look at.

5 COUNCIL MEMBER WILLIAMS: And I may have  
6 missed those in the conversation, but did you just  
7 give some suggestions of what we would do with the  
8 inmates that are there if--if we decide to move  
9 forward?

10 MICHAEL REGAN: I think--I think the  
11 strategy is overtime either build or enhance existing  
12 facilities around time and close Rikers Island. I  
13 think that's what people are talking about. I think  
14 that's what the Speaker is talking about. I think  
15 it's well--well worth the review.

16 COUNCIL MEMBER WILLIAMS: I heard of  
17 ideas of--of using monitoring a little bit better  
18 maybe from the angle raise it's score. (sic) Some of  
19 the folks say that can be better used for. Is there  
20 any other kind of technology or other ideas that the  
21 Board has thought of that could can be used instead  
22 of incar--incarceration?

23 MICHAEL REGAN: I think everybody on the  
24 Board think that there's too many people on Rikers  
25 Island. You know, Judge Lippaman and other embraced

2 an issue of--of bail reform, of getting foundations  
3 to figure out. There are so many people there who--  
4 who are being held on very small amounts of bail.  
5 Like they don't deserve to be there. I would  
6 suggest--I can't speak for the judge. I would expect  
7 the judge didn't want them to stay in jail for a  
8 month or two or three because there's a \$400 bail or  
9 a \$500 bail, right? You know, it's--it's--the--the  
10 opportunity for reform is here. I think a lot of the  
11 stuff is intuitive. I think the Speaker and others  
12 have put really smart men and women together to look  
13 at this. I think that this is a really good time.

14 COUNCIL MEMBER WILLIAMS: And there's a  
15 theory I've gotten from a few of my friends who are  
16 correction officers. I don't know if it's true or  
17 not. I'm not there, but it is a suggestion that the--  
18 -the violence got more gruesome and increased after  
19 there actually had been some--some more from  
20 separating some of the street crews and the--and the  
21 gangs that are there. Because their--their fear it  
22 is together the--the numbers kind of stay the same,  
23 on the other side. And when you separated them,  
24 anybody who goes to that area now has to convert or

2 face problems. I just want to know if you have heard  
3 that after the separations that they tried, if they--

4 MICHAEL REGAN: [interposing] I don't  
5 know anything about that. I--I do know that gang  
6 violence is something of grave concern to the  
7 department, and--and to the board. I don't know  
8 anything about the issue that you spoke about. I  
9 will talk to correction officers and ask them.

10 COUNCIL MEMBER WILLIAMS: Okay, thank  
11 you. Thank you, Chair.

12 CHAIRPERSON LANDER: Thank you. Council  
13 Member Matteo.

14 COUNCIL MEMBER MATTEO: Thank you. So  
15 with--you talked a lot about the closing of Rikers  
16 and--and a lot of the talk in my district in Staten  
17 Island today is--in the last week is about locations  
18 that the Administration might be looking in  
19 residential areas on [coughs] west shore of Staten  
20 Island. So I was wondering your opinion on, you  
21 know, potential opening up I guess what you said  
22 smaller facilities closer to residential areas?

23 MICHAEL REGAN: Yeah, I don't know--I  
24 don't know that siting has been discussed. We  
25 certainly haven't discussed it at the--at the Board.

2 That's something that's down the road a bit. I know  
3 there are existing, you know, facilities in Brooklyn  
4 and Queens, and--and you've got some stuff in Staten  
5 Island, too. But there are existing facilities,  
6 which have not been tended to, invested in or kept  
7 up.

8 COUNCIL MEMBER MATTEO: So I--and again I  
9 understand that nothing is concrete and this is all  
10 just talk. But just your opinion on--on--on opening  
11 new sites, I mean you're talking about the closure of  
12 Rikers so what--is there enough existing facilities  
13 in your opinion that--that can handle--if you close  
14 Rikers, are you looking--where are you on--on new  
15 sitings?

16 MICHAEL REGAN: I don't know enough about  
17 that yet.

18 COUNCIL MEMBER MATTEO: Okay, thank you.

19 CHAIRPERSON LANDER: And I'll just  
20 clarify I guess and this is more for the public than  
21 for the nominee or the--you know, obviously the, you  
22 know, this new commission that Judge Lippman  
23 appointed has just started. It hasn't even met yet  
24 for the first time to kind of start to look at this  
25 set of questions about existing capacity, about

2 whether you can shrink further the number of people  
3 who are there, about how many additional facilities  
4 you would need. And really, none of that has gotten  
5 started yet, but the--the Commission's  
6 responsibility--the Board of Correction's  
7 responsibilities remain during this period of time to  
8 have oversight of all the issues. We can't wait for  
9 safety or mental health--

10 MICHAEL REGAN: [interposing] Yeah.

11 COUNCIL MEMBER MATTEO: --or, you know,  
12 all the issues that you talked about. You know, I'm  
13 on the--I'm certainly in the set of people that would  
14 love to see us be able to make those steps to closing  
15 Rikers, but that's a long-term process. And in the  
16 meantime the issues that you spoke about have to be  
17 attended to in the facilities that we have. That's  
18 the primary responsibility.

19 MICHAEL REGAN: [interposing] Absolutely.

20 COUNCIL MEMBER MATTEO: It is the  
21 responsibility of the Board so great. Okay, seeing  
22 no other questions, we will go ahead and close this  
23 hearing. Thank you very much for your time. I'll  
24 point members to all the materials that are in the  
25

2 binder, and if we have any further questions to  
3 follow up, we will reach out.

4 MICHAEL REGAN: Thank you.

5 CHAIRPERSON LANDER: Thank you very much.

6 All right, we will move on now to our third and final  
7 panel, but with to appointees. I'll get to the right  
8 page of my binder here. Here we go. All right, the-  
9 -the two nominees that we have now Ramon Peguero, a  
10 resident of Queens and Marbre Stahly-Butts, a  
11 resident of Brooklyn, are both being nominated by the  
12 Council--and you guys can come up together--to serve  
13 on the Civilian Complaint Review Board. As members  
14 know, the Civilian Complaint Review Board is an  
15 independent body charged with the duty to investigate  
16 complaints of misconduct by police officers toward  
17 members of the public. Board members are required to  
18 reflect the City's diversity. CCRB consists of 13  
19 members, five designated by the Council for  
20 appointment by the Mayor and generally one per  
21 borough, and with oversight from our borough  
22 delegations. Five appointed by the Mayor, and three  
23 designated by the Police Commissioner, and those  
24 three nominees are the only members who may have, and  
25 generally do have law enforcement experience. The

2 CCRB has a civilian staff responsible for conducting  
3 investigations of complaints received by the Board.  
4 The CCRB's jurisdiction is limited to complaints  
5 claiming excessive force, abuse of authority,  
6 discourtesy or use of offensive language. The Board  
7 operates in panels of at least three members, and  
8 it's worth noting that those panels have to include  
9 one member that's been nominated by the Mayor, one  
10 member that's been nominated by the Council from our  
11 five, and one member of the three that are designated  
12 to by the Police Commissioner, and who generally are  
13 former NYPD officers. So each individual review  
14 panel has one from each of those categories. And if  
15 designated by the Council Mr. Peguero and Ms. Stahly-  
16 Butts would serve on those panels. All CCRB members  
17 are eligible for compensation on a per diem basis.  
18 The current per diem rate is \$315 per day. As I  
19 mention, Mr. Peguero, a resident of Queens, would  
20 replace Bishop Mitchell Taylor and serve for the  
21 remainder of a three-year term that would expire on  
22 July 4th, 2017. And if designated by the Council and  
23 subsequently re--appointed by the Mayor, Ms. Stahly-  
24 Butts, a resident of Brooklyn, will fill a vacancy.  
25 The Brooklyn seat has been vacant, and serve for the

2 remainder of a three-year term that also expires on  
3 July 4th, 2017. Thanks to both of you for your  
4 interest and time, and if you can both raise your  
5 right hands to be sworn in by counsel.

6 LEGAL COUNSEL: Do you swear or affirm  
7 that the statement you're about to make will be the  
8 truth, the whole truth and nothing but the truth?

9 RAMON PEGUERO: I do.

10 CHAIRPERSON LANDER: Thank you both. We  
11 will go alphabetically without meaning to imply that  
12 Queens goes for Brooklyn, but Mr. Peguero, I wanted--  
13 if--if you'll give your opening statement and then  
14 Ms. Stahly-Butts hers, and then we'll open it up for  
15 questions of--of either or both members.

16 RAMON PEGUERO: Sure. Good morning. My  
17 name is Ramon Peguero, and it is an honor and a  
18 privilege to be here before the New York City  
19 Committee--Council's Committee on Rules, Privileges  
20 and Elections, its Chair the Honorable Brad Lander  
21 and other members of the Committee and City Council  
22 members before us. I am humbled by this opportunity  
23 to be before you as a possible candidate for  
24 appointment to the Civilian Complaint Review Board.  
25 This board has a long history leading back to 1950.

2 It's main goal was and continues to be to ensure that  
3 government's responsibility to enforce the laws of  
4 the City of New York is balanced with the rights of  
5 the citizens of the city not to be mistreated when  
6 encountered with a government agent in charge of  
7 enforcement. In this case the Police Department and  
8 its officers. For the past 27 years I worked with  
9 populations of New Yorkers with the most needs, and  
10 the least amount of inference and voice. I've worked  
11 in Spanish Harlem assisting young mothers in the  
12 struggles to keep the families together, and the  
13 children out of the foster care system. In the South  
14 Bronx, I worked with families to strengthen the skill  
15 sets of the head of household to ensure that all  
16 members of the families were position to thrive. In  
17 Bed-Stuy and Fort Green I worked with the youth of  
18 the public housing development peace agendas. The  
19 last (sic) is needed to keep--to get and keep a job.  
20 Presently, I am the Executive Director of Southside  
21 United Los Sures, and 34-year-old community based  
22 organization that has rehabbed or developed over  
23 4,000 units of affordable housing in North Brooklyn.  
24 Additionally, we've helped thousands of families by  
25 displacement their apartments through our Anti-

2 Displacement, Anti-Harassment work. We also serve  
3 the neediest in our community through our supermarket  
4 style food pantry, as well as the most vulnerable via  
5 our senior center. On the personal side, I am the  
6 proud husband of a school teacher, and we are the  
7 proud parents of five young men ranging from 26 years  
8 of age to 16 one of whom is a police officer. I  
9 received my bachelor's degree from Stony Brook  
10 University, my master degree from Metropolitan  
11 College and my law degree from Queens College School  
12 of Law. My education preparation has expanded my  
13 logical thinking and has uniquely positioned it me to  
14 have the ability to have attention to be details in  
15 an objective and focused manners. Skills that are  
16 needed when asked to preside over issues such as  
17 those that come before the CCRB. I look forward to  
18 any questions that the committee has, and I thank  
19 you.

20 CHAIRPERSON LANDER: Thank you and I will  
21 note that we've been joined by Council Member Antonio  
22 Reynoso. Thank you for joining us.

23 MARBRE STAHLY-BUTTS: [off mic] Good  
24 beautiful things. [coughs] On? [off mic] So thank  
25

2 you so much. My name is Marbre C. Stahly-Butts. I  
3 want to stop to this moment to-- Is it not on?

4 CHAIRPERSON LANDER: It is not.

5 MARBRE STAHLY-BUTTS: All right, the  
6 light is on. So hello. My name is Marbre Carey  
7 (sp?) Stahly-Butts. First, I want to take to take a  
8 moment to thank you so much for the opportunity to be  
9 here today. I am honored and excited by the  
10 possibility of serving on the New York City Civilian  
11 Complaint Review Board or the CCRB. I want to  
12 briefly and not so briefly. I'm now realizing after  
13 these short statements that [laughs] so let me  
14 pleased introduce myself to you, and explain why I  
15 would like to be a member of the Board. This process  
16 has made me realized that I am not necessarily a  
17 traditional nominee. I am active in what is coming  
18 to be called--coming to be known as the Black Lives  
19 Matter movement, and I've worked aggressively and  
20 publicly both here in New York City and across the  
21 country on issues of racial justice, systemic police  
22 reform, decriminalization and the incarceration. As  
23 you may have seen in my statements, I believe like  
24 many of you on the Council there are significantly  
25 dangerous and discretely flaws with the criminal

1 justice system. I support reforms to our court  
2 system, and I believe deeply investing in and imaging  
3 community safety beyond policing and incarceration.  
4 I am incredibly excited and encouraged the Brooklyn  
5 Delegation has chosen to submit me as a nominee for  
6 the CCRB. In part because I believe the CCRB is  
7 meant to represent a cross section of prospective  
8 experiences and identities. It is in the diversity  
9 of representation that the Board garners its  
10 legitimacy and its purpose. My perspective as  
11 someone who identifies with the Black Lives Matters  
12 movement. My experience as a nominated New Yorker  
13 were moved into heavily policed black neighborhood  
14 and my identity as a black woman who has seen family  
15 members and love to run--self-run with the weight of  
16 our criminal justice system is effective of many New  
17 Yorkers. I believe it is essential that these  
18 prospective experienced entities are representative  
19 on the CCRB. I also am confident that my perspective  
20 experiences and enable--would not affect my ability  
21 to objectively and fairly judge any police case  
22 before me, but they will help inform how I understand  
23 and try to address the challenges that the CCRB faces  
24 in ensuring community engagement draft.  
25

2 I come from a family of preachers and  
3 teachers, and so I always knew that my career would  
4 reflect and embody my purpose. It has. Since I was  
5 young I knew I wanted to be a lawyer and work on  
6 issues of criminal justice reform, which I saw bend  
7 if not break any people in my community and my own  
8 family. I also promote all the age and I wanted to  
9 live in New York City. I used to spend time in  
10 Harlem, with my aunt and successfully set my sights  
11 on Columbia University. After completing my  
12 undergraduate degree at Columbia where I worked with  
13 youth in Harlem as well as method and locations (sic)  
14 I spent a few years abroad attending graduate school  
15 and working in Zimbabwe and South Africa with  
16 community groups and students. During that time I  
17 worked with groups focused on community control and  
18 organizing as a means of manipulation, and studied  
19 the histories of those countries towards the ends of  
20 versing myself in the possibilities and the pitfalls  
21 of social transformation. After my time abroad, I  
22 attended Yale Law School with the goal of gaining  
23 this skill set that would allow me to most effective  
24 assist communities impacted by state and community  
25 violence. I entered law school with the ambition to

2 learn the law in order to break down the barriers to  
3 make it difficult for those most impacted to craft  
4 their own solutions to the myriad issues and  
5 indecencies that we all face. Without law school and  
6 as I am finishing I have worked on issues of racial  
7 justice, criminalization and police accountability.  
8 As Deputy Director of Racial Justice at the Center  
9 for Popular Democracy, I've had the opportunity to  
10 work with groups and across the country. From  
11 Florida to St. Louis. I've gotten to work on  
12 organizing and advocacy campaigns, focus on building  
13 community power and holding state agencies from  
14 police departments to municipal courts accountable to  
15 the communities they are deputized to serve and  
16 protect. It is my deep and unabiding belief that  
17 impacted communities are best equipped to craft  
18 solutions to the issues that they face. I believe  
19 the communities are the most effective solution  
20 makers and the community involvement and control is  
21 essential to making our communities and our democracy  
22 stronger, safer and more successful. My entire  
23 career has been focused on making policy accessible  
24 and accountable to all communities. It is for these  
25 reasons that I'm excited about the possibility of

1 serving on the CCRB. While there are issues of  
2 trust, accessibility and efficacy, many of which have  
3 been directly acknowledged and addressed by the chair  
4 and the Executive Director of the CCRB, the New York  
5 CCRB is one of the most resourced and most empowered  
6 examples of civilian oversight. While there is much  
7 to be improved, I have been excited by some of the  
8 recent reforms to the CCRB and the clear attempt by  
9 Council members and Board members to make it more  
10 open and accessible to impacted communities. I have  
11 also been excited about the commitment by both the  
12 Council and the Board leadership to use the full  
13 force of the CCRB to influence how communities are  
14 policed. It is an exciting time to work on these  
15 issues especially here in New York City. I would  
16 love to dedicate my energy, legal experience and  
17 passion to this endeavor. I have a lot to learn  
18 about both the challenges and successes of the CCRB,  
19 and I believe I can contribute a set of perspectives  
20 and experiences that will help bring the Board closer  
21 to reflecting the full diversity of New York City  
22 including demographic experience experiential and  
23 otherwise. I would be honored to represent my  
24 community borough and all New Yorkers, and support  
25

2 the objectives in making the CCRB into an open and  
3 responsive entity that can help bridge communities  
4 and law enforcement through accountability,  
5 transparency and understanding. At its best, the  
6 CCRB can empower communities to influence public  
7 safety practices through systemic investigations and  
8 policy recommendations and demarcate the guilty from  
9 innocence through open ends that are processed that  
10 holds them far more accountable. I thank you again  
11 for the opportunity and thank the Brooklyn Delegation  
12 for their support. Thank you for that long statement  
13 and listening. [laughs]

14 CHAIRPERSON LANDER: Thanks very much to  
15 both of you for those opening statements and, of  
16 course, I'll call as usual the attention of members  
17 to all the background materials of very thoughtful  
18 questions and answers on a whole range of pre-hearing  
19 questions that I--I really thought both of you had  
20 very thought both of you had very thoughtful answers,  
21 and I encourage people to look at them. So, I  
22 encourage people to look at that as well, and I want  
23 to get right to questions. So I'll just ask one of m  
24 own. First I--I think what both of you said is--is  
25 really worth reflecting on. The way we think about

2 the CCRB we wanted to reflect the diversity of  
3 perspectives and--and points of view. That's in some  
4 way unusual for a board that then will sit in a--in a  
5 jury like format. You know and I think we might  
6 think that we were looking for judges who themselves  
7 had no--kind of held themselves back. Had no point  
8 of view and just applied the facts of the law, and  
9 not their own experiences. But instead, for the CCRB  
10 what we specifically look for is a diversity of  
11 experience and point of views built into it. Is to  
12 have former police officers who obviously bring a  
13 very strong and important point of view to every  
14 single panel. And in the Council I'm proud that--that  
15 we're looking reflect that diversity to have someone  
16 who has the experience both working on the--on the  
17 ground around these issues of affordable housing, and  
18 who's the father of a police officer. And also, I  
19 know this was important for the Brooklyn Delegation  
20 at this moment in time to add someone to the panel  
21 who reflects the perspective of the Black Lives  
22 Matters movement and the police for police reform  
23 and racial justice. So having said that, obviously,  
24 we want people to bring their own perspectives and  
25 experiences. And then, we also want people who on

2 every individual case can give as objective as  
3 possible a real fair hearing to in each case, and  
4 evaluate the claim and make sure that both the claim  
5 and the New Yorker who's brought the complaint is  
6 treated fairly and effectively and appropriately.  
7 And also, that the officer who was accused gets, you  
8 know, real due process, and is also treated fairly.  
9 And so I just wonder if you could each say a little  
10 bit more about how you bring your own personal  
11 experiences with community and systemic issues. But  
12 then also sort of--I don't know. You tell me. Set  
13 them aside? How do you then sit in each individual  
14 case and give kind of fair and respectful view to--to  
15 both the complainant and the officer in every case?

16 RAMON PEGUERO: Go.

17 MARBRE STAHLY-BUTTS: [off mic] I think  
18 you better go ahead. (sic)

19 RAMON PEGUERO: Well, you know, I--I  
20 think that Chairman that you bring up a--a great  
21 point as far as the diversity. I think diversity is  
22 important not only as--as a board, but because we are  
23 reflective of the community that is we are the voice  
24 of. And I also that diversity is important not only  
25 for the CCRB. I think it's important also for the

2 Police Department to be diverse to be able to  
3 understand and--and bring forth a lot of different  
4 ideas, and a lot of different perspectives. So as--  
5 as an individual that has worked in the grassroots  
6 efforts in--in the community, I find that I've seen  
7 both--both faces, both sides of--of the coin. I've  
8 seen great policing, and I've seen very terrible  
9 policing. I've been a victim of, and also being the  
10 recipient of help from--from police action. And the  
11 thing that--that we have both I think said in our  
12 opening statement is our educational level, our  
13 preparation and also the--the activities that we have  
14 been apart of. I--I run an organization with 50  
15 staff members. So I'm called upon every single day  
16 to mediate issues between supervisors and staff.  
17 Sometimes between union members and non-union members  
18 and non-union members. And you have to sit back  
19 whether you like the person as much as you like the  
20 other person, and look at the facts and--and  
21 rationally look at them and objectively decide what  
22 is before you. This is what I believe I bring to the  
23 CCRB, an ability to look objectively at the facts  
24 before us and to impart a--a decision based on just

2 the facts, and not allowing our personal feelings to  
3 get involved with those facts.

4 MARBRE STAHLY-BUTTS: Absolutely. So I  
5 would echo that I think a legal attorney helps with  
6 that in just generally the ability to--to adjudicate  
7 a case before you with the rules and--and the  
8 evidence and that you're given is a really important  
9 skill. I also would say that my politics around the  
10 need to reform these systems we are part of is not  
11 about individuals or which are intent on individual  
12 people. It's about the kind of systemic and metrics  
13 that brought us here, and that will continue to--to  
14 take us here. And so I think it's--it's really  
15 important to understand that--that one of jobs of the  
16 CCRB is to adjudicate individual cases and that is  
17 about applying the facts to the myriad of situations  
18 are brought to you using this set of evidence that  
19 you're taught to use. And so that's a skill that I  
20 both have really--like my legal career but also I  
21 think generally. The other thing the CCRB does that  
22 I'm excited about is it enables itself to look at  
23 trends in complaints to make a recommendation. I  
24 meant it is in our personal experiences we're kind  
25 of--we get to bring our politics to that and how does

2 it--like what is it that we want to prioritize? How  
3 do we want to think about and talk about those  
4 things. And so I'm excited about that piece of it  
5 that the--the adjudication piece and the--the  
6 application of facts is really one that is about  
7 looking at the facts before us, and adjudicating them  
8 fairly so--

9 CHAIRPERSON LANDER: Thank you. I'll let  
10 you know we've been joined by Council Member Dickens,  
11 who is now leaving for a moment, but will join us  
12 again shortly. Thank you. We'll go to member  
13 questions now. We have on the stack our Minority  
14 Leader Steve Matteo followed by Council Members  
15 Reynoso, Williams and--and then Dickens. And I'll  
16 open the questions just recognizing that obviously on  
17 this Council we have a strong diversity point of  
18 views on this range of issues, and I think that's not  
19 just appropriate, but important for the Council. And  
20 I want to welcome--welcome that. Council Member  
21 Matteo.

22 COUNCIL MEMBER MATTEO: Thank you Chair  
23 Lander and--and your--your point--point of view is  
24 extremely and--and I guess my--my one and two-part  
25 question is based just on your point of view and I--I

2 welcome both of you here and thank you for being  
3 here. So I'm going to ask you just one question,  
4 just a two-partner, and I'm just looking for your  
5 thoughts on a broken window style policing, your  
6 support, your non-support, and your thoughts on that.  
7 And with some of the NYPD with District Attorney  
8 Vance announced a few weeks back the new initiatives  
9 not to prosecute certain quality of life crimes. And  
10 I'll just ask for your thoughts on--generally on both  
11 whether you support or oppose. Thank you. Either one  
12 of you can start.

13 RAMON PEGUERO: You know, I--I--I find  
14 that the--the rules in the kind of the--the Broken  
15 Windows is--is very interesting. It has, as you  
16 know, a lot of experts on both sides of--of the  
17 equation, some that are arguing that it--it is good,  
18 some that are arguing that it--it unfairly targets  
19 minorities, Blacks, Latinos and--and--and--and the  
20 poor. This is where I stand on this. Right we have  
21 a major issue when it comes to trust between the  
22 Police Department and--and--and the community. I  
23 think it's very important for us to work on closing  
24 that gap. I think it's very important for us to work  
25 to ensure that there is diversity, as we mentioned

2 earlier not only in the CCRB, but also diversity in  
3 the Police Department so that when the police is--is  
4 engaged with the community, they understand the  
5 community better, and there is a--a--another  
6 dynamics. That's why I--I know that Council Member  
7 Rose has opened her--her City Council Office to the  
8 CCRB, and I think all City Council members they  
9 should have a satellite office in every single City  
10 council member's office so that the CCRB is present.  
11 And that we are able to hear di--directly on the  
12 issues that are affecting the constituency, and what  
13 better place than the grassroots offices of a City  
14 Council member. And that way we could mitigate some  
15 of those concerns, and we could call our local Police  
16 Department, and sit them down and say this might  
17 become an issue. And we solve those problems before  
18 they get into being a--a complaint and a trial, and--  
19 and it becomes then adversarial. So I think that  
20 that to me should be our priority. That should be  
21 the focus of trying to get the Police and the  
22 community working together. And in a perfect world,  
23 stop and--you know, the Brooklyn Wednesday could be--  
24 could be a--a good idea. However, we aren't living  
25 in a perfect world, right? And when we look at Stop-

2 and-Frisk, the question, the reality is that the NYPD  
3 has come out and said that 90% of the people that  
4 have been stopped, questioned and frisked are  
5 innocent. You know, and predominantly the amount of  
6 people that are stopped, questioned and frisked are  
7 Black and Latino. So those are the things that cause  
8 you tension in our community, and we should be  
9 looking to reduce tension and not increase tension.

10 MARBRE STAHLY-BUTTS: So I would first  
11 devise and amend the idea of Council Member Rose and  
12 all those who have CCRB offices inside of offices. I  
13 think that it's essential that as we transform and  
14 reforming policing that CCRB is available on the  
15 front lines and that folks feel comfortable and able  
16 to engage it. In terms of Broken Windows, I  
17 personally think Broken Windows and you mentioned  
18 that there is conflicting evidence. There is a New  
19 York Time book review about its success. I would say  
20 that the evidence that that is assessed is ambiguous  
21 to say the least, and--and--and mostly I think points  
22 to a lack of evidence that it's successful. What we  
23 know for sure, though, in New York and San Francisco  
24 in Chicago, every place that we've seen it that it  
25 does lead to a huge amount of discriminatory impact

2 on Black and Brown communities. And so, we see  
3 communities who are being promiscuously policed, who  
4 are being stopped and frisked in--in New York, but in  
5 other places are being stopped for low level  
6 offenses. And criminalized that have really negative  
7 impacts on the families and communities. And so, I  
8 think Broken Windows probably need carpenters and  
9 long-term investments. And so, I believe in  
10 investing in the communities that have--have low-  
11 level crimes and---and other things that indicate for  
12 some that there may be an escalating of violence.  
13 And the best way to address that early on is with  
14 community engagement with long-term investments,  
15 economic investments and that those are actually  
16 better long-term solutions to crime. And so support  
17 initiatives that are not seeking--that are seeking  
18 not to criminalize the level of behavior instead of  
19 seeking other alternatives to incarceration for those  
20 behaviors. But in the meantime, I think it's really  
21 important that interactions between police and  
22 civilians that the CCRB be as present and able to  
23 mitigate some of those concerns, and it is a--a  
24 resource for folks. Those for actual--I think

2 mediation between officers and individuals, but also  
3 when those misconduct for more than that.

4 COUNCIL MEMBER MATTEO: Thank you. I  
5 appreciate both your thoughts. Chair.

6 CHAIRPERSON LANDER: Thank you, Minority  
7 Leader Matteo. We have Council Member Reynoso  
8 followed by Council Member Williams and we welcome  
9 Council Member Daneek Miller from Queens--Queens.

10 COUNCIL MEMBER REYNOSO: Thank you,  
11 Chair. Welcome and just for full disclosure I know  
12 both of these folks very well. You know, I've been  
13 at least we were standing in this last year, and  
14 Steven Matteo sort censured rights, censored rights.  
15 (sic) [laughter] Not all the way to the right, and  
16 not all. [laughs] But I think what we have here is a  
17 perfect example of, you know, what we've been seeing  
18 out in the communities especially in Brooklyn and  
19 having someone that actually absolutely represents  
20 that, and someone that has the experience on both  
21 sides of having five--what you consider, what you  
22 wrote, Black and Latino children, and a police  
23 officer, as one of those--one of those children being  
24 a police officer. And given that obviously we were  
25 out there when I guess I held up with this. How do

2 you deal with the fact that you have, and this is  
3 Peguero. How do you deal with the fact that you have  
4 actually men of color, men, young men of color who  
5 tend to be the target or the--the--who we blame on  
6 the ends of society on--when it comes to New York  
7 City. And that also having one them be a police  
8 officer, and having that balance, and how might that  
9 contribute to how you assess situations, and make  
10 determinations in CCRB?

11 RAMON PEGUERO: Let me--let me go back to  
12 the--the facts that are coming before the CCRB are to  
13 be adjudicated based on the facts presented to you.  
14 So, whatever the issue is, we look at the facts and  
15 we adjudicate. As--as far as having five Black-  
16 Latino sons, I--I believe that having one of them be  
17 a police officer is a wonderful thing. I--I keep  
18 mentioning diversity. Diversity is, you know, my  
19 Council Member Miller is here. We--we've come from  
20 the most diverse, you know, county in--in--in the  
21 country. Diversity is key for us to bridge the gap  
22 between the police and--and--and the community, and--  
23 and I've always told my sons you don't just aiding  
24 from outside. You have to go in. You have to change  
25 it from within. I believe that having a Black-Latino

2 law officer in--in--in the department automatically  
3 starts changing things. And we need to have more of  
4 our young people participate in the process of  
5 becoming police officers so that they could  
6 understand. When my--you know, when my son comes  
7 home and tells me how he arrests somebody, and they  
8 say thank you to him because he experienced that this  
9 is my job. I am not saying that you are a criminal.  
10 You know, you want to have your--your--your  
11 opportunity in court, and these are the steps that  
12 you could take. If you believe that you are  
13 wrongfully being arrested, they say thank you. You  
14 have a first officer that has treated you as--with  
15 respect. And I believe that that's how we are going  
16 to--to change the dynamics by having people involved  
17 both from the CCRB, and the diversity of the CCRB,  
18 but also in the Police Department getting diversity.  
19 And not only waiting for the--for the police  
20 department to--to talk diversity, but around the--the  
21 city. City Council members and community leaders  
22 trying to push our people to ensure that we have that  
23 diversity in the Police Department.

24 COUNCIL MEMBER REYNOSO: One other  
25 question. You also are the Executive Director of Los

2 Sures as the Southside United HDFC. When Brooklyn  
3 was the second highest rates of Stop-and-Frisk in the  
4 city of New York, in the community that was only 60%  
5 Black and Latino. And given the research that has  
6 been done, we know that 40% of that population wasn't  
7 getting stopped and frisked. So I really think that  
8 given the amount of stops that were happening to a  
9 smaller population that we were actually the most  
10 stopped and frisked community in the city of New  
11 York. They--and I don't know if that's a fact you  
12 knew. I found that recently, that fact, and I just  
13 want to--when we look at the 98th Precinct and how I  
14 consider them a model precinct when it comes  
15 community and police relations. But we did have the  
16 significant amounts of Stop-and-Frisk, two of which  
17 were--were me. I just want to--what do--what do you  
18 think the 98th Precinct can do or has done? And how  
19 is it that they can both be a model precinct that you  
20 agree, a model precinct but also commit, you know, a  
21 significant amount of Stop-and-Frisk. More of what--  
22 which I consider unjustly.

23 RAMON PEGUERO: Sure. I--I--I think that  
24 there is some distinction between the Police  
25 Department at the 98th Precinct that is--I think is

2 doing a--a good job, but--and with the diversity of  
3 that police precinct and their understanding of--of  
4 the community. But I also think that we have to  
5 start looking at policies. The policy of Stop,  
6 Question and Frisk whether or not that is going to  
7 yield positives results. And as I mentioned earlier,  
8 when 90% of the Stop, Question and Frisk incidents  
9 was--was--was minority groups, Black and Latinos end  
10 up in, you know, no charges. End up--the fact is  
11 that these people were innocent. I think that is  
12 waste of resources. We have so many things. We have  
13 approximately 35,000 police officers trying to  
14 protect eight million people. So as a matter of  
15 policy, I think it's--it is--is useless given also  
16 that there is a--some sort of racial implication at  
17 least about Stop, Question and Frisk. I think that  
18 the Police Department could do a better job using the  
19 resources in terms of--of--of criminal activity in--  
20 in a different manner.

21 COUNCIL MEMBER REYNOSO: Thank you for  
22 that. I may--I--I want to--I tend to agree that the  
23 policies from the top are affecting how people do  
24 work on the bottom. So no matter how diverse or how  
25 in tune with the community a precinct is, they have

2 to continue to proceed with unjust policies I think  
3 because they come from the top.

4 RAMON PEGUERO: Great.

5 COUNCIL MEMBER REYNOSO: So I'm hopeful  
6 you can help us deal with that, and I have one  
7 question. Black Lives Matter extremely important to  
8 many people in the Council, and obviously many people  
9 in the City of New York. But many people see the  
10 Black Lives Matter movement as a radical movement,  
11 right? And I'm just going to speak in generalities  
12 here. What perspective--what fair perspective, and I  
13 think Council Member Brad Lander tried to hint at  
14 this, but what--how can you possibly present--  
15 represent--how can you present a fair and objective  
16 view on any of these cases given your experience, and  
17 your advocacy in the Black Lives Matter movement. And  
18 also giving us an opportunity to explain how the  
19 Black Lives Matter doesn't necessarily affect exactly  
20 how you're going to do your job, but also how it's  
21 completely unrelated when it comes to making  
22 decisions to the CCRB, if it is.

23 MARBRE STAHLY-BUTTS: Yeah, I mean--so  
24 again, I think my political critique of the criminal  
25 justice system of police accountability is a systemic

2 one. It's about the ways in which the rules from the  
3 stop, the ways in which accountability mechanisms,  
4 the ways in which metrics and incentives look out and  
5 create an echo system in which we continue to have  
6 incredibly rights of discrimination and racism  
7 throughout these systems. And I believe deeply that  
8 that requires a foundation, and when I--I think about  
9 Ella Baker, who is someone who I admire greatly who  
10 talks about radical as getting those root cause. And  
11 so radical means addressing the root causes, and the  
12 root kind of origins of these issues, and I think  
13 both Black Lives Matter and myself are radical in--in  
14 the need to address and literally take on the--the  
15 kind of underlying issues that brought us to this  
16 moment, and continue to perpetuate discrimination.  
17 Continues to perpetuate the fact that we have  
18 incurred high rates of incarceration for--for young  
19 Black men and women in this country. Perpetuate the  
20 police killings that we've seen. And so I think that  
21 is position of radical and this is about kind of  
22 system change. That both the Black Lives Matter  
23 movement and myself identify in that way, and believe  
24 that. But again, that's so different and separate  
25 than how you adjudicate individual cases. And I mean

2 that getting hung up on individual offices, they  
3 often subtract from the systemic issues. And so, I  
4 believe deeply in--in the fairness of the tribunal.  
5 I--I came into this work as a defense lawyer, and so  
6 profusely that until someone is proven guilty you  
7 cannot hold them responsible. And with that said, I  
8 also believe that the system is not about individual  
9 actors necessarily. And so I think that the ability  
10 to hold a specific case toward an opinion in that  
11 case to judge the facts before you--is separate and  
12 critical analysis of a system that is deeply flawed  
13 and broken. And in my mind those are two different  
14 skills for many ways, and so movement and it's to  
15 accountability. And what it means to have--and what  
16 makes it accountable means that every single officer  
17 is judging the facts of those cases and there's a  
18 real tribunal on which those--those facts are heard,  
19 and that they are in an open manner and a transparent  
20 manner. And so I look forward to doing that work,  
21 and I also the work is systemic in form and change.  
22 This is one based on part of that ecosystem, which is  
23 that you have transparency and accountability for  
24 individual officer's behavior. And that's part of a  
25 larger trend of understanding that the--the

2 department as being accountable to and transparent to  
3 the community.

4 COUNCIL MEMBER REYNOSO: So, and this is  
5 my last question, Chair. I think this is--this is  
6 good. I wanted to ask CCRB, and whether or not it  
7 has any teeth, and whether or not as a--as an  
8 advocate for criminal justice reform, is the CCRB  
9 making recommendations to a person that is pushing  
10 policy from the top down. And how against the--I  
11 guess the--the grain of our advocacy is--that is, and  
12 whether or not you think there's still any  
13 significance to--to the CCRB or--or--or whether they  
14 might need to be reformed. It's the Clemency (sic)  
15 CCRB as well that makes those recommendations more--  
16 more--not recommendations actually, it makes those  
17 recommendations actual promises.

18 MARBRE STAHLY-BUTTS: Absolutely. I mean  
19 I think ideally the CCRB needs the reforms that  
20 communities actually are the city of power around  
21 accountability. And I think as I said it means the  
22 New York CCRB is one of the best funded and one of  
23 the best resource, and also one of the most powerful.  
24 But I think that there's a lot to be done to get us  
25 towards an aspirational place in which communities

2 are actually at the center, and the police and other  
3 systems and other systems are account to them. And  
4 so, I look forward to thinking through, and--and from  
5 the inside thinking about those reforms, but believe  
6 that there are--there's more to be done always, yes.

7 COUNCIL MEMBER REYNOSO: Chair, so given  
8 the--the perspectives and the diversity that is  
9 reflected on--by the way in our panel, and in the  
10 city of New York, I think if we would have had these  
11 folks here 20 years ago, we would have looked a lot  
12 different in the last 10 years. And I'm--I'm really  
13 excited for both of these appointments, and just want  
14 to affirmatively not the I'm going to be very  
15 supportive of the appointments of both of these  
16 individuals to the CCRB. Thank you.

17 CHAIRPERSON LANDER: Thank you for your  
18 thoughtful questions, Council Member Reynoso. We  
19 have Council Member Williams followed by Council  
20 Member Rose.

21 COUNCIL MEMBER WILLIAMS: Thank you very  
22 much. Thank you both for being here. First, I just  
23 wanted to--I'm sorry my colleague Council Member  
24 Matteo left. I was looking forward to his full  
25 support for both candidates. [laughter] His--his

2 question mentioned Broken Windows, and I know Stop,

3 Question and Frisk was mentioned. Personally, I

4 don't--my issue wasn't with either of the theories.

5 They were about how they were applied, and how Stop,

6 Question and Frisk would apply. It's a tool that is

7 definitely needed, but it was abused and Broken

8 Windows doesn't necessitate arrest automatically.

9 And so, I think there are different ways of viewing

10 this, and for me it is more about the intersection of

11 race and policy. So that each time we focus on

12 whatever is the flavor of the day, we miss out

13 because there will be another flavor of the day after

14 Broken Windows that will fall into the same

15 historical patterns, but everything came before it.

16 And I know the question of radical--I actually don't

17 mind the word radical. I think that people kind of

18 shun it, but nothing has happened in this country

19 without radical. It could be bad. It could be good.

20 I did want to just understand starting with Mr.

21 Peguero-- Thank you for coming back on your

22 perspective. I think you have a great history. I

23 believe I asked this last time, and I wanted to see

24 if you had a--an additional answer. And thank your

25 son for his service through the NYPD. I wanted to

2 know what--what--besides that what you brought or  
3 thought--thought you would bring to the CCRB without  
4 having--I guess there's no direct policing work  
5 besides the--besides your son. Of course, all these  
6 other things are--do help as well, but I just wanted  
7 to get your perspective of--without having either  
8 having worked around these issues why---why it would  
9 be helpful to having you to serve.

10 RAMON PEGUERO: Sure. I think that the  
11 work that I've done for the past 27 years of  
12 understanding different communities, predominantly  
13 communities of colors, and--and those that are--that  
14 are left without a voice. And understanding that  
15 they need a voice, and the CCRB I believe is a strong  
16 voice for--for--for the residents of--of New York  
17 City. I--what I'm willing to attain was--is that--  
18 that ability to look at the facts, and objective and  
19 rationally think it through, and--and identify  
20 whether or not something has been alleged and we  
21 could prove that--that--that it was done. And I do  
22 that every single day. As I mentioned earlier, I--I  
23 deal with staff, and I have 50 staff members and, you  
24 know, over 5,000 community members that we deal with  
25 every day. And they come in with issues, and

2 concerns and complaints, and I have to sit in  
3 judgment of those issues, and determine who's correct  
4 and who's not based on--on the facts. Where there is  
5 a staff members that's going to be disciplined by a  
6 supervisor, or where there is a tenant or a community  
7 member stating and are alleging that a staff member  
8 disrespected them, or treated them inappropriately,  
9 et cetera, et cetera. So I believe that I've--I've  
10 learned from that. I have the experience, and that's  
11 what I bring to CCRB, that ability to see and--and--  
12 and adjudicate a case fairly, objectively, with  
13 logical reasoning.

14 COUNCIL MEMBER MILLER: Thank you, and  
15 Ms. Stahly-Butts, I think that although it was  
16 mentioned, I thin the work you've done on Black Lives  
17 Matter and Police Reform people will call it radical  
18 as a pejorative. I actually think it's a positive  
19 thing there, but I do want to get a little bit more  
20 to-- I think some people think you'll be unable to  
21 discern that work as opposed to a case that's before  
22 you. I also want to make sure that a police officers  
23 that haven't done anything wrong are treated fairly,  
24 and everybody looks at the case the way it should be  
25 looked at. Can you just describe why or how you will

2 be able to make sure that every officer gets a fair--  
3 a fair shot as well as the person that's making the  
4 complaint.

5           MARBRE STAHLY-BUTTS: Absolutely. So I  
6 think to the point that's been made, I feel like with  
7 my good training and kind of my education as well as  
8 just the ability to take a case before you, and--and-  
9 -and use the facts that you're given, and then apply  
10 them according to the rules that you're given. I  
11 feel that just in the political project of  
12 transforming maybe systems of one side. I don't  
13 think the solution to all political issues is to  
14 indict every single police officer. I mean true  
15 accountability is about disowning that, and allowing  
16 communities to also be involving in discerning that.  
17 And so we deeply in this application of facts.  
18 Otherwise, we lose legitimacy on both sides. In  
19 terms of I mean bias, I mean I think in the same ways  
20 of having a son who's an officer or being an officer  
21 isn't supposed to influence your--your perspective, I  
22 would say that it's the same for somebody who  
23 believes deeply and to kind buddy in the form. (sic)  
24 And that we are able to walk into a situation in the  
25 room, and to apply facts and apply rules in a way

2 that is fair and balance. And that I have no more  
3 influence or no more bias than anyone else who walks  
4 in with their own experiences, their own life, and-  
5 and their own politics. And so I think that both my  
6 training and--and my commitment to that is--is what  
7 will me unbiased. And again I think towards like a  
8 goal of reservation that true accountability is  
9 really about the adjudication of--of facts, and the  
10 police to do that and it does not give a personal  
11 liberation if we just indicting all officers. And I  
12 believe deeply in the fair managed conversation  
13 around that. (sic)

14 COUNCIL MEMBER WILLIAMS: Do you--I want  
15 to know your opinions of--I love the work that CCRB  
16 is trying to do. I think often times they--they are  
17 hampered by the fact that the final decision rests  
18 with one person, which is the Police Commissioner.  
19 Do you have an opinion on that, whether that should  
20 change and how it should change. Both--to both.

21 RAMON PEGUERO: Well, I mean I would  
22 love--I would love as an independent body for the  
23 CCRB to have the ability to, you know, adjudicate a  
24 case, and then, you know, sentence or--or have some  
25 sort of finality decision making role. Right now

2 that is not the position with CCRB. I will leave it  
3 up to the--to the Council and legislators to change  
4 that, but it will be--it will go a long way to  
5 legitimizing the CCRB if we had the absolute  
6 independence from the Police Department in  
7 adjudicating these cases.

8 MARBRE STAHLY-BUTTS: Yes, I would aim in  
9 that. I think in--in between time we have the body  
10 also to enforce the rules around ensuring that the  
11 Commissioner put in writing the specifics of why he  
12 is not following the recommendations. But yeah, I  
13 mean I agree. I think the idea of an independent  
14 body is to be independent, and I hope that those--  
15 this body as well as perhaps the State body will  
16 ensure that happens at some point.

17 COUNCIL MEMBER WILLIAMS: Well, as we  
18 recently learned and Council Member Lander made sure  
19 to make a point of, just that right doesn't have to  
20 be in public. So it doesn't have to be publicly  
21 stated why that reasoning happened. So there's still  
22 some--some issues there. There are many people who  
23 are very happy that the Council doesn't have the role  
24 and the rules, and the power to change there. We're  
25 not those people who are happy. So we really wish

2 that we could. I thank both of you for being here.  
3 I look forward to support both--both of you. I look  
4 forward to have CCRB that does adjudicate fairly. I  
5 believe our men and women in blue risk their lives,  
6 and if something happens right now, that's part of  
7 who we're going to call. And so, I want to make  
8 sure-- The problem is now there are people who feed  
9 off of allowing these men and women to believe  
10 anything that we're saying. There's anti-them, and  
11 that's not the case, and I think that starts with  
12 real discussion and people like yourselves and CCRB  
13 who can listen to both sides fairly as we move  
14 forward. So thank you very much.

15 MARBRE STAHLY-BUTTS: Thank you.

16 RAMON PEGUERO: Thank you.

17 CHAIRPERSON LANDER: So I just--I just  
18 found two things. First, I thought the analogy  
19 between the CCRB role and actually and a--a police  
20 officer's role is a good one. In each case there's a  
21 complaint or, you know, there are generally, and  
22 there's a, you know, an complaint, a 911 call, and  
23 the job of the officers is to go out to investigate  
24 the complaint, and look at it, you know, honestly and  
25 fairly and--and make a call on what happened. And if

2 there's someone responsible for committing a--a  
3 misdeed, a crime to use their judgment and to do that  
4 irrespective of all of the categories that we  
5 protect. And to be willing to do it fairly and based  
6 on the facts in the law, and the CCRB essentially has  
7 got a comparable task. So that was a helpful  
8 analogy. And Council Member Williams, I'll just say  
9 that while I think it's--it's--it is pretty clear  
10 under the Charter that we can't change the  
11 Commissioner's final, you know, role in discipline,  
12 I'm sure we can't make that letter--require that  
13 those letters be made public. So I thinks some  
14 further legal review is underway that--

15 COUNCIL MEMBER MILLER: [interposing]  
16 There we go again.

17 CHAIRPERSON LANDER: So, that's [laughter]  
18 at least we're taking a--taking a--a little bit more  
19 of a look at. Thank you. All right, I have final  
20 questions from Council Member Rose.

21 COUNCIL MEMBER ROSE: I--I want to first  
22 thank you. I want to thank both of you for  
23 acknowledging that my office has an off-site CCRB.  
24 It's provide a--a site for CCRB off site. And I  
25 think that was a very important for my--for me to do

2 because of the fact that Eric Garner's took place in  
3 my district, and it just seemed to be such a blatant,  
4 you know, of over-policing. And so, I have seen the  
5 value of having CCRB meet in my office, and making it  
6 easily and more readily available for--for my  
7 constituents. And I think they've also found it  
8 easier for them to do so. It--it removes some of the  
9 fear that they had of going to the police station, or  
10 the inconvenience of having to go into Manhattan to  
11 the CCRB office. So, it's very important to me to  
12 know if you are going to pursue access, increasing  
13 access for all of the--the different--all of the  
14 boroughs, and how would you sort of approach council  
15 members and maybe other sites that are more centrally  
16 located within communities that feel that there's  
17 been disproportionate policing activity.

18 RAMON PEGUERO: Sure. I--I think that  
19 the community, CCRB and City Council Community  
20 Program, it's a wonderful program, and I commend you  
21 for--for taking the lead on that. I--I feel  
22 strongly. I--I cannot see any council member arguing  
23 against that program. The CCRB should be more than  
24 just about adjudicating cases. The CCRB should be  
25 really the bureau that brings the police and

2 community together. And if we are able to be at  
3 grassroots level at a City Council member's office,  
4 and listening and assisting and maybe mediating cases  
5 before it gets to the level of, you know, a--a--a  
6 complaint. I think that that what it's--it's all  
7 about. We have a lot of tension right now between  
8 the police and the community, and we have to find a  
9 way to abate that--that tension, and I believe that  
10 having that CCRB community, and--and City Council  
11 program is a wonderful way to reduce the tension. In  
12 addition to that, it gives the CCRB legitimacy. To  
13 know that I'm going to Council Member Rose's office,  
14 somebody that we know, somebody that's a fighter for  
15 us I feel comfortable. I feel safe. I feel that  
16 then the CCRB is going to listen and is legitimate to  
17 me. At the same time you enforce the population for-  
18 -for the council member to call the commander of that  
19 local precinct, and say we have an issue. Bring some  
20 people in and let's talk about. Let's mediate it  
21 before it gets to the next level, and how you  
22 decrease that tension, because we need, and I agree  
23 with Council Member Williams, we need the police.  
24 They do a wonderful job, but whenever we see things  
25 that are wrong, we also have to call them on it. And

2 I think that this is a wonderful way of reducing  
3 that, and keeping that communication between the  
4 Police Department and the--and the civilian  
5 population going.

6 MARBRE STAHLY-BUTTS: So I--I agree with  
7 the idea access is essential. I think access and  
8 trust. The other thing I end up seeing as one of the  
9 barriers I think to the effective or fully effective  
10 CCRB is around the ability of folks who file  
11 complaints to trust. And not with--with retaliation  
12 but also trust that they can do that in a way that's  
13 safe and it's private. And so I think the idea of  
14 having Council offices open is that is essential as a  
15 community organizations, which was mentioned of that  
16 earlier. I also have something with defendants (sic)  
17 to have shared letter from public defender or from  
18 the DA's office where the--where folks who choose to  
19 do CCRB being complaints of ways of speedy trial  
20 time. So we think about all of the ways in which  
21 there are impediments to filing complaints. What  
22 about a question of access, a question of hours, of  
23 convenience or punitive consequences in a criminal  
24 justice context need to be addressed directly. I  
25 also think that the initiative that you are talking

2 about is one that shows that we're going to ship in  
3 the CCB--CCRB and Council that's really important,  
4 and how do we build that bridge as well to think  
5 about the accountability ecosystem consisting of both  
6 of those bodies acting fully. And the Chairman cited  
7 those because the initiative included access, but  
8 also because I think it includes the conversations  
9 and relationships between the CCRB and the Council in  
10 a powerful way.

11 COUNCIL MEMBER ROSE: I think it's a  
12 wonderful program, and I--I really would like to see  
13 it expanded because I have seen the difference that  
14 it's made with my constituents. So thank you.

15 RAMON PEGUERO: Thank you.

16 MARBRE STAHLY-BUTTS: Thank you.

17 CHAIRPERSON LANDER: Thank you, Council  
18 Member Rose, and thanks again to both of you for  
19 spending all this time with us and answering  
20 everyone's questions. Again, I'll encourage members  
21 to look at the equally thoughtful and detailed  
22 responses to your questions, and I'll make sure  
23 that--we'll make sure that other members not just of  
24 the committee, but of the Council have the  
25 opportunity to take a look at them. Seeing no other

2 questions, and no other people signed up to testify,  
3 we will go ahead and close the--the hearing. We'll  
4 ask you to remain available if there are additional  
5 questions that people want to ask. At this time, we  
6 will recess today's hearing, and we will open a  
7 hearing. The Stated is Thursday. So Thursday  
8 morning we'll--did we pick the time yet or--?

9 LEGAL COUNSEL: 10:30.

10 CHAIRPERSON LANDER: 10:30, Thursday, we  
11 will resume this hearing from recess for a vote on  
12 both of your and the other two candidates as well.  
13 Thank you very much.

14 RAMON PEGUERO: Thank you.

15 CHAIRPERSON LANDER: We stand in recess.

16 [gavel]

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C E R T I F I C A T E

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



Date April 4, 2016